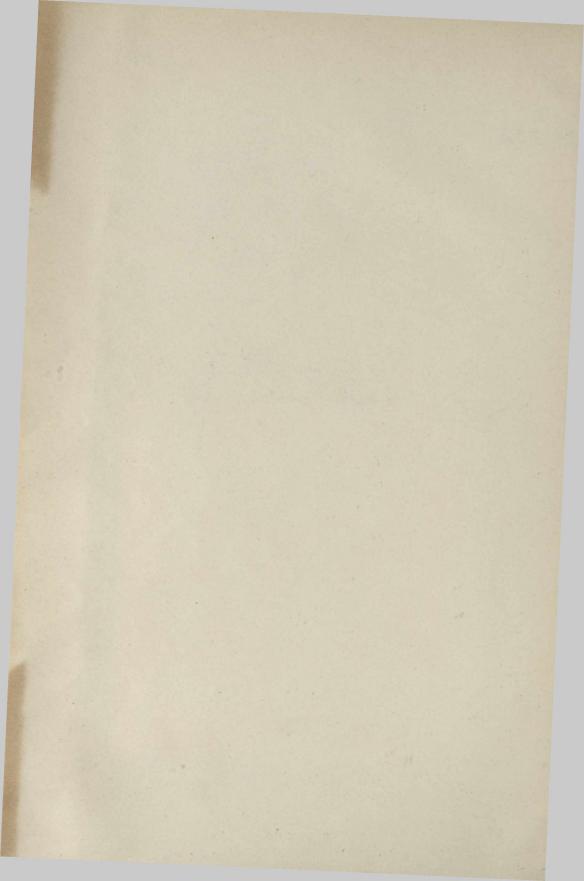


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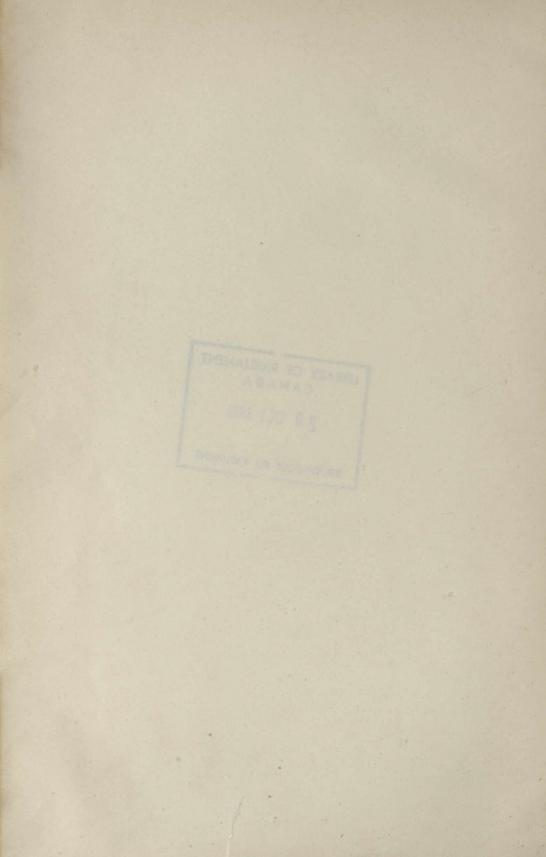
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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 83.

An Act respecting Banks and Banking.

I This Act may be cled as The Bonk Act. 53 V. c. 31.

First reading, March 20, 1923.

The MINISTER OF FINANCE

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

### THE HOUSE OF COMMONS OF CANADA

## BILL 83.

An Act respecting Banks and Banking.

(New matter is printed in italics.)

R.S., c 29. 1908, c. 7. 1911, c 4. 1912, c. 5. 1913, c. 9. (C.S.) 1914 (2 Sess.) e. 3. 1915, c. 1. 1916, 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 Bank Act. 53 V., c. 31, 5 s. 1.

#### INTERPRETATION.

Definitions.

"Association."

2. In this Act, unless the context otherwise requires,—
(a) "Association" means the Canadian Bankers' Association, incorporated by chapter 93 of the statutes of 1900, 10 intituled An Act to incorporate the Canadian Bankers' Association;

"Bank."
"Bill of lading."

(b) "bank" means any bank to which this Act applies;
(c) "bill of lading" includes all receipts for goods, wares or merchandise, accompanied by an undertaking to 15 transport the same from the place where they were received to some other place, by any mode of carriage, whatever, whether by land or water, or partly by land and partly by water;

"Circulation Fund." (d) "Circulation Fund" means the fund heretofore estab-20 lished and continued by the authority of this Act under the name of the Bank Circulation Redemption Fund:

"Curator."

(e) "Curator" means any person appointed under the authority of this Act by the Canadian Bankers' Asso-25 ciation to supervise the affairs of any bank which has suspended payment in specie or Dominion notes of any of its liabilities as they accrue;

"Farmer."

(f) "farmer" includes the owner, occupier, landlord and tenant of a farm;

30

Association and by the Minister to receive and hold the central gold reserves, and "trustee" meens, any

"Goods. wares and merchandise."

(g) "goods, wares and merchandise" includes, in addition to the things usually understood thereby, products of agriculture, products of the forest, products of the quarry and mine, products of the sea, lakes and rivers, petroleum and crude oil, and other articles of commerce:

(h) "grain" includes wheat, oats, barley, rye, corn,

buckwheat and flax:

"Manufacturer.

"Minister."

(i) "manufacturer" includes manufacturers of logs, timber or lumber, maltsters, distillers, brewers, refiners and producers of petroleum, tanners, curers, packers, canners of meat, pork, fish, fruit or vegetables, and 10 any person who produces by hand, art, process or mechanical means any goods, wares or merchandise;

(i) "Minister" means the Minister of Finance and Re-

ceiver General:

(k) "president" does not include an honorary president; 15 "President." (1) "products of agriculture," in addition to the direct "Products of agriculture.' products of the soil such as hay, grain, roots, vegetables, fruits and other crops, includes milk, cream, butter, cheese, honey, poultry (dead), and eggs, hides, skins and wool, and dried, canned and preserved vegetables 20

and fruits:

"Products of the forests.'

"Products of

the sea, lakes

and rivers.'

(m) "products of \* \* \* \* the forest" includes bark, logs, pulpwood, spars, railway ties, poles and other timber, shingles, laths, deals, boards, staves and other lumber, and the skins and furs of wild animals;

\* \* \* \* the sea, lakes and rivers" (n) "products of includes, in addition to fish of all kinds, whether fresh, frozen, salted, dried, canned, preserved in oil or otherwise preserved, whales and seals, their oil, skins and bone, oysters, lobsters and other crustaceans, fresh 30

and canned or otherwise preserved;

not as of his own property, and,

"Trustees."

(o) "trustees" means the persons appointed by the Association and by the Minister to receive and hold the central gold reserves, and "trustee" means any one of the trustees, and if one or more of the trustees 35 is a corporation then "trustee" includes each of the officers of such corporation who is responsible for any action taken by the corporation for the purposes of this Act:

"Warehouse receipt.'

(p) "warehouse receipt—" (i) means any receipt given by any person for any goods, wares or merchandise in his actual, visible and continued possession as bailee thereof in good faith and

(ii) includes receipts, given by any person who is the 45 owner or keeper of a harbour, cove, pond, wharf, yard, warehouse, shed, storehouse or other place for the storage of goods, wares or merchandise, for goods, wares and merchandise delivered to him as bailee, and actually in the place or in one or more of the 50

places owned or kept by him, whether such person

is engaged in other business or not, and,

(iii) includes also receipts given by any person in charge of logs or timber in transit from timber limits or other lands to the place of destination of such logs or timber, and,

(iv) includes Lake Shippers Clearance Association receipts and all documents recognized by The Canada Grain Act as warehouse receipts. 53 V., c. 31, ss. 2, 54 and 102; 63-64 V., c. 26, ss. 3 and 24; 4-5 E. VII., c. 4, s. 10

4. Am.; 3-4 G. V., c. 9, s. 2. Am.

Public notice, how given.

3. Where by this Act any public notice is required to be given the notice shall, unless otherwise specified, be given by advertisement—

(a) in one or more newspapers published at the place 15

where the chief office of the bank is situate; and,

(b) in The Canada Gazette.

Sufficiency of publication.

2. When by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during 20 the period in a newspaper published more frequently, shall be a sufficient publication for the purposes of this Act.

Notice of call.

3. When by this Act notice of any call is required to be given to the shareholders the notice shall, unless otherwise specified, be sufficiently given by mailing the notice in 25 the post office, registered and post paid, to the last known post office address of the respective shareholders as shown by the records of the bank, at least thirty days prior to the day on which the call is payable. 3-4 G. V., c. 9, s. 2.

#### APPLICATION.

30

#### General.

To what banks this Act applies. 4. The provisions of this Act apply to the several banks enumerated in Schedule A to this Act, and to every bank incorporated after the first day of January, one thousand nine hundred and twenty-two, whether this Act is specially 35 mentioned in its Act of incorporation or not, but not to any other bank, except as hereinafter specially provided. 53 V., c. 31, s. 3. Am.

Bank charters continued to July 1st 1933, as to some particulars 5. The charters or Acts of incorporation, and any Acts in amendment thereof, of the several banks enumerated in 40 Schedule A to this Act are continued in force until the first day of July, one thousand nine hundred and thirty-three, so far as regards, as to each of such banks,—

(a) the incorporation and corporate name;

(b) the amount of the authorized capital stock, if the sum has not been increased or decreased, but if increased or decreased them as increased or decreased below the passing of this Act;

e) the amount of each share of such stock; and

(d) the chief office; subject to the right of each of such banks to inc reduce its authorized capital stock in the many

la co order

2. As to all other particulars this Act shall form and be 10 the charter of each of the said banks until the first day of July, one thousand nine hundred and thirth-force. 3-4 G. V. c. 9. s. 4. Am.

no bestelect or contents of the contents of th

G. Nothing in the next precenting section shall be deemed to continue in force any charter or Act of incorporation, 15 if, or in so far as it is, under the terms thereof, or under the terms of this Act or if any other Act passed or, to be passed, forfeited or randored void by reason of the non-performance of the conditions of such charter or Act of iscorporation, or by reason of insolvency, or for any other 20 reason. 3-4 G. V., c. 9, s. 4. Am.

## Banks in course of usuding-up.

Wednesday to A Wednesday to Susseques sol spailed a to

to the banks named in the Schedule to chapter 9 of the stantess of 1913 initialed An Act respecting Bonks and 25 only in so far as may homeoessary to wind up the business of the said Banks respectively; and the charters or Acts of incorporation of the said Banks, and any Acts in amendment thereof, or any Acts in relation to the said banks 20 now in force, shall respectively continue in force for the purposes of winding up, and for such purposes only. 3-4, or winding up, and for such purposes only. 3-4, or winding up, and for such purposes only. 3-4.

#### INCOMPORATION AND ORGANIZATION OF BANKS

Parlimitary of Aut of insurpression

S. The capital stock of every bank hereafter incorporated, 35 the name of the hank, the place where its chief office is to be situated, and the names of the provisional directors, shall be declared in the Act of incorporation of every such bank respectively, 53 V. c. 31, s. 9.

Porter.

9. An Act of inforperation of a bank in the form set 40 forth in Schedule B to this Act shall be construed to confer apon the bank thereby incorporated all the powers, privileges and immunities, and to subject it to all the liabilities and provisions set forth in this Act. 53 V. c. 31, s. 9.

(b) the amount of the authorized capital stock, if the same has not been increased or decreased, but if increased or decreased then as increased or decreased before the passing of this Act;

(c) the amount of each share of such stock; and,

(d) the chief office;

subject to the right of each of such banks to increase or to reduce its authorized capital stock in the manner hereinafter provided.

after provided

As to other particulars.

2. As to all other particulars this Act shall form and be 10 the charter of each of the said banks until the first day of July, one thousand nine hundred and thirty-three. 3-4 G. V., c. 9, s. 4. Am.

Forfeited or void charters not continued. 6. Nothing in the next preceding section shall be deemed to continue in force any charter or Act of incorporation, 15 if, or in so far as it is, under the terms thereof, or under the terms of this Act or of any other Act passed or to be passed, forfeited or rendered void by reason of the non-performance of the conditions of such charter or Act of incorporation, or by reason of insolvency, or for any other 20 reason. 3-4 G. V., c. 9, s. 4. Am.

# Banks in course of winding-up.

Act continues to apply for purposes of windingup. 7. The provisions of this Act shall continue to apply to the banks named in the Schedule to chapter 9 of the statutes of 1913 intituled An Act respecting Banks and 25 Banking, and not named in Schedule A to this Act, but only in so far as may be necessary to wind up the business of the said Banks respectively; and the charters or Acts of incorporation of the said Banks, and any Acts in amendment thereof, or any Acts in relation to the said banks 30 now in force, shall respectively continue in force for the purposes of winding up, and for such purposes only. 3-4 G. V., c. 9, s. 5. Am.

#### INCORPORATION AND ORGANIZATION OF BANKS.

Particulars of Act of incorporation.

S. The capital stock of every bank hereafter incorporated, 35 the name of the bank, the place where its chief office is to be situated, and the names of the provisional directors, shall be declared in the Act of incorporation of every such bank respectively. 53 V., c. 31, s. 9.

Form thereof.

9. An Act of incorporation of a bank in the form set 40 forth in Schedule B to this Act shall be construed to confer upon the bank thereby incorporated all the powers, privileges and immunities, and to subject it to all the liabilities and provisions set forth in this Act. 53 V., c. 31, s. 9.

darius) bas Joose Jeografe

10. The capital stock of any bank hereafter incorporated shall be not less than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

55 V. c. 31, s. 18.

Provinced.

Penns of

ices than five

12. For the purpose of organizing the bank, the provi- 10 sional directors may, after giving ten days public notice thereof, cause stock books to be opened, in which shall be recorded the subscriptions of such persons as desire to

Where

2. The stock books shall be opened at the place where the 16 chief office of the bank is to be situate, and elsewhere in the

Par ticular

a teach subscriber shall, at the time of subscription, give his post office address, and description, and these particulars shall appear in the stock books in connection 20 with the name of the subscriber and the number of shares

In soltoid

In the sease of princer in small pick type, or type of larger size, on each page in the stock books upon which subscriptions are recorded, and on every document constituting or mathorizing a subscription, on a part of the page and document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act.

Made emil'

lo gravoneli bizgen enominence

o, the stock comes may be kept open

6. In ease of the non-payment of any instalment or other sum payable by a subscriber on account of his subscription, the provisional directors may, in the corporate using of the bank, see for, recover, collect and get in any such restalment.

Fush meeting of subsections,

I.B. Wignever a sum not less than two numered thouses and dollars of the capital stock of the bank has been bone fide subscrieted, and payments in money on account thereof have been made by the subscribers, the total of such payments making a sum not less than two hundred and fifty thousand dollars, and as soon thereafter as the provisional directors have paid thereout to the Minister the sum of two hundred and fifty thousand dollars, the provisional directors may, by public notice published for at least four weeks, call a meeting of the subscribers to the said stock, to be held in the place named in the Act of incorporation

Capital stock and shares.

10. The capital stock of any bank hereafter incorporated shall be not less than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. 53 V., c. 31, s. 10.

Provisional directors.

11. The number of provisional directors shall be not 5 less than five.

Tenure of office.

2. The provisional directors shall hold office until directors are elected by the subscribers to the stock, as hereinafter provided. 53 V., c. 31, s. 11; 4-5 E. VII., c. 4, s. 1.

Opening of stock books.

12. For the purpose of organizing the bank, the provi- 10 sional directors may, after giving ten days public notice thereof, cause stock books to be opened, in which shall be recorded the subscriptions of such persons as desire to become shareholders in the bank.

Where.

2. The stock books shall be opened at the place where the 15 chief office of the bank is to be situate, and elsewhere in the discretion of the provisional directors.

Particulars entered. 3. Each subscriber shall, at the time of subscription, give his post office address, and description, and these particulars shall appear in the stock books in connection 20 with the name of the subscriber and the number of shares subscribed for.

Notice of double liability.

4. There shall be printed in small pica type, or type of larger size, on each page in the stock books upon which subscriptions are recorded, and on every document constituting or authorizing a subscription, on a part of the page and document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act.

Time stock books open.

5. The stock books may be kept open for such time as 30

the provisional directors deem necessary.

Recovery of unpaid subscriptions.

6. In case of the non-payment of any instalment or other sum payable by a subscriber on account of his subscription, the provisional directors may, in the corporate name of the bank, sue for, recover, collect and get in any such instalment 35 or sum. 53 V., c. 31, s. 12. Am.

First meeting of subscribers,

13. Whenever a sum not less than five hundred thousand dollars of the capital stock of the bank has been bona fide subscribed, and payments in money on account thereof have been made by the subscribers, the total of such payments making a sum not less than two hundred and fifty thousand dollars, and as soon thereafter as the provisional directors have paid thereout to the Minister the sum of two hundred and fifty thousand dollars, the provisional directors may, by public notice published for at least four 45 weeks, call a meeting of the subscribers to the said stock, to be held in the place named in the Act of incorporation

as the chief office of the bank, at such time and at such

place as is set forth in the said notice.

What is a bona fide subscription.

2. For the purposes of the foregoing subsection no subscription shall be deemed to have been made bona fide or be complete unless and until payment in money equal to at 5 least ten per cent of the amount subscribed has been made on account of such subscription by the subscriber, and such payment, with the date thereof, shall be entered on the stock books opposite to such subscription.

Business at meeting.

Tenure of directors.

Provisional directors

cease.

3. The subscribers shall, at such meeting,—

(a) determine the day upon which the annual general meeting of the bank is to be held:

(b) elect such number of directors, duly qualified under this Act, not less than five, as they think necessary; and.

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(c) provide for the method of filling vacancies in the board of directors until the annual general meeting.

board of directors until the annual general meeting.

4. Such directors shall hold office until the annual general

meeting next succeeding their election.

5. Upon the election of directors as aforesaid the func- 20 tions of the provisional directors shall cease. 53 V., c. 31, s. 13; 4-5 E. VII., c. 4, s. 2. Am.

Permission to commence business.

No certificate until

directors elected.

14. The bank shall not issue notes or commence the business of banking until it has obtained from the Treasury Board a certificate permitting it to do so.

2. No application for such certificate shall be made until directors have been elected by the subscribers to the stock in the manner hereinbefore required. 53 V., c. 31, s. 14.

Statement of payments by provisional directors.

15. At the time of the application for the certificate, there shall be submitted to the Treasury Board a sworn 30 statement setting forth the several sums of money paid in connection with the incorporation and organization of the bank, and such statement shall, in addition, include a list of all the unpaid liabilities, if any, in connection with or arising out of such incorporation and organization.

To what limited.

be granted.

2. Prior to the time at which the certificate is given no payments on account of incorporation and organization expenses shall be made out of moneys paid in by subscribers except reasonable sums for the payment of clerical assistance, legal services, office rental, advertising, stationery, 40 postage and expenses of travel, if any.

When certificate may

3. No certificate shall be given by the Treasury Board until it has been shown to the satisfaction of the Board, by affidavit or otherwise, that all the requirements of this Act and of the special Act of incorporation of the bank, as to the 45 subscriptions to the capital stock, the payment of money by subscribers on account of their subscriptions, the payment required to be made to the Minister, the election of directors, deposit for security of note issue, or other prelimin-

aries, have been complied with, and that the sum so paid is then held by the Minister, and unless it appears to the Board that the expenses of incorporation and organization are reasonable.

ANTE AND A CHURCH

4. No such certificate shall be given except within one given from the passing of the Act of incorporation of the bank applying for the said certificate. 53 V. c. 31 s. 15.

If orrifficate
and granted,
powers to
come.

I.G. If the bank does not obtain a certificate from the Treasury Board within one year from the time of the 10 passing of its Act of incorporation, all the rights, powers and privileges conferred on the bank by its Act of incorporation shall thereupon cease and determine, and be of no force

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2. If stock books tave been opened and subscriptions in its whole or in part paid, but no certificate from the Treasury Board obtained within the time limited by the preceding subscrion, no part of the money so paid, or secreted interest thereon, shall be disbursed for commissions, salacies, charges

for services or for other purposes, except a reasonable 26 amount for payment of clerical assistance, legal services, office rental advertising stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at which the greater part of the money so paid is represented 25

by subscribers or by proxies of subscribers; and each subscriber shall be entitled at such a meeting to one vote for

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sions, salaries or charges for services be deemed mentionent 30 by the provisional directors, or directors elected under section 13 of this Act, as the case may be, or if he resolution for such purpose by passed after a meeting has been duly called, then the provisional directors, or directors effected

as aforesaid, may apply to a judge of any superior of county 35 court having jurisdiction where the cidel office of the bank is fixed by its Act of hecorporation, to settle and determine all charges, and the reasonableness of the amount of the disbursements already made to which such money and interest, if any, shall be subject, before distribution of the balance 40

to the samson

4. Notice of the meeting and notice of the application respectively referred to in the next preceding subsections shall be given by misling the notice in the post office, registered and post paid, at least twenty-one days prior to the date fixed for such meeting or the bearing of such application, to the several subsembers to their respective, post office addresses as contained in the stock books; and each of such notices shall contain a statement, in summary form, of the several amounts for commissions.

hen gopes on store stolenge store stolenge store stolenge store stolenge from the second aries, have been complied with, and that the sum so paid is then held by the Minister, and unless it appears to the Board that the expenses of incorporation and organization are reasonable.

Within one year.

4. No such certificate shall be given except within one 5 year from the passing of the Act of incorporation of the bank applying for the said certificate. 53 V., c. 31, s. 15. Am.

If certificate not granted, powers to cease.

16. If the bank does not obtain a certificate from the Treasury Board within one year from the time of the 10 passing of its Act of incorporation, all the rights, powers and privileges conferred on the bank by its Act of incorporation shall thereupon cease and determine, and be of no force or effect whatever.

Ordinary disbursements allowed, but other expenses subject to resolution. 2. If stock books have been opened and subscriptions in 15 whole or in part paid, but no certificate from the Treasury Board obtained within the time limited by the preceding subsection, no part of the money so paid, or accrued interest thereon, shall be disbursed for commissions, salaries, charges for services or for other purposes, except a reasonable 20 amount for payment of clerical assistance, legal services, office rental, advertising, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at which the greater part of the money so paid is represented 25 by subscribers or by proxies of subscribers; and each subscriber shall be entitled at such a meeting to one vote for each ten dollars paid on account of his subscription.

Application to court to settle amount of disbursements.

3. If the amount allowed by such resolution for commissions, salaries or charges for services be deemed insufficient 30 by the provisional directors, or directors elected under section 13 of this Act, as the case may be, or if no resolution for such purpose be passed after a meeting has been duly called, then the provisional directors, or directors elected as aforesaid, may apply to a judge of any superior or county 35 court having jurisdiction where the chief office of the bank is fixed by its Act of incorporation, to settle and determine all charges and the reasonableness of the amount of the disbursements already made to which such money and interest, if any, shall be subject, before distribution of the balance 40 to the subscribers.

Notice of meeting and application to court, with statement.

4. Notice of the meeting and notice of the application respectively referred to in the next preceding subsections shall be given by mailing the notice in the post office, registered and post paid, at least twenty-one days prior 45 to the date fixed for such meeting or the hearing of such application, to the several subscribers to their respective post office addresses as contained in the stock books; and each of such notices shall contain a statement, in summary form, of the several amounts for commissions, 50

salaries, clurges for services and disbursements which it is proposed shall be provided by resolution for payment, or settled and determined by a judge, as the case may be.

5. Votes of subscribers may be given at such meeting by proxy, the holder of such proxy to be a subscriber, and subscribers may be beard either in person or by counsel on

Ratio payable by enbestibens provisions of this section may be equitably berne by the subscribers, the provisional directors or the directors, as the case may be; shall, after the amount of such sums is ascertained as berein provided, fix the proportionate part thereof chargeable to each subscriber at the ratio of the number of shares, in respect of which he is a subscriber

Paymona of excess. 7. The respective amounts so fixed shall, before return of the sums paid in to the subscriber, be deducted sherefrom, and if the respective stans paid in are not as much as the amounts so fixed, then the excess in each case shall be payable forthwith by the subscriber to the provisional 20 directors of the directors, as the case may be.

Deduction

8. The total of the amounts in excess mentioned in the next preceding subsection which the provisional directors or the directors are unable to get in or collect in what seems to them a reasonable time shall, with any logal costs incurred, 26 be deducted by them from the same then remaining in their hands to the credit of the several subscribers in the ratio bereinbefore mentioned, the shares in respect of which no such collections have been made being eliminated from the basis of calculation.

Repart of standard by a contract of the contra

a. The provisional directors or directors, after payment by these of the same payable mider this section, shall return to the subscribers, with any interim interest corretions, she respective balances of the moneys paid in by the subscribers. 63 Y., c. 31, s. 16. Am.

Depart here disposed of W estilibute granted.

17. Upon the issue of the certificate in manner hereinheters provided, the Minister shall forthwish pay to the bank the emount of money so deposited with him as sforesaid, without, interest, after deducting therefrom the sum of five theorems deblars required to be deposited under the a provisions of this Act for the securing of the notes issued by the back.

If cornings,

2. In case no cortaining is issued by the Tressury Board within the time limited for the issue thereof, the amount so deposited shall be returned to the bank for distribution do the manner provided by this Act.

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5. In no case shall the Minister be under any obtgation to see to the proper application in any way of the amount so returned. 53 V., c. 31, s. 17. Am.

salaries, charges for services and disbursements which it is proposed shall be provided by resolution for payment, or settled and determined by a judge, as the case may be.

Voting.

5. Votes of subscribers may be given at such meeting by proxy, the holder of such proxy to be a subscriber, and subscribers may be heard either in person or by counsel on such application.

Ratio payable by subscribers.

6. In order that the sums paid and payable under the provisions of this section may be equitably borne by the subscribers, the provisional directors or the directors, 10 as the case may be, shall, after the amount of such sums is ascertained as herein provided, fix the proportionate part thereof chargeable to each subscriber at the ratio of the number of shares, in respect of which he is a subscriber to the total number of shares bona fide subscribed.

Payment of excess.

7. The respective amounts so fixed shall, before return of the sums paid in to the subscriber, be deducted therefrom, and if the respective sums paid in are not as much as the amounts so fixed, then the excess in each case shall be payable forthwith by the subscriber to the provisional 20 directors or the directors, as the case may be.

Deductions.

8. The total of the amounts in excess mentioned in the next preceding subsection which the provisional directors or the directors are unable to get in or collect in what seems to them a reasonable time shall, with any legal costs incurred, 25 be deducted by them from the sums then remaining in their hands to the credit of the several subscribers in the ratio hereinbefore mentioned, the shares in respect of which no such collections have been made being eliminated from the basis of calculation.

Return of excess to subscribers.

9. The provisional directors or directors, after payment by them of the sums payable under this section, shall return to the subscribers, with any interim interest accretions, the respective balances of the moneys paid in by the subscribers. 53 V., c. 31, s. 16. Am.

Deposit, how disposed of if certificate granted.

17. Upon the issue of the certificate in manner hereinbefore provided, the Minister shall forthwith pay to the
bank the amount of money so deposited with him as aforesaid, without interest, after deducting therefrom the sum
of five thousand dollars required to be deposited under the 40
provisions of this Act for the securing of the notes issued
by the bank.

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If certificate not granted.

2. In case no certificate is issued by the Treasury Board within the time limited for the issue thereof, the amount so deposited shall be returned to the bank for distribution 45 in the manner provided by this Act.

Minister not bound,

3. In no case shall the Minister be under any obligation to see to the proper application in any way of the amount so returned. 53 V., c. 31, s. 17. Am.

Regulatio

3.5. The shareholders of the bank may, at any anoual general meeting on at any special general meeting duly called for the purpose, regulate, by by-law, the following matters incident to the heat several and administration of the anough that is to say the bank that is the bank that is to say the bank that is the ban

(a) The day upon which the annual general meeting of the shareholders for the election of directors shall be

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(b) The record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be 10 produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) The number of the directors, which shall be not less than five, and the quorum thereof, which shall be not

leas than three

(d) Subject to the provisions hereinafter contained, the

qualifications of directors;

(e) The method of filling vacancies in the board of directors, whenever the same occur during each year.

(f) The time and proceedings for the election of directors 20 in case of a failue of any election on the day appointed for it;

(9) The remuneration of the president, vice-president

and other directors; and

(h) The amount of discounts or losses which may be made 2s to directors, either joinsly or severally, or to any one firm or person, or to any shareholder, or to corporations.

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one thousand nine bundred and menty-first, in respect of the 30 several matters hereinbefore in this section set out, together with a copy of this section of the Act, shall, before the tiprey-first day of December, one thousand minorhundred and scenty-first, be sent to each shareholder at his last known post office address, as shown by the books of the 35 bank, and after the first day of July, one thousand nibe

bank; and steet the first one of early, one shoughed into himshred and thereig-dree, within six months after the end of each successive five year period, a copy of the by-laws, in respect of the said statters, in force at the end of each such

binastola as the sent as aforesaid.

3. The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute therete out of the funds of the bank, but no part of any such

guarantee or pension fund, whether contributed out of the frances of the bank or not, shall be invested in the shares of any

4. Until it is otherwise prescribed by by-law under this section, the by-laws of the bank on any matter which may

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#### INTERNAL REGULATIONS.

Regulation by by-law.

18. The shareholders of the bank may, at any annual general meeting or at any special general meeting duly called for the purpose, regulate, by by-law, the following matters incident to the management and administration of the affairs of the bank, that is to say:—

(a) The day upon which the annual general meeting of the shareholders for the election of directors shall be

held;

(b) The record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be 10 produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) The number of the directors, which shall be not less than five, and the quorum thereof, which shall be not less than three:

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(d) Subject to the provisions hereinafter contained, the qualifications of directors:

(e) The method of filling vacancies in the board of directors, whenever the same occur during each year;

(f) The time and proceedings for the election of directors 20 in case of a failure of any election on the day appointed for it:

(g) The remuneration of the president, vice-president

and other directors; and,

(h) The amount of discounts or loans which may be made 25 to directors, either jointly or severally, or to any one firm or person, or to any shareholder, or to corporations.

Copy of by-laws to be sent to shareholders.

2. A copy of the by-laws in force on the first day of July, one thousand nine hundred and twenty-three, in respect of the 30 several matters hereinbefore in this section set out, together with a copy of this section of the Act, shall, before the thirty-first day of December, one thousand nine hundred and twenty-three, be sent to each shareholder at his last known post office address, as shown by the books of the 35 bank; and after the first day of July, one thousand nine hundred and twenty-three, within six months after the end of each successive five year period, a copy of the by-laws, in respect of the said matters, in force at the end of each such period, shall be sent as aforesaid.

3. The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute thereto out of the funds of the bank, but no part of any such guarantee or pension fund, whether contributed out of the 45 funds of the bank or not, shall be invested in the shares of any

bank.

4. Until it is otherwise prescribed by by-law under this section, the by-laws of the bank on any matter which may 55758—2

Existing by-laws continued.

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c. 9, s. 18. Am.

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Onalithon-

19. The stock, property, affairs and concerns of the banks shall be managed by a board of directors, who shall be cleosed annually in the manner hereinalter provided, and shall be clieble for re-election. 53 V. e. 31 a. 19

20. Each director shall hold stock of the bank, of which 10 stock he shall be the absolute and sole owner in his individual right and not as trustee or in the right of another, on which not less than—

(a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million to

deliars are less;

(b) four thousand dollars have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars;

(c) five thousand dollars have been paid up, when the 20 paid-up capital stock of the bank exceeds three million dollars.

Required 12 No bodies ho

3. A majority of the directors shall be natural fasturalized subjects of His Majority and domic Canada. 53 V., c. 31, ss. 18 and 10. Am.

Election of directors

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31. The directors shall be elected by the shareholders 30 at the annual general meeting.

2. The election shall take place at the place where the

3. Public notice of the annual general meeting shall be given by the directors by publishing such notice, for 3 at least tour weeks previously to the time of holding the said meeting, in a newspaper published at the place where the chief office of the bank is situate, and by mailing a copy of such notice to each shareholder at his last known post office address, as shown by the books of the bank, at least the twenty days prior to the time aforesaid. 53 V., c. 31, a. 19.

Nata call

22. The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be directors. 55 V., c. 31, s. 19. Exception.

be regulated by by-law under this section shall remain in force, except as to any provision fixing the qualification of directors at an amount less than that prescribed by this Act. 53 V., c. 31, s. 18; 4-5 E. VII., c. 4, s. 3; 3-4 G. V., c. 9, s. 18. Am.

Board of directors.

19. The stock, property, affairs and concerns of the bank shall be managed by a board of directors, who shall be elected annually in the manner hereinafter provided, and shall be eligible for re-election. 53 V., c. 31, s. 19.

Qualifica-

20. Each director shall hold stock of the bank, of which 10 stock he shall be the absolute and sole owner in his individual right and not as trustee or in the right of another, on which not less than—

(a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million 15

dollars or less;

(b) four thousand dollars have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars;

(c) five thousand dollars have been paid up, when the 20 paid-up capital stock of the bank exceeds three million

dollars.

Required stock holdings.

2. No person shall be elected or continue to be a director unless he holds stock, of which he is the owner as aforesaid, paid up to the amount required by this Act, or such greater 25 amount as is required by any by-law in that behalf.

3. A majority of the directors shall be natural born or naturalized subjects of His Majesty and domiciled in Canada. 53 V., c. 31, ss. 18 and 19. Am.

Majority to be British subjects.

At chief

office.

Notice.

Election of directors shall be elected by the shareholders 30 at the annual general meeting.

2. The election shall take place at the place where the

chief office of the bank is situate.

3. Public notice of the annual general meeting shall be given by the directors by publishing such notice, for 35 at least four weeks previously to the time of holding the said meeting, in a newspaper published at the place where the chief office of the bank is situate, and by mailing a copy of such notice to each shareholder at his last known post office address, as shown by the books of the bank, at least 40

twenty days prior to the time aforesaid. 53 V., c. 31, s. 19. Am.

Who shall be directors. 22. The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be directors. 53 V., c. 31, s. 19.

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or directors depends on such equality, then the directors who have a greater number of wotes, or the majority of them, shall, in order to complete the full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors. 53 V.,

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Honorary

24. The directors, as soon as may be after their election 16 shall proceed to elect, by ballot, from their number a president and one or more vice-presidents.

2. The directors may also elect by ballot one of their number to be honorary president. 58 V., c. 31, s. 19; 4-3; E. VII., c. 4, s. 4. Am.

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vacancy shall be filled in the manuer provided by the bylaws: Provided that, if the vacancy is not filled, the acts of a quorum of the remaining directors shall not be thereby invalidated. 53 V. c. 31, s. 19.

> Vessayy in presidency vionpresidency.

vice-president, the directors shall, from among themselves, elect a president or a vice-president, who shall continue in office for the remainder of the year. 53 V. c. 31, s. 19. Am.

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become appointed for the

Cuntinuaire in office.

election of directors and ones on the day appointed for the

Mornings of

shall preside at all meetings of the directors.

Topporary chairman.

vice-presidents are absent, one of the directors present, 30 chosen to set you keeper, shall preside.

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5. The president, a vice-president or president prolempers, so presiding, shall vote as a director, and shall, if there is an equal division on any question, also have

> Resurd of attendance of Directors,

4. A record shall be kept of the attendance at each meeting of directors. A summary thereof prepared so as to show the total rember of directors' meetings held and the number attended by each director shall be sent to each charcheider with the names of the annual meeting required by Section

Provision in case of equality of votes.

23. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors. 53 V., c. 31, s. 19.

Election of president and vice-president.

24. The directors, as soon as may be after their election 10 shall proceed to elect, by ballot, from their number a president and one or more vice-presidents.

Honorary president.

2. The directors may also elect by ballot one of their number to be honorary president. 53 V., c. 31, s. 19; 4-5 E. VII., c. 4, s. 4. Am.

Vacancies, how filled.

Proviso.

25. If a vacancy occurs in the board of directors the vacancy shall be filled in the manner provided by the bylaws: Provided that, if the vacancy is not filled, the acts of a quorum of the remaining directors shall not be thereby invalidated. 53 V., c. 31, s. 19.

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Vacancy in presidency or vice-presidency.

**26.** If a vacancy occurs in the office of the president or vice-president, the directors shall, from among themselves, elect a president or a vice-president, who shall continue in office for the remainder of the year. 53 V., c. 31, s. 19. Am.

Postponed election of directors.

27. If an election of directors is not made on the day 20 appointed for that purpose, such election may take place on any other day, according to the by-laws made by the shareholders in that behalf.

Continuance in office.

2. The directors in office on the day appointed for the election of directors shall remain in office until a new 25 election is made. 53 V., c. 31, s. 20.

Meetings of directors.

28. The president, or in his absence a vic-president, shall preside at all meetings of the directors.

Temporary chairman.

2. If at any meeting of the directors both president and vice-presidents are absent, one of the directors present, 30 chosen to act pro tempore, shall preside.

Voting.

3. The president, a vice-president or president pro tempore, so presiding, shall vote as a director, and shall, if there is an equal division on any question, also have a casting vote.

Record of attendance of Directors.

4. A record shall be kept of the attendance at each meeting of directors. A summary thereof prepared so as to show the total number of directors' meetings held and the number attended by each director shall be sent to each shareholder with the notice of the annual meeting required by Section 40 twenty-one. 53 V., c. 31, s. 21; 3-4 G. V., c. 9, s. 28. Am.

County Co. The directors may in

and repagnant to the provisions of this stat, or to any by-law duly passed by the shareholders or to the laws etc.

Canada, with respect to (a) the same the same of the same,

by the duties and conduct of the officers, clarks and

c) all such other matters as appartain to the business of

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2. All by-laws of the bank heretofore lawfully made and now in force with regard to any matter respecting which the directors may make by-laws under this section, including any by-laws for the establishing of guarantee and pension funds for the employees of the bank, shall remain in force until they are repealed or aftered by other by-laws made under this Act. 53 V. c. 31, c. 22.

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on of the business of the bank.

2. Such officers, clerks and servants may be paid as

calaires and allowances as the directors consider necessary

manager, manager, or other officer, clerk or servant of the bank to enter upon the duties of his office, require him to 25 give a bond, guarantee or other security to the satisfaction of the directors, for the due and faithful performance of his duties. 53 V., c. 31, s. 23, Am.

Special Land Va.

(a) the directors of the bank or any four of them; or,
(b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies,
who are together proprietors of at least one-tenth of
the paid-up capital stock of the bank.

2. Such directors or shareholders shall give six weeks previous public notice, specifying therein the object of such

3. Such meeling sh

4. If the object of the special general meeting is to eansider the proposed removal, for maladministration or other
specified and apparently just cause, of the president or a
vice-president, or of % director of the bank, and if a majority
of the vutes of the shareholders at the meeting is given for
such removal, a director to replace him shall be elected
or appointed in the manner provided by the by-laws of
the bank, or, if there are no by-laws providing therefor

Assertion In

General powers of directors.

29. The directors may make bylaws and regulations, not repugnant to the provisions of this Act, or to any by-law duly passed by the shareholders or to the laws of Canada, with respect to—

(a) the management and disposition of the stock, property, affairs and concerns of the bank:

(b) the duties and conduct of the officers, clerks and servants employed therein; and,

(c) all such other matters as appertain to the business of a bank.

Existing by-laws continued.

2. All by-laws of the bank heretofore lawfully made and now in force with regard to any matter respecting which the directors may make by-laws under this section, including any by-laws for the establishing of guarantee and pension funds for the employees of the bank, shall remain 15 in force until they are repealed or altered by other by-laws made under this Act. 53 V., c. 31, s. 22.

Appointment of officers.

Security.

**30.** The directors may appoint as many officers, clerks and servants as they consider necessary for the carrying on of the business of the bank.

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Salaries. 2. Such officers, clerks and servants may be paid such salaries and allowances as the directors consider necessary.

3. The directors shall, before permitting any general manager, manager, or other officer, clerk or servant of the bank to enter upon the duties of his office, require him to 25 give a bond, guarantee or other security to the satisfaction of the directors, for the due and faithful performance of his duties. 53 V. c. 31, s. 23. Am.

Special general meeting.

31. A special general meeting of the shareholders of the bank, may be called at any time by—

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(a) the directors of the bank or any four of them; or,
(b) any number not less than twenty-five of the share-holders, acting by themselves or by their proxies, who are together proprietors of at least one-tenth of the paid-up capital stock of the bank.

2. Such directors or shareholders shall give six weeks' previous public notice, specifying therein the object of such meeting.

3. Such meeting shall be held at the usual place of meeting of the shareholders.

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4. If the object of the special general meeting is to consider the proposed removal, for maladministration or other specified and apparently just cause, of the president or a vice-president, or of a director of the bank, and if a majority of the votes of the shareholders at the meeting is given for 45 such removal, a director to replace him shall be elected or appointed in the manner provided by the by-laws of the bank, or, if there are no by-laws providing therefor, by the shareholders at the meeting.

Special

Notice.

Place.

Removal of president, vice-president or director.

Another to replace.

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5. If it is the president or a vice-president who is removed, the office shall be filled by the directors in the mannerius provided in case of a vacancy occurring in the office obserting provident or vice-president. 53 V. c. 31, s. 24.

Ond vota for

the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the time of meeting.

Bellet

2. In all cases when the votes of the shareholders are

Majority to

3. All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes

Janey spine 3

4. The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there 15 is a tie, in which ease he shall, except as to the election of a director, have a casting vote.

As so joint tolders of shows

5. It two or more persons are joint holders of shares, any one of the joint holders may be empowered, by letter of attorney from the other joint holder or holders, or a majority 20 of them, to represent the said shares, and to vote accordingly.

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than a shareholder eligible to vote shall be permitted to vote or act as proxy.

Jon steering

7. No general manager, manager, clerk or other subordinate officer of the back shall vote either in person or by broxy, or hold a proxy for the number of voting.

Renewal of proxise.

8. No appointment of a proxy to vote at any meeting of the shareholders of the bank shall be valid for that purpose 30 unless it has been made or renewed in writing within one year last preceding the time of such meeting.

Calle mest, be peak button voting.

9. No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or 35 in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors which are then due and payable, 53 V., c. 31, s. 25. Am.

# CAPITAL STOOM.

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\$ 3. The capital stock of the bank may be increased; from time to time, by such percentage, or by such amount, as is 4d deterrained upon by by-law passed by the shareholders at the annual general meeting, or at any special general meeting called for the nursess.

approved of temperary of temperary of the temperary of th

2. No such by-law shall come into operation, or be of any force or effect, unless and until a certificate approving the reason bas been issued by the Treasury Board.

Choosing another president or vicepresident. 5. If it is the president or a vice-president who is removed, his office shall be filled by the directors in the manner provided in case of a vacancy occurring in the office of president or vice-president. 53 V., c. 31, s. 24.

One vote for each share.

**32.** Every shareholder shall, on all occasions on which 5 the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the time of meeting.

Ballot.

2. In all cases when the votes of the shareholders are taken, the voting shall be by ballot.

Majority to determine.

3. All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes of the shareholders present or represented by proxy.

Casting vote.

4. The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there 15 is a tie, in which case he shall, except as to the election of a director, have a casting vote.

As to joint holders of shares.

5. If two or more persons are joint holders of shares, any one of the joint holders may be empowered, by letter of attorney from the other joint holder or holders, or a majority 20 of them, to represent the said shares, and to vote accordingly.

Proxies.

6. Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy.

Officers not to vote.

7. No general manager, manager, clerk or other subordinate officer of the bank shall vote either in person or by proxy, or hold a proxy for the purpose of voting.

Renewal of proxies.

8. No appointment of a proxy to vote at any meeting of the shareholders of the bank shall be valid for that purpose 30 unless it has been made or renewed in writing within one year last preceding the time of such meeting.

Calls must be paid before voting. 9. No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or 35 in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors which are then due and payable. 53 V., c. 31, s. 25. Am.

# CAPITAL STOCK.

Increase of capital.

33. The capital stock of the bank may be increased, from time to time, by such percentage, or by such amount, as is determined upon by by-law passed by the shareholders at the annual general meeting, or at any special general meeting called for the purpose.

Approval of Treasury Board.

2. No such by-law shall come into operation, or be of any force or effect, unless and until a certificate approving 45 thereof has been issued by the Treasury Board.

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3. No said certificate shall be issued by the Treasury Brand unions application therefor is unide within three months from the time of the passing of the by-law, nor union it is appeare to the ratios of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least four weeks, in The Canada Gazette, and in one or more newspapers published in the place where the chief office of the laws of the laws and in one or more or more or the laws and in the chief of the chief of the laws is structed.

Tiensury Brand mag setten.

4. Nothing herein contained shall be construed to provent 10 the Treasury Bread from refusing to issue such certificate if it thinks best so to do. 53 V. c. 31, a. 26.

Address of the

as the directors determine, he allotted holders of the bank pre rute, at such price on a see fixed by the directors. Provides

(b) in no case shall a rate be fixed by the directors, which will make the premium, if any, paid or payable 20 on the stock so shorted, exceed the percentage which the rest or reserve fund of the bank then beers to the

(c) payment shall not be require

every thirty days; and

(d) the price of such shall be paid in money, stores of 2. Notice of allotment shall be unised to the source

at their last known post office address as shown by the record of the bank, and the directors shall in such notice fix a 2d date not less than ninety days from the day on which the notice is mailed within which the allotment is to be accepted.

A Determent to

3. Any or such allotted stock which is not accepted by a shareholder to whom the allotment has been made, within 35 that time so fixed, or which he declines to accept, together with such shares as remain unallotted because of the provincions of this section that no fraction of a share can be allotted, may be offered for subscription to the public in such manner and on such terms as the directors prescribe.

Distribution of transpose.

4. Any sums received in excess of the rate per share fixed by the directors under this section in respect of fractions of shares offered for subscription to the public shall be rateably distributed to the respective shareholders from whose shares the fractions arose. 53 V., c. 31, s. 37. Aug. 3-4.

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33. The capital stock of the bank may be reduced by by-law passed by the shareholders at the annual repeats Conditions for approval. 3. No such certificate shall be issued by the Treasury Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least four weeks in *The Canada Gazette*, and in one or more newspapers published in the place where the chief office of the bank is situate.

Treasury Board may refuse.

4. Nothing herein contained shall be construed to prevent 10 the Treasury Board from refusing to issue such certificate if it thinks best so to do. 53 V., c. 31, s. 26.

Allotment.

**34.** Any of the original unsubscribed capital stock, or of the increased stock of the bank, shall, at such time as the directors determine, be allotted to the then share-15 holders of the bank *pro rata*, at such *price* and on such terms as are fixed by the directors: Provided that—

To present share-holders.

(a) no fraction of a share shall be so allotted;

(b) in no case shall a rate be fixed by the directors, which will make the premium, if any, paid or payable 20 on the stock so allotted, exceed the percentage which the rest or reserve fund of the bank then bears to the paid-up capital stock thereof;

(c) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price 25

every thirty days; and,

(d) the price of such stock shall be paid in money.

Notice of allotment.

2. Notice of allotment shall be mailed to the shareholders at their last known post office address as shown by the record of the bank, and the directors shall in such notice fix a 30 date not less than ninety days from the day on which the notice is mailed within which the allotment is to be accepted.

Allotment to the public.

3. Any of such allotted stock which is not accepted by a shareholder to whom the allotment has been made, within 35 the time so fixed, or which he declines to accept, together with such shares as remain unallotted because of the provisions of this section that no fraction of a share can be allotted, may be offered for subscription to the public in such manner and on such terms as the directors prescribe.

Distribution of fractions.

4. Any sums received in excess of the rate per share fixed by the directors under this section in respect of fractions of shares offered for subscription to the public shall be rateably distributed to the respective shareholders from whose shares the fractions arose. 53 V., c. 31, s. 27. Am.; 3-4 45 G.V., c. 9, s. 34. Am.

Reduction of capital.

35. The capital stock of the bank may be reduced by by-law passed by the shareholders at the annual general

meeting, or at a special general meeting called for the

purpose.

Approval Treasury Board.

2. No such by-law shall come into operation or be of force or effect until a certificate approving thereof has been issued by the Treasury Board.

Conditions for approval.

3. No such certificate shall be issued by the Treasury Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Board that-

(a) the shareholders voting for the by-law represent a 10 majority in value of all the shares then issued by the

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bank: and.

(b) a copy of the by-law, together with notice of intention to apply to the Treasury Board for the issue of a certificate approving thereof, has been published for at least 15 four weeks in The Canada Gazette, and in one or more newspapers published in the place where the chief office of the bank is situate.

4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue the certificate 20

if it thinks best so to do.

5. In addition to evidence of the passing of the by-law, and of the publication thereof in the manner in this section provided, statements showing-

(a) the amount of stock issued;

25 (b) the number of shareholders represented at the meeting at which the by-law passed;

(c) the amount of stock held by each such shareholder; (d) the number of shareholders who voted for the by-law;

(e) the amount of stock held by each of such last men- 30 tioned shareholders:

the assets and liabilities of the bank in full; and,

(g) the reasons and causes why the reduction is sought; shall be laid before the Treasury Board at the time of the application for the issue of a certificate approving the by-law. 35

6. The passing of the by-law, and any reduction of the capital stock of the bank thereunder, shall not in any way diminish or interfere with the liability of the shareholders of the bank to the creditors thereof at the time of the issue of

the certificate approving the by-law.

40 7. If in any case legislation is sought to sanction any reduction of the capital stock of any bank, a copy of the by-law or resolution passed by the shareholders in regard thereto. together with statements similar to those by this section required to be laid before the Treasury Board, shall, at least 45 one month prior to the introduction into Parliament of the bill relating to such reduction, be filed with the Minister.

8. The capital shall not be reduced below the amount of two hundred and fifty thousand dollars of paid-up stock. 53 V., c. 31, s. 28.

Treasury Board may refuse.

Statements to be submitted to Treasury Board.

Not to affect liability of shareholders.

If legislation is asked to sanction reduction.

Limit of reduction.

# SHARES AND CALLS.

Shares personalty.

**36.** The shares of the capital stock of the bank shall be personal property.

Books of subscription.

2. For the purpose of disposing of stock which may be offered for subscription to the public under section 34 of this Act, stock books may be opened at the chief office of the bank, or at such of its branches, or elsewhere, as the directors prescribe.

Particulars entered.

3. Each subscriber shall, at the time of subscription, give his post office address, and description, and these particulars shall appear in the stock books in connection with the name 10 of the subscriber and the number of shares subscribed for. 3-4 G. V., c. 9, s. 36.

Notice of double liability.

37. There shall be printed in small pica type, or type of larger size, on each page in the stock books upon which subscriptions are recorded and on every document constituting or authorizing a subscription, on a part of the page and 15 document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act. 3-4 G. V., c. 9, s. 37.

Calls on shares.

38. The directors may make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as they find necessary.

Number of.

2. Any number of calls may be made by one resolution.

Intervals for calls.

3. Such calls shall be payable at intervals of not less than thirty days.

Notice.
Limitation.

4. Notice of such calls shall be given to the shareholders. 25
5. No such call shall exceed ten per cent of each share subscribed. 53 V., c. 31, s. 31. Am.

Capital lost to be called for.

39. If any part of the paid-up capital is lost the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders to an amount equi- 30 valent to the loss: Provided that all net profits shall be applied to make good such loss.

Returns to Minister.

2. Any such loss of capital and the calls, if any, made in respect thereof, shall be mentioned in the next return made by the bank to the Minister. 53 V., c. 31, s. 48.

Recovery of calls and instalments.

Forfeiture.

40. In case of the non-payment of any call, or instalment under an accepted allotment, the directors may, in the corporate name of the bank, sue for, recover, collect and get in any such call or instalment, or may cause and declare the shares in respect of which any such default is 40 made to be forfeited to the bank. 53 V., c. 31, s. 32. Am.

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18. The sharehelders of the hard may, at any emual control meeting or at any special general meeting duly called for the purpose, regulate, by by-law, the following matters incident to the management and administration of the sank, that is to say;—

(a) The day upon which the annual general meeting of the shareholders for the election of directors shall be

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(b) The record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be 10 produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) The number of the directors, which shall be not less than five, and the quorum thousef, which shall be not

less than three;

(d) Subject to the Provisions hardnesser contained, the qualifications of directors;

(c) The method of filling vacancies in the board of direc-

(f. I no time and proceedings for the election of directors 30 in case of a failure of any election on the day appointed for fe;

(g) The remuneration of the president vice-president

(b) The smooth of discounts or leans which may be made 2 to directors, either jointly or severally, or to any one firm or person, or to any shareholder, or to corpora-

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ne illegeand with hindred and beenty-fires, in respect of the 30 several mateur handlabelore in this section set out, together with a copy of this section of the Aut, aball, before the thirty-first day of December, one thousand aims incided and income, be sent to each shareholder or, his last

bank; and after the first day of Jely, one throughed nine hundred and teampered within air months after the end of each successive five year period, a copy of the by-laws, in respect of the said matters, in force at the end of each such period, shall be sent as aforesaid.

S. The shareholders may and establish granantee and pension

employees of the bank and their families, and to contribute thereto out of the hunds of the bank, but no part of any such cuarantee or pennion fund, whether contributed out of the 4 free bank or not, shall be invested in the shares of eny

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4. Until it is otherwise prescribed by by-law under this scotten, the by-laws of the bank on any matter which may

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### INTERNAL REGULATIONS.

Regulation by by-law.

18. The shareholders of the bank may, at any annual general meeting or at any special general meeting duly called for the purpose, regulate, by by-law, the following matters incident to the management and administration of the affairs of the bank, that is to say:—

(a) The day upon which the annual general meeting of the shareholders for the election of directors shall be

held;

(b) The record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be 10 produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) The number of the directors, which shall be not less than five, and the quorum thereof, which shall be not

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less than three;

(d) Subject to the provisions hereinafter contained, the qualifications of directors;

(e) The method of filling vacancies in the board of directors, whenever the same occur during each year;

(f) The time and proceedings for the election of directors 20 in case of a failure of any election on the day appointed for it:

(g) The remuneration of the president, vice-president

and other directors; and,

(h) The amount of discounts or loans which may be made 25 to directors, either jointly or severally, or to any one firm or person, or to any shareholder, or to corporations.

Copy of by-laws to be sent to shareholders.

2. A copy of the by-laws in force on the first day of July, one thousand nine hundred and twenty-three, in respect of the 30 several matters hereinbefore in this section set out, together with a copy of this section of the Act, shall, before the thirty-first day of December, one thousand nine hundred and twenty-three, be sent to each shareholder at his last known post office address, as shown by the books of the 35 bank; and after the first day of July, one thousand nine hundred and twenty-three, within six months after the end of each successive five year period, a copy of the by-laws, in respect of the said matters, in force at the end of each such period, shall be sent as aforesaid.

3. The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute thereto out of the funds of the bank, but no part of any such guarantee or pension fund, whether contributed out of the 45 funds of the bank or not, shall be invested in the shares of any

bank.

4. Until it is otherwise prescribed by by-law under this section, the by-laws of the bank on any matter which may 55758—2

Guarantee and pension funds.

Existing by-laws continued.

Exception.

be regulated by by-law under this section shall remain in force, except as to any provision fixing the qualification of directors at an amount less than that prescribed by this Act. 53 V., c. 31, s. 18; 4-5 E. VII., c. 4, s. 3; 3-4 G. V., c. 9, s. 18. Am.

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Board of directors.

19. The stock, property, affairs and concerns of the bank shall be managed by a board of directors, who shall be elected annually in the manner hereinafter provided, and shall be eligible for re-election. 53 V., c. 31, s. 19.

Qualifica-

20. Each director shall hold stock of the bank, of which 10 stock he shall be the absolute and sole owner in his individual right and not as trustee or in the right of another, on which not less than—

(a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million 15

dollars or less:

- (b) four thousand dollars have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars;
- (c) five thousand dollars have been paid up, when the 20 paid-up capital stock of the bank exceeds three million dollars.

Required stock holdings.

2. No person shall be elected or continue to be a director unless he holds stock, of which he is the owner as aforesaid, paid up to the amount required by this Act, or such greater 25 amount as is required by any by-law in that behalf.

3. A majority of the directors shall be natural born or naturalized subjects of His Majesty and domiciled in Canada. 53 V., c. 31, ss. 18 and 19. Am.

Majority to be British subjects.

Election of

21. The directors shall be elected by the shareholders 30 at the annual general meeting.

2. The election shall take place at the place where the

At chief office.

chief office of the bank is situate.

Notice.

3. Public notice of the annual general meeting shall be given by the directors by publishing such notice, for 35 at least four weeks previously to the time of holding the said meeting, in a newspaper published at the place where the chief office of the bank is situate, and by mailing a copy of such notice to each shareholder at his last known post office address, as shown by the books of the bank, at least 40 twenty days prior to the time aforesaid. 53 V., c. 31, s. 19. Am.

Who shall be directors.

22. The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be directors. 53 V., c. 31, s. 19.

Provides in 28. If it happens at any

or non-election of one or more of such persons as a directors or directors depends on such equality, then the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors. 53 Votes

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prosident and one or more rice-prosidents

2. The directors may also elect by be

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Variousles how filled

Provider.

yes, if a vacancy occurs in the manner provided by the bylaws: Provided that, if the vacancy is not filled, the sets of a quorum of the remaining directors shall not be thereby invalidated. 53.V., v. 31, s. 19.

> Vacanty in providency on when providency

vice-president, the directors shall, from among themselves, sleet a president or a vice-president, who shall continue in office for the remainder of the year. 53 V. c. 31, s. 19. Am.

Postgoned objection observer

appointed for that purpose any other day, according holders in that behalf,

Continues la délica.

2. The directors in office on the day appointed for the election of directors shall remain in other antil a new 2 election is made. 53 V. c. 31, s. 20.

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state proceeds at all mostings of the directors.

Temporary challenge

rice-presidents are absent, one of the directors present. S

Limits 7

s, the president, a vice-president of president protempore to presiding, shall vote as a director, and shall, I there is so equal division on any question, also have

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A record shall be bept of the attendance at each nucting of directors. A nursemary thereof prepared so as to show the land number of directors' meetings held and the raintor attended by our director shall be sent to cach, shareholder with the matter of the cach attended or

rucenty one. 188 V. c. St. s. St; S. d G. V., c. 3, c. 38. Am.

Provision in case of equality of votes.

23. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors. 53 V., c. 31, s. 19.

Election of president and vice-president.

Honorary president.

**24.** The directors, as soon as may be after their election 10 shall proceed to elect, by ballot, from their number a president and one or more vice-presidents.

2. The directors may also elect by ballot one of their number to be honorary president. 53 V., c. 31, s. 19; 4-5

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E. VII., c. 4, s. 4. Am.

Vacancies, how filled. Proviso. 25. If a vacancy occurs in the board of directors the vacancy shall be filled in the manner provided by the bylaws: Provided that, if the vacancy is not filled, the acts of a quorum of the remaining directors shall not be thereby invalidated. 53 V., c. 31, s. 19.

Vacancy in presidency or vicepresidency. 26. If a vacancy occurs in the office of the president or vice-president, the directors shall, from among themselves, elect a president or a vice-president, who shall continue in office for the remainder of the year. 53 V., c. 31, s. 19. Am.

Postponed election of directors.

27. If an election of directors is not made on the day 20 appointed for that purpose, such election may take place on any other day, according to the by-laws made by the shareholders in that behalf.

Continuance in office.

2. The directors in office on the day appointed for the election of directors shall remain in office until a new 25 election is made. 53 V., c. 31, s. 20.

Meetings of directors.

28. The president, or in his absence a vic-president, shall preside at all meetings of the directors.

Temporary chairman.

2. If at any meeting of the directors both president and vice-presidents are absent, one of the directors present, 30 chosen to act *pro tempore*, shall preside.

Voting.

3. The president, a vice-president or president *pro* tempore, so presiding, shall vote as a director, and shall, if there is an equal division on any question, also have a casting vote.

Record of attendance of Directors.

4. A record shall be kept of the attendance at each meeting of directors. A summary thereof prepared so as to show the total number of directors' meetings held and the number attended by each director shall be sent to each shareholder with the notice of the annual meeting required by Section 40 twenty-one. 53 V., c. 31, s. 21; 3-4 G. V., c. 9, s. 28. Am.

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23%. The sirether many region by the but regulations not remunerate to the provisions of this Act, or to any to war to be applied by the shareholders of an one laws of the same time.

of the management and disposition of the stock, property, affairs and expectes of the bank;

(a) the detine and conduct of the officer, skein and

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2. All by-laws of the bank harstofore lewfully made and now in force with request to any matter respecting which the airectors may make by-laws under this section, including any by-laws for the establishing of squrauree and pension fouch for the employees of the bank, shall remain

made under this Act. 53 V. c. 31, s. 22.

30. The directors may appoint as many officers, clerks and servents as they consider necessary for the carrying

2. Such officers, elecks and corvants may be paid such saichs saich saiches and allowances as the directors consider necessary.

menager, manager, or other olloer, eleck or servant of the bank to enter upon the duths of his edition require him to 25 give a bond, guarantee or other security to the antishetion of the directors, for the due and faithful performance of the duties 52 V. c. 31s s. 23. Am.

Se. A special general meeting of the sharshulders of the

(a) the directors of the bank or any feur of them; or, (b) app number and less than twenty-five of the share holders actual by their products of by their products of at least one-feath of

the paid-up captus evolt of the bank.

3. Such directors of shareholders shall give six weder
pervious public untice, specifying therein the object of such

3. Furth meeting shall be field at the usual place of meeting

4. If the object of the special general meeting is to pursader tile proposed removal, for maistanipalitation or other
epocified and apparaintly just cause, of the president or a
vice-president, or of a director of the abank-and if a majority
of the voice of the characteristic meeting is given for
each removal, a director to replace him shall be elected
or appointed in the manner provided by the by-laws of
the bank, or if there are no by-laws providing therefore

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General powers of directors.

29. The directors may make bylaws and regulations, not repugnant to the provisions of this Act, or to any by-law duly passed by the shareholders or to the laws of Canada, with respect to—

(a) the management and disposition of the stock, 5

property, affairs and concerns of the bank;

(b) the duties and conduct of the officers, clerks and servants employed therein; and,

(c) all such other matters as appertain to the business of

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Existing by-laws continued.

2. All by-laws of the bank heretofore lawfully made and now in force with regard to any matter respecting which the directors may make by-laws under this section, including any by-laws for the establishing of guarantee and pension funds for the employees of the bank, shall remain 15 in force until they are repealed or altered by other by-laws made under this Act. 53 V., c. 31, s. 22.

Appointment of officers.

**30.** The directors may appoint as many officers, clerks and servants as they consider necessary for the carrying on of the business of the bank.

2. Such officers, clerks and servants may be paid such salaries and allowances as the directors consider necessary.

Salaries.

3. The directors shall, before permitting any general manager, manager, or other officer, clerk or servant of the bank to enter upon the duties of his office, require him to 25 give a bond, guarantee or other security to the satisfaction of the directors, for the due and faithful performance of his duties. 53 V., c. 31, s. 23. Am.

Special general meeting.

**31.** A special general meeting of the shareholders of the bank, may be called at any time by—

(a) the directors of the bank or any four of them; or,

(b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies, who are together proprietors of at least one-tenth of the paid-up capital stock of the bank.

Notice.

2. Such directors or shareholders shall give six weeks' previous public notice, specifying therein the object of such meeting.

Place.

3. Such meeting shall be held at the usual place of meeting of the shareholders.

Removal of president, vice-president or director. 4. If the object of the special general meeting is to consider the proposed removal, for maladministration or other specified and apparently just cause, of the president or a vice-president, or of a director of the bank, and if a majority of the votes of the shareholders at the meeting is given for 45 such removal, a director to replace him shall be elected or appointed in the manner provided by the by-laws of the bank, or, if there are no by-laws providing therefor, by the shareholders at the meeting.

Another to replace.

Choosing another president or vice-president.

5. If it is the president or a vice-president who is removed, his office shall be filled by the directors in the manner provided in case of a vacancy occurring in the office of president or vice-president. 53 V., c. 31, s. 24.

One vote for each share.

**32.** Every shareholder shall, on all occasions on which the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the time of meeting.

Ballot.

2. In all cases when the votes of the shareholders are taken, the voting shall be by ballot.

Majority to determine.

·3. All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes of the shareholders present or represented by proxy.

Casting vote.

4. The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there 15 is a tie, in which case he shall, except as to the election of a director, have a casting vote.

As to joint holders of shares. 5. If two or more persons are joint holders of shares, any one of the joint holders may be empowered, by letter of attorney from the other joint holder or holders, or a majority 20 of them, to represent the said shares, and to vote accordingly.

Proxies.

6. Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy.

Officers not to vote.

7. No general manager, manager, clerk or other subordinate officer of the bank shall vote either in person or by proxy, or hold a proxy for the purpose of voting.

Renewal of proxies.

8. No appointment of a proxy to vote at any meeting of the shareholders of the bank shall be valid for that purpose 30 unless it has been made or renewed in writing within one year last preceding the time of such meeting.

Calls must be paid before voting. 9. No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or 35 in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors which are then due and payable. 53 V., c. 31, s. 25. Am.

### CAPITAL STOCK.

Increase of capital.

33. The capital stock of the bank may be increased, from time to time, by such percentage, or by such amount, as is determined upon by by-law passed by the shareholders at the annual general meeting, or at any special general meeting called for the purpose.

Approval of Treasury Board.

2. No such by-law shall come into operation, or be of any force or effect, unless and until a certificate approving 45 thereof has been issued by the Treasury Board.

Conditions for approval.

3. No such certificate shall be issued by the Treasury Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least four weeks in *The Canada Gazette*, and in one or more newspapers published in the place where the chief office of the bank is situate.

Treasury Board may refuse. 4. Nothing herein contained shall be construed to prevent 10 the Treasury Board from refusing to issue such certificate if it thinks best so to do. 53 V., c. 31, s. 26.

Allotment.

To present share-holders.

**34.** Any of the original unsubscribed capital stock, or of the increased stock of the bank, shall, at such time as the directors determine, be allotted to the then share-15 holders of the bank *pro rata*, at such *price* and on such terms as are fixed by the directors: Provided that—

(a) no fraction of a share shall be so allotted;

(b) in no case shall a rate be fixed by the directors, which will make the premium, if any, paid or payable 20 on the stock so allotted, exceed the percentage which the rest or reserve fund of the bank then bears to the paid-up capital stock thereof;

(c) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price 25

every thirty days; and,

(d) the price of such stock shall be paid in money.

Notice of allotment.

2. Notice of allotment shall be mailed to the shareholders at their last known post office address as shown by the record of the bank, and the directors shall in such notice fix a 30 date not less than ninety days from the day on which the notice is mailed within which the allotment is to be accepted.

Allotment to the public.

3. Any of such allotted stock which is not accepted by a shareholder to whom the allotment has been made, within 35 the time so fixed, or which he declines to accept, together with such shares as remain unallotted because of the provisions of this section that no fraction of a share can be allotted, may be offered for subscription to the public in such manner and on such terms as the directors prescribe.

Distribution of fractions.

4. Any sums received in excess of the rate per share fixed by the directors under this section in respect of fractions of shares offered for subscription to the public shall be rateably distributed to the respective shareholders from whose shares the fractions arose. 53 V., c. 31, s. 27. Am.; 3-4 4. G.V., c. 9, s. 34. Am.

Reduction of capital.

35. The capital stock of the bank may be reduced by by-law passed by the shareholders at the annual general

diraming or interfere with the lighting of the shareholders of

required to be laid before the Treasury Board, shall at least 45 one month prior to the introduction into Parliament of the

meeting, or at a special general meeting called for the purpose.

Approval Treasury Board.

Conditions for approval.

2. No such by-law shall come into operation or be of force or effect until a certificate approving thereof has been issued by the Treasury Board.

3. No such certificate shall be issued by the Treasury Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Board that-

(a) the shareholders voting for the by-law represent a 10 majority in value of all the shares then issued by the

bank; and,

(b) a copy of the by-law, together with notice of intention to apply to the Treasury Board for the issue of a certificate approving thereof, has been published for at least 15 four weeks in The Canada Gazette, and in one or more newspapers published in the place where the chief office of the bank is situate.

4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue the certificate 20

if it thinks best so to do.

5. In addition to evidence of the passing of the by-law, Statements and of the publication thereof in the manner in this section provided, statements showing—

(a) the amount of stock issued;

25 (b) the number of shareholders represented at the meeting at which the by-law passed;

(c) the amount of stock held by each such shareholder; (d) the number of shareholders who voted for the by-law;

(e) the amount of stock held by each of such last men- 30 tioned shareholders:

(f) the assets and liabilities of the bank in full; and,

(g) the reasons and causes why the reduction is sought; shall be laid before the Treasury Board at the time of the application for the issue of a certificate approving the by-law. 35

6. The passing of the by-law, and any reduction of the capital stock of the bank thereunder, shall not in any way diminish or interfere with the liability of the shareholders of the bank to the creditors thereof at the time of the issue of the certificate approving the by-law.

40 7. If in any case legislation is sought to sanction any reduction of the capital stock of any bank, a copy of the by-law or resolution passed by the shareholders in regard thereto, together with statements similar to those by this section required to be laid before the Treasury Board, shall, at least 45

one month prior to the introduction into Parliament of the bill relating to such reduction, be filed with the Minister.

8. The capital shall not be reduced below the amount of two hundred and fifty thousand dollars of paid-up stock. 53 V., c. 31, s. 28.

Treasury Board may refuse.

to be submitted to Treasury Board.

Not to affect liability of shareholders.

If legislation is asked to sanction reduction.

Limit of reduction.

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S. The abuse of the capital stock of the back shall be seemal property.

2. For the purpose of disposing of stock which may be offered for subscription to the public under services 34 of this Act, stock books may be opened at the chock office of the bank, or at such of its bronches, or elsewhere, or the constant measures necessity.

3. hade subserviour shall, at the tens or subscription, give his post office address, and description, and these particulars that appear is the steek books in consection with the name in of the subscriber and the number of shares subscribed for its C. V. c. 9, s. 36.

RV. Anere sand De printen in small pent type, or type of the larger are, on each jame in the stock books upon ginch subscriptions are recorded and on crery decrement constituting or gutborising a subscription, on a part of the page and document, respectively, which may be pradily seen by the passon recording the subscription or by the passon sixting the document, a copy of section 125 of this Act. 3-4 G. V., the document, a copy of section 125 of this Act. 3-4 G. V., a. 8, 2. 3.

23. The directors may make auch calls of money from the several abstractors for the time leaner, upon the steres sub- 20 tarribes for by them remostively, as they find necessary.

2. Any number of osts-rusy be made by one resolution.

S. Such cathe shall be payable at intervals of not less than

i. Nones of such calls shall be given to the shareholders. 25 i. No such call shall exceed ten per cent of each slure out estimed. 53 V. c. 31, a. 31. Am.

tors shall, if all the substribed shock is not paid up, forthtors shall, if all the substribed shock is not paid up, forthwith make calls upon the shareholders up an amount equivalent to the local Provided that all not profits shall be applied to make good such loss.

2. Any such love of capital and the calls, if any, made - id respect thereof, shall be mentioned to the next return of his brink to the Minister. 53 V. c. 31, s. 48.

and in case of the non-payment of any call, or located and outpers may, in the comparate many of the bank see for, recover, collect and get in any such call or matcheners, or may cause and decimal in the shares in respect of which any man default is seed to be furtished to the bank. As V. a M. a St. Am.

# SHARES AND CALLS.

Shares personalty.

**36.** The shares of the capital stock of the bank shall be personal property.

Books of subscription.

2. For the purpose of disposing of stock which may be offered for subscription to the public under section 34 of this Act, stock books may be opened at the chief office of the bank, or at such of its branches, or elsewhere, as the directors prescribe.

Particulars entered.

3. Each subscriber shall, at the time of subscription, give his post office address, and description, and these particulars shall appear in the stock books in connection with the name 10 of the subscriber and the number of shares subscribed for. 3-4 G. V., c. 9, s. 36.

Notice of double liability.

37. There shall be printed in small pica type, or type of larger size, on each page in the stock books upon which subscriptions are recorded and on every document constituting or authorizing a subscription, on a part of the page and 15 document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act. c. 9, s. 37.

Calls on shares.

38. The directors may make such calls of money from the several shareholders for the time being, upon the shares sub- 20 scribed for by them respectively, as they find necessary.

Number of.

2. Any number of calls may be made by one resolution.

Intervals for calls.

3. Such calls shall be payable at intervals of not less than thirty days.

Notice.

4. Notice of such calls shall be given to the shareholders. 25

Limitation.

5. No such call shall exceed ten per cent of each share subscribed. 53 V., c. 31, s. 31. Am.

Capital lost to be called for.

39. If any part of the paid-up capital is lost the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders to an amount equi- 30 valent to the loss: Provided that all net profits shall be applied to make good such loss.

Returns to Minister.

2. Any such loss of capital and the calls, if any, made in respect thereof, shall be mentioned in the next return made by the bank to the Minister. 53 V., c. 31, s. 48.

Recovery of calls and instalments.

**40.** In case of the non-payment of any call, or instalment under an accepted allotment, the directors may, in the corporate name of the bank, sue for, recover, collect and get in any such call or instalment, or may cause and declare the shares in respect of which any such default is 40 made to be forfeited to the bank. 53 V., c. 31, s. 32. Am.

Forfeiture.

other or particular examination be made or procedure established

director at his last known post office address.

Appointment of auditors.

6. The shareholders shall at each annual general meeting appoint two persons, not members of the same firm, whose names are included in the last published list, to audit the affairs of the bank. No person shall be appointed for more than three years in succession to audit the affairs of any one bank nor shall a member of any firm be appointed if any member or members of the firm have either alone or in the aggregate acted for three years in succession as auditor or auditors respectively of the affairs of the bank.

Vacancy.

7. If any vacancy should occur in the office of auditor of a 10 bank, notice thereof shall forthwith be given by the bank to the Minister, who shall thereupon appoint some other person included in the published list for the year to serve for the unexpired term of the person previously appointed.

Remuneration of Auditors. 8. The remuneration of auditors shall be fixed by the share- 15 holders at the time of their appointment, and in the event of any vacancy and the appointment of another auditor under the next preceding subsection, the remuneration so fixed shall be divided according to the length of time each auditor acted as auditor of the bank.

Powers and rights of auditors.

9. Every auditor of a bank shall have a right of access to the books and accounts, cash, securities, documents and vouchers of the bank, and shall be entitled to require from the directors and officers of the bank such information and explanation as may be necessary for the performance of the 25 duties of the auditors.

Procedure and scope of audit.

10. The Minister may from time to time require that the auditors of a bank shall report to him upon the adequacy of the procedure adopted by the bank for the safety of its creditors and shareholders, and as to the sufficiency of their own procedure in 30 auditing the affairs of the bank; and the Minister may at his discretion enlarge or extend the scope of the audit, or direct that any other or particular examination be made or procedure established in the particular case as the public interest may seem to require.

Duty with respect to directors.

11. It shall be the duty of the auditors to report to the general 35 manager and to the directors in writing any transactions or conditions affecting the well being of the bank which are not satisfactory to them, and which in their opinion require rectification, and without restricting the generality of this requirement they shall report specifically to the general manager and 40 to the directors from time to time upon any loans exceeding one per cent of the paid-up capital of the bank which in their judgment are inadequately secured, but this provision shall not be construed to relieve any director from the due and proper discharge of the duties of a director. The report shall be transmitted or delivered 45 by the auditors to the general manager at his office and to each director at his last known post office address.

Report of Auditors. 12. The auditors shall make a report to the shareholders on the statement of the affairs of the bank to be submitted by the directors to the shareholders under Section 54 of this Act during 50 their tenure of office; and the report shall state—

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(a) whather or not they have obtained all the information

(b) whether, in their opinion, the transactions of the bank which have come under their notice have been within the

powers of the bank;

(c) whether, in their opinion, the statement referred to in the report discloses the true condition of the bank;

(d) whether the statement is as shewn by the books of the

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13. In a such or report shall be attached to the statement 10 submitted by the directors to the shareholders under section 54 of this Act, and the report shall be read before the shareholders in the annual general meeting.

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mitted by the directors to the shareholders under section 55 15 of this Act shall be subject to sudit and report, and the report of the suditors thereon shall state—

(a) whether or not they have obtained the information

b) whether, in their opinion, such furth

to. The auditors' report shall be attached to the further statement referred to in the next proceding subsection.

to which such further statement is submitted, and a copy 25 of the statement and report shall be supplied to any share-

halder applying therefor

(16. No auditor and no member of any firm of auditors shall be eigible for appointment as auditor of a bank here this or in the or any member of his firm while aring as auditor 30 of a bank accepts any retainer or undertakes any employment as behalf of or at the instance of such bank, or any officer thereof, whether at the expense of the bank or not, other than that of dentitor kereunder. 8-4 G. V. c. P. s. 56. Am.

AUDITORS EMPORT TO MINISTER.

by adding appointed to the state of the stat

appointed under the next proceding section of this Act, or early other auditor whom he may select, to examine and inquire specially into any of the affairs or business of the isank, and the auditor so appointed or selected, as the case range be, shall, at the conclusion of his examination and 40 inquiry, report fully to the Minister the results thereof.

dreelected as aforesaid shall have all the rights and po

3. For the performance of the duties imposed by this at section the auditor shall be paid as remuneration, out of the Consolidated Revenue Fund, such sum as the Governor in lo ingeltT

(a) whether or not they have obtained all the information and explanations they have required;

(b) whether, in their opinion, the transactions of the bank which have come under their notice have been within the powers of the bank:

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(c) whether, in their opinion, the statement referred to in the report discloses the true condition of the bank:

(d) whether the statement is as shewn by the books of the

Attached to anrual statement and read.

13. The auditors' report shall be attached to the statement 10 submitted by the directors to the shareholders under section 54 of this Act, and the report shall be read before the shareholders in the annual general meeting.

Audit and report on further statements.

14. Any further statement of the affairs of the bank submitted by the directors to the shareholders under section 55 15 of this Act shall be subject to audit and report, and the report of the auditors thereon shall state—

(a) whether or not they have obtained the information

and explanation they have required;

(b) whether, in their opinion, such further statement dis-20 closes to the extent thereof the true condition of the bank.

Attached to statement and read.

Copies.

15. The auditors' report shall be attached to the further statement referred to in the next preceding subsection, and shall be read before the shareholders at the meeting to which such further statement is submitted, and a copy 25

of the statement and report shall be supplied to any share-

holder applying therefor.

Auditor not to undertake other employment\* for bank.

16. No auditor and no member of any firm of auditors shall be eligible for appointment as auditor of a bank hereunder if he or any member of his firm while acting as auditor 30 of a bank accepts any retainer or undertakes any employment on behalf of or at the instance of such bank, or any officer thereof, whether at the expense of the bank or not, other than that of auditor hereunder. 3-4 G. V., c. 9, s. 56. Am.

# AUDITORS' REPORT TO MINISTER.

Examination by auditor appointed by Minister.

56A. The Minister may direct and require any auditor 35 appointed under the next preceding section of this Act, or any other auditor whom he may select, to examine and inquire specially into any of the affairs or business of the bank, and the auditor so appointed or selected, as the case may be, shall, at the conclusion of his examination and 40 inquiry, report fully to the Minister the results thereof.

Powers of auditor.

2. For the purposes of this section the auditor appointed or selected as aforesaid shall have all the rights and powers given to an auditor under the next preceding section.

Remuneration.

3. For the performance of the duties imposed by this 45 section the auditor shall be paid as remuneration, out of the Consolidated Revenue Fund, such sum as the Governor in Council may direct.

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4. The person selected by the Minister under this section shall, for the purposes of section 153 of this Act, be deemed to be an auditor of the bank. 3-4 G. V., c. 9, s. 56 A.

# PULLDENDS.

Constanty or half yearly dividenda.

visions of this Act, declare quarterly or half yearly dividends of so much of the profits of the bank as to the majority of them seems advisable.

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as least four weeks, of the payment of such dividends previously to the date-fixed for such payment.

Where savabl

usent, be payable at the chief office of the bank, and at such of its branches, and at such other piaces, as the directors prescribe.

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eleast. A. The directors may close the transfer books during a 15 certain time, not exceeding fifteen days, before the payment of each dividend.

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agreement to pay dividends beretofore or hereafter declared and payable on its capital stock shall continue notwith- 20 standing any statute of limitations or any enactment or law relating to prescription. 53 V., c. 31, ss. 47, 90; H.S., c. 29, ss. 36 (4), 126. Am.

posteriorian.

58. No dividend or beaus shall be declared so as to impair the paid-up capital of the bank.

Divisional no ter innestr expiral

2. The directors who knowingly and wilfully concur in the deciaration or making payable of any dividend or bonus, whereby the paid-up capital of the bank is integried, shall be jointly and severally liable for the amount of such dividended bonus, as a debt due by them to the bank. 53 V., 3

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or bonus, or both combined, or in any other way, exceeding the rate of eight per cent per annum, shall be made by the bank, unless, after making the same, the bank has a rest or 3 reserve fund, equal to at least thirty per cent of its paid-up capital after procedure all the appropriations accessory for

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ascertained and estimated lossess

il. The directors who knowingly and wifully concur in any aimmon, of profits, exceeding the rate of sight per coult per 40 armum, unless after making the same the bank has a rest or reserve furil equal to at least thirty per cent. of its paid up capital after waking the appropriations necessary to provite for issues, shall be jointly and severally liable for the amount so divided, as a debt due by them to the bank. S-4 G. V., c. S, 41

2. 59. Am

To be deemed auditor of bank.

4. The person selected by the Minister under this section shall, for the purposes of section 153 of this Act, be deemed to be an auditor of the bank. 3-4 G. V., c. 9, s. 56 A.

# DIVIDENDS.

Quarterly or half yearly dividends.

57. The directors of the bank shall, subject to the provisions of this Act, declare quarterly or half yearly dividends of so much of the profits of the bank as to the majority of them seems advisable.

Notice.

2. The directors shall give public notice, published for at least four weeks, of the payment of such dividends previously to the date fixed for such payment. 10

Where payable.

3. Dividends shall, on and after the date fixed for payment, be payable at the chief office of the bank, and at such of its branches, and at such other places, as the directors prescribe.

Books closed.

4. The directors may close the transfer books during a 15 certain time, not exceeding fifteen days, before the payment of each dividend.

Liability of bank.

5. The liability of any bank under any law, custom or agreement to pay dividends heretofore or hereafter declared and payable on its capital stock shall continue notwith- 20 standing any statute of limitations or any enactment or law relating to prescription. 53 V., c. 31, ss. 47, 90; R.S., c. 29, ss. 36 (4), 126. Am.

No prescription.

Dividend not to impair capital. Directors liable for such dividend.

58. No dividend or bonus shall be declared so as to

impair the paid-up capital of the bank.

2. The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus, whereby the paid-up capital of the bank is impaired, shall be jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank. 53 V., 30 c. 31, s. 48.

Dividend unless there is a certain reserve.

59. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per cent per annum, shall be made by the bank, unless, after making the same, the bank has a rest or 35 reserve fund, equal to at least thirty per cent of its paid-up capital after providing all the appropriations necessary for ascertained and estimated losses.

Personal liability of directors.

2. The directors who knowingly and wilfully concur in any division of profits exceeding the rate of eight per cent per 40 annum, unless after making the same the bank has a rest or reserve fund equal to at least thirty per cent of its paid up capital after making the appropriations necessary to provide for losses, shall be jointly and severally liable for the amount so divided, as a debt due by them to the bank. 3-4 G. V., c. 9, 41 s. 59. Am.

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forty per cent of the cash reserves which it has in Canada.

2. The Minister shall make such arrangements as are necessary for ensuring the delivery of Dominion notes to any bank, in exchange for an equivalent amount of gold coin lawfully current at the several branch offices of the Department of Finance established for the redemption of Dominion notes under the provisions of The Dominion Notes

3. Such notes shall be redeemable at any of the branch 10 offices mentioned in subsection 2 hereof. 53 V., c. 31, s. 50. Am.: 3-4 G. V. c. 9. s. 60. Am.

# ISSUE AND CIRCULATION OF NOTES.

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Province (0

 (a) the bank shall not, during any period of suspension of payment of its liabilities, issue or re-issue any of its notes; and,

(b) it, after any suon suspension, the bank resumes business without the consent in writing of the curator, 20 hereinafter provided for, it shall not issue or re-issue any of its notes until authorized by the Tressury Board so to do.

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for any sum which is not a multiple of five dollars.

3. Except as hereinafter provided, the total amount of the .

otes of a bank in circulation at any time shall not exceed he aggregate of—

a the amount of the unimpaired paid-up capital of the

(o) the amount of current gold coin and of Dominion notes held for the bank in the central gold reserves

Appointment 4. The Association may

appoint three trustees and the Minister may appoint a 35 fourth trustee, and the trustees so appointed shall receive such amounts in current gold coin and Dominion notes, or either, as any bank may desire from time to time to deposit with them. The amounts so deposited are berein referred to as "central gold reserves" and shall be held and dealt 40 with in accordance with the provisions of this are

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5. The Association may make by-laws, rules and regulations under section 124 of this Act respecting the custody and management of the central gold reserves and the earlying out of the provisions of this Act relating to such

#### CASH RESERVES.

in Dominion notes. Supply of Dominion notes.

60. The bank shall hold in Dominion notes not less than forty per cent of the cash reserves which it has in Canada.

2. The Minister shall make such arrangements as are necessary for ensuring the delivery of Dominion notes to any bank, in exchange for an equivalent amount of gold 5 coin lawfully current at the several branch offices of the Department of Finance established for the redemption of Dominion notes under the provisions of The Dominion Notes Act. 1914.

Redemption.

3. Such notes shall be redeemable at any of the branch 10 offices mentioned in subsection 2 hereof. 53 V., c. 31, s. 50. Am.; 3-4 G. V., c. 9, s. 60. Am.

# ISSUE AND CIRCULATION OF NOTES.

Tasue of notes.

**61.** The bank may issue and re-issue its notes payable to bearer on demand and intended for circulation: Provided that-

Proviso.

(a) the bank shall not, during any period of suspension of payment of its liabilities, issue or re-issue any of its notes; and,

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(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, 20 hereinafter provided for, it shall not issue or re-issue any of its notes until authorized by the Treasury Board so

\$5, or multiples. Amount

limited.

2. No such note shall be for a sum less than five dollars, or for any sum which is not a multiple of five dollars. 25

3. Except as hereinafter provided, the total amount of the notes of a bank in circulation at any time shall not exceed the aggregate of—

(a) the amount of the unimpaired paid-up capital of the bank; and, 30

(b) the amount of current gold coin and of Dominion notes held for the bank in the central gold reserves hereinafter mentioned.

Appointment of trustees.

4. The Association may, with the approval of the Minister, appoint three trustees and the Minister may appoint a 35 fourth trustee, and the trustees so appointed shall receive such amounts in current gold coin and Dominion notes, or either, as any bank may desire from time to time to deposit with them. The amounts so deposited are herein referred to as "central gold reserves" and shall be held and dealt 40 with in accordance with the provisions of this Act.

5. The Association may make by-laws, rules and regulations under section 124 of this Act respecting the custody and management of the central gold reserves and the carrying out of the provisions of this Act relating to such 45

reserves.

"Central gold \*\* reserves."

By-laws respecting.

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6. When and so long as the amount of the notes of a back in circulation in excess of its unimpaired paid-up capital is less than the amount deposited by it in the central gold reserves, the excess of the amount so deposited shall below to the bank as its property, and the bank may

belong to the bank as its property, and the bank may apply to the trustees for a return of the excess last mentioned, and upon receiving from the bank a statement signed by the chief accountant and by the general manager or other principal officer next in authority in the management of

the affairs of the bank at the time the statement is signed, 10 and otherwise in the form provided by said by-laws, rules or regulations, setting forth to the best of the information and belief of these officers the amount of the notes of the

trustees shall return the whole or part of the deposit of the bank, as the case may be. On and from the date when such statement is transmitted by registered post or delivered to the trustees, the amount applied for shall, for the purpose of the statement to be made by the trustees.

to the Minister under subsection 7 of this section, and 20 for the purpose of calculating the total amount of the authorized note circulation of the bank, be desired to have been withdrawn from the central gold reserves and shall not be taken into account in such statement not included

in such calculation; provided always that should the 25 total amount of the notes of the bank in circulation be found, by reason of such withdrawal, to be in excess of the circulation of the bank authorized by this Act the bank shall not be deemed to be released or refleved from any of

he penalties imposed by this Act for circulation of the 30 oftes of a bank in excess of the amount authorized by this

post, or deliver to the Minister within the first twenty days of each month a statement to be signed by them show- 35 tog the amount on each incidical day of the preceding month of the deposit of each bank in the central gold reserves and not withdrawn or descent to be religious.

inder the providing of this section.

S. The Minister shall, from time to time, and not less 40 frequently than twice in each year, cause an inspection and audit of the gold poin and Dominion notes held by the trustees to be made by officers of the Department of Finance.

(a) to inspect and ascertain the amount of the gold coin 41

respective banks at the date of inspection; and,
(b) to ascertain from the books and accounts, documents
and roughers of the trustees the amounts of gold coin
and Dominion notes held by the trustees for the

Statement to be sent to Mindelon.

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Excess of notes over paid up capital.

6. When and so long as the amount of the notes of a bank in circulation in excess of its unimpaired paid-up capital is less than the amount deposited by it in the central gold reserves, the excess of the amount so deposited shall belong to the bank as its property, and the bank may 5 apply to the trustees for a return of the excess last mentioned, and upon receiving from the bank a statement signed by the chief accountant and by the general manager or other principal officer next in authority in the management of the affairs of the bank at the time the statement is signed, 10 and otherwise in the form provided by said by-laws, rules or regulations, setting forth to the best of the information and belief of these officers the amount of the notes of the bank in circulation on the date of such statement, the trustees shall return the whole or part of the deposit of 15 the bank, as the case may be. On and from the date when such statement is transmitted by registered post or delivered to the trustees, the amount applied for shall, for the purpose of the statement to be made by the trustees to the Minister under subsection 7 of this section, and 20 for the purpose of calculating the total amount of the authorized note circulation of the bank, be deemed to have been withdrawn from the central gold reserves and shall not be taken into account in such statement nor included in such calculation; provided always that should the 25 total amount of the notes of the bank in circulation be found, by reason of such withdrawal, to be in excess of the circulation of the bank authorized by this Act the bank shall not be deemed to be released or relieved from any of the penalties imposed by this Act for circulation of the 30 notes of a bank in excess of the amount authorized by this Act.

Statement to be sent to Minister.

7. The trustees shall prepare and transmit by registered post or deliver to the Minister within the first twenty days of each month a statement to be signed by them show- 35 ing the amount on each juridical day of the preceding month of the deposit of each bank in the central gold reserves and not withdrawn or deemed to be withdrawn under the provisions of this section.

8. The Minister shall, from time to time, and not less 40

Inspection and audit of gold coin and notes.

frequently than twice in each year, cause an inspection and audit of the gold coin and Dominion notes held by the trustees to be made by officers of the Department of Finance.

Particulars of inspection. 9. It shall be the duty of such officers—

(a) to inspect and ascertain the amount of the gold coin 45 and Dominion notes held by the trustees for the respective banks at the date of inspection; and,

(b) to ascertain from the books and accounts, documents and vouchers of the trustees the amounts of gold coin and Dominion notes held by the trustees for the 50

IIG of this Act.

respective banks at any preceding date named by the Minister.

Powers of inspecting officer.

10. Every such officer shall have a right of access to the gold coin and Dominion notes held and to the books and accounts, documents and vouchers of the trustees, and shall 5 be entitled to require from the trustees such information and explanation as may be necessary for the performance of his duties.

When bank insolvent. 11. Should the bank become insolvent within the meaning of this Act, the amount held for it in the central gold reserves 10 shall be paid by the trustees to the liquidator or other person entitled by law to collect and receive the assets of the bank and shall be applied in redeeming the notes of such bank in circulation and for no other purpose, or in making the payment to the Minister required by section 15 116 of this Act.

Vacancy in office of trustee.

12. When a vacancy in the office of a trustee appointed by the Association occurs, by resignation, death or other cause, the trustee to fill the vacancy shall, subject to the approval of the Minister, be appointed by the Association; 20 and when a vacancy occurs in the office of a trustee appointed by the Minister, the trustee to fill the vacancy shall be appointed by the Minister.

Remuneration of trustees. 13. The remuneration of trustees, including that of the trustee appointed by the Minister, and all charges and 25 expenses incidental to the establishment and maintenance of the central gold reserves, shall be borne by the Association as the Association may, by by-law, rule or regulation, determine.

Additional issue during moving of crops.

14. During the usual season of moving the crops, that is to 30 say, from and including the first day of September in any year to and including the last day of February next ensuing in addition to the said amount of notes hereinbefore authorized to be issued for circulation, the bank may issue its notes to an amount not exceeding fifteen per cent of the 35 combined unimpaired paid-up capital and rest or reserve fund of the bank as stated in the statutory monthly return made by the bank to the Minister for the month immediately preceding that in which the additional amount is issued.

Notice of additional issue.

15. Whenever, under the authority of the next preceding 40 subsection of this section, the issue of an additional amount of notes of the bank has been made, the general manager, or other principal officer next in authority in the management of the affairs of the bank for the time being, shall forthwith give notice thereof by registered letter addressed 45 to the Minister and to the president of the Association.

Interest on additional issue.

16. While its notes in circulation are in excess of the aggregate referred to in subsection 3 of this section, the bank shall pay interest to the Minister at such rate, not exceeding five per cent per annum, as is fixed by the Gover- 50 nor in Council, on the amount of its notes in circulation

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in excess from day to day; and the interest so paid shall form part of the Consolidated Revenue Fund.

Minister showing the amount of its notes in circulation for each juridical day during any month in which say amount of outes in excess of the amount of the unimpaired paid-up.

18. Such neturn shall be made up and sent within the

thirty days after the last day of the month in which any such amount in excess has been issued or is outstanding, no and shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule H to this Act, and shall be signed by the chief accountant, and by the president or a vice-president or the director than acting as president and by the general 15 manager or other principal officer next in authority in the manageraent of the sflairs of the bank at the time at which the declaration is signed. 53 V. c. 31, s. 51; 63-64 V. c. 26, at 10; 7-8 E. VII., c. 7, s. 1; 2 G. V., c. 5, s. 4. Am.; 3-4 G.

\$\psi\_s\$ Notwish standing the provisions of the last preceding section may bank may issue and re issue, at any branch, agency or office of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and intended for circulation in such 25 colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, or for the sum of five dollars case, or for any multiple of such sum of the dollars in commercial use in such colony or possession, if the laws of such colony or possession.

2. No issue of notes of the denomination of live such dollars, or any multiple thereof, shall be made in any such British colony or possession unless and until the Governor in Council, on the report of the Treasury Board, determines the rate, in Canadian currency, at which such notes shall be discussed as former of the total success of the

otes in circulation within the meaning of the last preceding

3. The fotos so issued shall be redeemable at par at any 40 branch speacy or office of the bank in the colony or possession in which they are issued for circulation, and not elsewhere, except as in this section specially provided; and the place of redemption of such notes shall be legibly

A. In the event of the bank ceasing to have a branch or agency or office in any such British colony or possession, all notes issued in such colony or possession under the grovisions of this section shall become payable and redeemable at the rate of four dollars and eighty-six and two-thirds for

in excess from day to day; and the interest so paid shall form part of the Consolidated Revenue Fund.

Return by bank.

17. A return shall be made and sent by the bank to the Minister showing the amount of its notes in circulation for each juridical day during any month in which any amount of notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding.

Time and form of return. 18. Such return shall be made up and sent within the first thirty days after the last day of the month in which any such amount in excess has been issued or is outstanding, 10 and shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule H to this Act, and shall be signed by the chief accountant, and by the president or a vice-president or the director then acting as president, and by the general 15 manager or other principal officer next in authority in the management of the affairs of the bank at the time at which the declaration is signed. 53 V., c. 31, s. 51; 63-64 V., c. 26, s. 10; 7-8 E. VII., c. 7, s. 1; 2 G. V., c. 5, s. 4. Am.; 3-4 G. V., c. 9, s. 61. Am.

Signatures thereto.

Note issue at agency in British possessions other than Canada. 62. Notwithstanding the provisions of the last preceding section any bank may issue and re issue, at any branch, agency or office of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and intended for circulation in such 25 colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, or for the sum of five dollars each, or for any multiple of such sum of the dollars in commercial use in such colony or possession, if the issue or reissue of such notes is not forbidden by 30 the laws of such colony or possession.

Governor in Council to fix rate for circulation.

2. No issue of notes of the denomination of five such dollars, or any multiple thereof, shall be made in any such British colony or possession unless and until the Governor in Council, on the report of the Treasury Board, determines 35 the rate, in Canadian currency, at which such notes shall be circulated as forming part of the total amount of the notes in circulation within the meaning of the last preceding section.

Redemption.

3. The notes so issued shall be redeemable at par at any 40 branch, agency or office of the bank in the colony or possession in which they are issued for circulation, and not elsewhere, except as in this section specially provided; and the place of redemption of such notes shall be legibly printed or stamped across the face of each note so issued. 45

Redemption if agency is abolished.

4. In the event of the bank ceasing to have a branch or agency or office in any such British colony or possession, all notes issued in such colony or possession under the provisions of this section shall become payable and redeemable at the rate of four dollars and eighty-six and two-thirds 50

cents per pound sterling, or, in the case of the issue of notes of the denomination of five dollars, or any multiple thereof, of the dollars in commercial use in such colony or possession, at the rate established by the Governor in Council as required by this section, in the same manner as notes of the bank issued in Councils are neverble and redeemable.

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any such colony or possession, issued under the provisions of this section, shall, at the rate mentioned in the last preceding subsection, form part of the total amount of the notes in circulation within the meaning of the last preceding

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andross.

6. No notes assest for circulation in a British of

7. Nothing in this section shall be construed to authorize

(a) to increase the total amount of its notes in circulation in Canada and elsewhere beyond the limit fixed

(b) to issue or re-issue in Canada notes payable to bearer on demand, and intended for circulation, for a sum less than five dollars, or for a sum which is not a multiple of five dollars. 4 E. VII., c. 3, ss. 1, 2, 3 and 4.

Piedge of notes, prohibited,

63. The bank shall not piedge, assign, or hypothecate 25 its notes; and no advance or loan made on the security of the notes of a bank shall be recoverable from the bank or its easets. 53 V. c. 31, s. 25.

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with the Minister by the banks to which this Act applies, 80 constituting the fund known as the Bank Circulation Redemption Fund, shall continue to be held by the Minister for the purposes and subject to the provisions in this section mentioned and contained.

s5,000 to be retained arms lattice of certificate.

2. The Minister shall, upon the issue of a certificate under 35 this Act authorizing a bank to issue notes and commence the business of banking, retain, out of any moneys of such bank then in his possession, the sum of five thousand dollars, which sum shall be held for the purposes of this certific until the annual adjustment because the provided 40

Adjustment

for takes place in the year then next following.

3. The amount at the credit of such bank si

the bank of such sum as is necessary to research to the bank equal to the average amount of its notes in circulational it commenced business to the time of such and the time of such such and the such that it is a such that it is

cents per pound sterling, or, in the case of the issue of notes of the denomination of five dollars, or any multiple thereof, of the dollars in commercial use in such colony or possession, at the rate established by the Governor in Council as required by this section, in the same manner as notes of the bank issued in Canada are payable and redeemable.

Total amount of circulation. 5. The amount of the notes at any time in circulation in any such colony or possession, issued under the provisions of this section, shall, at the rate mentioned in the last preceding subsection, form part of the total amount of the 10 notes in circulation within the meaning of the last preceding section, and, except as herein otherwise specially provided, shall be subject to all the provisions of this Act.

No re-issue in Canada.

Section limited. 6. No notes issued for circulation in a British colony or possession other than Canada shall be re-issued in Canada. 15

7. Nothing in this section shall be construed to authorize

any bank-

(a) to increase the total amount of its notes in circulation in Canada and elsewhere beyond the limit fixed by the last preceding section; or,

20

(b) to issue or re-issue in Canada notes payable to bearer on demand, and intended for circulation, for a sum less than five dollars, or for a sum which is not a multiple of five dollars. 4 E. VII., c. 3, ss. 1, 2, 3 and 4.

Pledge of notes prohibited.

63. The bank shall not pledge, assign, or hypothecate 25 its notes; and no advance or loan made on the security of the notes of a bank shall be recoverable from the bank or its assets. 53 V., c. 31, s. 25.

Bank circulation redemption fund continued. **64.** The moneys heretofore paid to and now deposited with the Minister by the banks to which this Act applies, 30 constituting the fund known as the Bank Circulation Redemption Fund, shall continue to be held by the Minister for the purposes and subject to the provisions in this section mentioned and contained.

\$5,000 to be retained upon issue of certificate.

2. The Minister shall, upon the issue of a certificate under 35 this Act authorizing a bank to issue notes and commence the business of banking, retain, out of any moneys of such bank then in his possession, the sum of five thousand dollars, which sum shall be held for the purposes of this section, until the annual adjustment hereinafter provided 40

for takes place in the year then next following.

Adjustment.

3. The amount at the credit of such bank shall, at such next annual adjustment, be adjusted by payment to or by the bank of such sum as is necessary to make the amount of money at the credit of the bank equal to five per cent of 45 the average amount of its notes in circulation from the time it commenced business to the time of such adjustment and such sum shall thereafter be adjusted annually as hereinafter provided.

Five per cent of average circulation. this begins that have the recitated and bedd their Minister as the more and shall be and their more distributed by their control of the property of the proper

Circulation Fund. 4. The amounts heretofore and from time to time hereafter paid, to be retained and held by the Minister as by this section provided, shall continue to form and shall form the Circulation Fund.

Its purposes.

5. The Circulation Fund shall continue to be held as 5 heretofore for the sole purpose of payment, in the event of the suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, of the notes then issued or re-issued by such bank, intended for circulation, and then in circulation, and interest thereon.

Fund to bear interest.

Adjustment

annually.

6. The Circulation Fund shall bear interest at the rate

of three per cent per annum.

7. The Circulation Fund shall be adjusted, as soon as possible after the thirtieth day of June in each year, in such a way as to make the amount at the credit of each bank 15 contributing thereto, unless herein otherwise specially provided, equal to five per cent of the average note circulation of such bank during the then last preceding twelve months.

8. The average note circulation of a bank during any

Average note circulation, how determined.

period shall be determined from the average of the amount 20 of its notes in circulation, as shown by the monthly returns for such period made by the bank to the Minister; and where, in any return the greatest amount of notes in circulation at any time during the month is given, such amount shall, for the purposes of this section, be taken to be the 25 amount of the notes of the bank in circulation during the month to which such return relates: Provided, however, that in determining the average note circulation of a bank under this subsection the daily average for each month of

Proviso.

be withdrawn within the meaning of this Act shall be deducted from the greatest amount of the notes of the bank in circulation at any time during the month.

the amount of the bank's deposit (if any) in the central 30 gold reserves which has not been withdrawn or deemed to

Rights of Minister.

Proviso.

9. The Minister shall, with respect to all notes paid out of 35 the Circulation Fund, have the same rights as any other holder of notes of the bank: Provided that all such notes, and all interest thereon, so paid by the Minister, after the amount at the credit of such bank in the Circulation Fund, and all interest due or accruing due thereon, has been 40 exhausted, shall bear interest, at the rate of three per cent per annum, from the time such notes and interest are paid until such notes and interest are repaid to the Minister by or out of the assets of such bank. 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 13; 3-4 G.V., c. 9, s. 64.

Notes of bank suspending payment to bear interest.

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65. In the event of the suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, the notes of the bank, issued or re-issued, intended for circulation, and then in circulation, shall bear interest at the rate of five per cent per annum, from the day 50

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of the suspension to such day as is named by the directors, or by the liquidator, receiver, assignee, or other proper official, for the payment thereof.

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8. It any notes presented for payment on or after any day named for payment thereof are not paid, all notes then uppaid and in circulation shall continue to bear interest until such further day is named for payment thereof, of which day notice shall be given in manner hereinhelere.

Notes not redeemed to be paid put of Sundation Fund.

assignee or other proper official fails to make arrangements within two mouths from the day of the suspension of payment by the bank, for the payment of all of its notes and interest thereon, the Minister may make arrangements for the payment out of the Circulation Fund, of the notes

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such notes shall cease upon and from the date named by 25 the Minister for such payment.

Governme

6. Nothing herein shall be construed to impose any hability upon the Government of Canada, or upon the Minister, beyond the amount available from time to time out the Circulation Fund. 53 V., 5. 31, a 54; 63-64 30

66. All payments made from the Circulation Fund shall be without regard to the amount contributed thereto by the heat in respect of whose notes the payments are made.

Andt

2. If the payments from the Circulation Fund exceed the 35 amount contributed to the Circulation Fund by the bank so suspending payment, and all interest due or accruing due to such bank thereon, the other banks to which this Act applies shall, on demand, make good to the Circulation

Fund the amount of the excess, proportionately to the 40 amount which each such other bank had or should have contributed to the Chreulation Fund at the time of the stapension of the bank in respect of whose notes the payments are made. Provided that—

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in each of such other banks shall only be called upon to 45 make good to the Circulation Fund its share of the excess in payments not exceeding in any one year one per cent of the average amount of its notes in circulation.

of the suspension to such day as is named by the directors, or by the liquidator, receiver, assignee, or other proper

official, for the payment thereof.

Notice of time for payment.

2. Notice of such day shall be given by advertisement in at least three consecutive issues of a daily newspaper, published in the place in which the chief office of the bank is situate, and if there is no daily newspaper published there, then by advertisement in two consecutive issues of any weekly newspaper published in that place.

As to notes not then presented.

3. If any notes presented for payment on or after any day 10 named for payment thereof are not paid, all notes then unpaid and in circulation shall continue to bear interest until such further day is named for payment thereof, of which day notice shall be given in manner hereinbefore provided.

Notes not redeemed to be paid out of Circulation Fund.

4. If the directors of the bank or the liquidator, receiver, assignee or other proper official fails to make arrangements within two months from the day of the suspension of payment by the bank, for the payment of all of its notes and interest thereon, the Minister may make arrangements for 20 the payment out of the Circulation Fund, of the notes remaining unpaid and all interest thereon, and the Minister shall give such notice of the payment as he thinks expedient.

Interest to cease.

5. Notwithstanding anything herein, all interest upon such notes shall cease upon and from the date named by 25 the Minister for such payment.

Government not liable.

6. Nothing herein shall be construed to impose any liability upon the Government of Canada, or upon the Minister, beyond the amount available from time to time out of the Circulation Fund. 53 V., c. 31, s. 54; 63-64 30 V., c. 26, s. 11. Am.

Payment from fund.

**66.** All payments made from the Circulation Fund shall be without regard to the amount contributed thereto by the bank in respect of whose notes the payments are made.

If fund exceeded.

2. If the payments from the Circulation Fund exceed the 35 amount contributed to the Circulation Fund by the bank so suspending payment, and all interest due or accruing due to such bank thereon, the other banks to which this Act applies shall, on demand, make good to the Circulation Fund the amount of the excess, proportionately to the 40 amount which each such other bank had or should have contributed to the Circulation Fund, at the time of the suspension of the bank in respect of whose notes the payments are made: Provided that—

Proviso.

(a) each of such other banks shall only be called upon to 45 make good to the Circulation Fund its share of the excess in payments not exceeding in any one year one per cent of the average amount of its notes in circulation;

(b) such circulation shall be ascertained in such manner as the Minister decides: and.

(c) the Minister's decision shall be final.

Amounts recovered, how distributed.

3. All amounts recovered and received by the Minister from the bank on account of which such payments were 5 made shall, after the amount of such excess has been made good as aforesaid, be distributed among the banks contributing to make good such excess, proportionately to the amount contributed by each. 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 12.

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Refund of deposit if bank is wound up.

**67.** In the event of the winding-up of the business of a bank by reason of insolvency or otherwise, the Treasury Board may, on the application of the directors, or of the liquidator, receiver, assignee or other proper official, and on being satisfied that proper arrangements have been made 15 for the payment of the notes of the bank and any interest thereon, pay over to the directors, liquidator, receiver, assignee or other proper official, the amount of the Circulation Fund at the credit of the bank, or such portion thereof as it thinks expedient. 53 V., c. 31, s. 54. 20

Treasury Board rules.

68. The Treasury Board may make all such rules and regulations as it thinks expedient with reference to—

(a) the payment of any moneys out of the Circulation Fund, and the manner, place and time of such payment:

(b) the collection of all amounts due to the Circulation

Fund:

(c) all accounts to be kept in connection therewith; and, (d) generally the management of the Circulation Fund and all matters relating thereto. 53 V., c. 31, 30 s. 54.

Minister may enforce payments.

69. The Minister may, in his official name, by action in the Exchequer Court of Canada, enforce payment, with costs of action, of any sum due and payable by any bank which should form part of the Circulation Fund. 53 V., 35 c. 31, s. 54.

Arrangements to be made for par, and redemption.

70. The bank shall make such arrangements as are necescirculation at sary to ensure the circulation at par, in any and every part of Canada, of all notes issued or re-issued by it and intended for circulation; and towards this purpose the bank shall 40 establish agencies for the redemption and payment of its notes at the places at which the Governor in Council has established branch offices of the Department of Finance for the redemption of Dominion notes, and at such other places as are from time to time designated by the Treasury 45 53 V., c. 31, s. 55. Am.; 3-4 G. V., c. 9, s. 54. Am.

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71. The bank shall always receive in payment its own notes at har at any of its branches, agencies or offices, and whether they are made payable there or not.

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the request of the person to whom the payment is to be a made, pay the same, or such part thereof, not exceeding one hundred dollars, as such person requests, in Dominion notes for one, two or five dollars each, at the option of such person.

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2. No payment, whether in Dominion notes or bank notes, shall be made by the bank in bills that are unclean it

Distriction

3. The Treasury Board may make regulations providing for the disinfection and sterilization by the several banks of all bank notes and Dominion notes which have come into the bank's possession before a re-issue thereof to the public; and It he bank, its officers, clorks and servants, shall carry out and execute the regulations made under the authority of this section. As V and R. Am.

Tills or notes Studing though and

dent, a vice-president, the general manager or other officer 20 appointed by the directors of the bank to sign the same, promising the payment of money to any person, or to his order, or to the bearer, though not under the corporate sent of the bank, shall be binding and obligatory on the bank, in like manner and with the like force and effect as 25 they would be apon any private person; if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in like manner as if they were so issued by a private person in his natural capacity.

Dissolving may deimage officer to

2. The directors of the bank may, from time to time, 30 authorize or depute the general manager, a manager or other officer of the bank, or any director other than the president, or any manager of any branch or office of discount and deposit of the bank, to sign the notes of the bank intended for circulation. 53 V., c. 31, s. 58. Am. 35

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person entirusted at authorised to sign such notes or bills on behalf of the bank is impressed by machinery provided for that purpose, by at with the authority of the bank, shall be good and valid to all intents and purposes, as if 40 each motes and folls had been subscribed in the proper bank to sign the same respectively, and shall be bank notes and bills withing the respectively, and shall be bank notes what over and hear the researched as bank notes or bills in all 45 ever and hear civil or eriminal proceedings whatever institutionals and civil or eriminal proceedings whatever institutionals and that it all such names are impressed by machinery.

Bank must take its own notes.

**71.** The bank shall always receive in payment its own notes at par at any of its branches, agencies or offices, and whether they are made payable there or not.

Payment in Dominion notes.

72. The bank, when making any payment shall, on the request of the person to whom the payment is to be 5 made, pay the same, or such part thereof, not exceeding one hundred dollars, as such person requests, in Dominion notes for one, two or five dollars each, at the option of such person.

No torn or defaced notes.

2. No payment, whether in Dominion notes or bank notes, shall be made by the bank in bills that are unclean 10 or torn or partially defaced by excessive handling.

Disinfection of notes.

3. The Treasury Board may make regulations providing for the disinfection and sterilization by the several banks of all bank notes and Dominion notes which have come into the bank's possession before a re-issue thereof to the public; and 15 the bank, its officers, clerks and servants, shall carry out and execute the regulations made under the authority of this section. 53 V., c. 31, s. 57. Am.

Bills or notes binding though not sealed. 73. The bills or notes of the bank signed by the president, a vice-president, the general manager or other officer 20 appointed by the directors of the bank to sign the same, promising the payment of money to any person, or to his order, or to the bearer, though not under the corporate seal of the bank, shall be binding and obligatory on the bank, in like manner and with the like force and effect as 25 they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity.

Directors may depute officer to sign. 2. The directors of the bank may, from time to time, 30 authorize or depute the general manager, a manager or other officer of the bank, or any director other than the president or a vice-president, or any manager of any branch or office of discount and deposit of the bank, to sign the notes of the bank intended for circulation. 53 V., c. 31, s. 58. Am. 35

Bills may be signed by machinery.

74. All bank notes and bills whereon the name of any person entrusted or authorized to sign such notes or bills on behalf of the bank is impressed by machinery provided for that purpose, by or with the authority of the bank, shall be good and valid to all intents and purposes, as if 40 such notes and bills had been subscribed in the proper handwriting of the person entrusted or authorized by the bank to sign the same respectively, and shall be bank notes and bills within the meaning of all laws and statutes whatever, and may be described as bank notes or bills in all 45 indictments and civil or criminal proceedings whatever: Provided that if all such names are impressed by machinery,

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at loast one such name to each note or bill, together with a distinguishing device and number, shall be impressed or engraved timber the authority of the bank after the notes are received by the bank from the cograver and printer, and shall not be otherwise impressed or engraved. 53 V. c. 31, s. 29. 6 Am.

Clous terriels or Trackylons notes to be stantigort

stamp or write in plain letters, upon every counterleit or fraudulent note issued in the form of a Dominion or bank note, and intended to circulate as money, which is presented to him at his place of business, the word "Counterfeit,"

il wrongfully

2. If such officer or person wroughlily stamps any gonulae note he shall, upon presentation, redoem it at the face value thereof. 53 V., c. 31, s. 82.

## PERINERS AND POWERS OF A RAME.

to every

al open branches agencies and offices:

If engage in and carry on business as a dealer in gold

(v) deal in, discount and lend money and make advances upon the security of, and take as collateral security for any loan made by it, bills of exclusings promissory notes and other negotiable securities, or the stock bonds, debentures and obligations of nontange or other corporations, whether secured by mortange or otherwise, or Dominion, provincial, British, foreign,

d) engage in and carry on such business generally as

2. Except as anthorized by this Act, the bank shall not,

wares and merchandise, or engage or be engaged in mark to the continues whatever:

(a) purchase, or deal m, or lend money, or make advances upon the security or pledge of any chare of its own capital stock of any bank; or, (a) lend money or make advances upon the security.

mortgage or hypothecation of any lands, tenements to immovable property, or of any shipe or other vessels, or upon the security of any goods, wares and merchandles 53 V. a 31 a 64.

(4) lend to or on the security of the general manager, assistant gineral manager, branch manager, or only 50 officer, eleck or sections of the beat willout the appropriat

at least one such name to each note or bill, together with a distinguishing device and number, shall be impressed or engraved under the authority of the bank after the notes are received by the bank from the engraver and printer, and shall not be otherwise impressed or engraved. 53 V., c. 31, s. 29. Am.

Counterfeit or fraudulent notes to be stamped. 75. Every officer charged with the receipt or disbursement of public moneys, and every officer of any bank, and every person acting as or employed by any banker, shall 10 stamp or write in plain letters, upon every counterfeit or fraudulent note issued in the form of a Dominion or bank note, and intended to circulate as money, which is presented to him at his place of business, the word "Counterfeit," "Altered" or "Worthless."

If wrongfully stamped.

2. If such officer or person wrongfully stamps any genuine note he shall, upon presentation, redeem it at the face value thereof. 53 V., c. 31, s. 62.

## BUSINESS AND POWERS OF A BANK.

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Business and powers of bank.

76. The bank may—

(a) open branches, agencies and offices;

(b) engage in and carry on business as a dealer in gold and silver coin and bullion;

and silver coin and bullion;
(c) deal in, discount and lend money and make advances upon the security of, and take as collateral security for any loan made by it, bills of exchange, promissory notes and other negotiable securities, or the stock, bonds, debentures and obligations of municipal and 30 other corporations, whether secured by mortgage or otherwise, or Dominion, provincial, British, foreign,

and other public securities; and,
(d) engage in and carry on such business generally as
appertains to the business of banking.

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2. Except as authorized by this Act, the bank shall not, either directly or indirectly,—

(a) deal in the buying or selling, or bartering of goods, wares and merchandise, or engage or be engaged in

any trade or business whatsoever;
(b) purchase, or deal in, or lend money, or make advances
upon the security or pledge of any share of its own
capital stock, or of the capital stock of any bank; or,

(c) lend money or make advances upon the security, mortgage or hypothecation of any lands, tenements 45 or immovable property, or of any ships or other vessels, or upon the security of any goods, wares and merchandise. 53 V., c. 31, s. 64.

(d) lend to or on the security of the general manager, assistant general manager, branch manager, or any 50 officer, clerk or servant of the bank without the approval

Exceptions.

it or to the said shares which were possessed by the holder

and the owner of the stock, bonds, deportures on securities. 45

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of the directors any amount or amounts exceeding in the aggregate one thousand dollars and not exceeding ten thousand dollars.

(e) lend to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank any amount or amounts exceeding in the aggregate ten thousand dollars. V., c. 31, s. 64; 3-4 G. V., c. 9, s. 76. Am.

Bank to have lien upon the stock of its debtors.

77. The bank shall have a privileged lien, for any debt or liability for any debt to the bank, on the shares of its 10 own capital stock, and on any unpaid dividends of the debtor or person liable, and may decline to allow any transfer of the shares of such debtor or person until the debt is paid.

Sale of shares.

Notice.

2. The bank shall, within twelve months after the debt has accrued and become payable, sell such shares: Provided 15 that notice shall be given to the holder of the shares of the intention of the bank to sell the same, by mailing the notice, in the post office, post paid, to the last known address of the holder, as shown by the records of the bank, at least thirty days prior to the sale.

Transfer.

3. Upon the sale being made the president, a vicepresident or the general manager shall execute a transfer of the shares to the purchaser thereof in the usual transfer book of the bank.

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Effect of transfer.

4. Such transfer shall vest in the purchaser all the rights 25 in or to the said shares which were possessed by the holder thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the bank or by the officer of the bank executing the transfer. 53 V., c. 31, s. 65. Am.

Collateral securities may be sold.

78. The stock, bonds, debentures or securities, acquired and held by the bank as collateral security, may, in case of default in the payment of the debt, for the securing of which they were so acquired and held, be dealt with, sold and conveyed, either in like manner and subject to the same 35 restrictions as are herein provided in respect of stock of the bank on which it has acquired a lien under this Act, or in like manner as and subject to the restrictions under which a private individual might in like circumstances deal with, sell and convey the same: Provided that the bank shall 40 not be obliged to sell within twelve months.

Right of sale may be waived.

2. The right so to deal with and dispose of such stock, bonds, debentures or securities in manner aforesaid may be waived or varied by any agreement between the bank and the owner of the stock, bonds, debentures or securities. 4.5 53 V., c. 31, s. 66. Am.

Acquisition of real estate.

79. The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, as president, and by the general manager or other principal effices of the bank next in authority in the management of the eo. The bank may take, hald and dispose of-(e. apprigates and hypotheques upon real and personal. sumevable and provable property. a) under execution, or its insolvency, or under the order

Return to Minister, and acquire other property in its stead for the same purpose.

2. The bank shall annually, during the month of January, transmit or deliver to the Minister a return showing in detail the fair market value of its real and immovable property held under this section either in its own name or in the name of a trustee or of a corporation controlled by the bank.

Particulars.

3. Such return shall state separately each parcel of real property held by the bank and as to each such parcel shall state—

(a) the registered owner thereof, if the bank is not the

registered owner;

(b) the amount of any mortgage thereon, and if more than one parcel is subject to the same mortgage, the parcels subject to such mortgage shall be segregated in 15 such return and identified therewith;

(c) the extent (if any) to which each such parcel is not held

for the actual use and occupation of the bank;

How signed.

and such return shall be signed by the chief accountant, and by the president, or a vice-president, or the director then acting 20 as president, and by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time at which the said return is made. 3-4 G. V., c. 9, s. 79. Am.

Mortgages and hypotheques of realty, and agreements of sale. 80. The bank may take, hold and dispose of—

(a) mortgages and hypotheques upon real and personal,

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immovable and movable property.

(b) the rights of vendors or purchasers under agreements for the sale or purchase of real and personal, immovable and movable property.

by way of additional security for debts contracted to the

bank in the course of its business.

As to personalty.

2. The rights, powers and privileges which the bank is by this Act declared to have, or to have had, in respect of real or immovable property mortgaged to it, shall be held 35 and possessed by it in respect of any personal or movable property which is mortgaged or hypothecated to the bank. 53 V., c. 31, s. 68; 3-4 G. V., c. 9, s. 80. Am.

Purchases of realty.

**S1.** The bank may purchase any lands or real or immovable property offered for sale—

(a) under execution, or in insolvency, or under the order or decree of a court, as belonging to any debtor to the bank; or,

(b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held 45

by the bank; or,

(c) by the bank under a power of sale given to it for that purpose, notice of such sale by auction to the highest bidder having been first given by advertisement for

four weeks in a newspaper published in the county or electoral district in which such lands or property is

in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the 5 value of the property which it may so purchase, and may a acquire a title thereto as any individual, purchasing at sheriff's sale, or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same at pleasure. 63 V. c. 31, s. 69. Am.

Brak may anguna abendata titte to unqueed in or to real or immovable property mortgaged to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means 13 whereby, as between individuals, an equity of redemption ean, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

Ivo Age or law to prayent, as ever having been intended to prevent or as preventing the bank from acquiring and holding an absolute title to and in any such mortgaged real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given 25 to or held by the bank, authorizing or enabling it to sell or convey any property so mortgaged. 53 V., c. 31, s. 71; 63-64 V., c. 26, s. 14.

Property to be sold within time.

howsoever acquired, except such as is required for its own 30 use, for any period exceeding seven years from the date of the acquisition thereof, or any extension of such period as in this section provided, and such property shall be absolutely sold or disposed of, within such period or extended period, as the case may be, so that the bank shall no longer 35 retain any interest therein unless by way of security.

Extension of they. 2. The Treasury Board 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 ways.

Tours.

3. The whole period during which the bank may so hold such property under the foregoing provisions of this section shall not exceed twelve years from the date of the acquisition thereof.

Esparty del anid lineio to forfatture. 4. Any real or immovable property, not required by the abink for its own use, held by the bank for a longer period than authorized by the foregoing provisions of this section shall be hable to be forfeited to His Majesty for the use of the Dominion of Canada. Provided that

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four weeks in a newspaper published in the county or electoral district in which such lands or property is

situate.

in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property which it may so purchase, and may acquire a title thereto as any individual, purchasing at sheriff's sale, or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same at pleasure. 53 V., c. 31, s. 69. Am.

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Bank may acquire absolute title to mortgaged premises. **82.** The bank may acquire and hold an absolute title in or to real or immovable property mortgaged to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means 15 whereby, as between individuals, an equity of redemption can, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

No Act or law to prevent.

2. Nothing in any charter, Act or law shall be construed 20 as ever having been intended to prevent or as preventing the bank from acquiring and holding an absolute title to and in any such mortgaged real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given 25 to or held by the bank, authorizing or enabling it to sell or convey any property so mortgaged. 53 V., c. 31, s. 71; 63-64 V., c. 26, s. 14.

Property to be sold within certain time. 83. No bank shall hold any real or immovable property, howsoever acquired, except such as is required for its own 30 use, for any period exceeding seven years from the date of the acquisition thereof, or any extension of such period as in this section provided, and such property shall be absolutely sold or disposed of, within such period or extended period, as the case may be, so that the bank shall no longer 35 retain any interest therein unless by way of security.

Extension of time.

2. The Treasury Board 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.

Twelve years.

3. The whole period during which the bank may so hold such property under the foregoing provisions of this section shall not exceed twelve years from the date of the acquisition thereof.

Property not sold liable to forfeiture.

4. Any real or immovable property, not required by the 45 bank for its own use, held by the bank for a longer period than authorized by the foregoing provisions of this section shall be liable to be forfeited to His Majesty for the use of the Dominion of Canada: Provided that—

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ton such society, avail freel of all such rights and mounts.

(a) no such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the bank by the Minister of the intention of His Majesty to claim the forfeiture; and,

(b) the bank may, notwithstanding such notice, before 5 the forfeiture is effected sell or dispose of the property

free from liability to forfeiture.

Provisions apply to realty now held.

5. The provisions of this section shall apply to any real or immovable property heretofore acquired by the bank and held by it at the time of the coming into force of this Act. 10 63-64 V., c. 26, s. 14.

Loans on standing timber.

**84.** The bank may lend money upon the security of standing timber or the rights or licenses held by persons to cut or remove such timber. 3-4 G.V., c. 9, s. 84, Am.

Loans to receiver or liquidator under Winding-up Acts and to trustee under Bankruptcy Act. 84A. The bank may lend money to a receiver, to a 15 receiver and manager, to a liquidator appointed under any Winding-up Act, or to a trustee under the Bankruptcy Act, provided such receiver, receiver and manager, liquidator, or trustee, has been duly authorized or empowered to borrow; and, in respect of any money so lent, the bank may take 20 security, with or without personal liability, from such receiver, receiver and manager, liquidator or trustee to such an amount, and upon such property and assets, as may be directed or authorized by any court of competent jurisdiction. 63-64 V., c. 26, s. 16. Am.; 3-4 G.V., c. 9, s. 84A. 25 Am.

Advances for building ships.

85. Every bank advancing money in aid of the building of any ship or vessel shall have the same right of acquiring and holding security upon such ship or vessel, while building and when completed, either by way of mortgage, 30 hypothèque, hypothecation, privilege or lien thereon, or purchase or transfer thereof, as individuals have in the province wherein the ship or vessel is being built.

Rights and obligations.

2. The bank may, for the purpose of obtaining and enforcing such security, avail itself of all such rights and means, 35 and shall be subject to all such obligations, limitations and conditions, as are, by the law of such province, conferred or imposed upon individuals making such advances. 53 V., c. 31, s. 72.

Warehouse receipts and bills of lading. **86.** The bank may acquire and hold any warehouse 40 receipt or bill of lading as collateral security for the payment of any debt incurred in its favour, or as security for any liability incurred by it for any person, in the course of its banking business.

Effect of taking.

2. Any warehouse receipt or bill of lading so acquired 45 shall vest in the bank, from the date of the acquisition thereof.—

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(a) kil the right, and title be the goods, wares and mer-

(a) all the right and title to such warehouse receipt or bill of lading and to the goods covered thereby of the

previous holder or owner thereof; or,

(b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom 5 such goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank, instead of to the previous holder or owner of such goods, wares and merchandise. 53 V., c. 31, s. 73; 63-64 V., 10 c. 26, s. 15. Am.

When previous holder is an agent.

\$7. If the previous holder of such warehouse receipt or bill of lading is any person—

(a) entrusted with the possession of the goods, wares and merchandise mentioned therein, by or by the authority of the owner thereof; or,

(b) to whom such goods, wares and merchandise are, by or by the authority of the owner thereof, consigned; or,

(c) who, by or by the authority of the owner of such goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the 20 same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented;

the bank shall be, upon the acquisition of such warehouse receipt or bill of lading, vested with all the right and title of the owner of such goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the debt or liability, as security for which such warehouse receipt or bill of lading is held by the bank, is paid.

Presumption of possession.

2. Any person shall be deemed to be the possessor of such goods, wares and merchandise, bill of lading, receipt, order or other document as aforesaid—

(a) who is in actual possession thereof; or,

(b) for whom, or subject to whose control such goods, wares and merchandise are, or bill of lading, receipt, 35 order, or other document is held by any other person. 53 V., c. 31, s. 73; 63-64 V., c. 26, s. 15. Am.

Loans to certain whole-sale dealers.

SS. The bank may lend money to any wholesale purchaser or shipper of or dealer in products of agriculture, the 40 forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live stock or dead stock or the products thereof, upon the security of such products, or of such live stock or dead stock or the products thereof.

2. The bank may lend money to a farmer upon the

3. The rank may had money to any person engaged in business as a wholesale manufactorier of any goods, wares and merchandise, upon the recurity of the poods, wares said 5 merchantise manufactured by him, or mixing for such

A TOTAL PROPERTY.

4. If with the consent of the bank, the products goods, wangs and merchandiss, live stock or dead shock or the products thereof, apon the security of which money has 10 been loaned under the authority of this section, are removed and other products, goods, wareaand orderinadisc, livestock or dead stock or the products thereof of substantially the same character are respectively substituted therefor, then

to the easent of the value of the products, goods wares and Li merchandise, or live stock or dead stock or the products thereof so removed, the products, goods, a ares sudverethandise, live stock or dead stock or the products thereof so sabstringed shall be corrected by such accurity as if originally

covered thereby; but failure to obtain the consent of the "Dock to any such substitution shall not affect the validity of the security either as respects any products, goods, wares and meschandise, or live stock or dead stock or the products thereby sobstituted as aforestid or in any other particular.

E. Any such sometry, as mentioned in the foregoing provisions of this section, may be given by the owner of the said products, goods, whree and merchandise, stock or

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6. In a secretly may be taken in the form set torth in Schedule C to the Act, or to the like effect.

T. The bank shall be virtue of such security acquire he same rights and powered respect of the pactures goods, ware and merchandise, stock or products thereof, or train covered thereby as it is had acquired the same by suture for a warehouse receipt; provided however, that he wages, salaries of other remainmention of present amployed by any wholesale purchaser, shipper or death, by any wholesale manufactures or by any inchesale and the farm, or by any inchesale with any of the several wholesale businesses referred to, or in connection which the farm, owing in respect of a period not exceeding by the said security in the property covered by the said security in priority to the class of the bank there are descent wages, salaries or other communication to the past by the lank the bank that he pand by the lank if the lank takes postession or in the way disposes of the said security or of the products, or wares and merchinedise growt or or the products, or of the products, or or ware and merchinedise, growt or growth the products.

8. The bank may lend money to the owner, Lenant of deupler of land for the purchase of seed grain upon the 50 security of any even to be grown from such seed grain.

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Loans to wholesale manufacturers. 2. The bank may lend money to a farmer upon the security of his threshed grain grown upon the farm.

3. The bank may lend money to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise, upon the security of the goods, wares and merchandise manufactured by him, or procured for such manufacture.

Removal of goods.

4. If, with the consent of the bank, the products, goods, wares and merchandise, live stock or dead stock or the products thereof, upon the security of which money has 10 been loaned under the authority of this section, are removed and other products, goods, wares and merchandise, livestock or dead stock or the products thereof of substantially the same character are respectively substituted therefor, then to the extent of the value of the products, goods, wares and 15 merchandise, or live stock or dead stock or the products thereof so removed, the products, goods, wares and merchandise, live stock or dead stock or the products thereof so substituted shall be covered by such security as if originally covered thereby; but failure to obtain the consent of the 20 bank to any such substitution shall not affect the validity of the security either as respects any products, goods, wares and merchandise, or live stock or dead stock or the products thereof actually substituted as aforesaid or in any 25 other particular.

Security.

Owner may give the security.

Form of security.

Same rights as upon warehouse receipts. provisions of this section, may be given by the owner of the said products, goods, wares and merchandise, stock or products thereof, or grain.

5. Any such security, as mentioned in the foregoing

6. The security may be taken in the form set forth in 30 Schedule C to this Act, or to the like effect.

7. The bank shall, by virtue of such security, acquire the same rights and powers in respect of the products, goods, wares and merchandise, stock or products thereof, or grain covered thereby as if it had acquired the same by virtue 35 of a warehouse receipt; provided, however, that the wages, salaries or other remuneration of persons employed by any wholesale purchaser, shipper or dealer, by any wholesale manufacturer, or by any farmer in connection with any of the several wholesale businesses referred to, or in connection 40 with the farm, owing in respect of a period not exceeding three months, shall be a charge upon the property covered by the said security in priority to the claim of the bank thereunder, and such wages, salaries or other remuneration shall be paid by the bank if the bank takes possession or in 45 any way disposes of the said security or of the products, goods, wares and merchandise, stock or products thereof, or grain covered thereby.

8. The bank may lend money to the owner, tenant or occupier of land for the purchase of seed grain upon the 50 security of any crop to be grown from such seed grain.

Loans for purchase of seed grain. .11. The bank shall have the right, through its servicute

Security.

9. The security taken under subsection eight of this section may be taken in the form set forth in Schedule D to this Act or in a form to the like effect.

First lien upon seed grain and crop.

10. The bank shall by virtue of such security acquire a first and preferential lien and claim for the sum secured 5 and interest thereon upon the seed grain purchased and the crop covered by the security, as well before as after the severance of the crop from the soil, and upon the grain threshed therefrom, and the bank shall by virtue of such security acquire the same rights and powers in respect 10 of such seed grain and of the grain so threshed as if it had acquired such rights and powers by virtue of a warehouse receipt.

Same rights as upon warehouse receipts.

Right to enter and take possession in case of default, etc.

11. The bank shall have the right, through its servants or agents, in case of default in payment of the money lent 15 or in case of neglect to care for and harvest the crop, or in case of any attempt to dispose of the crop without the consent of the bank, or in case of the seizure of the crop under process of law, to enter upon the land upon which the crop is grown, to take possession of, care for and harvest 20

the crop and thresh the grain therefrom.

Loan for Live Stock Raising.

12. The bank may lend money to a farmer and to any person engaged in stock raising upon the security of his live stock. The provisions of subsection 4 of this section, making live stock substituted for live stock removed subject to the 25 security, shall apply to the live stock substituted by the farmer or other person engaged in stock raising. "Live stock" for the purposes of this section means horses and mares, bulls, cows, oxen, bullocks, steers, heifers and calves, sheep and swine and the offspring of any of such animals. 30

Security.

13. The security taken under subsection twelve of this section may be taken in the form set forth in schedule E to this Act or in a form to the like effect.

Entry, seizure and sale.

14. The bank shall by virtue of the security taken under subsection twelve of this section have full power, 35 right and authority, if the bills or notes therein mentioned or described or any of them are not paid according to their tenor, to enter upon the premises upon which the live stock mentioned in the security are, to take possession of or seize such live stock, and before or after such taking 40 possession of or seizure, to sell such live stock, or such part thereof as may be necessary to realize the amount due and payable, at public auction, not less than five days after.

(a) notice of the time and place of such sale has appeared 45 in a newspaper published in or nearest to the place where the sale is to be made, and,

(b) posting a notice in writing or in print of the time and place of such sale in or at the post office nearest to the place where the sale is to be made.

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Disposal of proceeds of sale.

15. After all necessary and reasonable expenses in connection with such seizure and sale have been deducted and prior privileges, liens or pledges existing in favour of third parties and for which claims may have been filed with the party making the sale have been satisfied, the balance of the proceeds of the sale shall be applied in payment of the said bills or notes and the surplus if any returned to the grantor. 53 V., c. 31, s. 74; 63-64 V., c. 26, s. 17. Am.; 3-4 G. V., c. 9, s. 88; 5 G. V., c. 1. Am.; 6-7 G. V., c. 10. Am.

Notice of intention to give security.

To be registered.

88A. Any person intending to give a bank security under the authority of section eighty-eight of this Act must give notice of such intention before any loan is made by the bank to such person and the security taken, by signing a document which may be in the form set out in Schedule F to this Act or to the like effect, 15 Such document shall be registered in the manner hereinafter provided, and, after this section comes into force, any security subsequently taken under the authority of section eighty-eight of this Act, before such document is registered, shall be null and void as against the creditors of such person and as against 20 subsequent purchasers or mortgagees in good faith. A notice of intention when registered shall be deemed to be notice for the purposes of this section in respect of all securities taken by the bank from such person, under said authority, during the period of three years after the date of registration. 25

Where to be registered.

2. The document mentioned in the last preceding subsection shall be registered in the office of the Assistant Receiver General (hereinafter called the Assistant Receiver) in the province in which the place of business, or principal place of business in case the person has more than one place of business, of the 30 person is situate. If the person has no place of business then the document shall be registered in the office of the Assistant Receiver in the province in which such person resides. "Place of business" and "principal place of business" shall, in the case of a company incorporated in Canda, be deemed to be 35 the place where the head office or chief place of business of the company is situate, or if a foreign corporation, then the place of business of such corporation for the purposes of this section shall be the place at which civil process in the province in which the loan is made can be served upon the company. "Assistant 40 Receiver" in this section includes anyone acting for the Assistant Receiver.

Manner of registration.

3. The Assistant Receiver shall number consecutively every notice received by him and shall endorse thereon the number and the hour and date of receiving it, and shall file 45 the notice and enter, in alphabetical order, in a book to be kept by him, the name of every person who has given notice of such intention, with the number endorsed thereon opposite to each name. The Assistant Receiver shall endorse over his signature on a copy of the document, to be supplied by the 50

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bank, for the records of the bank, the date of registration and number, and the production of the copy with such endorsation and signature shall be conclusive evidence in all courts of the registration and of the time of registration as thereon endorsed.

4. The notice of intention may be cancelled by the Assistant Receiver in the book containing such registration at the place where the registration is entered on receipt by him from the bank named in the document registered of a certificate duly signed on behalf of the bank to the effect that each and every security given to the bank by the person has been released, 10 or that no security was given to the bank, as the case may be, and such certificate shall bear on the face thereof the number and date endorsed on the original document on file in the office of the Assistant Receiver. The Assistant Receiver shall number consecutively every release received by him and shall 15 endorse thereon the number and the hour and date of its receipt and shall file the release.

5. Every person, upon payment of the proper fees, shall have access to and be entitled to inspect the registration book and any document registered or filed pursuant to this section.

6. For services under this Act, the Assistant Receiver shall be entitled to the following fees, for which he shall be accountable to the Consolidated Revenue Fund:—

7. This section shall come into force on the first day of 30

August, nineteen hundred and twenty-three.

S9. If goods, wares and merchandise are manufactured or produced from the goods, wares and merchandise, or any of them, included in or covered by any warehouse receipt, or included in or covered by any security given under 35 section 88 of this Act, while so covered, the bank holding such warehouse receipt or security shall hold or continue to hold such goods, wares and merchandise, during the process and after the completion of such manufacture or production, with the same right and title, and for the same 40 purposes and upon the same conditions, as it held or could have held the original goods, wares and merchandise.

2. All advances made on the security of any bill of lading or warehouse receipt, or of any security given under section 88 of this Act, shall give to the bank making 45 the advances a claim for the repayment of the advances on the products or stock, goods, wares and merchandise therein mentioned, or into which they have been converted, prior to and by preference over the claim of any unpaid vendor: Provided that such preference shall not be given over the 50 claim of any unpaid vendor who had a lien upon the

Register

inspection.

Cancellation.

Fees.

open to

Date.

Goods manufactured from articles pledged.

Prior claim of bank over unpaid vendor.

Proviso.

products or stool, goods, wares and correlated at the time of the acquestion by the bank of such wheshouse receipt, bill of lading, or security, anises the same was acquired without knowledge on the part of the bank of

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3. In the event of the non-payment at mitting of any date or inshifty seemed by a versioner meeint or bill of lading, or seemed by any seculity given under section 88 of this Act the bank may sell the products or stock goods, where and merchandise or grain, mentioned there in or so much therest as will suffer to my such debt or lability with interest and expenses, rotunuar the surplus, if any to the person from where the warshouse attempt bill of isding, or security, or the products or stock, goods, where and merchandles or grain mentioned therein as the payment or merchandles or grain mentioned therein as the payment or merchandles or grain mentioned therein as the payment.

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(a) No sale, without the consent in writing of the owner of any products of the furest shall be made under this 20 Act until notice of the time and place of such sale has seen given by a registered letter, mailed in the post other, post paid, to the hab known address at the placety thereof, at least thirty days prior to the sale

and very list.

(b) No such products or stock, other than products of the forest, and no goods, wares and merchandises and no grain, shall be sold by the bank under this Art with-our the consuit of she owner, outil gouse of the

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time and place if sale has been given by a regiment 30 intro hat the post office, maded, to the hat thousand address of the pledger thereof, at least tenders order to the sale thereof;

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te i tirety asia, under sing power of said without the conserve of the overland in the maximum after notice thereof by advertisement, in at least two conservations published in or measure to the place where the said is to the said the time and place the threshoft and it the said is to the province of Quebec.

them at least one of such newscapers shall be a news-offrapper published in the linglish larguage, and one aftersuch newspaper shall be a presented published in the Franch language, 183 V., e. 31, se 70, 77 and 78, 53-64 V., c. 26 a 18, c. 4m.

Total Control of the Control of the

sets, the bank shall not sequire or hold day warahouse 45 receipt or bill of ladling, or any such security as aforesaid, to secure the payment of any bill, note, debt, or hability, paless such bill, note, debt erliability is negotiated or continuously,—

(a) or also time of the acquistion thereof by the bared on.

products or stock, goods, wares and merchandise at the time of the acquisition by the bank of such warehouse receipt, bill of lading, or security, unless the same was acquired without knowledge on the part of the bank of such lien.

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Sale of goods on non-payment of debt.

3. In the event of the non-payment at maturity of any debt or liability secured by a warehouse receipt or bill of lading, or secured by any security given under section 88 of this Act, the bank may sell the products or stock, goods, wares and merchandise or grain, mentioned there- 10 in, or so much thereof as will suffice to pay such debt or liability with interest and expenses, returning the surplus, if any, to the person from whom the warehouse receipt, bill of lading, or security, or the products or stock, goods, wares and merchandise or grain mentioned therein, as the 15 case may be, were acquired: Provided that such power of sale shall be exercised subject to the following provisions namely:

Proviso.

Notice of sale of saw-logs, railway ties and lumber. (a) No sale, without the consent in writing of the owner of any products of the forest shall be made under this 20 Act until notice of the time and place of such sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the pledgor thereof, at least thirty days prior to the sale thereof: 25

Notice of sale of goods. (b) No such products or stock, other than products of the forest, and no goods, wares and merchandise, and no grain, shall be sold by the bank under this Act without the consent of the owner, until notice of the time and place of sale has been given by a registered 30 letter, mailed in the post office, post paid, to the last known address of the pledgor thereof, at least ten

days prior to the sale thereof;

Sale by auction. (c) Every sale, under such power of sale, without the consent of the owner, shall be made by public auction, 35 after notice thereof by advertisement, in at least two newspapers published in or nearest to the place where the sale is to be made, stating the time and place thereof; and, if the sale is in the province of Quebec, then at least one of such newspapers shall be a news- 40 paper published in the English language, and one other such newspaper shall be a newspaper published in the French language. 53 V., c. 31, ss. 76, 77 and 78; 63-64 V., c. 26, s. 19. Am.

Conditions under which bank may take security.

90. The bank shall not acquire or hold any warehouse 45 receipt or bill of lading, or any such security as aforesaid, to secure the payment of any bill, note, debt, or liability, unless such bill, note, debt or liability is negotiated or contracted,— (a) at the time of the acquisition thereof by the bank; or,

(b) upon the written promise or agreement that such warehouse receipt or bill of lading or security would be given to the bank:

Provided that such bill, note, debt or liability may be

renewed, or the time for the payment thereof extended, 5 without affecting any such security.

2. The bank may-

Exchanging of warehouse receipt for bill of lading and vice versa.

Proviso.

(a) on the shipment of any products or stock, goods, wares and merchandise, or grain, for which it holds a warehouse receipt, or any such security as aforesaid, 10 surrender such receipt or security and receive a bill of lading in exchange therefor; or,

(b) on the receipt of any products or stock, goods, wares and merchandise, or grain, for which it holds a bill of lading, or any such security as aforesaid, surrender such 15 bill of lading or security, store the products or stock, goods, wares and merchandise, or grain, and take a warehouse receipt therefor, or ship the products or stock, goods, wares and merchandise, or grain, or part of them, and take another bill of lading therefor. 53 20 V., c. 31, s. 75; 63-64 V., c. 26, s. 18.

Interest at 7 per cent may be charged.

91. The bank may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per cent per annum and may receive and take in advance any such rate, but no higher rate of interest shall be recover- 25

able by the bank.

Return to Minister.

2. The bank shall make a quarterly return to the Minister, as of the last juridical day of the months of March, June, September and December in each year, giving such particulars as may be prescribed by regulations made by the 30 Treasury Board of the interest and discount rates charged

by the bank.

Signature to returns.

3. Such returns shall be made up and sent in within the first thirty days after the respective juridical days aforesaid, and shall be signed by the same persons as are required to 35 sign the monthly returns made to the Minister under section 112 of this Act. 53 V., c. 31, s. 80.

Any rate may be allowed.

upon money deposited with it.

Liability of bank on deposits.

2. The liability of the bank, under any law, custom or 40 agreement to repay moneys heretofore or hereafter deposited with it and interest, if any, shall continue, notwithstanding any statute of limitations, or any enactment or law relating to prescription. 53 V., c. 31, s. 90; R.S., c. 29, s. 126.

**92.** The bank may allow any rate of interest whatever

Percentage chargeable collection.

**93.** When any note, bill, or other negotiable security or 45 paper, payable at any of the bank's places or seats of business, branches, agencies or offices of discount and deposit in Canada, is discounted at any other of the bank's

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places or sears of business, branches, agencies or offices of discount and deposit, the bank may, in order to defray the expenses attending the collection thereof, receive or retain in addition to the discount thereon, a percentage calculated upon the amount of such note, ball, or other negotiable security or paper, not exceeding one-eighth of one per cents provided that the bank may make a minimum charge of fifteen cents. 53 V. a. 31, s. 82.

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other negotiable security or paper, bone fide payable at any 16 place in Canada, other than that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive, and retain, in addition to the discount thereon, a sum not exceeding one-fourth of one per cent thereon, a sum not exceeding one-fourth of one per cent on the amount thereof; provided that the bank may make a maintenance charge of twenty-five cents 53 V. et 31, 2, 83.

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19 6. The bank may, subject to the provisions of this section, without the authority, sid, assistance or lateryon-

(a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary

bus tou to startings

(b) from time-to time repay any or all of the principal 25 thereof, and pay the whole or any part of the interest.

Thereon to such person, unless before such repayment the money so deposited in the bank is lawfully claimed as the recovery of some other person.

Payment in

2. In the ease of any such lawful claim the money so 30 deposition with the consume of the circumst, or to the cialment with the consent of the

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3. If the person making any such deposit could not, ander the law of the province where the deposit is under 35 deposit and without stand withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not, at any time, exceed the sum of the sum of the subject of the sum of the sum of the subject of t

Deferrant for an application of terms of the contract of the c

of any lines, whether expressed, implied or constructive to which any deposit made under the suthority of this Acids and deposit made under the suthority of this Acids and

Retaint of the of two lone depositors sufficient

2. Fxcept only in the case of a lawful elaim, by some and other person, helore pepsyment the receipt of the rerson in whose name any such deposit stands, or, if it stands in the names of two persons, the receipt of one, or, if it stands in the case of the case of the stands in the case of the stands in the case of th

places or seats of business, branches, agencies or offices of discount and deposit, the bank may, in order to defray the expenses attending the collection thereof, receive or retain in addition to the discount thereon, a percentage calculated upon the amount of such note, bill, or other negotiable security or paper, not exceeding one-eighth of one per cent; provided that the bank may make a minimum charge of fifteen cents. 53 V., c. 31, s. 82.

Agency charges.

94. The bank may, in discounting any note, bill or other negotiable security or paper, bona fide payable at any 10 place in Canada, other than that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain, in addition to the discount thereon, a sum not exceeding one-fourth of one per cent 15 on the amount thereof; provided that the bank may make a minimum charge of twenty-five cents. 53 V., c. 31, s. 83.

Deposits may be received from persons unable to contract.

95. The bank may, subject to the provisions of this section, without the authority, aid, assistance or intervention of any other person or official being required,—

(a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary

contracts or not; and,

(b) from time to time repay any or all of the principal 25 thereof, and pay the whole or any part of the interest thereon to such person, unless before such repayment the money so deposited in the bank is lawfully claimed as the property of some other person.

Payments by consent.

limited to

\$2,000.

2. In the case of any such lawful claim the money so 30 deposited may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the

depositor.

Deposit

3. If th

3. If the person making any such deposit could not, under the law of the province where the deposit is made, 35 deposit and withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not, at any time, exceed the sum of two thousand dollars. 53 V., c. 31, s. 84; 53 V., c. 31, s. 80. Am.; 3-4 G. V., c. 9, s. 95 Am.

Bank not bound to see to trust in deposits.

**96.** The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit made under the authority of this Act is subject.

Receipt of one of two joint depositors sufficient. 2. Except only in the case of a lawful claim, by some 45 other person, before repayment the receipt of the person in whose name any such deposit stands, or, if it stands in the names of two persons, the receipt of one, or, if it stands in 55758—7

Or of a

of such persons, shall, notwithstanding any trust to which such deposit is then subject, and whether or not the bank sought, to be charged with such trust, and with which the deposit has been made, had notice thereof, be a sufficient discharge to all cencerned for the payment of any morey payable in respect of such deposit.

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of the money paid upon such receipt

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4. An attaching or garmishes order shall only affect and I bend moneys to the credit of the debtor at the branch, upency or office of the bank where such order or notice thereof is served.

if depositor dies, chim not eveneding \$500, how moved

97. If a person dies, having a deposit with the bank not exceeding the sum of five hundred dellars, the production 15

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(a) any authenticated copy of the probate of the will of the deceased depositor, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, and the act of curatorship or tutorship, and granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland or any British colony, or of any testament, testamentary or testament darive expede in Sectiond.

(5) an authentic notarial copy of the will of the deceased depositor, if such will is in notarial form, according to

the law of the province of Quebec; or,

(c) if the deceased depositor died out of His Majesty's dominions any authenticated copy of the probate of 30 his will, or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power on such matters:

shan be sufficient justification and authority to the directors for paying such deposit, in pursuance of and in conformity 35 to such probate, letters of administration, or other docu-

ments as algresaid

2. When the authenticated copy or other document of like import is produced to the bank under subsection 1, of this section, there shall be deposited with the bank a true 40 copy thereof. 63-64-V., c. 26, s. 20.

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## DOMESTIC GOVERNMENT CHEQUES.

Deminion of the control of the contr

sion for the cashing of any official cheque of the Government, of Canada or of any department thereof, whether drawn on the bank eashing the cheque or on any other bank, nor upon any cheque drawn in favor of the Government of Cunada or any department thereof, and tendered for deposit

Or of a majority.

the names of more than two persons, the receipt of a majority of such persons, shall, notwithstanding any trust to which such deposit is then subject, and whether or not the bank sought to be charged with such trust, and with which the deposit has been made, had notice thereof, be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit.

Application.

3. The bank shall not be bound to see to the application

of the money paid upon such receipt.

Garnishee order affects only branch where served. 4. An attaching or garnishee order shall only affect and 10 bind moneys to the credit of the debtor at the branch, agency or office of the bank where such order or notice thereof is served.

53 V., c. 31, s. 84; 3-4 G. V, c. 9, s. 96. Am.

If depositor dies, claim not exceeding \$500, how proved.

97. If a person dies, having a deposit with the bank not exceeding the sum of five hundred dollars, the production 15

to the bank of—

(a) any authenticated copy of the probate of the will of the deceased depositor, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, 20 granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland or any British colony, or of any testament, testamentary or testament dative expede in Scotland; or,

(b) an authentic notarial copy of the will of the deceased depositor, if such will is in notarial form, according to

the law of the province of Quebec; or,

(c) if the deceased depositor died out of His Majesty's dominions, any authenticated copy of the probate of 30 his will, or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power on such matters;

shall be sufficient justification and authority to the directors for paying such deposit, in pursuance of and in conformity 35 to such probate, letters of administration, or other docu-

ments as aforesaid.

Deposit of copy of document.

2. When the authenticated copy or other document of like import is produced to the bank under subsection 1 of this section, there shall be deposited with the bank a true 40 copy thereof. 63-64 V., c. 26, s. 20.

## DOMINION GOVERNMENT CHEQUES.

Dominion government cheques to be paid at par. **98.** The bank shall not charge any discount or commission for the cashing of any official cheque of the Government of Canada or of any department thereof, whether drawn on the bank cashing the cheque or on any other 45 bank, nor upon any cheque drawn in favor of the Government of Canada or any department thereof, and tendered for deposit

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Contract

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Appropriate Appropriate Country

to the credit of the Receiver General of Canada. 53 V., c. 31, s. 103; 3-4 G. V., c. 9, s. 98. Am.

## PURCHASE OF THE ASSETS OF A BANK.

Bank may sell assets to another bank. 99. Any bank may sell the whole or any portion of its assets to any other bank which may purchase such assets; and the selling and purchasing banks may, for such purposes, enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with the sale and purchase of such assets.

Consent of Minister. 2. No agreement by a bank to sell the whole or any portion of its assets to another bank shall be made unless and 10 until the Minister, in writing, consents that an agreement under subsection 1 of this section may be entered into between the two banks. 63-64 V., c. 26, s. 33. Am.

Considera-

100. The consideration for any such sale and purchase may be as agreed upon between the selling and purchasing 15 banks.

If in shares of capital stock.

2. If the consideration, or any portion thereof, is shares of the capital stock of the purchasing bank, the agreement shall provide for the amount of the shares of the purchasing bank to be paid to the selling bank.

Not considered issued until sold or distributed. 3. Until such shares so paid to the selling bank have been sold by such bank, or have been distributed among and accepted by the shareholders of such bank, they shall not be considered issued shares of the purchasing bank for the purposes of its note circulation. 63-64 V., c. 26, s. 34.

Agreement of sale to be submitted to selling shareholders at meeting. 101. The agreement of sale and purchase shall be submitted to the shareholders of the selling bank, either at the annual general meeting of such bank or at a special general meeting thereof called for the purpose.

Copy to each shareholder by mail.

2. A copy of the agreement shall be mailed, post paid, to 30 each shareholder of such bank to his last known address, at least four weeks previously to the date of the meeting at which the agreement is to be submitted, together with a notice of the time and place of the holding of such meeting. 63-64 V., c. 26, s. 35.

Agreement may be executed f they approve.

102. If at such meeting the agreement is approved by resolution carried by the votes of shareholders, present or represented by proxy, representing not less than two-thirds of the amount of the subscribed capital stock of the bank, the agreement may be executed under the seals of the banks, 40 parties thereto, and application may be made to the Governor in Council, through the Minister, for approval thereof.

Approval of Governor in Council.

2. Until the agreement is approved by the Governor in Council it shall not be of any force or effect. 63-64 V., c. 26, s. 36.

(a) the approval of the agreement is renounsended by

Approval of shareholders of purchasing

**103.** If the agreement provides for the payment of the consideration for such sale and purchase, in whole or in part, in shares of the capital stock of the purchasing bank, and for such purpose it is necessary to increase the capital stock of such bank, the agreement shall not be executed on behalf of the purchasing bank, unless nor until it is approved by the shareholders thereof at the annual general meeting, or at a special general meeting of such shareholders. V., c. 26, s. 37.

Necessary increase of stock may be approved.

**104.** The Governor in Council may, on the application 10 for his approval of the agreement, approve of the increase of the capital stock of the purchasing bank, which is necessary to provide for the payment of the shares of such bank to the selling bank, as provided in the said agreement. 63-64 V., c. 26, s. 38. 15

Ordinary provisions for increase not to apply. **105.** The provisions of this Act with regard to— (a) the increase of the capital stock of the bank by bylaw of the shareholders approved by the Treasury Board; and,

(b) the allotment and sale of such increased stock; 20shall not apply to any increase of stock made or provided for under the authority of the last two preceding sections.

63-64 V., c. 26, s. 38.

Conditions on which Governor in Council may approve agreement.

**106.** The approval of the Governor in Council shall not be given to the agreement, unless-25

(a) the consent of the Minister as prescribed by subsection 2 of section 99 of this Act has been given:

(b) the approval of the agreement is recommended by the Treasury Board;

(c) the application for approval thereof is made, by or 30 on behalf of the bank executing it, within three months from the date of execution of the agreement; and,

(d) it appears to the satisfaction of the Governor in Council that all the requirements of this Act in connection with the approval of the agreement by the share- 35 holders of the selling and purchasing banks have been complied with, and that, after the approval by the shareholders of the selling bank, notice of the intention of the banks to apply to the Governor in Council for the approval of the agreement has been published for 40 at least four weeks in The Canada Gazette, and in one or more newspapers published in places where the chief offices of the banks are situate.

2. Such banks shall afford all information that Minister requires. 45

3. Nothing herein contained shall be construed to prevent the Governor in Council or the Treasury Board from

Information.

Approval may be refused.

refusing to approve of the agreement or to recommend its approval. 63-64 V., c. 26, s. 39. Am.

Further conditions.

107. The agreement shall not be approved of unless it appears that-

(a) proper provisions have been made for the payment

of the liabilities of the selling bank:

(b) the agreement provides for the assumption and pavment by the purchasing bank of the notes of the selling bank issued and intended for circulation, outstanding 10

and in circulation; and,

(c) the amounts of the notes of both the purchasing and selling banks, issued for circulation, outstanding and in circulation, as shown by the then last monthly returns of the banks, do not together exceed the then paid-up capital of the purchasing bank and the amount (if any) 15 held for both of the said banks in the central gold reserves referred to in section 61 of this Act: or if the amount of such notes does exceed such paid-up capital and the amount so held, an amount in cash, equal to the excess of such notes over such paid-up capital and 20 the amount so held, has been deposited by the purchasing bank with the Minister.

Deposit.

2. The amount so deposited under paragraph (c) of subsection 1 of this section shall be held by the Minister as security for the redemption of the said excess of notes; 25 and when the amount of the notes of the two banks outstanding and in circulation is less than the aggregate of the paid-up capital of the purchasing bank, the amount aforesaid (if any) held in the central gold reserves, together with the amount so deposited, the difference shall, from time to 30 time, be repaid by the Minister out of the deposit, to the extent thereof, to the purchasing bank, but without interest, on the application of such bank, and on the production of such evidence as the Minister may require to show the amount of the notes of the two banks then outstanding and 35 63-64 V., c. 27, s. 1. Am. in circulation.

Notes of selling bank to become notes of purchasing bank.

108. The notes of the selling bank so assumed and to be paid by the purchasing bank shall, on the approval of the agreement, be deemed to be, for all intents and purposes, notes of the purchasing bank issued for circulation; and the 40 purchasing bank shall be liable in the same manner and to the same extent as if it had issued them for circulation.

Circulation Fund.

2. The amount at the credit of the selling bank in the Circulation Fund shall, on the approval of the agreement, be transferred to the credit of the purchasing bank.

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As to withdrawal of deposit in central gold reserves.

3. The trustees shall not permit any part of the deposit (if any) of the selling bank in the central gold reserves to be withdrawn under the provisions of this Act after the last juridical day of the month in which notice of intention to

apply to the Covernor in Council for approval of the agreement has been given and pending such appareral, unless and until the trustees are notified in writing by the Minister of his consent therefor, and on the approval of the agreement

the tristees shall hold the deposit (if any) for and as if such deposit had been originally made by the purchasing bank.

4. The notes of the selling bank shall not be re-issued, but shall be called in, redeconed and cancelled as quickly as

ani letters

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109. The approval by the Covernor in Council of the 10 agreement shall be evidenced by a certified copy of the order or caused statement because

2. A copy of such order in council or extract thereof, and a copy of such agreement, purporting to be certified to be true by the cierk or assistant or acting clerk of the King's 15 Frivy Council for Canada shall, in all courts of justice and for all purposes, he prima facio evidence of the said agreement, and of its due execution, and of its approval by the Governor in Council, and of the regularity of all proceedings in connection therewith. 63-64 V. c. 26, s. 42. Am.

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Partition

(lovernor in Council, the assets therein referred to as sold and purchased shall, in accordance with and subject to the terms thereof, and without any further conveyance, become

2. The selling bank shall, from time to time, subject to the terms of the agreement, execute such formal and separate conveyances, assignments and assorances; for registration purposes or otherwise, as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full grown and the full grown are formal and the full grown and the full grown and the full grown are formal and the full grown and the full grown and the full grown are formal and the full grown and the full grown are the full grown and the full grown are formal and the full grown are formal and the full grown are formal and the full grown are full grown as a full grown are full grown as

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III. As soon as the agreement is approved of by the Governor in Council, the selling bank shall cease to issue or re-issue notes for circulation, and shall cease to transact go any business, except such as is necessary to enable it to carry out the agreement, to realize upon any assets not included in the agreement, to pay and discharge its liabilities, and generally to wind up its business; and the charter or Act of incorporation of such bank, and any Acts in amendancent thereof there in force, shall continue in force only for

### REFERENCE

II 2. The bank shall, within the first twenty-ciply days of other month, transmit or deliver to the Minister a return in the form set forth in Schedule G to this Act.

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apply to the Governor in Council for approval of the agreement has been given and pending such approval, unless and until the trustees are notified in writing by the Minister of his consent thereto; and on the approval of the agreement the trustees shall hold the deposit (if any) for and as if such 5 deposit had been originally made by the purchasing bank.

Notes to be called in.

4. The notes of the selling bank shall not be re-issued, but shall be called in, redeemed and cancelled as quickly as possible. 63-64 V., c. 26, s. 41.

Evidence of approval by Governor in Council.

Order in council conclusive.

109. The approval by the Governor in Council of the 10 agreement shall be evidenced by a certified copy of the order in council approving thereof.

2. A copy of such order in council or extract thereof, and a copy of such agreement, purporting to be certified to be true by the clerk or assistant or acting clerk of the King's 15 Privy Council for Canada shall, in all courts of justice and for all purposes, be *prima facie* evidence of the said agreement, and of its due execution, and of its approval by the Governor in Council, and of the regularity of all proceedings in connection therewith. 63-64 V., c. 26, s. 42. Am.

On approval of Governor in Council the assets pass.

Further assurance.

110. On the agreement being approved of by the Governor in Council, the assets therein referred to as sold and purchased shall, in accordance with and subject to the terms thereof, and without any further conveyance, become vested in the purchasing bank.

2. The selling bank shall, from time to time, subject to the terms of the agreement, execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full 30 title or ownership of the assets referred to in the agreement. 63-64 V., c. 26, s. 43.

Selling bank to cease business and be wound up. III. As soon as the agreement is approved of by the Governor in Council, the selling bank shall cease to issue or re-issue notes for circulation, and shall cease to transact 35 any business, except such as is necessary to enable it to carry out the agreement, to realize upon any assets not included in the agreement, to pay and discharge its liabilities, and generally to wind up its business; and the charter or Act of incorporation of such bank, and any Acts in amend-40 ment thereof then in force, shall continue in force only for the purposes in this section specified. 63-64 V., c. 26, s. 44.

### RETURNS.

Monthly returns.

112. The bank shall, within the first twenty-eight days of each month, transmit or deliver to the Minister a return in the form set forth in Schedule G to this Act.

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3. Notwithstanding unwhing in this section, whenever, in this section, whenever, it is taken to a branch or such that furthers day of the month, mailed at the branch or agency on or before the second day of the following month, does not reach.

a j the chief office of the hank on or before the eighteenth

day of the month; or, or, the office of the regeneral manager is at a place other than the chief

riamour arla

the return has received from any such branch, exhibiting as far as that branch is concerned the condition of the bank 15 at the date for which it purports to be unde, may be used in the preparation of the mouthly return called for by this section.

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any bank, whenever, in his indement, they are neces to afford a full and complete knowledge of its condition.

5. The bank shall transmit or definer such special returns within thirty days from the date of the demand therefor by the Minister. Provided that the Minister may extend the time therefor for such further period, not exceeding 25 thirty days, as he thinks expedient. 3-4 G. V., c. 9, s.

Return recompanied by distant-

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precions seems and we accompanied by according shall be in the 30 form set forth in Subsdale 6 to this Act, and shall be signed by the chief accountant or by the acting chief accountant, and by the president, or a vice president, or the director them acting as president, and by the general manager or other principal officer of the bank next in authority in 35 the management of the affairs of the bank at the time at the which the declaration is signed, and such return shall be dremed to have been prepared, approved and concurred in the present severally who have so signed the same.

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Notice to Maintee of charge of charge

2. As soon as may be after the anomal general meeting 40 there shall be sent to the Minister the names of the directors elected thereat and the names of the president and vice-presidents, and should any vacancy occur in the membership of the board of directors, or in the office of president, or

vice-president, the symister shall forthwith be bounded of still easies of the person by whom the vacancy has been filled.

3. If any change is made in the holder of the office of

3. If any change is made in the holder of the office of chief secondage of the mental manager, the Minister shall forthwith be notified of the name of the person by whom the vacancy has been filled.

What return shall show.

When return last received may be used.

2. Such return shall exhibit the condition of the bank on the last juridical day of the month last preceding.

3. Notwithstanding anything in this section, whenever, in the usual course of the post, the return of a branch or agency for the last juridical day of the month, mailed at the branch or agency on or before the second day of the following month, does not reach—

(a) the chief office of the bank on or before the eighteenth

day of the month; or,

(b) the office of the general manager, if the office of the 10 general manager is at a place other than the chief office of the bank, on or before the fifteenth day of the month.

the return last received from any such branch, exhibiting as far as that branch is concerned the condition of the bank 15 at the date for which it purports to be made, may be used in the *preparation* of the monthly return called for by this section.

Special returns.

4. The Minister may also call for special returns from any bank, whenever, in his judgment, they are necessary 20 to afford a full and complete knowledge of its condition.

Within 30 days from demand.

5. The bank shall transmit or deliver such special returns within thirty days from the date of the demand therefor by the Minister: Provided that the Minister may extend the time therefor for such further period, not exceeding 25 thirty days, as he thinks expedient. 3-4 G. V., c. 9, s. 112 and 113.

Return
accompanied
by declaration.

How signed.

113. Every return provided for or required under the last preceding section shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the 30 form set forth in Schedule G to this Act, and shall be signed by the chief accountant or by the acting chief accountant, and by the president, or a vice president, or the director then acting as president, and by the general manager or other principal officer of the bank next in authority in 35 the management of the affairs of the bank at the time at which the declaration is signed, and such return shall be deemed to have been prepared, approved and concurred in by the persons severally who have so signed the same.

2. As soon as may be after the annual general meeting 40 there shall be sent to the Minister the names of the directors elected thereat and the names of the president and vice-presidents, and should any vacancy occur in the membership of the board of directors, or in the office of president, or vice-president, the Minister shall forthwith be notified of 45 the name of the person by whom the vacancy has been filled.

3. If any change is made in the holder of the office of chief accountant or of general manager, the Minister shall forthwith be notified of the name of the person by whom the vacancy has been filled.

Names of directors, president and vicepresident sent to Minister.

Vacancy.

Notice to Minister of change of officers.

in respect of which

the berrower the amount of the loan or any part thereof.

Return to show true position.

4. Notwithstanding anything in the last preceding section contained it shall not, except as to the chief accountant or acting chief accountant of the bank, be sufficient for the purposes of any return provided for or required under the said section that such return agrees with the books of the bank, but the return shall set 5 forth the true financial position of the bank on the last juridical day of the month last preceding the date of the return according to the latest information possessed by or reasonably available to the officers or any of them who sign the return; and without restricting the generality of this subsection the president, vice-10 president, or director acting as president, and the general manager or other principal officer of the bank who have severally signed any such return shall be deemed so to have ascertained the true financial position of the bank on the last day of the month last preceding the day of the declaration of any dividend.

Current loans not to include.

5. For the purposes of any return provided for or required under the last preceding section, or for the purposes of any statement or balance sheet prepared and issued by a bank, there shall not be included amongst "current loans", any loan in respect of which.—

(a) the borrower has not for a period of twelve months preceding the date of such return, statement or balance sheet, paid the interest thereon at the rate agreed, in cash,

unassisted by the bank;

(b) the bank has taken possession of the property or any 25 part of the property covered by any security given by the borrower with the intention of realizing thereon, or has realized or taken any step or proceeding for the purpose of realizing upon any security given by the borrower;

(c) the bank has commenced an action at law to recover from 30 the borrower the amount of the loan or any part thereof;

(d) the borrower has made an abandonment of his estate

for the benefit of his creditors or any of them; or,

(e) there is other cause, sufficient in the opinion of the manager of the branch of the bank where such loan is 35 domiciled, or in the opinion of any director or officer of the bank who prepares, signs, approves or concurs in such return, statement or balance sheet, for deeming such loan not to be a current loan.

Controlled corporations.

6. Whenever a bank carries on any part of its operations 40 in the name of a corporation controlled by such bank, then the assets and the liabilities of such corporation shall for the purposes of any return required under the last preceding section, or for the purposes of any statement prepared and issued by the bank, be deemed to be assets and liabilities of 45 the bank, and whenever the capital stock of such corporation is not wholly owned by the bank, the shares not owned by the bank shall for the purposes only of such return or statement be included therein as a liability of the bank.

7. Whenever a bank has appropriated, out of its profits 50 for any period, with the consent and approval of its share-holders had and obtained at any annual or special general

Amounts written off bank premises. the consent and appropriate of its shareholders, in like manner

meeting, any sum for the writing down of its bank premises or other assets, no portion of such sum so appropriated shall be again taken into account for the purposes of any return required under the last preceding section, or for the purposes of any statement prepared and issued by the bank, without the consent and approvat of its shareholders, in like manner first had and obtained.

Appropriations for losses.

8. For the purposes of any return provided for or required under the last preceding section, the "Appropriation Account" shall be the total amount estimated or ascertained to be necessary 10 to provide for losses, due to any cause whatsoever, according to the latest information which can be made available therefor. 3-4 G. V., c. 9, s. 112. Am.

Annual returns of unpaid dividends and balances. 114. The bank shall, within thirty days after the close of each calendar year, transmit or deliver to the Minister 15 a return—

(a) of all dividends which have remained unpaid for

more than five years; and,

(b) of all amounts or balances in respect of which no transactions have taken place, or upon which no inte-20 rest has been paid, during the five years prior to the date of such return:

Provided that, in the case of moneys deposited for a fixed period, the said term of five years shall be reckoned from the date of the termination of such fixed period.

What return shall show.

2. The return mentioned in the last preceding subsection shall set forth—

(a) the name of each shareholder or creditor to whom such dividends, amounts or balances are, according to the books of the bank, payable:

(b) the last known address of each such shareholder or

creditor:

(c) the amount due to each such shareholder or creditor;

(d) the branch or agency of the bank at which the last transaction took place; 35

(e) the date of such last transaction; and,

(f) if such shareholder or creditor is known to the bank to be dead, the names and addresses of his legal repre-

sentatives, so far as known to the bank.

3. The bank shall likewise, within thirty days after the 40 close of each calendar year, transmit or deliver to the Minister a return of all certified cheques, drafts or bills of exchange, issued by the bank to any person, and remaining unpaid for more than five years prior to the date of such return, setting forth so far as known,—

Particulars.

Further

return.

(a) the names of the persons to whom, or at whose request, such drafts, certified cheques, or bills of exchange were issued;

(b) the addresses of such persons;

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years, the bank may hereafter omit from the respective returns particulars required by the said provisions with 15

regard to any such dividend, amount or balance, certified

(c) the names of the payees of such drafts or bills of exchange:

(d) the amounts and dates of such certified cheques,

drafts or bills of exchange;

(e) the names of the places where such certified cheques, 5 drafts or bills of exchange were payable; and,

(f) the branches or agencies of the bank respectively from which such drafts, certified cheques, or bills of exchange were issued.

Amounts under five dollars. 4. If a dividend, amount or balance, certified cheque, 10 draft, or bill of exchange is for a less sum than five dollars, and returns in respect thereof have been made under the preceding provisions of this section for five consecutive years, the bank may hereafter omit from the respective returns particulars required by the said provisions with 15 regard to any such dividend, amount or balance, certified cheque, draft or bill of exchange.

Declarations and signatures.

5. The returns required by the foregoing provisions of this section shall be accompanied by declarations which shall be a part of the return, and the declarations shall 20 be in the form set forth in Schedule I to this Act, and shall be signed by the chief accountant, and by the president or a vice-president or the director then acting as president, and by the general manager or other principal officer of the bank next in authority in the management of the 25 affairs of the bank at the time at which the declaration is signed.

Notice that dividend draft or cheque remains unpaid. 6. The bank shall transmit by registered post to the person to whom any such dividend, amount or balance is payable, and to the person to whom (in so far as known 30 to the bank) and to the person at whose request any such draft, certified cheque or bill of exchange was issued, to the last known post office address of each person as shown by the books of the bank, a notice in writing stating that such dividend remains unpaid, or that in respect of such 35 amount or balance no transaction has taken place or no interest has been paid, or that such draft, certified cheque or bill remains unpaid, as the case may be.

When notice to be given. 7. The notice called for by the next preceding subsection is required to be given once only, namely, during 40 the month of January next after the end of the first five year period in respect of which—

(a) the dividend has remained unpaid; or,

(b) no transaction has taken place or no interest has been paid in connection with such amount or balance; 45

(c) the draft, certified cheque or bill has remained unpaid.

8. The bank shall, within thirty days after the close of each calendar year, transmit or deliver to the Minister a list, certified by the general manager or other principal 50 officer of the bank next in authority in the management of

Certified annual list of shareholders transmitted to Minister. the affairs of the bank at the time at which the list is certified; and by the officer of the bank in charge of the register of characterist and in accordance with the books of the bank with regard thereto; and the list shall show

(a.j. the names of the shareholders of the bank on the last day of such calcudar year, with their last known post officer addresses and descriptions.

(b), the number of shares then held by them respectively;

9. The Minister shall lay such returns and lists before Parliament at the next session thereof. 53 V., c. 31, ss. 87 and 88; 63-64 V., 26, s. 21 Am.; 3-4 G. V., c. 9.

Polisimed success paid to Minister to

of the bank in insolvency, or under any general win Act, or otherwise, any moneys payable by the lid either, to shareholders or depositors, remain uncla (a. for the person of three years from the date of

far lor the person of three years from the date of suspen-26

(b) for a like, period from the commencement of the

(c) until the final winding-up of such business, if the business is finally wound up before the expiration of 25

the said three vears

such moneys and all interest thereon shall, notwithstanding any statute of limitations or other Act relating to prescription, be paid to the Minister, to be held by him subject to all rightful claims on behalf of any person other than the 30 beauty.

lished to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board direct payment thereof to be made to the person entitled thereto, together with interest on the principal sum thereof at the rate of three per cent per annum for a period no

Minister as aforesaid: Provided that no such interest shall be paid or payable on such principal sum unless interest d thereon was payable by the bank paying the same to the

thereon was payable by the bank paying the same to the Minister.

bank and its assets shall be held to be discharged from further liability for the amounts so paid. 53 V., c. 31, s. 88. 45.

AIG. Upon the winding-up of a bank in insolvency or under any general winding-up Act, or otherwise, the assig-

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Hank disohargad the affairs of the bank at the time at which the list is certified. and by the officer of the bank in charge of the register of shareholders, to be a correct list and in accordance with the books of the bank with regard thereto; and the list shall show-

(a) the names of the shareholders of the bank on the last day of such calendar year, with their last known post office addresses and descriptions;

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(b) the number of shares then held by them respectively;

(c) the amount paid thereon.

Laid before

9. The Minister shall lay such returns and lists before Parliament at the next session thereof. 53 V., c. 31, ss. 87 and 88; 63-64 V., 26, s. 21. Am.; 3-4 G. V., c. 9, s. 114. Am.

## PAYMENTS TO THE MINISTER UPON WINDING UP.

Unclaimed moneys paid to Minister on winding up of bank.

Parliament.

115. If, in the event of the winding-up of the business of the bank in insolvency, or under any general winding-up Act, or otherwise, any moneys payable by the liquidator, either to shareholders or depositors, remain unclaimed,—

(a) for the period of three years from the date of suspen-20

sion of payment by the bank; or,

(b) for a like period from the commencement of the

winding-up of such business: or.

(c) until the final winding-up of such business, if the business is finally wound up before the expiration of 25 the said three years:

With interest. such moneys and all interest thereon shall, notwithstanding any statute of limitations or other Act relating to prescription, be paid to the Minister, to be held by him subject to all rightful claims on behalf of any person other than the 30 bank.

Governor in Council may payment to person entitled.

Interest.

2. If a claim to any moneys so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct payment thereof to be made to the person entitled 35 thereto, together with interest on the principal sum thereof, at the rate of three per cent per annum for a period not exceeding six years from the date of payment thereof to the Minister as aforesaid: Provided that no such interest shall be paid or payable on such principal sum unless interest 40 thereon was payable by the bank paying the same to the Minister.

discharged.

- 3. Upon payment to the Minister as herein provided, the bank and its assets shall be held to be discharged from further liability for the amounts so paid. 53 V., c. 31, s. 88. 45
- 116. Upon the winding-up of a bank in insolvency or under any general winding-up Act, or otherwise, the assig-

Circulation Control of the circulation of the control of the contr

such winding-up shall, before the final distribution of the assets, or within three years from the commencement of the suspension of payment by the bank, whishever shall first happen, pay over to the Minister a sum, out of the assets of the bank, equal to the difference between the amount then outstanding of the uotes intended for circulation issued by the bank, together with any interest on such outstanding notes which may have accrued under section 65 of this act, and the aggregate of the amount at the credit of the bank in the Circulation Fund and the smount (it any) paid to the Minister by the trustees under section 61 of this Act.

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Minister to

2. Upon such payment being made, the bank and its assets shall be relieved from all further liability in respect of

3. The sum so paid shall be held by the Minister spelled for the purpose of redeeming, whenever present

applied for the purpose of redeeming, whenever presented, such autstanding notes, without interest, except such as may have been paid over under this section. 53 V., a. 31, 20 s. 88. Am.

### COMMANDEL

Association to appoint ourstor,

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name in that benefit as bermaster provided.

2. If there is no such by-law the appointment in writing by the president of the Assamade in writing by the president of the Assamade.

Powers and dudies of exercises.

of the bank, and of all necessary arrangements for the payment of the notes of the bank assued for circulation, and, at the time of his appointment, outstanding and in outstanding.

Generally.

2). The curator shall generally have all powers and shall 40 take all steps and do all things necessary or expedient to protest the rigiffs and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank;

and, for the purposes of this section, he shall have free and 45 fell access to all books, accounts, documents and papers of the bank.

Circulation outstanding at distribution of assets.

nees, liquidators, directors, or other officials in charge of such winding-up shall, before the final distribution of the assets, or within three years from the commencement of the suspension of payment by the bank, whichever shall first happen, pay over to the Minister a sum, out of the 5 assets of the bank, equal to the difference between the amount then outstanding of the notes intended for circulation issued by the bank, together with any interest on such outstanding notes which may have accrued under section 65 of this Act, and the aggregate of the amount at 10 the credit of the bank in the Circulation Fund and the amount (if any) paid to the Minister by the trustees under section 61 of this Act.

Bank relieved. 2. Upon such payment being made, the bank and its assets shall be relieved from all further liability in respect of 15 such outstanding notes.

Minister to redeem.

3. The sum so paid shall be held by the Minister and applied for the purpose of redeeming, whenever presented, such outstanding notes, without interest, except such as may have been paid over under this section. 53 V., c. 31, 20 s. 88. Am.

### CURATOR.

Association to appoint curator.

117. The Association shall, if a bank suspends payment in specie or Dominion notes of any of its liabilities as they accrue, forthwith appoint a curator to supervise the affairs of such bank.

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Removal.

2. The Association may at any time remove the curator, and may appoint another person to act in his stead. 63-64 V., c. 26, s. 24.

Appointment by Association. 118. The appointment of the curator shall be made in the manner provided for in the by-law of the Association 30 made in that behalf as hereinafter provided.

If no by-law.

2. If there is no such by-law the appointment shall be made in writing by the president of the Association, or by the person acting as president. 63-64 V., c. 26, s. 25.

Powers and duties of curator.

119. The curator shall assume supervision of the affairs 35 of the bank, and of all necessary arrangements for the payment of the notes of the bank issued for circulation, and, at the time of his appointment, outstanding and in circulation.

Generally.

2. The curator shall generally have all powers and shall 40 take all steps and do all things necessary or expedient to protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he shall have free and 45 full access to all books, accounts, documents and papers of the bank.

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2. The curator shall continue to supervise the affairs of the bank until he is removed from office, or until the bank resurtes business, or until a liquidator is duly appointed to wind up the business of the bank. 62-64 V., c. 26, s. 26,...

> Officers and clerks to skeet dunter.

1.20. The president, vice-president, directors, general 5 manager, managers, clerks and officers of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties. 63-64 V. c. 26, s. 27.

No set of directors valid opless approved by cornect.

121. No by-law, regulation, resolution or set, touching 10 the affairs or management of the bank, passed, made or done by the directors during the time the ourator is in charge of the bank, shall be of any force or effect until approved in writing by the curator. 63-64 V., c. 26, s. 27.

of notices to make returns besigners of Markher.

### The curator shall make all returns and reports, 15 and shall give all information to the Minister, touching the affairs of the bank, that the Minister requires of him. 63-64 V., c. 26, s. 28.

Remonest.

123. The remuneration of the curator for his services, and his expenses and disbursements in connection with the 20 discharge of his duties, shall be fixed and determined by a judge of a superior court in the province where the chief office of the bank is situate, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of 25 the liquidator 63-64 V., c. 26, s. 29.

BY-LAWS OF THE CANADIAN BANKERS' ASSOCIATION.

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III. The Association may, at any meeting thereof, with the approval of two-thirds in number of the banks represented at such meeting, if the banks so approving have at least two-thirds in par value of the paid up-capital gof the banks so represented, make by-laws, rules and regulations represented.

As to what

(a) all matters relating to the appointment or removal of

(b) the supervision of the making of the notes of the 3th banks which are intended for circulation, and the delivery thereof to the banks;

(c) the inspection of the disposition

such notes

(d) the destruction of notes of the banks; 40

(e) the oustody and management of the central gold

reserves and the carrying out of the provisions of this

Act relating to such reserves; and,

Supervision.

3. The curator shall continue to supervise the affairs of the bank until he is removed from office, or until the bank resumes business, or until a liquidator is duly appointed to wind up the business of the bank. 63-64 V., c. 26, s. 26.

Officers and clerks to assist curator.

**120.** The president, vice-president, directors, general manager, managers, clerks and officers of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties. 63-64 V., c. 26, s. 27.

No act of directors valid unless approved by curator. 121. No by-law, regulation, resolution or act, touching 10 the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, shall be of any force or effect until approved in writing by the curator. 63-64 V., c. 26, s. 27.

Curator to make returns as required by Minister. 122. The curator shall make all returns and reports, 15 and shall give all information to the Minister, touching the affairs of the bank, that the Minister requires of him. 63-64 V., c. 26, s. 28.

Remuneration of curator. 123. The remuneration of the curator for his services, and his expenses and disbursements in connection with the 20 discharge of his duties, shall be fixed and determined by a judge of a superior court in the province where the chief office of the bank is situate, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of 25 the liquidator. 63-64 V., c. 26, s. 29.

# BY-LAWS OF THE CANADIAN BANKERS' ASSOCIATION.

By-laws.

124. The Association may, at any meeting thereof, with the approval of two-thirds in number of the banks represented at such meeting, if the banks so approving have at least two-thirds in par value of the paid up-capital 30 of the banks so represented, make by-laws, rules and regulations respecting—

As to what subjects.

- (a) all matters relating to the appointment or removal of the curator, and his powers and duties;
- (b) the supervision of the making of the notes of the 35 banks which are intended for circulation, and the delivery thereof to the banks;

40

(c) the inspection of the disposition made by the banks of such notes:

(d) the destruction of notes of the banks;

(e) the custody and management of the central gold reserves and the carrying out of the provisions of this Act relating to such reserves; and,

(f) the imposition of penalties for the breach or non-

ICT. The charter or Act of incorporation of the bank

(f) the imposition of penalties for the breach or nonobservance of any by-law, rule or regulation made by virtue of this section.

Approval by Treasury Board.

other banks

2. No such by-law, rule or regulation, and no amendment or repeal thereof, shall be of any force or effect until 5

approved by the Treasury Board.

3. Before any such by-law, rule or regulation, or any amendment or repeal thereof is so approved, the Treasury Board shall submit it to every bank which is not a member of the Association, and give to each such bank an oppor- 10 tunity of being heard before the Treasury Board with respect thereto.

Enforcement of by-laws.

4. The Association shall have all powers necessary to carry out, or to enforce the carrying out, of any by-law, rule or regulation, or any amendment thereof, so approved 15 by the Treasury Board. 63-64 V., c. 26, ss. 30 and 31.

## INSOLVENCY.

Double liability of shareholders.

125. In the event of the property and assets of the bank being insufficient to pay its debts and liabilities, each shareholder of the bank shall be liable for the deficiency, to an amount equal to the par value of the shares held by 20 him, in addition to any amount not paid up on such shares.

"Shareholder" defined. 2. "Shareholder," within the meaning of this section, shall include an undisclosed principal and, to the extent of his interest, a cestui que trust, on whose behalf or for whose benefit shares in the capital stock of the bank are held. 25 53 V., c. 31, s. 89.

Suspension for 90 days to constitute insolvency. 126. Any suspension by the bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitute the 30 bank insolvent, and work a forfeiture of its charter or Act of incorporation, so far as regards all further banking operations. 53 V., c. 31, s. 91.

Charter to remain in force for calls and winding up.

127. The charter or Act of incorporation of the bank shall, in the case mentioned in the next preceding section, 35 remain in force only for the purpose of enabling the directors, or other lawful authority, to make and enforce the calls mentioned in the next following section of this Act, and to wind up the business of the bank. 53 V., c. 31, s. 91. Am.

If no proceedings within 3 months thereafter, directors to make calls.

128. If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the bank, continues for three months after the expiration of the time which, under the two last preceding sections would constitute the bank insolvent, and if no proceedings 45

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are taken under any Art for the winding-up of the bank, the directors shall make calls on the shareholders thereof, to the amount they deem necessary to pay all the debts and liabilities of the bank not exceeding the limit of liability of the shareholders hereinbefore specified, without waring for the collection of any debts due to the bank or the safe of any of its exects or moments.

2. Such calls shall be payable at intervals of thirty days

3. Notice of such calls shall be given to the shareholders.

4. Any number of such calls may be made by one reso- 10

mount

5. No such call shall exceed twenty per cent on each share.

as payment of calls on unpaid stock may be enforced

after the expiration of the said three months

8. In the event of proceedings being taken, under any Act, for the winding-up of the bank in consequence of the insolvency of the bank, the said calls shall be made in the manner.

escribed for the malong of such calls in such Act.

9. Any failure on the part of any shareholder liable to any such call to pay the same when due, shall work a forfeiture by such shareholder of all claim in or to any part of the assets of the bank: Provided that such call, and any further call thereafter, shall nevertheless be recoverable from him as if no 25 thereafter, shall nevertheless be recoverable from him as if no 25 such forfeiture had been incurred. 53 V., c. 31, ss. 92, 93 and 94. Am.

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construed to after or diminish the additional liabilities of the directors as herein mentioned and declared. 53 V. c. 31, s. 30 u. 65.

Lishility of shareholdern who have transferred their stock,

Or whose subscription have been concelled,

130. (a) Persons who, having been shareholders of the bank, have only transferred their shares, or any of them, to others, as hereinbefore provided, within sixty days before the commencement of the suspension of payment by the bank; and,

(b) Persons whose subscriptions to the stock of the bank have been forfeited, in manner hereinbefore provided, within the said period of sixty days before the com-

mencement of the suspension of payment by the bank; at shall be hable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held. 53 V. c. 31, s. 96.

Order of dangen. Nexua

ASI. In the case of the insolvency of any bank, "(a) the payment of the notes issued or re-issued by tuch
bank, intended for circulation, and then in circulation,

are taken under any Act for the winding-up of the bank, the directors shall make calls on the shareholders thereof, to the amount they deem necessary to pay all the debts and liabilities of the bank not exceeding the limit of liability of the shareholders hereinbefore specified, without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

Intervals.

Notice. Number. Such calls shall be payable at intervals of thirty days.
 Notice of such calls shall be given to the shareholders.

4. Any number of such calls may be made by one reso- 10 lution.

Amount.
Payment.

First call.

Procedure.

5. No such call shall exceed twenty per cent on each share.

6. Payment of such calls may be enforced in like manner as payment of calls on unpaid stock may be enforced.

7. The first of such calls may be made within ten days 15

after the expiration of the said three months.

8. In the event of proceedings being taken, under any Act, for the winding-up of the bank in consequence of the insolvency of the bank, the said calls shall be made in the manner prescribed for the making of such calls in such Act.

Forfeiture for non-payment.

Proviso.

9. Any failure on the part of any shareholder liable to any such call to pay the same when due, shall work a forfeiture by such shareholder of all claim in or to any part of the assets of the bank: Provided that such call, and any further call thereafter, shall nevertheless be recoverable from him as if no 25 such forfeiture had been incurred. 53 V., c. 31, ss. 92, 93 and 94. Am.

Liability of directors not diminished.

129. Nothing in the four sections last preceding shall be construed to alter or diminish the additional liabilities of the directors as herein mentioned and declared. 53 V., c. 31, s. 30 95.

Liability of shareholders who have transferred their stock. 130. (a) Persons who, having been shareholders of the bank, have only transferred their shares, or any of them, to others, as hereinbefore provided, within sixty days before the commencement of the suspension of pay-35 ment by the bank; and,

Or whose subscriptions have been cancelled. (b) Persons whose subscriptions to the stock of the bank have been forfeited, in manner hereinbefore provided, within the said period of sixty days before the commencement of the suspension of payment by the bank; 40

shall be liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held. 53 V. c. 31, s. 96.

Order of charges.
Notes.

**131.** In the case of the insolvency of any bank,—
(a) the payment of the notes issued or re-issued by such bank, intended for circulation, and then in circulation,

an offence against this Act for any provisional director

together with any interest paid or payable thereon as hereinbefore provided, shall be the first charge upon the assets of the bank:

Dominion Government. (b) the payment of any amount due to the Government of Canada, in trust or otherwise, shall be the second 5 charge upon such assets:

Provincial governments.

(c) the payment of any amount due to the government of any of the provinces, in trust or otherwise, shall be the third charge upon such assets; and,

Penalties.

(d) the amount of any penalties for which the bank is 10 liable shall not form a charge upon the assets of the bank, until all other liabilities are paid. 53 V., c. 31, s. 53.

## OFFENCES AND PENALTIES.

Payments of Incorporation and Organization expenses.

Offences.

permitting the bank to issue notes and commence the 15 business of banking has been obtained from the Treasury Board, any provisional director or director authorizes or is a party to the payment of, or receives, out of moneys paid in by subscribers or interest thereon, any sum for commission, salary or charges for services in connection 20 with or arising out of the incorporation or organization of the bank, it shall be an offence against this Act.

prior to obtaining Treasury Board certificate.

Payments of expenses

After certificate obtained.

2. If after the certificate has been obtained from the Treasury Board, any director authorizes payment of, or

Treasury Board, any director authorizes payment of, or any general manager or other officer of the bank pays or 25 causes to be paid any money for or on account of the incorporation or organization expenses of the bank, except and unless the sum so paid is mentioned or included in the statement submitted to the Treasury Board at the

and unless the sum so paid is mentioned or included in the statement submitted to the Treasury Board at the time at which the application is made under this Act to 30 the Board for a certificate permitting the bank to issue notes and commence the business of banking, it shall be

an offence against this Act.

When no certificate obtained.

3. If no certificate from the Treasury Board has been obtained within the time limited by this Act, it shall be 35 an offence against this Act for any provisional director or director to authorize or be a party to the payment of, or to receive, out of moneys paid in by subscribers, any sum for commission, salary or charges for services in connection with or arising out of the incorporation or organi-40 zation of the bank, unless provision has been made pursuant to section 16 of this Act for payment. 3-4 G. V., c. 9, s. 131A.

Penalty for bank officers obtaining gifts or showing (avour. 1318. Every one is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment or 45 to a fine not exceeding two thousand five hundred dollars,

to the bank's business or affairs, or for showing or (b) corruptly gives or agrees to give or offers any gift or

business or affairs.

# Sale and Transfer of Shares. .

or to both, and, upon summary conviction, to imprisonment for six months, with or without hard labour, or to a fine not exceeding one hundred dollars, or both, who-

(a) being a director, general manager, manager, or other executive officer of a bank, corruptly accepts or obtains, 5 or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having, after this Act comes into force, done or forborne to do, any act relating 10 to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs; or,

Penalty for offering gifts or showing favour to bank officers. (b) corruptly gives or agrees to give or offers any gift or consideration to any director, general manager, mana- 15 ger, or other executive officer of a bank as an inducement or reward or consideration to such director, general manager, manager, or other executive officer of the bank, for doing or forbearing to do, or for having, after this Act comes into force, done or for-20 borne to do any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

"Consideration" defined.

2. In this section "consideration" includes valuable 25 consideration of any kind. 3-4 G. V., c. 9, s. 131B.

# Commencement of Business.

Commencing business without certificate.

132. Every director or provisional director of any bank and every other person who, before the obtaining of the certificate from the Treasury Board, by this Act required, permitting the bank to issue notes or commence business, 30 issues or authorizes the issue of any note of such bank, or transacts or authorizes the transaction of any business in connection with such bank, except such as is by this Act authorized to be transacted before the obtaining of such certificate, is guilty of an offence against this Act. 3-4 35 G. V., c. 9, s. 132.

Offence.

# Sale and Transfer of Shares. .

Sale and transfer of shares contrary to requirements.

**133.** Any person, whether principal, broker or agent, who wilfully sells or transfers or attempts to sell or transfer-

(a) any share or shares of the capital stock of any bank 40

by a false number; or,

(b) any share or shares of which the person making such sale or transfer, or in whose name or on whose behalf the same is made, is not at the time of such sale, or attempted sale, the registered owner; or,

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(e) any share or shares, without the assent to such sale of the registered owner thereof.

is guidy of an offence against this Act. 53 V., et 31, et 37.

Cash Reserves.

Pouglty for cash recerve not held in prescribed actual

A 3.4. Every bank which at any time holds in Dominion notes less than forty per cent of the cash reserves which it has in Canada shall incur a penalty of five hundred dollars for each such offence. 53 V.; c. 31, s. 50. Am.

## Issue and Circulation of Notes.

Harman bellow

I S.S. If the total amount of the notes of the bank in enculation at any time exceeds the amount authorized by

Yak if the amount of such excess is not over one thousand dollars, incur a penalty equal to the amount of such

dxcess; or,

(b) if the amount of such excess is over one thousand dollars, and not over twenty thousand dollars, incur a 15 penalty of one thousand dollars; or,

(c) if the amount of such excess is over twenty thousand dollars, and not over one hundred thousand dollars,

(d) if the amount of such excess is over one hundred thousand dollars, and not over two hundred thousand dollars, incur a penalty of filty thousand dollars; or,

the amount of such excess is over two hundred thouthousand dollars, incur a penalty of one hundred thouand dollars. 53 V. c. 31 = 51

> Cauthorize locus of notes for otrodation.

to enculate as money, or to be used as a substitute for money, for any amount whatseever, shall mear a penalty of four 30 hundred dollars.

Panning, rhogyary of:

2. Such penalty shall be recoverable with costs, in any court of competent jurisdiction, by-any person who sues for the same

Appenentise None

3. A mosety of such penalty shalf belong to the person 3 sund for the same, and the other moiety to His Majesty for the public uses of Canada.

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tess sum than twenty dellars, and is payable either in form or in fact to the bearer thereof, or at right, or on demand, 40 or at less than thirty days thereafter, or is overdue, or is in any way calculated or designed for circulation, or as a subscitute for money, the intention to pass the same as money shall be presumed, asless such instrument is—

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(c) any share or shares, without the assent to such sale of the registered owner thereof;

Offence.

is guilty of an offence against this Act. 53 V., c. 31, s. 37.

### Cash Reserves.

Penalty for cash reserve not held in prescribed notes. 134. Every bank which at any time holds in Dominion notes less than forty per cent of the cash reserves which it has in Canada shall incur a penalty of five hundred dollars for each such offence. 53 V., c. 31, s. 50. Am.

Issue and Circulation of Notes.

Excess of circulation.

135. If the total amount of the notes of the bank in circulation at any time exceeds the amount authorized by this Act the bank shall, —

(a) if the amount of such excess is not over one thousand dollars, incur a penalty equal to the amount of such

excess; or,

(b) if the amount of such excess is over one thousand dollars, and not over twenty thousand dollars, incur a 15 penalty of one thousand dollars; or,

(c) if the amount of such excess is over twenty thousand dollars, and not over one hundred thousand dollars,

incur a penalty of ten thousand dollars; or,

(d) if the amount of such excess is over one hundred 20 thousand dollars, and not over two hundred thousand dollars, incur a penalty of fifty thousand dollars; or,

(e) if the amount of such excess is over two hundred thousand dollars, incur a penalty of one hundred thousand dollars. 53 V., c. 31, s. 51.

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Unauthorized issue of notes for circulation.

136. Every person, except a bank to which this Act applies, who issues or re-issues, makes, draws, or endorses any bill, bond, note, cheque or other instrument, intended to circulate as money, or to be used as a substitute for money, for any amount whatsoever, shall incur a penalty of four 30 hundred dollars.

Penalty, recovery of.

2. Such penalty shall be recoverable with costs, in any court of competent jurisdiction, by any person who sues for the same.

Appropria-

3. A moiety of such penalty shall belong to the person 35 suing for the same, and the other moiety to His Majesty for the public uses of Canada.

Intention presumed.

4. If any such instrument is made for the payment of a less sum than twenty dollars, and is payable either in form or in fact to the bearer thereof, or at sight, or on demand, 40 or at less than thirty days thereafter, or is overdue, or is in any way calculated or designed for circulation, or as a substitute for money, the intention to pass the same as money shall be presumed, unless such instrument is—

Exceptions.

stes with holes any Dominion or bank note, or who in any 10 orinting, drawing or stamping thereon, or by attaching or

to horse

president, director, general manager, manager, clerk or

(a) a cheque on some chartered bank paid by the maker

directly to his immediate creditor; or,

(b) a promissory note, bill of exchange, bond or other undertaking for the payment of money made or delivered by the maker thereof to his immediate creditor: and,

(c) not designed to circulate as money or as a substitute for money. 53 V., c. 31, s. 60.

Defacement of notes.

**137.** Every person who mutilates, cuts, tears or perforates with holes any Dominion or bank note, or who in any 10 way defaces a Dominion or bank note, whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement shall, on summary conviction, be liable to a penalty not exceeding twenty dollars.

Penalty.

Issue, by bank, of notes not disinfected or sterilized.

2. Every officer, clerk and servant of a bank who, for the bank, re-issues to the public any bank notes or Dominion notes which have not been disinfected and sterilized in accordance with the regulations made by the Treasury Board under the authority of this Act shall, on the information of 20 any person, on summary conviction, be liable to a penalty not exceeding twenty dollars.

15

Penalty.

3. In the event of the conviction of any officer, clerk or servant of a bank under this section, the bank shall thereby incur a penalty of fifty dollars. 53 V., c. 31, s. 61.

Issuing notes during period of suspension.

138 (a) Every person who, being president, president, director, general manager, manager, clerk or other officer of the bank, issues or re-issues, during any period of suspension of payment by the bank of its liabilities, any notes of the bank payable to bearer on 30 demand, and intended for circulation, or authorizes or is concerned in any such issue or re-issue; and,

Or without authority of Treasury Board.

(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinbefore provided for, every person who being president, 35 vice-president, director, general manager, manager, clerk or other officer of the bank issues or re-issues, or authorizes or is concerned in the issue or re-issue of any such notes before being thereunto authorized by the Treasury Board; and, 40

And accepting such notes. (c) every person who accepts, receives or takes, or authorizes or is concerned in, the acceptance, receipt or taking of any such notes, knowing the same to have been so issued or re-issued, from the bank, or from such president, vice-president, director, general manager, 45 manager, clerk or other officer of the bank, in payment or part payment, or as security for the payment of any amount due or owing to such person by the bank;

Penalty.

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding two thousand dollars, or to both. 63-64 V., c. 26, s. 10.

Pledging of notes by a officers of bank.

**139.** (a) Every person who, being the president, vice-president, director, general manager, manager, clerk or other officer of the bank, pledges, assigns, or hypothecates, or authorizes, or is concerned in the pledge, assignment or hypothecation of the notes of the bank; and,

Accepting.

(b) every person who accepts, receives or takes, or 10 authorizes or is concerned in the acceptance or receipt or taking of such notes as a pledge, assignment or hypothecation;

Penalty.

shall be liable to a fine of not less than four hundred dollars and not more than two thousand dollars, or to imprisonment 15 for not more than two years, or to both. 53 V., c. 31, s. 52.

Issuing notes fraudulently.

**140.** (a) Every person who, being the president, vice-president, director, general manager, manager, clerk or other officer of a bank, with intent to defraud, issues or delivers, or authorizes or is concerned in the issue 20 or delivery of notes of the bank intended for circulation and not then in circulation; and,

Knowingly accepting.

(b) every person who, with knowledge of such intent, accepts, receives or takes, or authorizes or is concerned in the acceptance, receipt or taking of such notes;

Penalty.

shall be guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding two thousand dollars, or to both. 53 V., c. 31, s. 52.

Annual Statement and Auditors' Report.

Issue of annual statement without auditors' report.

140A. If any copy of the statement or of the profit and 30 loss account submitted under section 54 of this Act, which has not been signed as required by that section, is issued, circulated or published, or if any copy of such statement is issued, circulated or published without having a copy of the auditor's report attached thereto, the bank, and every 35 director, general manager or other officer of the bank who is knowingly a party to the default, shall be liable to a fine not exceeding two hundred and fifty dollars. 3-4 G. V., c. 9, s. 140A.

Penalty.

Warehouse Receipts, Bills of Lading and other Securities.

Bank acquiring warehouse receipt or bill of lading. 141. If any bank, to secure the payment of any bill, note, 40 debt or liability, acquires or holds—

(a) any warehouse receipt or bill of lading; or,

(b) any instrument such as is by this Act authorized to be taken by the bank to secure money lent,—

(i) to any wholesale purchaser, or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live or dead stock, and the products thereof, upon the security of such products, or of such live or dead stock, or the products thereof:

(1) to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise upon the security of the goods, wares and 10 merchandise manufactured by such person, or

procured for such manufacture.

iii) to any farmer upon the security of threshed grain;

 (iv) to any owner, tenant or occupier of land for the 15purchase of seed grain upon the security of any crop to be grown from such seed grain; or,

(v) to any farmer or person engaged in stock raising

cartain conet.

(a) such bill, note, debt or liability is negotiated or contracted at the time of the acquisition by the bank of such warehouse receipt; bill of lading or security; or,

(b) such bill, note, debt or liability is negotiated or contracted upon the written promise or agreement that 25 such warehouse receipt, bill of lading or security would be given to the bank; or,

(c) the acquisition or holding by the bank of such warehouse receipt, bill of lading or security- is otherwise

authoraged by this Act:

mear a penalty not exceeding five hundred dollars: 53 V., c. 31, s. 79; 3-4 G. V., c. 9, s. 141. Am.

Non-complisage with requirements

III. If any debt or liability to the bank is senured

(a) any warehouse receipt or bill of lading; or.

(b) any other security such as is mentioned in the last

and is not paid at maturity, such bank shall, if it sells the products or stock, goods, wares and merchandise or grain covered by such warehouse receipt, bill of lading or security, 40 ander the power of sale conferred upon it by this Act, without complying with the provisions to which the exercise of such power of sale is, by this Act, made subject, incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79: 63-64 V., c. 26, s. 18.

CASTRONO.

Making fulse atmostagets—

143. Every person is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years who wilfully makes any false statement—

(i) to any wholesale purchaser, or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live or dead stock, and the products thereof, upon the security of such products, or of such live or dead stock, or the products thereof;

(ii) to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise upon the security of the goods, wares and 10 merchandise manufactured by such person, or

procured for such manufacture;

(iii) to any farmer upon the security of threshed grain;

(iv) to any owner, tenant or occupier of land for the 15 purchase of seed grain upon the security of any crop to be grown from such seed grain; or,

(v) to any farmer or person engaged in stock raising

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upon the security of live stock;

Except in cases.

such bank shall, unless-

(a) such bill, note, debt or liability is negotiated or contracted at the time of the acquisition by the bank of such warehouse receipt, bill of lading or security; or,

(b) such bill, note, debt or liability is negotiated or contracted upon the written promise or agreement that 25 such warehouse receipt, bill of lading or security would be given to the bank; or,

(c) the acquisition or holding by the bank of such warehouse receipt, bill of lading or security is otherwise authorized by this Act;

authorized by this Act; incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79; 3-4 G. V., c. 9, s. 141. Am.

Non-compliance with requirements for sale.

Penalty.

142. If any debt or liability to the bank is secured by—

(a) any warehouse receipt or bill of lading; or,(b) any other security such as is mentioned in the last preceding section;

and is not paid at maturity, such bank shall, if it sells the products or stock, goods, wares and merchandise or grain covered by such warehouse receipt, bill of lading or security, 40 under the power of sale conferred upon it by this Act, without complying with the provisions to which the exercise of such power of sale is, by this Act, made subject, incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79; 63-64 V., c. 26, s. 18.

Penalty.

Making false statements143. Every person is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years who wilfully makes any false statement—

forest, quarry and mine, or the sea, lakes and rivers, or

or grain covered by any warehouse receipt or bill of lading

In warehouse receipt or bill of lading.

In security upon products.

(a) in any warehouse receipt or bill of lading given under the authority of this Act to any bank; or,

(b) in any instrument given to any bank under the authority of this Act, as security for any loan of money made by the bank to any wholesale purchaser or 5 shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or of any wholesale purchaser, or shipper of or dealer in live or dead stock or the products thereof, or farmer or person engaged in stock raising, whereby any such 10 products or stock is assigned or transferred to the bank as security for the payment of such loan; or,

In security upon manufactures.

(c) in any instrument given to any bank under the authority of this Act, as security for any loan of money made by the bank to any person engaged in business as a 15 wholesale manufacturer of any goods, wares and merchandise, whereby any of the goods, wares and merchandise manufactured by him, or procured for such manufacture, are transferred or assigned to the bank as security for the payment of such loan; or,

In security upon grain.

(d) in any instrument given to any bank under the authority of this Act as security for any loan of money made by the bank to a farmer or to the owner, tenant or occupier of land whereby any grain is transferred or assigned to the bank as security for the payment of 25 such loan. 53 V., c. 31, s. 75. Am.; 3-4 G. V., c. 9, s. 143. Am.

Wilfully disposing of or withholding goods covered by security.

144. Every person who, having possession or control of any products or stock, goods, wares and merchandise, or grain covered by any warehouse receipt or bill of lading 30 or by any such security as in the last preceding section mentioned, and having knowledge of such receipt, bill of lading or security, without the consent of the bank in writing, and before the advance, bill, note, debt or liability thereby secured has been fully paid,—

(a) wilfully alienates or parts with any such products or stock, goods, wares or merchandise, or grain; or,

(b) wilfully withholds from the bank possession of any such products or stock, goods, wares and merchandise, or grain, upon demand, after default in payment of 40 such advance, bill, note, debt or liability;

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding two years. 53 V., c. 31, s. 75;

63-64 V., c. 26, s. 18. Am.

Penalty.

145. (a) If any bank having, by virtue of the provisions 45 of this Act, a privileged lien for any debt or liability for any debt to the bank, on the shares of its own capital stock of the debtor or person liable, neglects to sell

Bank not selling shares subject to privileged lien.

On selling without notice,

Wilane'?

such shares within twiste montas are; such debt liability has accrued and become payable; or, by H any such bank sells any such shares without rivi

such bank shall incur, for each such offence, a penalty not exceeding five hundred dollars. 53 V c. 31 s. 70

### Probilited Business

Bank doing probibited

146. If any bank, except as authorized by this Act, 10 either directly or indirectly—

a) deals in the buying or selling or bartering of goods, wares and merchandise, or engages or is engaged in any trade or business whatsoever; or,

(b) purchases, deals in, or lends money or makes advances I, upon the security or pledge of any share of its own capital stock, or of the capital stock of any bank; or,

c) lends money or makes advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or

upon the security of any goods, wares and merchandise;
(d) lends to or on the security of the general manager,
assistant general manager, branch manager, or any
afficer, clerk or servant of the bank without the approval
of the divisions any approval or associate exceeding in the 25

of the directors any amount or amounts exceeding in the 25 aggregate one thousand dollars and not exceeding ten thousand dollars;

(e) lends to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servent of the bank any amount or amounts 30 exceeding in the aggregate ten thousand dollars;

such bank shall incur a penalty not exceeding five bandred dollars. 53 V., c. 31, s. 79; 3-4 G. V., c. 9, s. 146. Am.

146A. It shall be an offence against this Act for any 35 director, officer, clerk or servant of the bank to pledge, assign or hypothecate the notes of the bank on behalf of the bank.
3-4 G. V., c. 9, s. 146A.

I 4 (a. If a bank suspends payment in specie or Dominion 40 notes of any of its liabilities as they accrue then, so long as such suspension continues, it shall be an offence against this Act for any director, officer, elerk or servant of the bank who has knowledge of such suspension to pay or cause to be paid to any person any debt or liability of the 45 bank unless with the content of a curator or liquidator duly amounted. 3-4 G. V. o. 9. s. 146n.

December 1

Hypotheention to notes poblished.

l'ayanens of linbilities of bank ofter surponsion. such shares within twelve months after such debt or

liability has accrued and become payable; or,

Or selling without notice.

(b) If any such bank sells any such shares without giving notice to the holder thereof of the intention of the bank to sell the same, by mailing such notice in the post office, 5 post paid, to the last known address of such holder, at least thirty days prior to such sale;

Penalty.

such bank shall incur, for each such offence, a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79.

### Prohibited Business.

Bank doing prohibited business.

146. If any bank, except as authorized by this Act, 10 either directly or indirectly-

(a) deals in the buying or selling or bartering of goods, wares and merchandise, or engages or is engaged in any trade or business whatsoever; or,

(b) purchases, deals in, or lends money or makes advances 15 upon the security or pledge of any share of its own capital stock, or of the capital stock of any bank; or,

(c) lends money or makes advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or 20 upon the security of any goods, wares and merchandise;

(d) lends to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank without the approval of the directors any amount or amounts exceeding in the 25 aggregate one thousand dollars and not exceeding ten thousand dollars:

(e) lends to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank any amount or amounts 30 exceeding in the aggregate ten thousand dollars;

such bank shall incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79; 3-4 G. V., c. 9, s. 146.

Penalty.

Hypothecation of notes prohibited.

146A. It shall be an offence against this Act for any 35 director, officer, clerk or servant of the bank to pledge, assign or hypothecate the notes of the bank on behalf of the bank. 3-4 G. V., c. 9, s. 146A.

Payment of liabilities of bank after suspension.

146B. If a bank suspends payment in specie or Dominion 40 notes of any of its liabilities as they accrue, then, so long as such suspension continues, it shall be an offence against this Act for any director, officer, clerk or servant of the bank who has knowledge of such suspension to pay or cause to be paid to any person any debt or liability of the 45 bank unless with the consent of a curator or liquidator duly appointed. 3-4 G. V, c. 9, s. 146B.

### Returns.

Bank not making monthly.

147. Every bank which neglects to transmit or deliver to the Minister, within the first twenty-eight days of any month, any monthly return by this Act required to be made up and sent in within the said twenty-eight days, exhibiting the condition of the bank on the last juridical day of the month last preceding, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time during which such neglect continues. 53 V., c. 31, s. 85 Am.; 3-4 G. V., c. 9, s. 147. Am.

Penalty.

Neglecting return of additional issue of notes. 147A. Every bank which neglects to transmit or deliver to the Minister, within the first thirty days after the last day of the month in which any amount of its notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding, a return showing 15 the amount of its notes in circulation for each juridical day during such month, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which such neglect continues. 7-8 E. 20 VII, c. 7, s. 2, Am.; 3-4 G. V., c. 9, s. 147A. Am.

Penalty.

Neglecting return of value of property.

147B. Every bank which neglects to transmit or deliver to the Minister during the month of January in each year a return showing in detail the fair market value of its real and immovable property held under section seventy-nine 25 of this Act, together with the other information prescribed by the said section, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which such neglect continues. 3-4 G. V., c. 9, 30 s. 147B. Am.

Penalty.

Neglecting quarterly return.

to the Minister a quarterly return as of the last juridical day of the months of March, June, September and December in each year, giving such particulars as may be pre-35 scribed by regulations made by the Treasury Board of the interest and discount rates charged by the bank, such returns to be made up and sent in within the first thirty days after the respective juridical days aforesaid, and signed by the persons by this Act required, shall incur a penalty 40 of fifty dollars for each and every day, after the expiration of such time, during which such neglect continues. 3-4 George V., c. 9, s. 147c. Am.

147c. Every bank which neglects to transmit or deliver

Penalty.

Not making returns required by Minister. 148. Every bank which neglects to transmit or deliver to the Minister, within thirty days from the date of the 45

demand therefor by the Minister, or, if such time is extended by the Minister, within such extended time, not exceeding thirty days, as the Minister may allow, any special return, signed in the manner and by the persons by this Act required, which under the provisions of this Act, the Minister may, for the purpose of affording a full and complete knowledge of the condition of the bank, call for, a shall mour a penalty of five hundred dollars for each and every day during which such neglect continues. 53 V.,

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to the atmistor, within fairly days after the close of any calendar votes, a return signed in the manner and by the persons and cetting forth the particulars by this Act required in that behalf, of all certified cheques, drafts or bills of exchange issued by the beak to any person and remaining unpaid for more than five years prior to the date of such return, shall incur a penalty of lifty dollars for each and every day during which such neglect continues. 63-64 V. c. 26, s. 21; 3-4 G. V. c. 9, s. 149. Am.

Not returning

150. Every bank which neglects to transmit or deliver to the Minister, within thirty days after the close of any calcodar year, a certified list, as by this Act required, showing—

(a) the names of the shureholders of the bank on the 25 last day of such calendar year, with their last known post office addresses and descriptions:

(b) the number of shares then held by such that

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hall meur a penalty of lifty dollars for each and every day buring which such neglect continues. 53 V., c. 31, s. 87. hm; 3-4 G. V., c. 9, s. 150. Am.

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to the Minister, within thery days after the close of any 3d calendar year, a return, signed in the manner and by the persons by this Act required, of all dividends which have remained capsal for more than five years, and also of all amounts or, balances in respect of which no transactions have taken place, or upon which no interest has been paid, 4d during the five years prior to the date of such return, and also of all certified cheques, drafts or bills of exchange issued by the bank and remaining unpaid for more than the provisions of this Act in the several cases respectively the provisions of this Act in the several cases respectively the grown of the first and penalty of fifty dollars for each manner and access that incur, a penalty of fifty dollars for each manner and access that incur, a penalty of fifty dollars for each manner and access that the provisions of the first which much penalty of fifty dollars for each manner and access that the provisions of the first which much penalty of the paner.

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demand therefor by the Minister, or, if such time is extended by the Minister, within such extended time, not exceeding thirty days, as the Minister may allow, any special return, signed in the manner and by the persons by this Act required, which under the provisions of this Act. the 5 Minister may, for the purpose of affording a full and complete knowledge of the condition of the bank, call for, shall incur a penalty of five hundred dollars for each and every day during which such neglect continues. c. 31, s. 86; 3-4 G. V., c. 9, s. 148.

Penalty.

Bank not making annual returns of drafts and bills.

149. Every bank which neglects to transmit or deliver to the Minister, within thirty days after the close of any calendar year, a return, signed in the manner and by the persons and setting forth the particulars by this Act required in that behalf, of all certified cheques, drafts or bills of 15 exchange issued by the bank to any person and remaining unpaid for more than five years prior to the date of such return, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 63-64 V., c. 26, s. 21; 3-4 G. V., c. 9, s. 149. Am.

Penalty.

Not returning annual list.

150. Every bank which neglects to transmit or deliverto the Minister, within thirty days after the close of any calendar year, a certified list, as by this Act required, showing-

(a) the names of the shareholders of the bank on the 25 last day of such calendar year, with their last known

post office addresses and descriptions;

(b) the number of shares then held by such shareholders

respectively; and,

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(c) the amount paid thereon,

shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 53 V., c. 31, s. 87. Am.; 3-4 G. V., c. 9, s. 150.

Not making annual returns of dividends, balances, drafts and bills.

Penalty.

**151.** Every bank which neglects to transmit or deliver to the Minister, within thirty days after the close of any 35 calendar year, a return, signed in the manner and by the persons by this Act required, of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect of which no transactions have taken place, or upon which no interest has been paid. 40 during the five years prior to the date of such return, and also of all certified cheques, drafts or bills of exchange issued by the bank and remaining unpaid for more than five years prior to the date of such return, as required by the provisions of this Act in the several cases respectively 45 mentioned, shall incur a penalty of fifty dollars for each and every day during which such neglect continues.

Penalty.

bank, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed there-

who negligently prepares, signs, approves or concurs in

union by the requirements of this Act should have been set forth

Period of 5 years.

2. The said term of five years shall, in case of moneys deposited for a fixed period, be reckoned from the date of the termination of such fixed period. 53 V., c. 31, s. 88; 3-4 G. V., c. 9, s. 151. Am.

Date of posting return or list.

152. If any return or list, mentioned in either of the 5 last eight preceding sections, is transmitted by post, the date appearing, by the post office stamp or mark upon the envelope or wrapper inclosing the return or list received by the Minister, as the date of deposit in the post office of the place at which the chief office of the bank was situated 10 shall be taken prima facie, for the purpose of any of the said sections, to be the day upon which such return or list was transmitted to the Minister. 53 V., c. 31, ss. 85 and 86; 63-64 V., c. 26, s. 22. Am.

Making false or deceptive statement in account or return.

153. Every president, vice-president, director, auditor, 15 general manager or other officer of the bank or trustee who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive statement, and every person who, with intent to deceive or mislead any person, 20 uses any false or deceptive statement in any account, statement, return, report or document respecting the affairs of the bank, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding five years. 25 2. Every president, vice-president, director, auditor,

Penalty.

general manager or other officer of the bank or trustee who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or 30 deceptive statement shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not

exceeding three years.

3. Every president, vice-president, director, auditor, general 35 manager, or other officer of the bank who knowingly prepares, signs, approves or concurs in any return respecting the affairs of the bank provided for or required by Section 112 of this Act which does not set forth the true financial position of the bank on the last juridical day of the month last preceding the date of the return according to the latest information possessed by or reasonably available to the aforesaid officers, or any of them 40 who sign, approve or concur in the return, or any knowledge respecting the true financial position of the bank which was by law at the date of the return imputed to any such officer and which by the requirements of this Act should have been set forth in the return, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case prescribed 45 therefor, by imprisonment for a term not exceeding three years. 53 V., c. 31, s. 99. Am.; 3-4 G. V., c. 9, s. 153. Am.

Liability of officers.

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resolvened. It Every person who uses in a sign or in an advertise- 40 of words ment or in a title to represent or describe his business words moved in a foreign language of import equivalent to the word color.

# Calls in the case of Suspension of Payment.

Director refusing to make calls on suspension of bank.

**154.** (a) If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the bank continues for three months after the expiration of the time which, under the provisions of this Act, would constitute the bank insolvent; and,

(b) if no proceedings are taken under any Act for the

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winding-up of the bank; and,

(c) if any director of the bank refuses to make or enforce, or to concur in the making or enforcing of any call on the shareholders of the bank, to any amount which the 10 directors deem necessary to pay all the debts and liabilities of the bank;

Penalty.

such director shall be guilty of an indictable offence, and liable—

(a) to imprisonment for any term not exceeding two 15 years; and,

(b) personally for any damages suffered by any such default. 53 V., c. 31, s. 92.

# Undue Preference to the Bank's Creditors.

Officers giving undue' preference to any creditor. 155. Every person who, being the president, vice-president, director, general manager, manager, or other 20 officer of the bank, wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise howsoever, is guilty of an indictable offence, and 25 liable—

Penalty.

(a) to imprisonment for a term not exceeding two years; and,

Damages.

(b) for all damages sustained by any person in consequence of such preference. 53 V., c. 31, s. 97. Am.

# Use of the Title "Bank," etc.

Unauthorized use of title "bank," etc. 156. Every person using the word "bank," or the words "savings bank," "banking company," "banking house," "banking association," or "banking institution," or any word or words of import equivalent thereto in any foreign language, in a sign or in an advertisement, or in a title to 35 represent or describe his business or any part of his business without being authorised so to do by this Act, or by some other Act in force in that behalf, is guilty of an offence against this Act.

Offence.

Unauthorized
use of words
"banker,"
"private
banker,"
"a foreign language of import equivalent to the word

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'Danker," or equivalent to the words 'private banker," without being authorized so to do by this Act or by some other Act in force in that behalf, is guilty of an offence

It is a court of the court of the court of the country arthoral of a foreign country arthoral being helicowized as to do, either by or under the authority of a statute lawfully emaced, shall be guilty of an offence against this Act, whites a lawest to receive reoney on deposit and to receive maney for transmission to a foreign country has been from the such person by the city, town or other manifold divisions in which he carries on business. The license, or a

the date on which the same was granted.

s. Such there exalt not be granted or renewed taless—16
(a) the alderness or members of the council of the city;
there or other manicipal division or a majority of them,
by resulution passed at a regular meeting, or special
meeting called for the purpose, declare that the person
applying for a license, or renered thereof, is a fit dad 30

(b) a deposit has been made by such person with the city, town or other municipal dression in which the person corries as bustiness of bonds dibentures as stocks of

Canada, or a processe thereof, or of a Canadian city or 35 inunicipality, of a market raise at least equal to twenty-five per cont of the amount of the money on deposit and of the money received for transmission but in respect of white no foreign exchange has been purchased and delivered but in no case shall the market value of such 30

disposite by less that tan thousand dollars.

The bonds, debentures and stocks to deposited shall be

held as security for payment, pro-rate, to depositors in the event of the insolvency of such person, and the income shortfront shall be paid while so held to the parent depositions:

is market some of the honds, astendance or stocks as deposited shall be, at all times during the currency of the license, at least equal to twenty-five per cent of the amount of the money go deposit and of the numey-received for transmission like in respect of which no foreign exchange has been structly yierchesed and delivered; and it the market value of the isasterises deposited as aformated is, at any time less than threaty-five per cent of the amount of the money on deposit and think women for the money on deposit of any time has somey received for transmission but in respect of which no foreign servicing has been purchased and delivered, which no foreign servicing has been purchased and delivered.

over person start be guilty of an openes against this act.

5. These sections shall not apply to persons engaged in
the culture, or in any sadustry, or in any common employments or normation, who for co-aperative purposes have

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Transport Contractor Contractor

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Offence.

Person receiving money on deposit.

Offence.

License required.

Municipal approval.

Deposit required.

Purpose of deposit.

Securities to value of 25%.

Penalty if not maintained.

No application certain. cases.

"banker," or equivalent to the words "private banker," without being authorized so to do by this Act or by some other Act in force in that behalf, is guilty of an offence against this Act. 53 V., c. 31, s. 100. Am.

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156A. Every person who receives money on deposit or receives money for transmission to a foreign country without being authorized so to do, either by or under the authority of a statute lawfully enacted, shall be guilty of an offence against this Act, unless a license to receive money on deposit and to receive money for transmission to a foreign country has been 10 granted to such person by the city, town or other municipal division in which he carries on business. The license, or a renewal thereof, shall be valid for the period of one year from the date on which the same was granted.

2. Such license shall not be granted or renewed unless— 15 (a) the aldermen or members of the council of the city, town or other municipal division or a majority of them, by resolution passed at a regular meeting, or special meeting called for the purpose, declare that the person applying for a license, or renewal thereof, is a fit and 20 proper person to receive such license; and,

(b) a deposit has been made by such person with the city, town or other municipal division in which the person carries on business, of bonds, debentures or stocks of Canada, or a province thereof, or of a Canadian city or 25 municipality, of a market value at least equal to twentyfive per cent of the amount of the money on deposit and of the money received for transmission but in respect of which no foreign exchange has been purchased and delivered, but in no case shall the market value of such 30 deposit be less than ten thousand dollars.

3. The bonds, debentures and stocks so deposited shall be held as security for payment, pro rata, to depositors in the event of the insolvency of such person, and the income therefrom shall be paid while so held to the person depositing.

4. The market value of the bonds, debentures or stocks so deposited shall be, at all times during the currency of the license, at least equal to twenty-five per cent of the amount of the money on deposit and of the money received for transmission but in respect of which no foreign exchange has been 40 actually purchased and delivered; and, if the market value of the securities deposited as aforesaid is at any time less than twenty-five per cent of the amount of the money on deposit and of the money received for transmission but in respect of which no foreign exchange has been purchased and delivered, 45 such person shall be guilty of an offence against this Act.

5. This section shall not apply to persons engaged in agriculture, or in any industry, or in any common employment or occupation, who for co-operative purposes have entered into a voluntary organization and received money 50 on deposit, to be loaned to the members of the organization

or otherwise applied as such members or a majority of them, or the representatives of a majority, direct.

Com pany receiving

156B. A body corporate, authorized by or under the authority of a statute lawfully enacted, to receive money money on on deposit or receive money for transmission to a foreign country, shall, before receiving money as aforesaid, have paid Requirements. up capital, paid up in money, to the amount of at least fifty thousand dollars and shall have and maintain thereafter investments of a market value at least equal to the said amount:

i. In the bonds, debentures, stocks or other securities of 10

or quaranteed bu:

(a) The Dominion of Canada, (b) Any Province of Canada.

(c) The United Kingdom or any Colony or dependency thereof.

(d) Or any municipal or school corporation in Canada:

ii. in first mortgages or hypothecs upon improved free hold real estate in Canada;

Offence.

No applica-

tion certain

@ases.

deposit.

and every officer of such body corporate shall be guilty of an 20 offence against this Act if money is received by the company on deposit or received for transmission to a foreign country before there has been compliance with the provisions of this Section.

2. This section shall not apply to any body corporate, duly authorised as aforesaid to receive money on deposit-

(a) if the furnishing of co-operative credit be either the sole or one of the objects or purposes of incorporation and if the money so received be loaned to the members;

(b) if the money so received, other than money received 30 for transmission to a foreign country, be, and continues to be until repaid to the depositor, invested in securities in which a trustee may invest under the law of the province in which the body corporate carries on business.

# Penalty for Offence against this Act.

Offence against this Act.

157. Every person committing an offence, declared to 35 be an offence against this Act, shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding five years, or to both, in the discretion of the court before which the conviction is had. c. 31, s. 101. 40

Penalty.

### PROCEDURE.

Penalties enforceable at suit of Attorney General or Minister.

158. The amount of all penalties imposed upon a bank or person for any violation of this Act shall, unless otherwise provided by this Act, be recoverable and enforceable, with costs, at the suit of His Majesty instituted by the Attorney General of Canada, or by the Minister.

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# 60. This Act shall come into force on the first day of

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	mode buff .D.

Appropria-

Proviso.

2. Such penalties shall, unless otherwise provided by this Act, belong to the Crown for the public uses of Canada: Provided that the Governor in Council, on the report of the Treasury Board, may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act, and to secure the due administration thereof. 53 V., c. 31, s. 98. Am.

Repeal 1913, c. 9. 1915, c. 1. 1916, c. 10. 159. Chapter 9 of the Statutes of 1913, Chapter 1 of the Statutes of 1915 and Chapter 10 of the Statutes of 1916 are 10 repealed.

Commencement of Act.

**160.** This Act shall come into force on the first day of July, one thousand nine hundred and twenty-three.

### SCHEDULE A.

Chief Office

		Chief Office
	Name of Bank	of Bank
	The Bank of Montreal	
2.	The Bank of Nova Scotia	Halifax.
3.	The Bank of Toronto	Toronto.
4.	The Molsons Bank	Montreal.
5.	La Banque Nationale	Quebec.
6.	La Banque Provinciale du Canada	Montreal.
7.	The Union Bank of Canada	Winnipeg.
8.	The Canadian Bank of Commerce	Toronto.
9.	The Royal Bank of Canada	Montreal.
10.	The Dominion Bank	Toronto.
	The Bank of Hamilton	
	The Standard Bank of Canada	
13.	La Banque d'Hochelaga	Montreal.
14.	The Imperial Bank of Canada	Toronto.
15.	The Home Bank of Canada	Toronto.
16.	The Sterling Bank of Canada	Toronto.
17.	The Weyburn Security Bank	Weyburn.

### SCHEDULE B.

An Act to incorporate the——Bank.

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

1. [Insert names of those applying for incorporation; the full name, address and description of each director must be given], together with such persons as become shareholders

in the corporation by this Act created, are incorporated under the name of [insert name of bank] hereinafter called "the Bank."

2. The persons named in section 1 of this Act shall be the provisional directors of the Bank.

3. The capital stock of the Bank shall be dollars.

4. The chief office of the Bank shall be at ---

5. This Act shall, subject to the provisions of section 16 of The Itank Act, remain in force until the first day of July, in the year one thousand nine hundred and there-three.

53 V., c. 31, Sch. B.; 53-64 V., c. 26, s. 45. Am

## SCHEDULE C.

In consideration of an advance of

made by the

Bank to A. B., for which the
said Bank holds the following bills or notes: (describe the
bills or notes, if any), for, in consideration of the discounting
of the following bills or notes by the
for A. B.; (describe the bills or notes), the products of agriculture, the forest, quarry and mine, for, the sea, lakes and
rivers, or, the live stock or dead stock, or, the products
thereof, or the goods, wares and merchandise, or, the grain,
the said Bank as security for the payment on or before the
the said Bank as security for the payment on or before the
with interest thereon at the rate of

annum from the

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and interest thereon, or as the case may be;

and interest thereon, or as the case may be;

This security is given under the provisions of section eighty-eight of The Bank Act, and is subject to the

and Ack of the said Ack.

The said products of agriculture, the forest, quarry and mine, (or, the sea, lakes and rivers, or, the live stock or dead stock, or the products thereof, or, the goods, wares and merchandise, or, the guain, (as the case may be),] are now owned by——, and are now in the possession of——, and are free from any mortgage, lien or charge thereon for as the case may be), and are in (place or places where the goods are), and are the following or places where the goods are), and are the following (description of property assigned).

Dated, etc.

in the corporation by this Act created, are incorporated under the name of [insert name of bank] hereinafter called "the Bank."

- 2. The persons named in section 1 of this Act shall be the provisional directors of the Bank.
  - 3. The capital stock of the Bank shall be dollars.
  - 4. The chief office of the Bank shall be at——.
- 5. This Act shall, subject to the provisions of section 16 of The Bank Act, remain in force until the first day of July, in the year one thousand nine hundred and thirty-three.

53 V., c. 31, Sch. B.; 63-64 V., c. 26, s. 45. Am.

### SCHEDULE C.

This security is given under the provisions of section eighty-eight of The Bank Act, and is subject to the

provisions of the said Act.

The said products of agriculture, the forest, quarry and mine, [or, the sea, lakes and rivers, or, the live stock or dead stock, or the products thereof, or, the goods, wares and merchandise, or, the grain, (as the case may be),] are now owned by————, and are now in the possession of————, and are free from any mortgage, lien or charge thereon (or as the case may be), and are in (place or places where the goods are), and are the following (description of property assigned).

Dated, etc.

(N.E.—The fills or notes and the property arrayed may be set out in schrödes anneaned.) = 65-64 V., c. 26, s. 46 and 8ch. C.

### C SIDURINE

In consideration of an advance of Hank to A.B., for dollars made by the Hank to A.B., for which the said bank holds the following bills or notes (describe the bills or notes by the the discounting of the following bills or notes by the Bank for A. B. (describe the bills or

subset and magneted up the said advance for the said directaring, as the case attached was made on the representation that seed grain would be purchased with the advance for proceeds of the discounting, as the case may be and

would be sewn sipon-land in the province o

the seed grain purchased and the crop grown from the grain so sown upon the land aforesaid and the grain threshed therefrom are hereby assigned to the said bank as accurity for the payment, on or before the

at the rate of per cent per annum from the

or motes, or renewals thereof, or substitutions therefor,

This security is given under the provisions of subsection 8 of section 88 of The Bank Act and is subject to the pro-

Dated at

5 G. V. e. 1, Seh. G. Am.

# SCHEDULE IL

In consideration of an advance of Bank to Bank to Bank to the the tries the said Bank holds the following bills or notes (describe the bills or notes (f any) for, in consideration of the discounting of the following bills or notes by the Bank for A. B. (describe the bills or notes)), and insummed as the said advance for the said discounting, as the same may be) is made upon the security of the following five stock.

the said five ecock are hereby assigned to the said Bank as security for the navneet, on or before the day of day of the said advance together with interest at the rate of per centum

o tab out most mounts to

(N.B.—The bills or notes and the property assigned may be set out in schedules annexed.) 63-64 V., c. 26, s. 46 and Sch. C.

### SCHEDULE D.

In consideration of an advance of dollars made by the Bank to A.B., for which the said bank holds the following bills or notes: (describe the bills or notes, if any) [or, In consideration of the discounting of the following bills or notes by the Bank for A. B.: (describe the bills or

notes)] and inasmuch as the said advance [or the said discounting, as the case may be] was made on the representation that seed grain would be purchased with the advance [or proceeds of the discounting, as the case may be] and would be sown upon land in the province of

situate and being

the seed grain purchased and the crop grown from the grain so sown upon the land aforesaid and the grain threshed therefrom are hereby assigned to the said bank as security for the payment, on or before the day of

for the payment, on or before the day of , of the said advance, together with interest at the rate of per cent per annum from the day of [or, of the said bills or notes, or renewals thereof, or substitutions therefor,

and interest thereon, as the case may be].

This security is given under the provisions of subsection 8 of section 88 of *The Bank Act* and is subject to the provisions of the said Act.

Dated at

5 G. V, c. 1, Sch. G. Am.

# SCHEDULE E.

In consideration of an advance of dollars, made by the Bank to A. B., for which the said Bank holds the following bills or notes (describe the bills or notes, if any) [or, in consideration of the discounting of the following bills or notes by the Bank for A. B. (describe the bills or notes)], and, inasmuch as the said advance (or the said discounting, as the case may be) is made upon the security of the following live stock:

the said live stock are hereby assigned to the said Bank as security for the payment, on or before the day of of the said advance together with interest at the rate of per centum per annum from the day of

(or, of the said bills or notes or renewals thereof or substitutions therefor, and interest thereon, as the case may be).

This security is given under the provisions of subsection twelve of section eighty-eight of The Bank Act, and is subject to the provisions of the said Act.

Dated at

3-4 G. V, c. 9, Sch. H. Am.

SCHEDULE F.
To Whom it May Concern:
(name of person, firm or company. P.O. address) hereby gives notice that it is—————————————————————————————————
SCHEDULE G.
Return of the liabilities and assets of the——Bank on the——day of———, 19—
Liabilities.
<ol> <li>Notes in circulation</li></ol>

100

Logne to other banks in Canada, secured, 13. Call and short (not exceeding titles, days) scheqi districts
Over due debta.
Real estate other than bank premises.

16	Appropriation Account
17.	Contingent Reserves, including undistributed
	profits
18.	Rest or Reserve Fund
	Capital paid up
	Assets.
1.	Current gold and sub-{In Canada \$
	sidiary coin Elsewhere \$
2.	sidiary coin Elsewhere \$ Dominion notes In Canada \$
	Elsewhere \$
	Notes of other banks
	United States and other foreign currencies
	Cheques on other banks
6.	Loans to other banks in Canada, secured, including bills re-discounted
7	Deposits made with and balances due from
•	other banks in Canada
8.	Due from banks and banking correspondents
	in the United Kingdom
9.	Due from banks and banking correspondents,
	elsewhere than in Canada and the United
10	Kingdom
10.	Dominion government and provincial gov-
11	ernment securities
11.	foreign and colonial public securities
	other than Canadian
12.	Railway and other bonds, debentures and
	stocks
13.	Call and short (not exceeding thirty days)
	loans in Canada on stocks, debentures and
14	bonds
IT.	loans elsewhere than in Canada
15.	Other current loans and discounts in Canada
16.	Other current loans and discounts elsewhere
	than in Canada
17.	Loans to the Government of Canada
	Loans to provincial governments
19.	Loans to cities, towns, municipalities and school districts
20	Over due debts
	Real estate other than bank premises
	Mortgages on real estate sold by the bank
	Bank premises, at not more than cost, less
	amounts (if any) written off
24.	Liabilities of customers under letters of
	credit as per contra

Greatest amount of notes of the bank in circulation at any

25. Deposit with the Minister of Finance for the security of note circulation.....
26. Deposit in the central gold reserves.....
27. Other assets not included under the fore-

going heads				
	\$			
Capital authorized				
Branch or Agency.	Date of such return.			
I declare that the above return is correct according to the books of the bank.  E. F.,  Chief Accountant, (or Acting Chief Accountant, as the case may be).				
knowledge and belief correct, the financial position of the ba				

and 113 of the Bank Act; and we further declare that the Bank has never, at any time during the period to which the said return relates, held in Dominion notes less than forty

per cent, of the cash reserves which it has in Canada.

A. B.,
President, (Vice-President, or Director
acting as President, as the case may
be).

books of the graphs, and tent to the best of our looksides and Hank by a roce of the Hank

C. D.,

General Manager, (or other principal officer, as the case may be).

3-4 G. V, c. 9, Sch. D. Am.

## SCHEDULE H.

Day of the Month.	Paid-up Capital.	*Reserve Fund.	Deposit Gold Coin and Dominion Notes.	Circulation.	Excess (if any).
	Carried and the	Torrest Cl		half it cits	dellen
	Immit in	- year	retainer to		equation of the

<sup>\*</sup> N.B.—Returns for the months of March to August, inclusive, need not have the Reserve Fund column.

I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

> E.F., Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct.

> A.B., President, (Vice-President, or Director acting as President, as the case may be).

C.D., General Manager, (or other principal officer, as the case may be).

3-4 G.V, c. 9, Sch. E.

SCHEDULE'L.

## SCHEDULE I.

Return of unpaid dividends, balances and amounts, certified cheques, drafts and bills of exchange of the——Bank at the close of the calendar year 19—, made in accordance with the provisions of subsections 1 to 5, inclusive, of section 114 of The Bank Act.
Bash of December 1
I declare that the shows return has been prepared under

I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

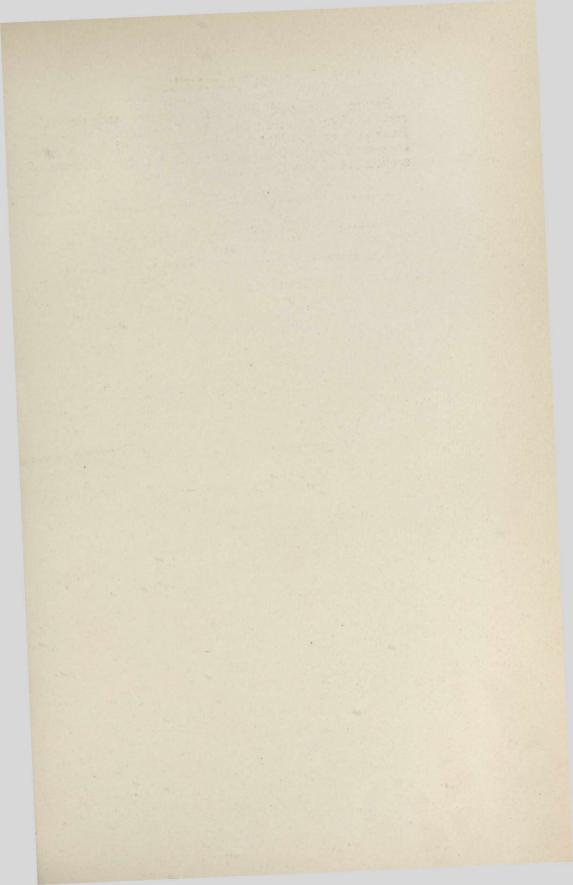
> E.F., Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct.

(Place)——this——day of——, 19—.

A.B., President, (Vice-President, or Director acting as President, as the case may be).

C.D.,
General Manager, (or other principal officer, as the case may be).
3-4 G. V, c. 9, Sch. F.



STREET,

The table of copyride dividends, balancies and amounts, the train observes, denotes and balls of exchange of the form of the dividends year 19—, made in accordance with the processors of subsections 1 to 5, inclusive, of success 114 of the Book Art.

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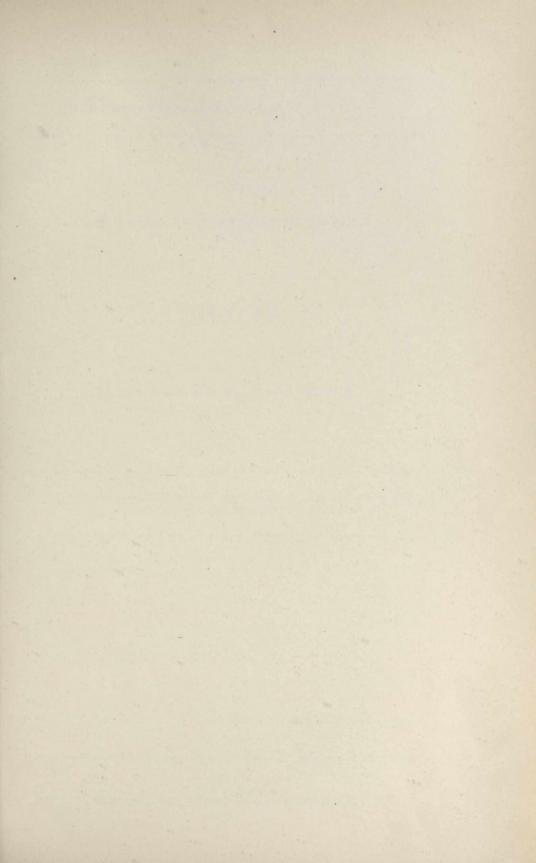
Chief

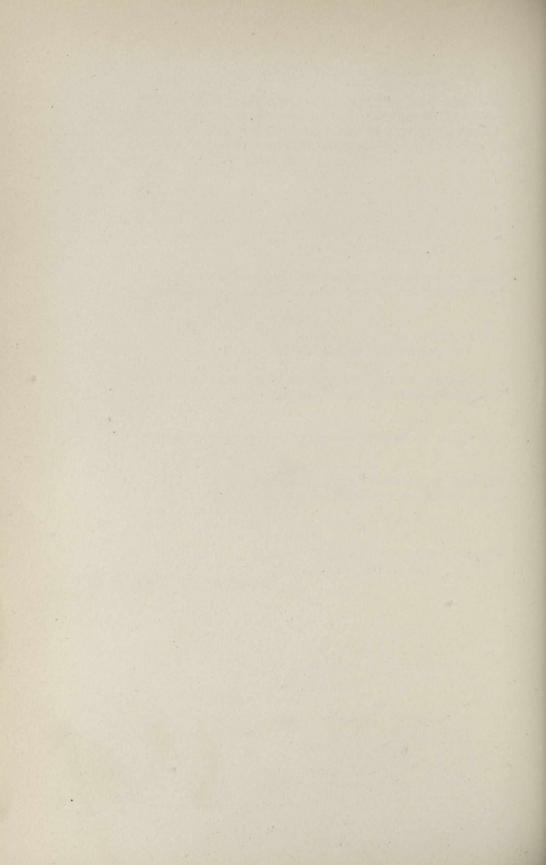
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Bresident, (Vice-President, or Director acting as President, as the case may be).

General Manager, for other principal





Parison Books, Programmy Parisonal, 28-19 George 5, 1923

THE HOUSE OF COMMONS OF CHAMA

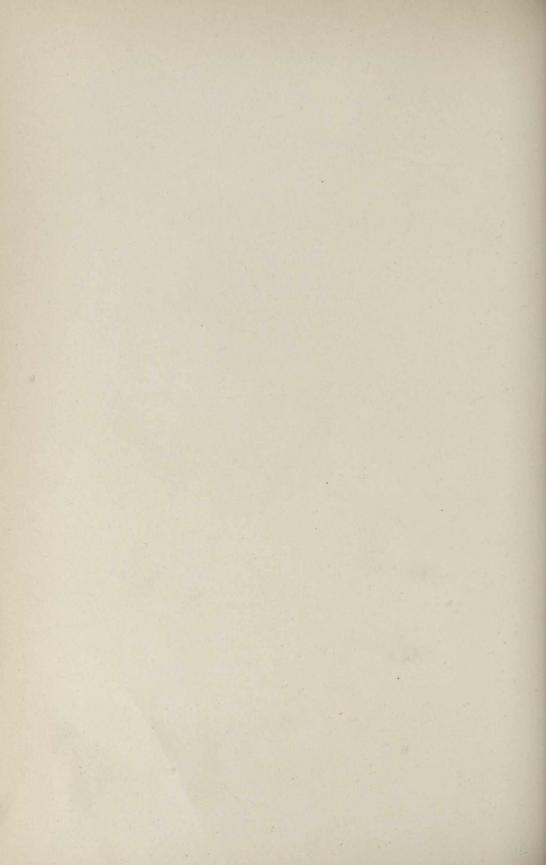
# BILL 83.

An Act respecting Broke and Banking

(Reprinted as amended and repeated by the below Stated ing Committee at Salaking and Committee)

The Muneratur Person

PROPERTY TO THE ENGINEER PROPERTY NAMED IN



Second Session, Fourteenth Parliament, 13-14 George V, 1923

## THE HOUSE OF COMMONS OF CANADA

# BILL 83.

An Act respecting Banks and Banking.

House of Commone of Canada

(Reprinted as amended and reported by the Select Standing Committee on Banking and Commerce.)

The MINISTER OF FINANCE

OTTAWA

## THE HOUSE OF COMMONS OF CANADA

## BILL 83.

R.S., c 29. 1908, c. 7.	An Act respecting Banks and Banking.	
1911, c 4. 1912, c. 5. 1913, c. 9. (C.S.)	(New matter is printed in italics.)	
1914 (2 Sess.) e. 3. 1915, c. 1. 1916, 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 Bank Act. 53 V., c. 31, s. 1.  INTERPRETATION.	5
Definitions. "Association."	2. In this Act, unless the context otherwise requires,— (a) "Association" means the Canadian Bankers' Association, incorporated by chapter 93 of the statutes of 1900, intituled An Act to incorporate the Canadian Bankers' Association:	10
"Bank." "Bill of lading."	(b) "bank" means any bank to which this Act applies; (c) "bill of lading" includes all receipts for goods, wares or merchandise, accompanied by an undertaking to transport the same from the place where they were received to some other place, by any mode of carriage, whatever;	
"Circulation Fund."		20
"Curator."	(e) "Curator" means any person appointed under the authority of this Act by the Canadian Bankers' Association to supervise the affairs of any bank which has suspended payment in specie or Dominion notes of any of its liabilities as they accrue;	25
"Farmer."	(f) "farmer" includes the owner, occupier, landlord and tenant of a farm;	

carry and migo, products of the ear, false and nivery (i) "Majarce" meson five Mariston of Progress and Ro"Goods, wares and merchandise." (g) "goods, wares and merchandise" includes, in addition to the things usually understood thereby, products of agriculture, products of the forest, products of the quarry and mine, products of the sea, lakes and rivers, petroleum and crude oil, and other articles of commerce;

(h) "grain" includes wheat, oats, barley, rye, corn,

buckwheat and flax;

"Manufacturer." (i) "manufacturer" includes manufacturers of logs, timber or lumber, maltsters, distillers, brewers, refiners and producers of petroleum, tanners, curers, packers, 10 canners of meat, pork, fish, fruit or vegetables, and any person who produces by hand, art, process or mechanical means any goods, wares or merchandise;

"Minister." (j) "Minister" means the Minister of Finance and Receiver General:

"President."
"Products of agriculture."

(k) "president" does not include an honorary president;
(l) "products of agriculture," in addition to the direct products of the soil such as hay, grain, roots, vegetables, fruits and other crops, includes milk, cream, butter, cheese, honey, poultry (dead), and eggs, hides, skins 20 and wool, and dried, canned and preserved vegetables and fruits:

"Products of the forests." (m) "products of \* \* \* \* the forest" includes bark, logs, pulpwood, piling, spars, railway ties, poles, mining and all other timber, shingles, laths, deals, boards, staves 25 and all other lumber, and the skins and furs of wild animals;

"Products of the sea, lakes and rivers." (n) "products of \* \* \* \* the sea, lakes and rivers" includes, in addition to fish of all kinds, whether fresh, frozen, salted, dried, canned, preserved in oil or other-30 wise preserved, whales and seals, their oil, skins and bone, oysters, lobsters and other crustaceans, fresh and canned or otherwise preserved:

'Trustees."

(o) "trustees" means the persons appointed by the Association and by the Minister to receive and hold 35 the central gold reserves, and "trustee" means any one of the trustees, and if one or more of the trustees is a corporation then "trustee" includes each of the officers of such corporation who is responsible for any action taken by the corporation for the purposes of 40 this Act;

"Warehouse receipt."

(p) "warehouse receipt—"

(i) means any receipt given by any person for any goods, wares or merchandise in his actual, visible and continued possession as bailee thereof in good faith and 45

not as of his own property, and,

(ii) includes receipts, given by any person who is the owner or keeper of a harbour, cove, pond, wharf, yard, warehouse, shed, storehouse or other place for the storage of goods, wares or merchandise, for goods, 50 wares and merchandise delivered to him as bailee, and actually in the place or in one or more of the

places owned or kept by him, whether such person

is engaged in other business or not, and,

(iii) includes also receipts given by any person in charge of logs or timber in transit from timber limits or other lands to the place of destination of such logs or timber, and,

(iv) includes Lake Shippers Clearance Association receipts and all documents recognized by The Canada Grain Act as warehouse receipts. 53 V., c. 31, ss. 2, 54 and 102; 63-64 V., c. 26, ss. 3 and 24; 4-5 E. VII., c. 4, s. 10 4. Am.; 3-4 G. V., c. 9, s. 2. Am.

Public notice; how given.

3. Where by this Act any public notice is required to be given the notice shall, unless otherwise specified, be given by advertisement—

(a) in one or more newspapers published at the place 15

where the chief office of the bank is situate; and,

(b) in The Canada Gazette.

Sufficiency of publication.

2. When by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during 20 the period in a newspaper published more frequently, shall be a sufficient publication for the purposes of this Act.

Notice of call.

3. When by this Act notice of any call is required to be given to the shareholders the notice shall, unless otherwise specified, be sufficiently given by mailing the notice in 25 the post office, registered and post paid, to the last known post office address of the respective shareholders as shown by the records of the bank, at least thirty days prior to the day on which the call is payable. 3-4 G. V., c. 9, s. 2.

### APPLICATION.

## General.

To what banks this Act applies. 4. The provisions of this Act apply to the several banks 30 enumerated in Schedule A to this Act, and to every bank incorporated after the first day of January, one thousand nine hundred and twenty-two, whether this Act is specially mentioned in its Act of incorporation or not, but not to any other bank, except as hereinafter specially provided. 53 35 V., c. 31, s. 3. Am.

Bank charters continued to July 1st, 1933, as to some particulars. 5. Each of the several banks under the name mentioned in Schedule A to this Act is, and shall continue to be, a body politic and corporate until the first day of July, one thousand nine hundred and thirty-three, and this Act shall form and be 40 the charter of each of the said banks until the first day of July aforesaid. The chief office of each bank, and, subject to the provisions of this Act with regard to increase or decrease, the amount of its authorized capital stock, divided into shares of one hundred dollars each, shall be as set out in the Schedule.

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As to other particulars.

2. As to all other particulars this Act shall form and be the charter of each of the said banks until the first day of July, one thousand nine hundred and *thirty-three*. 3-4 G. V., c. 9, s. 4. Am.

Forfeited or void charters not continued.

6. Nothing in the next preceding section shall be deemed 5 to continue in force any charter or Act of incorporation, if, or in so far as it is, under the terms thereof, or under the terms of this Act or of any other Act passed or to be passed, forfeited or rendered void by reason of the non-performance of the conditions of such charter or Act of 10 incorporation, or by reason of insolvency, or for any other reason. 3-4 G. V., c. 9, s. 4. Am.

## Banks in course of winding-up.

Act continues to apply for purposes of windingup. 7. The provisions of this Act shall continue to apply to the banks named in the Schedule to chapter 9 of the statutes of 1913 intituled An Act respecting Banks and 15 Banking, and not named in Schedule A to this Act, but only in so far as may be necessary to wind up the business of the said Banks respectively; and the charters or Acts of incorporation of the said Banks, and any Acts in amendment thereof, or any Acts in relation to the said banks 20 now in force, shall respectively continue in force for the purposes of winding up, and for such purposes only. 3-4 G. V., c. 9, s. 5. Am.

### INCORPORATION AND ORGANIZATION OF BANKS.

Particulars of Act of incorporation.

S. The capital stock of every bank hereafter incorporated, the name of the bank, the place where its chief office is to 25 be situated, and the names of the provisional directors, shall be declared in the Act of incorporation of every such bank respectively. 53 V., c. 31, s. 9.

Form thereof.

**9.** An Act of incorporation of a bank in the form set forth in Schedule B to this Act shall be construed to confer 30 upon the bank thereby incorporated all the powers, privileges and immunities, and to subject it to all the liabilities and provisions set forth in this Act. 53 V., c. 31, s. 9.

Capital stock and shares.

10. The capital stock of any bank hereafter incorporated shall be not less than five hundred thousand dollars, and 35 shall be divided into shares of one hundred dollars each. 53 V., c. 31, s. 10.

Provisional directors.

- 11. The number of provisional directors shall be not less than five.
- 2. A provisional director shall not be eligible to act as such 40 unless he be a bona fide subscriber of stock of the bank for and

thereard dollars, and as soon thereafter as the provisional

on his own behalf, to become the absolute and sole owner in his individual right of such stock, and not as trustee or in the right of another, on which subscription not less than—

"(a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million dollars 5

or less;

"(b) four thousand dollars have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars;

"(c) five thousand dollars have been paid up, when the 10 paid-up capital stock of the bank exceeds three million

dollars." 1923. New.

Tenure of office.

3. The provisional directors shall hold office until directors are elected by the subscribers to the stock, as hereinafter provided. 53 V., c. 31, s. 11; 4-5 E. VII., c. 4, s. 1. 15

Opening of stock books.

12. For the purpose of organizing the bank, the provisional directors may, after giving ten days public notice thereof, cause stock books to be opened, in which shall be recorded the subscriptions of such persons as desire to become shareholders in the bank.

Where.

2. The stock books shall be opened at the place where the chief office of the bank is to be situate, and elsewhere in the discretion of the provisional directors.

20

Particulars entered.

3. Each subscriber shall, at the time of subscription, give his post office address, and description, and these par-25 ticulars shall appear in the stock books in connection with the name of the subscriber and the number of shares subscribed for.

Notice of double liability.

4. There shall be printed in small pica type, or type of larger size, on each page in the stock books upon which 30 subscriptions are recorded, and on every document constituting or authorizing a subscription, on a part of the page and document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act. 35

Time stock books open. 5. The stock books may be kept open for such time as the provisional directors deem necessary.

the provisional directors deem necessary

Recovery of unpaid subscriptions.

6. In case of the non-payment of any instalment or other sum payable by a subscriber on account of his subscription, the provisional directors may, in the corporate name of the 40 bank, sue for, recover, collect and get in any such instalment or sum. 53 V., c. 31, s. 12. Am.

First meeting of subscribers.

13. Whenever a sum not less than five hundred thousand dollars of the capital stock of the bank has been bona fide subscribed, and payments in money on account thereof 45 have been made by the subscribers, the total of such payments making a sum not less than two hundred and fifty thousand dollars, and as soon thereafter as the provisional directors have paid thereout to the Minister the sum of

two hundred and fifty thousand dollars, the provisional directors may, by public notice published for at least four weeks, and by notice with postage prepaid mailed to the last known address of each subscriber at least ten days prior to the date of such meeting, call a meeting of the subscribers to the said stock, to be held in the place named in the Act of incorporation as the chief office of the bank, at such time and at such place as is set forth in the said notice.

What is a bona fide subscription.

2. For the purposes of the foregoing subsection no subscription shall be deemed to have been made bona fide or be 10 complete unless and until payment in money equal to at least ten per cent of the amount subscribed has been made on account of such subscription by the subscriber, and such payment, with the date thereof, shall be entered on the stock books opposite to such subscription. 15

Business at meeting.

Tenure of directors.

Provisional

directors

cease.

3. The subscribers shall, at such meeting.—

(a) determine the day upon which the annual general meeting of the bank is to be held:

(b) elect such number of directors, duly qualified under this Act, not less than five, as they think necessary; 20 and.

(c) provide for the method of filling vacancies in the board of directors until the annual general meeting. 4. Such directors shall hold office until the annual general

25

meeting next succeeding their election.

5. Upon the election of directors as aforesaid the functions of the provisional directors shall cease. 53 V., c. 31, s. 13; 4-5 E. VII., c. 4, s. 2. Am.

Permission to commence business.

No certifi-

cate until

directors elected.

14. The bank shall not issue notes or commence the business of banking until it has obtained from the Treasury 30. Board a certificate permitting it to do so.

2. No application for such certificate shall be made until directors have been elected by the subscribers to the stock in the manner hereinbefore required. 53 V., c. 31, s. 14.

Statement of payments by provisional

15. At the time of the application for the certificate, 35 there shall be submitted to the Treasury Board a sworn statement setting forth the several sums of money paid in connection with the incorporation and organization of the bank, and such statement shall, in addition, include a list of all the unpaid liabilities, if any, in connection with or 40 arising out of such incorporation and organization.

2. Prior to the time at which the certificate is given no payments on account of incorporation and organization expenses shall be made out of moneys paid in by subscribers except reasonable sums for the payment of clerical assist- 45

postage and expenses of travel, if any.

3. No certificate shall be given by the Treasury Board until it has been shown to the satisfaction of the Board, by

ance, legal services, office rental, advertising, stationery,

directors.

To what limited.

When certificate may be granted.

and of the special act of incorporation of the bank, so to the and of the special act of incorporation of the bank, so to the animal state of the explicit act of the explicit so to the explicit advantage of second of their education. The payment of one required to be made to the Minister, the election of directions, deposit for security of sure liams, or other medianic arries, have been complied with, and that the sum so paid is then held by the Minister, and unless it appears to the Board that the deposit of incorporation and organization of the restriction and organization.

per comit!

4. No such cartificate and be given except within one year from the passang of the Act of incorporation of the bank applying for the waid callinguis. 53 Ye c. 31, a. 15.

Manager For

Its. it the bank does not obtain a ceramente from the line of the passing Board within one year from the time of the passing of its Act of incorporation, sail the rights, powers and privileges conferred on the bank by its Act of incorporation whall thereupon sease and determine, and be of no force or effect whatever.

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whole of in part paid, but no certificate from the Treasury
Board obtained within the time limited by the preseding
subsection, no part of the money so paid, or secreted sularon
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amount for payment of elected assistance, legal services,
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3. If the amount allowed by each resolution for commissions, salaries or charges for services be dismed insufficient by the provincial directors, or directors elected under section 13 of this Act, as the case may be, or if no resolution for such purpose be passed since a pressing has been duly

called, then the provisional directors or directors elected of as elected for each may apply to a judge of how superior or south court having jurisdiction where the chief office of the bank is exact by its Act of moorphration, to estim and determine all charges and the charges and the charges and the charge of the charge and the charge and the before distortion of the balance is if any shall be subject before distortion of the balance

to the subscriber

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affidavit or otherwise, that all the requirements of this Act and of the special Act of incorporation of the bank, as to the subscriptions to the capital stock, the payment of money by subscribers on account of their subscriptions, the payment required to be made to the Minister, the election of direc- 5 tors, deposit for security of note issue, or other preliminaries, have been complied with, and that the sum so paid is then held by the Minister, and unless it appears to the Board that the expenses of incorporation and organization are reasonable.

Within one vear.

4. No such certificate shall be given except within one year from the passing of the Act of incorporation of the 53 V., c. 31, s. 15. bank applying for the said certificate. Am.

10

If certificate not granted, powers to cease.

16. If the bank does not obtain a certificate from the 15 Treasury Board within one year from the time of the passing of its Act of incorporation, all the rights, powers and privileges conferred on the bank by its Act of incorporation shall thereupon cease and determine, and be of no force or effect whatever. 20

Ordinary disbursements allowed, but other expenses subject to resolution.

2. If stock books have been opened and subscriptions in whole or in part paid, but no certificate from the Treasury Board obtained within the time limited by the preceding subsection, no part of the money so paid, or accrued interest thereon, shall be disbursed for commissions, salaries, charges 25 for services or for other purposes, except a reasonable amount for payment of clerical assistance, legal services, office rental, advertising, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at 30 which the greater part of the money so paid is represented by subscribers or by proxies of subscribers; and each subscriber shall be entitled at such a meeting to one vote for each ten dollars paid on account of his subscription.

Application to court to settle amount of disbursements.

3. If the amount allowed by such resolution for commis- 35 sions, salaries or charges for services be deemed insufficient by the provisional directors, or directors elected under section 13 of this Act, as the case may be, or if no resolution for such purpose be passed after a meeting has been duly called, then the provisional directors, or directors elected 40 as aforesaid, may apply to a judge of any superior or county court having jurisdiction where the chief office of the bank is fixed by its Act of incorporation, to settle and determine all charges and the reasonableness of the amount of the disbursements already made to which such money and inter- 45 est, if any, shall be subject, before distribution of the balance to the subscribers.

Notice of meeting and application to court, with statement.

4. Notice of the meeting and notice of the application respectively referred to in the next preceding subsections shall be given by mailing the notice in the post office, 50 on least the first that the transacts continued the 25

registered and post paid, at least twenty-one days prior to the date fixed for such meeting or the hearing of such application, to the several subscribers to their respective post office addresses as contained in the stock books: and each of such notices shall contain a statement, in summary form, of the several amounts for commissions, salaries, charges for services and disbursements which it is proposed shall be provided by resolution for payment, or settled and determined by a judge, as the case may be.

Voting.

5. Votes of subscribers may be given at such meeting 10 by proxy, the holder of such proxy to be a subscriber, and subscribers may be heard either in person or by counsel on

such application.

Ratio payable by subscribers.

6. In order that the sums paid and payable under the provisions of this section may be equitably borne by the 15 subscribers, the provisional directors or the directors, as the case may be, shall, after the amount of such sums is ascertained as herein provided, fix the proportionate part thereof chargeable to each subscriber at the ratio of the number of shares, in respect of which he is a subscriber 20

to the total number of shares bona fide subscribed.

Payment of excess.

7. The respective amounts so fixed shall, before return of the sums paid in to the subscriber, be deducted therefrom. and if the respective sums paid in are not as much as the amounts so fixed, then the excess in each case shall be 25 payable forthwith by the subscriber to the provisional directors or the directors, as the case may be.

Deductions.

8. The total of the amounts in excess mentioned in the next preceding subsection which the provisional directors or the directors are unable to get in or collect in what seems 30 to them a reasonable time shall, with any legal costs incurred, be deducted by them from the sums then remaining in their hands to the credit of the several subscribers in the ratio hereinbefore mentioned, the shares in respect of which no such collections have been made being eliminated from 35 the basis of calculation.

Return of excess to subscribers.

9. The provisional directors or directors, after payment by them of the sums payable under this section, shall return to the subscribers, with any interim interest accretions, the respective balances of the moneys paid in by the subscribers. 40 53 V., c. 31, s. 16. Am.

granted.

17. Upon the issue of the certificate in manner here-Deposit, how 17. Upon the issue of the certificate in disposed of if inbefore provided, the Minister shall forthwith pay to the bank the amount of money so deposited with him as aforesaid, without interest, after deducting therefrom the sum 45 of five thousand dollars required to be deposited under the provisions of this Act for the securing of the notes issued by the bank.

2. In case no certificate is issued by the Treasury Board If certificate not granted. within the time limited for the issue thereof, the amount 50

so deposited shall be returned to the bank for distribution

in the manner provided by this Act.

Minister not bound. 3. In no case shall the Minister be under any obligation to see to the proper application in any way of the amount so returned. 53 V., c. 31, s. 17. Am.

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## INTERNAL REGULATIONS.

Regulation by by-law.

18. The shareholders of the bank may, at any annual general meeting or at any special general meeting duly called for the purpose, regulate, by by-law, the following matters incident to the management and administration of the affairs of the bank, that is to say:—

(a) The day upon which the annual general meeting of the shareholders for the election of directors shall be

held;

(b) The record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be 15 produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) The number of the directors, which shall be not less than five, and the quorum thereof, which shall be not less than three;

(d) Subject to the provisions hereinafter contained, the qualifications of directors:

(e) The method of filling vacancies in the board of directors, whenever the same occur during each year:

(f) The time and proceedings for the election of directors 25 in case of a failure of any election on the day appointed for it;

(g) The remuneration of the president, vice-president

and other directors; and,

(h) The amount of discounts or loans which may be made 30 to directors, either jointly or severally, or to any one firm or person, or to any shareholder, or to corporations.

Copy of by-laws to be sent to shareholders.

2. A copy of the by-laws in force on the first day of July, one thousand nine hundred and twenty-three, in respect of the 35 several matters hereinbefore in this section set out, together with a copy of this section of the Act, shall, before the thirty-first day of December, one thousand nine hundred and twenty-three, be sent to each shareholder at his last known post office address, as shown by the books of the 40 bank; and after the first day of July, one thousand nine hundred and twenty-three, within six months after the end of each successive five year period, a copy of the by-laws, in respect of the said matters, in force at the end of each such period, shall be sent as aforesaid.

3. The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute 61848—2

Guarantee and pension funds.

thereto out of the funds of the bank, and such guarantee or pension fund, whether contributed in whole or in part out of the funds of the bank or not, shall be invested in securities in which a trustee may invest under the Trust Companies Act, 1914. Any conversion of investments rendered necessary by this provision shall be made within such time or times as the Minister may deem reasonable.

Existing by-laws continued.

4. Until it is otherwise prescribed by by-law under this section, the by-laws of the bank on any matter which may be regulated by by-law under this section shall remain in 10 force, except as to any provision fixing the qualification of directors at an amount less than that prescribed by this Act. 53 V., c. 31, s. 18; 4-5 E. VII., c. 4, s. 3; 3-4 G. V., c. 9, s. 18. Am.

Exception.

Board of directors.

19. The stock, property, affairs and concerns of the bank 15 shall be managed by a board of directors, who shall be elected annually in the manner hereinafter provided, and shall be eligible for re-election. 53 V., c. 31, s. 19.

Qualifica-

- 20. Each director shall hold stock of the bank, of which stock he shall be the absolute and sole owner in his individual right and not as trustee or in the right of another, on which not less than—
  - (a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million dollars or less;

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(b) four thousand dollars have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars;

(c) five thousand dollars have been paid up, when the paid-up capital stock of the bank exceeds three million 30 dollars.

Required stock holdings.

2. No person shall be elected or continue to be a director unless he holds stock, of which he is the owner as aforesaid, paid up to the amount required by this Act, or such greater amount as is required by any by-law in that behalf.

Majority to be British subjects.

3. A majority of the directors shall be natural born or naturalized subjects of His Majesty and domiciled in Canada. 53 V., c. 31, ss. 18 and 19. Am.

Election of directors.

21. The directors shall be elected by the shareholders at the annual general meeting.

At chief office.

2. The election shall take place at the place where the chief office of the bank is situate.

Notice.

3. Public notice of the annual general meeting shall be given by the directors by publishing such notice, for at least four weeks previously to the time of holding the 45 said meeting, in a newspaper published at the place where the chief office of the bank is situate, and by mailing a copy of such notice to each shareholder at his last known post

office address, as shown by the books of the bank, at least twenty days prior to the time aforesaid. 53 V., c. 31, s. 19. Am.

Who shall be directors. **22.** The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be directors. 53 V., c. 31, s. 19.

Provision in case of equality of votes.

23. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors 10 who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors. 53 V., c. 31, s. 19.

Election of president and vice-president.

24. The directors, as soon as may be after their election shall proceed to elect, by ballot, from their number a president and one or more vice-presidents.

Honorary president.

2. The directors may also elect by ballot one of their number to be honorary president. 53 V., c. 31, s. 19; 4-5 20 E. VII., c. 4, s. 4. Am.

Vacancies, how filled. Proviso. 25. If a vacancy occurs in the board of directors the vacancy shall be filled in the manner provided by the bylaws: Provided that, if the vacancy is not filled, the acts of a quorum of the remaining directors shall not be thereby 25 invalidated. 53 V., c. 31, s. 19.

Vacancy in presidency or vicepresidency. 26. If a vacancy occurs in the office of the president or vice-president, the directors shall, from among themselves, elect a president or a vice-president, who shall continue in office for the remainder of the year. 53 V., c. 31, s. 19. Am. 30

Postponed election of directors.

27. If an election of directors is not made on the day appointed for that purpose, such election may take place on any other day, according to the by-laws made by the shareholders in that behalf.

Continuance in office. 2. The directors in office on the day appointed for the 35 election of directors shall remain in office until a new election is made. 53 V., c. 31, s. 20.

Meetings of directors.

28. The president, or in his absence a vice-president, shall preside at all meetings of the directors.

Temporary chairman.

2. If at any meeting of the directors both president and 40 vice-presidents are absent, one of the directors present, chosen to act *pro tempore*, shall preside.

Voting.

3. The president, a vice-president or president pro tempore, so presiding, shall vote as a director, and shall,

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if there is an equal division on any question, also have

a casting vote.

Record of attendance of Directors.

4. A record shall be kept of the attendance at each meeting of directors. A summary thereof prepared so as to show the total number of directors' meetings held and the number 5 attended by each director shall be sent to each shareholder with the notice of the annual meeting required by Section twenty-one; and such summary may state the nature and extent of the services rendered by any director who, by reason of residing at a point remote from the chief office of the bank, 10 has been unable to attend meetings of directors. 53 V., c. 31, s. 21; 3-4 G. V., c. 9, s. 28. Am.

General powers of directors.

29. The directors may make bylaws and regulations, not repugnant to the provisions of this Act, or to any by-law duly passed by the shareholders or to the laws of 15 Canada, with respect to—

(a) the management and disposition of the stock,

property, affairs and concerns of the bank;
(b) the duties and conduct of the officers, clerks and

servants employed therein; and, (c) all such other matters as appertain to the business of

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a bank.

Existing by-laws continued.

2. All by-laws of the bank heretofore lawfully made and now in force with regard to any matter respecting which the directors may make by-laws under this section, includ- 25 ing any by-laws for the establishing of guarantee and pension funds for the employees of the bank, shall remain in force until they are repealed or altered by other by-laws made under this Act. 53 V., c. 31, s. 22.

Appointment of officers.

Directors
may
authorize
officer to
make
appointments.

Salaries.

Security.

30. The directors may appoint as many officers, 30 clerks and servants as they may consider necessary for the carrying on of the business of the bank, and may authorize any officer of the bank to make such of these appointments as they may deem expedient.

2. Such officers, clerks and servants may be paid such 35 salaries and allowances as the directors or such officer, in the case of appointments made by him, consider necessary.

3. The directors before permitting any general manager, manager, or other officer, clerk or servant of the bank to enter upon the duties of his office, and any officer, author-40 ized as aforesaid, before permitting any officer, clerk or servant of the bank appointed by him to enter upon the duties of his office, shall require him to give a bond, guarantee or other security to the satisfaction of the directors or such officer as the case may be, for the due and faithful 45 performance of his duties. 53 V., c. 31, s. 23. Am.

Special general meeting.

31. A special general meeting of the shareholders of the bank, may be called at any time by—

(a) the directors of the bank or any four of them; or,

(b) any number not less than trenty-five of the shareholders, acting by themiselves er by their proxing,
who are together promistors of at least one-tenth of
the paid-un received stool of the back.

2. Euch directors on shareholders shall give an weeks' previous public notice; specifying therein the object of such

3. Such meeting shall be held at the usual place of meeting

At If the object of the special guestal meeting is to consiter the proposed removal, for makelministration or other specified and apparently just, sugge, of the president or a vice-president or of a director of the bank, and if a majority of the votes of the starcholders at the meeting is given for such removal, a director to replace him shall be elected.

such removal, a director to replace him shall be elected II or suppointed in the manner provided by the by-laws of the bank, or, if there are no by-laws providing therefor, by the shareholders at the meeting.

5. If it is the president or a vice-president who is removed, his office shall be filled by the directors in the manner 20 provides in case of a varance occurring in the office of the state of the contract of the contract

2.2. Every shareholder shall, on all accessions on which the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the 2 time of meeting.

2. In all cases when the votes of the sharshelders are

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5. All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes 30 of the shareholders present or represented by presy.

4. The chairman elected to preside at any meeting of the phareholder only, unless there is a ten, in wideh case he shall, except as to the election of a climater butter case in wideh case in wideh case in wideh case in wideh case in shall, except as to the election

5. If two or more persons are joint holders of shares, may be compowered, by fother of strong from the other joint holder or holders or a majority of libral, to represent the said shares, and to vote accord-

d. Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to

distribute officer of the bank shall vote either in person or by

s. No appointment of a prince to vive at any meeting of the charicolders of the bank shall be valid for that purpose Unless it has been made or renewed in writing winnin one year last avecation the their of and meeting ......

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(b) any number not less than twenty-five of the share-holders, acting by themselves or by their proxies, who are together proprietors of at least one-tenth of the paid-up capital stock of the bank.

2. Such directors or shareholders shall give six weeks' previous public notice, specifying therein the object of such meeting.

3. Such meeting shall be held at the usual place of meeting of the shareholders.

4. If the object of the special general meeting is to con-10 sider the proposed removal, for maladministration or other specified and apparently just cause, of the president or a vice-president, or of a director of the bank, and if a majority of the votes of the shareholders at the meeting is given for such removal, a director to replace him shall be elected 15 or appointed in the manner provided by the by-laws of the bank, or, if there are no by-laws providing therefor, by the shareholders at the meeting.

5. If it is the president or a vice-president who is removed, his office shall be filled by the directors in the manner 20 provided in case of a vacancy occurring in the office of president or vice-president. 53 V., c. 31, s. 24.

32. Every shareholder shall, on all occasions on which the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the 25 time of meeting.

2. In all cases when the votes of the shareholders are taken, the voting shall be by ballot.

3. All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes 30 of the shareholders present or represented by proxy.

4. The chairman elected to preside at any meeting of the shareholders shall vote as a shareholder only, unless there is a tie, in which case he shall, except as to the election of a director, have a casting vote.

5. If two or more persons are joint holders of shares, any one of the joint holders may be empowered, by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and to vote accordingly.

6. Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy.

7. No general manager, manager, clerk or other subordinate officer of the bank shall vote either in person or by 45 proxy, or hold a proxy for the purpose of voting.

8. No appointment of a proxy to vote at any meeting of the shareholders of the bank shall be valid for that purpose unless it has been made or renewed in writing within one year last preceding the time of such meeting.

Notice.

Place.

Removal of president, vice-president or director.

Another to replace.

Choosing another president or vicepresident.

One vote for each share.

Ballot.

Majority to determine.

Casting vote.

As to joint holders of shares.

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Proxies.

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Renewal of proxies.

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Calls must be paid before voting. 9. No shareholder shall vote, either in person or by proxy, on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors which are then due and payable. 53 V., c. 31, s. 25. Am.

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## CAPITAL STOCK.

Increase of capital.

33. The capital stock of the bank may be increased, from time to time, by such percentage, or by such amount, as is determined upon by by-law passed by the shareholders at the annual general meeting, or at any special general meet- 10 ing called for the purpose.

Approval of Treasury Board. 2. No such by-law shall come into operation, or be of any force or effect, unless and until a certificate approving thereof has been issued by the Treasury Board.

Conditions for approval.

3. No such certificate shall be issued by the Treasury 15 Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least 20 four weeks in *The Canada Gazette*, and in one or more newspapers published in the place where the chief office of the bank is situate.

Treasury
Board may
refuse.

4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue such certificate 25 if it thinks best so to do. 53 V., c. 31, s. 26.

Allotment.

To present

share-

holders.

**34.** Any of the original unsubscribed capital stock, or of the increased stock of the bank, shall, at such time as the directors determine, be allotted to the then shareholders of the bank *pro rata*, at such *price* and on such terms 30 as are fixed by the directors: Provided that—

(a) no fraction of a share shall be so allotted;

(b) in no case shall a rate be fixed by the directors, which will make the premium, if any, paid or payable on the stock so allotted, exceed the percentage which 35 the rest or reserve fund of the bank then bears to the paid-up capital stock thereof;

(c) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price

every thirty days; and,

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(d) the price of such stock shall be paid in money.

Notice of allotment.

2. Notice of allotment shall be mailed to the shareholders at their last known post office address as shown by the record of the bank, and the directors shall in such notice fix a date not less than ninety days from the day on which 45 the notice is mailed within which the allotment is to be accepted.

Allotment to the public.

3. Any of such allotted stock which is not accepted by a shareholder to whom the allotment has been made, within the time so fixed, or which he declines to accept, together with such shares as remain unallotted because of the provisions of this section that no fraction of a share can be allotted, may be offered for subscription to the public in such manner and on such terms as the directors prescribe.

Distribution of fractions.

4. Any sums received in excess of the rate per share fixed by the directors under this section in respect of fractions of shares offered for subscription to the public shall be rateably 10 distributed to the respective shareholders from whose 53 V., c. 31, s. 27. shares the fractions arose. G.V., c. 9, s. 34. Am.

Reduction of capital.

35. The capital stock of the bank may be reduced by by-law passed by the shareholders at the annual general 15 meeting, or at a special general meeting called for the purpose.

Approval Treasury Board.

2. No such by-law shall come into operation or be of force or effect until a certificate approving thereof has been issued by the Treasury Board.

Conditions for approval.

3. No such certificate shall be issued by the Treasury Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Board that—

(a) the shareholders voting for the by-law represent a 25 majority in value of all the shares then issued by the

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bank: and.

(b) a copy of the by-law, together with notice of intention to apply to the Treasury Board for the issue of a certificate approving thereof, has been published for at least 30 four weeks in The Canada Gazette, and in one or more newspapers published in the place where the chief office of the bank is situate.

4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue the certificate 35

if it thinks best so to do.

5. In addition to evidence of the passing of the by-law, and of the publication thereof in the manner in this section provided, statements showing—

(a) the amount of stock issued; (b) the number of shareholders represented at the meeting at which the by-law passed;

(c) the amount of stock held by each such shareholder; (d) the number of shareholders who voted for the by-law;

- (e) the amount of stock held by each of such last men- 45 tioned shareholders;
- (f) the assets and liabilities of the bank in full; and, (g) the reasons and causes why the reduction is sought; shall be laid before the Treasury Board at the time of the application for the issue of a certificate approving the by-law. 50

Treasury Board may refuse.

Statements to be submitted to Treasury Board.

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7. If in any case legislation is sought to sanction ary reduction of the capital sales of any land, a copy of the by-law
or escingion descent by the shareholders in regard thereto,
together with statements outling to those by this section
required to be but before the Treasury length shall, at least
one means grow to the introduction into Parliament of the

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3. Each subscriber in his past office address, shall across its the state.

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27. There shall be printed in small neg type, or type of jurger size, on each page in the stock books upon which subscriptions are moorded and on every documents constituting or authorizing a subscription, on a part of the jurge and decompost, respectively, which may be readily seen by the person recording the subscription, or by the person agraing the documents a copy of section 125 of this Act. 3-4 G. V.

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23. The dicoepar may make such calls of money from the several shareholding for the time being, upon the charce subacrified for by them respectively, as they find necessity.

2. Any number of calls may be made by one caralation.

S. Sock calls shall be payable at intervals of not less than 4

d. No such call shall exceed ton per cent of each share S. No such call shall exceed ton per cent of each share subscribed ETV v 21 a 21 am Not to affect liability of shareholders.

6. The passing of the by-law, and any reduction of the capital stock of the bank thereunder, shall not in any way diminish or interfere with the liability of the shareholders of the bank to the creditors thereof at the time of the issue of the certificate approving the by-law.

If legislation is asked to sanction reduction.

7. If in any case legislation is sought to sanction any reduction of the capital stock of any bank, a copy of the by-law or resolution passed by the shareholders in regard thereto, together with statements similar to those by this section required to be laid before the Treasury Board, shall, at least 10 one month prior to the introduction into Parliament of the bill relating to such reduction, be filed with the Minister.

Limit of reduction.

8. The capital shall not be reduced below the amount of two hundred and fifty thousand dollars of paid-up stock. 53 V., c. 31, s. 28.

### SHARES AND CALLS.

Shares personalty.

**36.** The shares of the capital stock of the bank shall be personal property.

Books of subscription.

2. For the purpose of disposing of stock which may be offered for subscription to the public under section 34 of this Act, stock books may be opened at the chief office of 20 the bank, or at such of its branches, or elsewhere, as the directors prescribe.

Particulars entered.

3. Each subscriber shall, at the time of subscription, give his post office address, and description, and these particulars shall appear in the stock books in connection with the name 25 of the subscriber and the number of shares subscribed for. 3-4 G. V., c. 9, s. 36.

Notice of double liability.

37. There shall be printed in small pica type, or type of larger size, on each page in the stock books upon which subscriptions are recorded and on every document constituting 30 or authorizing a subscription, on a part of the page and document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act. 3-4 G. V., c. 9, s. 37.

Calls on shares.

38. The directors may make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as they find necessary.

Number of.

2. Any number of calls may be made by one resolution.

Intervals for calls.

3. Such calls shall be payable at intervals of not less than 40 thirty days.

Notice. Limitation. 4. Notice of such calls shall be given to the shareholders.

5. No such call shall exceed ten per cent of each share subscribed. 53 V., c. 31, s. 31. Am.

Capital lost to be called for.

39. If any part of the paid-up capital is lost the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders to an amount equivalent to the loss: Provided that all net profits shall be applied to make good such loss.

Returns to Minister.

2. Any such loss of capital and the calls, if any, made in respect thereof, shall be mentioned in the next return made by the bank to the Minister. 53 V., c. 31, s. 48.

Recovery of calls and instalments.

Forfeiture.

40. In case of the non-payment of any call, or instalment under an accepted allotment, the directors may, in 10 the corporate name of the bank, sue for, recover, collect and get in any such call or instalment, or may cause and declare the shares in respect of which any such default is made to be forfeited to the bank. 53 V., c. 31, s. 32. Am.

Fine for failure to pay call.

41. If any shareholder refuses or neglects to pay any 15 instalment or call upon his shares of the capital stock at the time appointed therefor, such shareholder shall incur a penalty, to the use of the bank, of a sum of money equal to ten per cent of the amount of such shares.

Sale of forfeited shares at public auction.

2. If the directors declare any shares to be forfeited to the 20 bank they shall, within six months thereafter, without any previous formality, other than public notice published for at least four weeks, of their intention so to do, sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, 25 yield a sum of money sufficient to pay the unpaid instalments or calls due on the remainder of the said shares, and the amount of penalties incurred upon the whole.

Transfer. how executed.

3. The president, a vice-president, or the general manager of the bank shall execute the transfer to the purchaser of the 30 shares so sold; and such transfer shall be as valid and effectual in law as if it had been executed by the original holder of the shares thereby transferred.

Remission of forfeiture or penalty.

4. The directors, or the shareholders at a general meeting may, notwithstanding anything in this section contained, 35 remit, either in whole or in part, and conditionally or unconditionally, any forfeiture or penalty incurred by the non-payment of instalments or calls as aforesaid. c. 31, s. 33. Am.

Recovery by action.

Allegations.

42. In any action brought to recover any money due 40 on any instalment or call, it shall not be necessary to set forth the special matter in the declaration or statement of claim, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the bank, and that he is indebted to 45 the bank for instalments or calls upon such share or shares, in the sum to which the instalments or calls amount, as the

case may be, stating the amount and number of the instalments or calls.

Proof.

2. It shall not be necessary, in any such action, to prove the appointment of the directors. 53 V., c. 31, s. 34.

## TRANSFER AND TRANSMISSION OF SHARES.

Conditions for transfer of shares. 43. No transfer of the shares of the capital stock of the 5 bank shall be valid unless—

(a) made, registered and accepted by the person to whom the transfer is made, or by his attorney appointed in writing, in a book or books kept for that purpose; and,

(b) the person making the transfer has, if required by 10 the bank, previously discharged all his debts or liabilities to the bank which exceed in amount the remaining stock, if any, belonging to such person, valued at the then current rate.

Entries in books.

2. The post office address and description of the transferee 15 shall be entered in such book.

3. No fractional part of a share, or less than a whole share shall be transferable.

Fraction of share not transferable. Share register office to be opened in each province.

4. The bank may open and maintain in any province in Canada in which it has resident shareholders and in which 20 it has one or more branches or agencies, a share-registry office, to be designated by the directors, at which the shares of the shareholders, resident within the province, shall be registered and at which, and not elsewhere, except as hereinafter provided, such shares may be validly transferred.

Register and transfer of shares.

5. Shares of persons who are not resident in Canada or in any province in which there is a branch or agency of the bank may be registered and shall be transferable at the chief office of the bank or elsewhere, as the directors may designate.

When change of residence.

6. Whenever there is a change in the ownership of shares, and the new shareholder resides in a province other than that in which the former shareholder resided, and whenever there is a change in the residence of a shareholder from one province to another, or whenever a shareholder residing 35 outside of Canada becomes a resident of a province in Canada, the registration of the shares shall be changed to the registry of the province in which the shareholder has his residence, if there is a branch or agency of the bank in that province, and if a share-registry has been opened in 40 that province, and the shares of such shareholder shall thereafter be transferable at such registry and not elsewhere, except as herein provided.

Residence defined.

7. For the purposes of this section, a shareholder shall be deemed to be resident in the province in which he has, 45 according to the books of the bank, his post office address.

Agents.

8. The directors shall appoint such agents for the purposes of this section as they deem necessary. 53 V., c. 31, ss. 29 and 35. Am.

List of transfers. 44. A list of all transfers of shares registered each day in the books of the bank at the respective places where transfers are authorized, showing in each case the parties to such transfers and the number of shares transferred, shall be made up at the end of each day.

For inspection.

2. Such lists shall be kept at the said respective places for the inspection of the shareholders. 53 V., c. 31, s. 36. Am. 10

Requirements for valid transfer.

45. All sales or transfers of shares, and all contracts and agreements in respect thereof, hereafter made or purporting to be made, shall be null and void, unless the person making the sale or transfer, or the person in whose name or behalf the sale or transfer is made, at the time of the 15 sale or transfer.—

(a) is the registered owner in the books of the bank of the share or shares so sold or transferred, or intended

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or purporting to be sold or transferred; or,

Contract to state number. (b) has the registered owner's assent to the sale.

2. The distinguishing number or numbers, if any, of such share or shares shall be designated in the contract of agreement of sale or transfer.

Purchasers without notice.

3. Notwithstanding anything in this section contained, the rights and remedies under any contract of sale, which 25 does not comply with the conditions and requirements in this section mentioned, of any purchaser who has no knowledge of such non-compliance, are hereby saved. 53 V., c. 31, s. 37.

Sale of shares under execution.

46. When any share of the capital stock has been sold 30 under a writ of execution, the officer by whom the writ was executed shall, within thirty days after the sale, leave with the bank an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made.

Transfer, how executed. 2. The president, a vice-president or the general manager of the bank shall execute the transfer of the share so sold to the purchaser, but not until after all debts and liabilities to the bank of the holder of the share, and all liens in favour of the bank existing thereon, have been discharged as by 40 this Act provided.

Validity.

3. Such transfer shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder of the said share. 53 V., c. 31, s. 38. Am.

Transmission of shares.

47. If the interest in any share in the capital stock of 45 any bank is transmitted by or in consequence of—

(a) the death, lunacy, bankruptcy, or insolvency of any shareholder; or,

(b) the marriage of a female shareholder; or,

(c) any lawful means, other than a transfer according to the provisions of this Act:

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ticated.

How authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the directors of the bank require.

Declaration.

2. Every such declaration shall distinctly state the manner in which and the person to whom the share has been 10 transmitted, and shall give his post office address and description, and such person shall make and sign the declaration.

Acknowledgment.

3. The person making and signing the declaration shall acknowledge the same before a judge of a court of record, 15 or before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, or a commissioner for taking affidavits, where the same is made and signed.

To be left with bank.

4. Every declaration so signed and acknowledged shall be 20 left with the general manager, or other officer or agent of the bank, who shall thereupon enter the name of the person entitled under the transmission in the register of shareholders.

Exercise of rights as shareholder.

5. Until the transmission has been so authenticated, no 25 person claiming by virtue thereof shall be entitled to participate in the profits of the bank, or to vote in respect of any such share of the capital stock. 53 V., c. 31, s. 39. Am.

Transmission by marriage of female shareholders.

Declaration.

48. If the transmission of any share of the capital stock has taken place by virtue of the marriage of a female share- 30 holder, the declaration shall be accompanied by a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife, with the holder of such share, and shall be made and signed by such female shareholder and her husband. 35

If separate property of

wife.

2. The declaration may include a statement to the effect that the share transmitted is the separate property and under the sole control of the wife, and that she may, without requiring the consent or authority of her husband, receive and grant receipts for the dividends and profits accruing 40 in respect thereof, and dispose of and transfer the share itself.

Revocation.

3. The declaration shall be binding upon the bank and persons making the same, until the said persons see fit to revoke it by a written notice to the bank to that effect.

Omission not to invalidate.

4. The omission of a statement in any such declaration that the wife making the declaration is duly authorized by her husband to make the same shall not invalidate the declaration. 53 V., c. 31, s. 40.

Authentication of declaration and papers in certain cases.

49. Every such declaration and instrument as are by the last two preceding sections required to perfect the transmission of a share in the bank shall, if made in any country other than Canada, the United Kingdom or a British colony.—

(a) be further authenticated by the clerk of a court of record under the seal of the court, or by the British consul or vice-consul, or other accredited representative of His Majesty's Government in the country where the declaration or instrument is made; or,

(b) be made directly before such British consul, vice-

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consul or other accredited representative.

Further evidence.

2. The directors, general manager or other officer or agent of the bank may require corroborative evidence of any fact alleged in any such declaration. 53 V., c. 31, s. 39. Am.

Transmission by will or intestacy.

50. If the transmission has taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or tutorship, or an official extract therefrom, shall, together with the declaration, be produced and left with 20 the general manager or other officer or agent of the bank.

2. The general manager or other officer or agent shall thereupon enter in the register of shareholders the name of the person entitled under the transmission. 53 V., c. 31,

s. 41. Am.

Entry.

Transmission by decease.

**51.** Notwithstanding anything in this Act, if the transmission of any share of the capital stock has taken place by virtue of the decease of any shareholder, the production to the directors and the deposit with them of—

(a) any authenticated copy of the probate of the will of 30 the deceased shareholder, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland, 35 or any British colony, or of any testament, testamentary or testament dative expede in Scotland; or,

(b) an authentic notarial copy of the will of the deceased shareholder, if such will is in notarial form according to the law of the province of Quebec; or,

the law of the province of Quebec; or,

(c) if the deceased shareholder died out of His Majesty's dominions, any authenticated copy of the probate of his will or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters; 45

shall be sufficient justification and authority to the directors for paying any dividend, or for transferring or authorizing the transfer of any share, in pursuance of and in conformity

to the probate, letters of administration, or other such document as aforesaid. 53 V., c. 31, s. 42. Am.

### SHARES SUBJECT TO TRUSTS.

Bank not bound to see to trusts.

**52.** The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share of its stock is subject.

Receipt.

5 2. The receipt of the person in whose name any such share stands in the books of the bank, or, if it stands in the names of more persons than one, the receipt of one of such persons shall be a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of 10 such share, unless, previously to such payment, express notice to the contrary has been given to the bank.

Bank not bound.

3. The bank shall not be bound to see to the application of the money paid upon such receipt whether given by one of such persons or all of them. 53 V., c. 31, s. 43.

Executor or trustee not personally liable.

**53.** No person holding stock in the bank as executor, administrator, guardian, trustee, tutor or curator—

(a) of or for any estate, trust or person named in the books of the bank as being represented by him; or,

(b) if the will or other instrument under or by virtue of 20 which the stock is so held be named in the books of the bank in connection with such holding,

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shall be personally subject to any liability as a shareholder: but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, 25 ward or person interested in such estate and funds would be, if living and competent to hold the stock in his own name.

2. If the trust is for a living person or corporation, such person or corporation shall also be liable as a shareholder to the extent of his or its respective interest in the shares. 30

3. If the estate, trust or person so represented, or will or other instrument, is not named in the books of the bank. the executor, administrator, guardian, trustee, tutor or curator shall be personally liable in respect of the stock, as if he held it in his own name as owner thereof. 63-64 V., 35 c. 26, s. 8. Am.

Cestui que trust liable.

Executor or trustee liable if trust not named.

### ANNUAL AND SPECIAL STATEMENTS.

be laid before annual meeting.

**54.** At every annual general meeting of the shareholders Statement to for the election of directors, the outgoing directors shall submit a clear and full statement of the affairs of the bank, exhibiting, on the one part, the liabilities of the bank, and, 40 on the other part, the assets and resources thereof, and the statement shall be signed by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time at which the

(a) ordeness under the Placement of Constant

	statement is signed, and shall be signed on behalf of the board by the president or a vice-president or any other two directors, neither of whom shall be an officer of the bank.	
Liabilities.	2. The statement shall, without restricting the generality of the requirement of the next preceding subsection, include and show, on the one part, the amount of the— (a) capital stock paid in,	
	<ul> <li>(b) rest or reserve fund,</li> <li>(c) dividends declared and unpaid,</li> <li>(d) balance of profits, as per profit and loss account referred to in subsection 6 of this section,</li> <li>(e) notes of the bank in circulation,</li> </ul>	10
	<ul><li>(f) deposits not bearing interest,</li><li>(g) deposits bearing interest, including interest accrued to date of statement,</li></ul>	15
	<ul> <li>(h) advances under the Finance Act,</li> <li>(i) balances due to other banks in Canada,</li> <li>(j) balances due to banks and banking correspondents in</li> </ul>	
	the United Kingdom and foreign countries, (k) bills payable;	20
	<ul> <li>(l) letters of credit outstanding,</li> <li>(m) liabilities not included in the foregoing;</li> <li>3. The statement shall include and show, on the other part, the amount of—</li> </ul>	25
Assets.	(a) current coin held by the bank, (b) Dominion notes held, (c) notes of other banks,	20
	<ul> <li>(d) United States and other foreign currencies,</li> <li>(e) cheques on other banks,</li> <li>(f) balances due by other banks in Canada,</li> <li>(g) balances due by banks and banking correspondents</li> </ul>	30
	elsewhere than in Canada,  (h) Dominion and provincial government securities, not exceeding market value,  (i) Canadian municipal securities, and British, foreign and colonial public securities other than Canadian, not	35
	exceeding market value,  (j) railway and other bonds, debentures and stocks, not exceeding market value,  (k) call and short (not exceeding thirty days) loans in Canada on stocks, debentures and bonds and other	40
	securities of a sufficient marketable value to cover, (l) call and short (not exceeding thirty days) loans elsewhere in Canada on stocks, debentures and bonds and other securities of a sufficient marketable value to cover,	45
	(m) other current loans and discounts in Canada (less rebate of interest), after making full provision for all bad and doubtful debts,	50

(n) other current loans and discounts elsewhere than in Canada (less rebate of interest), after making full provision for all bad and doubtful debts,

(o) liabilities of customers under letters of credit as per

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contra,

(p) real estate other than bank premises,

(q) non-current loans, estimated loss provided for,

(r) bank premises, at not more than cost, less amounts (if any) written off,

(s) deposit with the Minister for the purposes of the 10

Circulation Fund,

(t) deposit in the central gold reserves,

(u) other assets not included in the foregoing.

4. Whenever a bank carries on any part of its operations in the name of a corporation controlled by such bank, then 15 there shall accompany the statement, a further statement or statements showing the assets and liabilities of each such corporation, and the value placed upon the bank's interest in the corporation; and the auditors of the bank shall, or any purposes within the purview of this Act, be deemed auditors 20 of such controlled corporation, and the shareholders of the bank at every annual general meeting shall appoint such person to act as proxy for the bank at any and all meetings of such controlled corporation as they may see fit.

Other particulars.

5. Any other or further particulars than those called for 25 by subsections 2 and 3 of this section, which, in the opinion of the directors, are necessary to a full and clear statement of the affairs of the bank shall also be included and shown in such statement.

Profit and loss account.

6. A profit and loss account for the financial year of the 30 bank next preceding the date of the annual general meeting shall accompany the statement and be attached thereto, and shall be signed on behalf of the board by the same persons as are required by this section to sign the statement referred to.

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Copies of statement to be sent to shareholders and Minister.

7. A copy of the statement and of the profit and loss account, together with a copy of the minutes of the annual general meeting, shall be sent within four weeks thereafter to each shareholder at his last known post office address, as shown by the books of the bank, and concurrently there-40 with a certified copy of each of these shall be sent to the Minister. 53 V., c. 31, s. 45. Am.; 3-4 G. V., c. 9, s. 54. Am.

Further statements as required by by-law. 55. The directors shall also submit to the shareholders such further statements of the affairs of the bank as the shareholders require by by-law passed at the annual general 45 meeting, or at any special general meeting of the shareholders called for the purpose.

When to be submitted.

2. The statements so required shall be submitted at the annual general meeting, or at any special general meeting called for the purpose, or at such time and in such manner 50

as is set forth in the by-law of the shareholders requiring such statements. 63-64 V., c. 26, s. 9. Am.

# SHAREHOLDERS' AUDIT.

Who qualified to audit.

56. The affairs of the bank shall be audited by two persons, residing in Canada, each one of whom shall be an accountant who has for at least six years preceding the date of his appointment, as hereinafter provided, practised his profession in Canada, and who shall also be a member in good standing of an Institute or Association of Accountants incorporated under the authority of the Legislature of any province of Canada.

Lists to be furnished to the Association.

2. A list or lists shall be furnished to the Minister and also to the Association by each such incorporated Institute or Association of Accountants on or before the thirty-first day of July, nineteen hundred and twenty-three, and thereafter on or before the thirtieth day of June in each year, of all 15 members of their corporation in good standing whose names are entitled to be included therein as determined by the provisions of the last preceding subsection, together with their addresses and the names of the firms, if any, of which they are members, and such list or lists shall be certified under their 20 corporate seals respectively.

The Minister may remove name or names.

3. The Minister may, not later than the thirtieth day of September next following, remove from such list or lists the name of any person of whose appointment to be an auditor of a bank he may disapprove.

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Publication of list.

4. The Minister shall, as soon thereafter in each year as may be convenient, cause to be inserted in two successive issues of The Canada Gazette, a public notice containing the names and other particulars of persons included in such list or lists and not removed therefrom by the Minister, and the persons 30 included in such published notice shall be deemed qualified for appointment as auditors of a bank.

Appointment of auditors.

5. The shareholders shall at each annual general meeting appoint two persons, not members of the same firm, whose names are included in the last published list, to audit the 35 affairs of the bank, but if the same two persons, or members respectively of the same two firms have been appointed for two years in succession to audit the affairs of any one bank, one such person or any member of one such firm shall not be again appointed to audit the affairs of such bank during 40 the period of two years next following the term for which he was last appointed.

Vacancy.

6. If any vacancy should occur in the office of auditor of a bank, notice thereof shall forthwith be given by the bank to the Minister, who shall thereupon appoint some other person 45 included in the published list for the year to serve for the unexpired term of the person previously appointed.

Remuneration of Auditors. 7. The remuneration of auditors shall be fixed by the share-holders at the time of their appointment, and in the event of any vacancy and the appointment of another auditor under the next preceding subsection, the remuneration so fixed shall be divided between them as the directors shall consider just 5 and reasonable.

Powers and rights of auditors.

8. Every auditor of a bank shall have a right of access to the books and accounts, cash, securities, documents and vouchers of the bank, and shall be entitled to require and receive from the directors and officers of the bank such 10 information and explanation as may be necessary for the performance of the duties of the auditors.

Procedure and scope of audit.

9. The Minister may from time to time require that the auditors of a bank shall report to him upon the adequacy of the procedure adopted by the bank for the safety of its creditors and 15 shareholders, and as to the sufficiency of their own procedure in auditing the affairs of the bank; and the Minister may at his discretion enlarge or extend the scope of the audit, or direct that any other or particular examination be made or procedure established in the particular case as the public interest may seem to require. 20

Duty with respect to directors.

10. It shall be the duty of the auditors to report individually or jointly as to them may seem fit to the general manager and to the directors in writing any transactions or conditions affecting the well being of the bank which are not satisfactory to them, and which in their opinion require recti- 25 fication, and without restricting the generality of this requirement they shall report specifically to the general manager and to the directors from time to time upon any loans exceeding one per cent of the paid-up capital of the bank which in their judgment are inadequately secured, but this provision shall not be construed 30 to relieve any director from the due and proper discharge of the duties of a director. The report shall be transmitted or delivered by the auditors to the general manager at his office and to each director at his last known post office address and the said report shall be incorporated in the minutes of the directors' 35 meeting first following the receipt of the said report.

Report of Auditors.

11. The auditors shall make a report to the shareholders on the statement of the affairs of the bank to be submitted by the directors to the shareholders under Section 54 of this Act during their tenure of office; and the report shall state—

(a) whether or not they have obtained all the information

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and explanations they have required;

(b) whether, in their opinion, the transactions of the bank which have come under their notice have been within the powers of the bank;

(c) whether, in their opinion, the statement referred to in the report discloses the true condition of the bank;

(d) whether the statement is as shewn by the books of the bank.

12. The auditors' report shall be attached to the statement 50 submitted by the directors to the shareholders under section

Attached to annual statement and read.

to as a member, or by only other countries of such firm, except to to be pulsed see attempolytes onto alexanders to address was

54 of this Act, and the report shall be read before the share-

holders in the annual general meeting.

Audit and report on further statements.

Attached to

and read.

Copies.

Auditor

for bank.

not to undertake other

employment

13. Any further statement of the affairs of the bank submitted by the directors to the shareholders under section 55 of this Act shall be subject to audit and report, and the report of the auditors thereon shall state—

(a) whether or not they have obtained the information

and explanation they have required;

(b) whether, in their opinion, such further statement discloses to the extent thereof the true condition of the bank. 10

14. The auditors' report shall be attached to the further statement referred to in the next preceding subsection, and shall be read before the shareholders at the meeting to which such further statement is submitted, and a copy of the statement and report shall be mailed to every share- 15

holder at his last known address.

15. A person appointed under this section to audit the affairs of a bank shall not, during the term for which such person is appointed, either by himself, or by the firm of which he is a member, or by any other member of such firm, accept 20 any retainer or undertake any employment on behalf of or at the instance of such bank or any officer thereof, whether at the expense of the bank or not, other than that of auditor hereunder; and failure to comply with the provisions of this subsection shall be an offence against this Act.

16. No person shall be appointed an auditor of a bank if such person or any member of his firm is a director or

officer of such bank. 3-4 G. V., c. 9, s. 56.

# AUDITORS' REPORT TO MINISTER.

Examination by auditor appointed by Minister. **56**A. The Minister may direct and require any auditor appointed under the next preceding section of this Act, or 30 any other auditor whom he may select, to examine and inquire specially into any of the affairs or business of the bank, and the auditor so appointed or selected, as the case may be, shall, at the conclusion of his examination and inquiry, report fully to the Minister the results thereof. **35** 

Powers of auditor.

2. For the purposes of this section the auditor appointed or selected as aforesaid shall have all the rights and powers given to an auditor under the next preceding section.

Remunera-

3. For the performance of the duties imposed by this section the auditor shall be paid as remuneration, out of the 40 Consolidated Revenue Fund, such sum as the Governor in Council may direct.

To be deemed auditor of bank.

4. The person selected by the Minister under this section shall, for the purposes of section 153 of this Act, be deemed to be an auditor of the bank. 3-4 G. V., c. 9, s. 56 A.

### DIVIDENDS.

Quarterly or half yearly dividends.

57. The directors of the bank shall, subject to the provisions of this Act, declare quarterly or half yearly dividends of so much of the profits of the bank as to the majority of them seems advisable.

Notice.

2. The directors shall give public notice, published for at least four weeks, of the payment of such dividends previously to the date fixed for such payment.

Where payable.

3. Dividends shall, on and after the date fixed for payment, be payable at the chief office of the bank, and at such of its branches, and at such other places, as the directors 10 prescribe.

Books closed.

4. The directors may close the transfer books during a certain time, not exceeding fifteen days, before the payment of each dividend.

Liability of bank.

5. The liability of any bank under any law, custom or 15 agreement to pay dividends heretofore or hereafter declared and payable on its capital stock shall continue notwithstanding any statute of limitations or any enactment or law relating to prescription. 53 V., c. 31, ss. 47, 90; R.S., c. 29, ss. 36 (4), 126. Am. 20

No prescription.

Dividend not to impair

58. No dividend or bonus shall be declared so as to impair the paid-up capital of the bank.

capital. Directors liable for such dividend.

2. The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus, whereby the paid-up capital of the bank is impaired, shall 25 be jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank. 53 V., c. 31. s. 48.

Dividend unless there is a certain reserve.

59. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding 30 the rate of eight per cent per annum, shall be made by the bank, unless, after making the same, the bank has a rest or reserve fund, equal to at least thirty per cent of its paid-up capital after providing all the appropriations necessary for ascertained and estimated losses.

Personal liability of directors.

35 2. The directors who knowingly and wilfully concur in any division of profits exceeding the rate of eight per cent per annum, unless after making the same the bank has a rest or reserve fund equal to at least thirty per cent of its paid up capital after making the appropriations necessary to provide 40 for losses, shall be jointly and severally liable for the amount so divided, as a debt due by them to the bank. 3-4 G. V., c. 9, s. 59. Am.

con The bank shall hold in Dominion and on the time

#### CASH RESERVES.

Cash reserves in Dominion notes. Supply of Dominion notes.

**60.** The bank shall hold in Dominion notes not less than forty per cent of the cash reserves which it has in Canada.

2. The Minister shall make such arrangements as are necessary for ensuring the delivery of Dominion notes to any bank, in exchange for an equivalent amount of gold coin lawfully current at the several branch offices of the Department of Finance established for the redemption of Dominion notes under the provisions of The Dominion Notes Act, 1914.

Redemption.

3. Such notes shall be redeemable at any of the branch 10 offices mentioned in subsection 2 hereof. 53 V., c. 31, s. 50. Am.; 3-4 G. V., c. 9, s. 60. Am.

# ISSUE AND CIRCULATION OF NOTES.

Issue of notes.

**61.** The bank may issue and re-issue its notes payable to bearer on demand and intended for circulation: Provided that—

Proviso.

(a) the bank shall not, during any period of suspension of payment of its liabilities, issue or re-issue any of its notes; and.

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(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, 20 hereinafter provided for, it shall not issue or re-issue any of its notes until authorized by the Treasury Board so to do.

\$5, or multiples.

2. No such note shall be for a sum less than five dollars, or for any sum which is not a multiple of five dollars.

Amount limited.

3. Except as hereinafter provided, the total amount of the notes of a bank in circulation at any time shall not exceed the aggregate of—

(a) the amount of the unimpaired paid-up capital of the bank; and,

(b) the amount of current gold coin and of Dominion notes held for the bank in the central gold reserves hereinafter mentioned.

Appointment of trustees.

4. The Association may, with the approval of the Minister, appoint three trustees and the Minister may appoint a 35 fourth trustee, and the trustees so appointed shall receive such amounts in current gold coin and Dominion notes, or either, as any bank may desire from time to time to deposit with them. The amounts so deposited are herein referred to as "central gold reserves" and shall be held and dealt 40 with in accordance with the provisions of this Act.

"Central gold reserves."

By-laws respecting.

5. The Association may make by-laws, rules and regulations under section 124 of this Act respecting the custody and management of the central gold reserves and the carrying out of the provisions of this Act relating to such 45 reserves.

the analys of the bank at the time the statement is signed and below to the force of the state o

Excess of notes over paid up capital.

6. When and so long as the amount of the notes of a bank in circulation in excess of its unimpaired paid-up capital is less than the amount deposited by it in the central gold reserves, the excess of the amount so deposited shall belong to the bank as its property, and the bank may 5 apply to the trustees for a return of the excess last mentioned. and upon receiving from the bank a statement signed by the chief accountant and by the general manager or other principal officer next in authority in the management of the affairs of the bank at the time the statement is signed, 10 and otherwise in the form provided by said by-laws, rules or regulations, setting forth to the best of the information and belief of these officers the amount of the notes of the bank in circulation on the date of such statement, the trustees shall return the whole or part of the deposit of 15 the bank, as the case may be. On and from the date when such statement is transmitted by registered post or delivered to the trustees, the amount applied for shall, for the purpose of the statement to be made by the trustees to the Minister under subsection 7 of this section, and 20 for the purpose of calculating the total amount of the authorized note circulation of the bank, be deemed to have been withdrawn from the central gold reserves and shall not be taken into account in such statement nor included in such calculation; provided always that should the 25 total amount of the notes of the bank in circulation be found, by reason of such withdrawal, to be in excess of the circulation of the bank authorized by this Act the bank shall not be deemed to be released or relieved from any of the penalties imposed by this Act for circulation of the 30 notes of a bank in excess of the amount authorized by this Act.

Statement to be sent to Minister. 7. The trustees shall prepare and transmit by registered post or deliver to the Minister within the first twenty days of each month a statement to be signed by them show- 35 ing the amount on each juridical day of the preceding month of the deposit of each bank in the central gold reserves and not withdrawn or deemed to be withdrawn under the provisions of this section.

8. The Minister shall, from time to time, and not less 40.

frequently than twice in each year, cause an inspection

and audit of the gold coin and Dominion notes held by the

Inspection and audit of gold coin and notes.

trustees to be made by officers of the Department of Finance.

9. It shall be the duty of such officers—

Particulars of inspection.

(a) to inspect and ascertain the amount of the gold coin 45 and Dominion notes held by the trustees for the respective banks at the date of inspection; and,

(b) to ascertain from the books and accounts, documents and vouchers of the trustees the amounts of gold coin and Dominion notes held by the trustees for the 50

respective banks at any preceding date named by the Minister.

Powers of inspecting officer.

10. Every such officer shall have a right of access to the gold coin and Dominion notes held and to the books and accounts, documents and vouchers of the trustees, and shall be entitled to require from the trustees such information and explanation as may be necessary for the performance of his duties.

When bank insolvent.

11. Should the bank become insolvent within the meaning of this Act, the amount held for it in the central gold reserves 10 shall be paid by the trustees to the liquidator or other person entitled by law to collect and receive the assets of the bank and shall be applied in redeeming the notes of such bank in circulation and for no other purpose, or in making the payment to the Minister required by section 15 116 of this Act.

Vacancy in office of trustee.

12. When a vacancy in the office of a trustee appointed by the Association occurs, by resignation, death or other cause, the trustee to fill the vacancy shall, subject to the approval of the Minister, be appointed by the Association; 20 and when a vacancy occurs in the office of a trustee appointed by the Minister, the trustee to fill the vacancy shall be appointed by the Minister.

Remuneration of trustees. 13. The remuneration of trustees, including that of the trustee appointed by the Minister, and all charges and 25 expenses incidental to the establishment and maintenance of the central gold reserves, shall be borne by the Association as the Association may, by by-law, rule or regulation, determine.

Additional issue during moving of crops.

14. During the usual season of moving the crops, that is to 30 say, from and including the first day of September in any year to and including the last day of February next ensuing in addition to the said amount of notes hereinbefore authorized to be issued for circulation, the bank may issue its notes to an amount not exceeding fifteen per cent of the 35 combined unimpaired paid-up capital and rest or reserve fund of the bank as stated in the statutory monthly return made by the bank to the Minister for the month immediately preceding that in which the additional amount is issued.

Notice o additional issue.

15. Whenever, under the authority of the next preceding 40 subsection of this section, the issue of an additional amount of notes of the bank has been made, the general manager, or other principal officer next in authority in the management of the affairs of the bank for the time being, shall forthwith give notice thereof by registered letter addressed 45 to the Minister and to the president of the Association.

Interest on additional issue.

16. While its notes in circulation are in excess of the aggregate referred to in subsection 3 of this section, the bank shall pay interest to the Minister at such rate, not exceeding five per cent per annum, as is fixed by the Gover- 50 nor in Council, on the amount of its notes in circulation

in excess from day to day; and the interest so paid shall

form part of the Consolidated Revenue Fund.

Return by bank.

17. A return shall be made and sent by the bank to the Minister showing the amount of its notes in circulation for each juridical day during any month in which any amount of notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding.

Time and form of return.

18. Such return shall be made up and sent within the first thirty days after the last day of the month in which any such amount in excess has been issued or is outstanding, 10 and shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule H to this Act, and shall be signed by the chief accountant, and by the president or a vice-president or the director then acting as president, and by the general 15 manager or other principal officer next in authority in the management of the affairs of the bank at the time at which the declaration is signed. 53 V., c. 31, s. 51; 63-64 V., c. 26, s. 10; 7-8 E. VII., c. 7, s. 1; 2 G. V., c. 5, s. 4. Am.; 3-4 G. V., c. 9, s. 61. Am. 20

Signatures thereto.

Note issue at agency in British possessions other than Canada.

**62.** Notwithstanding the provisions of the last preceding section any bank may issue and re issue, at any branch, agency or office of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and intended for circulation in such 25 colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, or for the sum of five dollars each, or for any multiple of such sum of the dollars in commercial use in such colony or possession, if the issue or reissue of such notes is not forbidden by 30 the laws of such colony or possession.

Governor in Council to fix rate for circulation.

2. No issue of notes of the denomination of five such dollars, or any multiple thereof, shall be made in any such British colony or possession unless and until the Governor in Council, on the report of the Treasury Board, determines 35 the rate, in Canadian currency, at which such notes shall be circulated as forming part of the total amount of the notes in circulation within the meaning of the last preceding

Redemption.

3. The notes so issued shall be redeemable at par at any 40 branch, agency or office of the bank in the colony or possession in which they are issued for circulation, and not elsewhere, except as in this section specially provided; and the place of redemption of such notes shall be legibly printed or stamped across the face of each note so issued. 45

Redemption if agency is abolished.

4. In the event of the bank ceasing to have a branch or agency or office in any such British colony or possession, all notes issued in such colony or possession under the provisions of this section shall become payable and redeemable at the rate of four dollars and eighty-six and two-thirds 50

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cents per pound sterling, or, in the case of the issue of notes of the denomination of five dollars, or any multiple thereof, of the dollars in commercial use in such colony or possession, at the rate established by the Governor in Council as required by this section, in the same manner as notes of the bank issued in Canada are payable and redeemable.

Total amount of circulation.

5. The amount of the notes at any time in circulation in any such colony or possession, issued under the provisions of this section, shall, at the rate mentioned in the last preceding subsection, form part of the total amount of the 10 notes in circulation within the meaning of the last preceding section, and, except as herein otherwise specially provided, shall be subject to all the provisions of this Act.

No re-issue in Canada.

Section limited.

6. No notes issued for circulation in a British colony or possession other than Canada shall be re-issued in Canada. 15

7. Nothing in this section shall be construed to authorize any bank—

(a) to increase the total amount of its notes in circulation in Canada and elsewhere beyond the limit fixed by the last preceding section; or,

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(b) to issue or re-issue in Canada notes payable to bearer on demand, and intended for circulation, for a sum less than five dollars, or for a sum which is not a multiple of five dollars. 4 E. VII., c. 3, ss. 1, 2, 3 and 4.

Pledge of notes prohibited.

63. The bank shall not pledge, assign, or hypothecate 25 its notes; and no advance or loan made on the security of the notes of a bank shall be recoverable from the bank or its assets. 53 V., c. 31, s. 25.

Bank circulation redemption fund continued. **64.** The moneys heretofore paid to and now deposited with the Minister by the banks to which this Act applies, 30 constituting the fund known as the Bank Circulation Redemption Fund, shall continue to be held by the Minister for the purposes and subject to the provisions in this section mentioned and contained.

\$5,000 to be retained upon issue of certificate.

2. The Minister shall, upon the issue of a certificate under 35 this Act authorizing a bank to issue notes and commence the business of banking, retain, out of any moneys of such bank then in his possession, the sum of five thousand dollars, which sum shall be held for the purposes of this section, until the annual adjustment hereinafter provided 40 for takes place in the year then next following.

Adjustment.

3. The amount at the credit of such bank shall, at such next annual adjustment, be adjusted by payment to or by the bank of such sum as is necessary to make the amount of money at the credit of the bank equal to five per cent of 45 the average amount of its notes in circulation from the time it commenced business to the time of such adjustment and such sum shall thereafter be adjusted annually as hereinafter provided.

Five per cent of average circulation.

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cultifier, and then is circulation, and interest thereon. ि धर्मित्रं स Delwind! Circulation Fund.

4. The amounts heretofore and from time to time hereafter paid, to be retained and held by the Minister as by this section provided, shall continue to form and shall form the Circulation Fund.

Its purposes.

5. The Circulation Fund shall continue to be held as 5 heretofore for the sole purpose of payment, in the event of the suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, of the notes then issued or re-issued by such bank, intended for circulation, and then in circulation, and interest thereon.

Fund to bear interest.

Adjustment

annually.

6. The Circulation Fund shall bear interest at the rate

of three per cent per annum.

7. The Circulation Fund shall be adjusted, as soon as possible after the thirtieth day of June in each year, in such a way as to make the amount at the credit of each bank 15 contributing thereto, unless herein otherwise specially provided, equal to five per cent of the average note circulation of such bank during the then last preceding twelve months.

Average note circulation, how determined.

8. The average note circulation of a bank during any period shall be determined from the average of the amount 20 of its notes in circulation, as shown by the monthly returns for such period made by the bank to the Minister; and where, in any return the greatest amount of notes in circulation at any time during the month is given, such amount shall, for the purposes of this section, be taken to be the 25 amount of the notes of the bank in circulation during the month to which such return relates: Provided, however, that in determining the average note circulation of a bank under this subsection the daily average for each month of the amount of the bank's deposit (if any) in the central 30 gold reserves which has not been withdrawn or deemed to be withdrawn within the meaning of this Act shall be deducted from the greatest amount of the notes of the bank

Rights of

Minister.

Proviso.

Proviso.

9. The Minister shall, with respect to all notes paid out of 35 the Circulation Fund, have the same rights as any other holder of notes of the bank: Provided that all such notes, and all interest thereon, so paid by the Minister, after the amount at the credit of such bank in the Circulation Fund

in circulation at any time during the month.

and all interest thereon, so paid by the Minister, after the amount at the credit of such bank in the Circulation Fund, and all interest due or accruing due thereon, has been 40 exhausted, shall bear interest, at the rate of three per cent per annum, from the time such notes and interest are paid until such notes and interest are repaid to the Minister by or out of the assets of such bank. 53 V., c. 31, s. 54; 63-64 V.,

c. 26, s. 13; 3-4 G.V., c. 9, s. 64.

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Notes of bank suspending payment to bear interest. 65. In the event of the suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, the notes of the bank, issued or re-issued, intended for circulation, and then in circulation, shall bear interest at the rate of five per cent per annum, from the day 50

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of the suspension to such day as is named by the directors, or by the liquidator, receiver, assignee, or other proper

official, for the payment thereof.

Notice of time for payment.

2. Notice of such day shall be given by advertisement in at least three consecutive issues of a daily newspaper, 5 published in the place in which the chief office of the bank is situate, and if there is no daily newspaper published there, then by advertisement in two consecutive issues of any weekly newspaper published in that place.

As to notes not then presented. 3. If any notes presented for payment on or after any day 10 named for payment thereof are not paid, all notes then unpaid and in circulation shall continue to bear interest until such further day is named for payment thereof, of which day notice shall be given in manner hereinbefore provided.

Notes not redeemed to be paid out of Circulation Fund.

4. If the directors of the bank or the liquidator, receiver, assignee or other proper official fails to make arrangements within two months from the day of the suspension of payment by the bank, for the payment of all of its notes and interest thereon, the Minister may make arrangements for 20 the payment out of the Circulation Fund, of the notes remaining unpaid and all interest thereon, and the Minister shall give such notice of the payment as he thinks expedient.

Interest to cease.

5. Notwithstanding anything herein, all interest upon such notes shall cease upon and from the date named by 25 the Minister for such payment.

Government not liable.

6. Nothing herein shall be construed to impose any liability upon the Government of Canada, or upon the Minister, beyond the amount available from time to time out of the Circulation Fund. 53 V., c. 31, s. 54; 63-64 30 V., c. 26, s. 11. Am.

Payment from fund.

**66.** All payments made from the Circulation Fund shall be without regard to the amount contributed thereto by the bank in respect of whose notes the payments are made.

If fund exceeded.

2. If the payments from the Circulation Fund exceed the 35 amount contributed to the Circulation Fund by the bank so suspending payment, and all interest due or accruing due to such bank thereon, the other banks to which this Act applies shall, on demand, make good to the Circulation Fund the amount of the excess, proportionately to the 40 amount which each such other bank had or should have contributed to the Circulation Fund, at the time of the suspension of the bank in respect of whose notes the payments are made: Provided that—

Proviso.

(a) each of such other banks shall only be called upon to 45 make good to the Circulation Fund its share of the excess in payments not exceeding in any one year one per cent of the average amount of its notes in circulation;

(5) such circulation shall be accertained in sech manner as the Minister decides; and,

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8. All amounts recovered and received by the Minister from the bank on account of which such cayments were a maile shall, after the amount of such excess has been made good as aloneaid, he distributed among the banks contributed among the banks contributed such excess, proportionately to the amount contributed by each. 53 V. c. 3L, s. 54; 63-04 V. c. 26, s. 12.

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47 le the event of the winding-up of the business of a final by reasin of escivency or otherwise, the Treasury Board may, on the application of the directors, or of the liquidator, receiver, assignes or other proper official, and on being satisfied that proper arrangements have been under for the payment of the notes of the bank and any interest assignee or other proper official, the amount of the Unculation Fund at the credit of the bank, or such portion thereof as it thinks expedient. 53 V., c. 31, s. 54.

Treased T

\$5. The Treasury Board may make all such rules and regulations as it thinks expedient with relevance to—
(a) the payment of any memorys out of the Carollation
Find, said the manner, place and time of such pay-

(b) the collection of all argumate due to the Coculation

(a) all accounts to be kept in connection therewill; and,
(a) generally the management of the Circulation.
Fund and all matters relating thereto. 53 V. c. 31, 3

Minimus range solder proposition

ess. The Minister may, in his official name, by action in the Exchequer Court of Caucha, enforce payment, with costs of action, of any enter due and payable by any bank which should form part of the Openiation Fund. 33 V., 3

The course the circulation at par, in the and over part of C south, of all notes issued or re-issued by it and intended for discollation; and towards this parpose the bank shall restablish agencies for the redemption and payment of its notes of the place of which the Course of the

(b) such circulation shall be ascertained in such manner as the Minister decides; and,

(c) the Minister's decision shall be final.

Amounts recovered, how distributed. 3. All amounts recovered and received by the Minister from the bank on account of which such payments were 5 made shall, after the amount of such excess has been made good as aforesaid, be distributed among the banks contributing to make good such excess, proportionately to the amount contributed by each. 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 12.

Refund of deposit if bank is wound up. 67. In the event of the winding-up of the business of a bank by reason of insolvency or otherwise, the Treasury Board may, on the application of the directors, or of the liquidator, receiver, assignee or other proper official, and on being satisfied that proper arrangements have been made 15 for the payment of the notes of the bank and any interest thereon, pay over to the directors, liquidator, receiver, assignee or other proper official, the amount of the Circulation Fund at the credit of the bank, or such portion thereof as it thinks expedient. 53 V., c. 31, s. 54.

Treasury Board rules. 68. The Treasury Board may make all such rules and regulations as it thinks expedient with reference to—

(a) the payment of any moneys out of the Circulation Fund, and the manner, place and time of such payment:

(b) the collection of all amounts due to the Circulation

Fund;

(c) all accounts to be kept in connection therewith; and, (d) generally the management of the Circulation Fund and all matters relating thereto. 53 V., c. 31, 30

s. 54.

Minister may enforce payments.

69. The Minister may, in his official name, by action in the Exchequer Court of Canada, enforce payment, with costs of action, of any sum due and payable by any bank which should form part of the Circulation Fund. 53 V., 35 c. 31, s. 54.

Arrangements to be made for circulation at par, and redemption.

**70.** The bank shall make such arrangements as are necessary to ensure the circulation at par, in any and every part of Canada, of all notes issued or re-issued by it and intended for circulation; and towards this purpose the bank shall 40 establish agencies for the redemption and payment of its notes at the places at which the Governor in Council has established branch offices of the Department of Finance for the redemption of Dominion notes, and at such other places as are from time to time designated by the Treasury 45 Board. 53 V., c. 31, s. 55. Am.; 3-4 G. V., c. 9, s. 54. Am.

Tr. The heek sind along receive in payment at own-

Bank must take its own notes. 71. The bank shall always receive in payment its own notes at par at any of its branches, agencies or offices, and whether they are made payable there or not.

Payment in Dominion notes.

72. The bank, when making any payment shall, on the request of the person to whom the payment is to be made, pay the same, or such part thereof, not exceeding one hundred dollars, as such person requests, in Dominion notes for one, two or five dollars each, at the option of such person.

No torn or defaced notes.

Disinfection of notes.

2. No payment, whether in Dominion notes or bank 10 notes, shall be made by the bank in bills that are unclean or torn or partially defaced by excessive handling.

3. The Treasury Board may make regulations providing for the disinfection and sterilization by the several banks of all bank notes and Dominion notes which have come into the 15 bank's possession before a re-issue thereof to the public; and the bank, its officers, clerks and servants, shall carry out and execute the regulations made under the authority of this section. 53 V., c. 31, s. 57. Am.

Bills or notes binding though not sealed. 73. The bills or notes of the bank signed by the presi-20 dent, a vice-president, the general manager or other officer appointed by the directors of the bank to sign the same, promising the payment of money to any person, or to his order, or to the bearer, though not under the corporate seal of the bank, shall be binding and obligatory on the 25 bank, in like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity.

Directors may depute officer to sign. 2. The directors of the bank may, from time to time, authorize or depute the general manager, a manager or other officer of the bank, or any director other than the president or a vice-president, or any manager of any branch or office of discount and deposit of the bank, to sign the notes of 35 the bank intended for circulation. 53 V., c. 31, s. 58. Am.

Bills may be signed by machinery.

74. All bank notes and bills whereon the name of any person entrusted or authorized to sign such notes or bills on behalf of the bank is impressed by machinery provided for that purpose, by or with the authority of the bank, 40 shall be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person entrusted or authorized by the bank to sign the same respectively, and shall be bank notes and bills within the meaning of all laws and statutes whatever, and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatever: Provided that if all such names are impressed by machinery,

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at least one such name to each note or bill tangether with a distinguishing device and number, shall be impressed or engraved under the notes are received by the bank from the engraver and printer, and shall not be otherwise impressed or engraver. 53 V., c. 34, a. 20.

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ment of public propeys, and every officer of any bank, and avery person acting as or employed by any banker, simil stamp or write in plain latters, upon every commission of Mandellant note is said in the latters of the commission of bank note, and intended to consists as money, which is presented to him at his plane of business, the road "Counterfelt," "Altered" or "Worthless."

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appersons to me business of benefit;
2. Except as authorized by this Act, the bank siful not,

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any trade, or pheness whatconver; or make advances appear the equatity of plodge of any chare of its own coults start, or of the control start, or

(a) lend money or table advences upon the scinity, if meregage or in potential of any lands, tenentials, or memorable property, or any ships or other readle, or upon the scinity of any goals, wares and any standard of a scinity of any goals, wares and any

(d) bind to at its like security of the centeral manager, 45 appealment griteral manager, franch manager, or eny officer, clerk on services of the bank without the appeared.

at least one such name to each note or bill, together with a distinguishing device and number, shall be impressed or engraved under the authority of the bank after the notes are received by the bank from the engraver and printer, and shall not be otherwise impressed or engraved. 53 V., c. 31, s. 29. 5 Am.

Counterfeit or fraudulent notes to be stamped. 75. Every officer charged with the receipt or disbursement of public moneys, and every officer of any bank, and every person acting as or employed by any banker, shall stamp or write in plain letters, upon every counterfeit or 10 fraudulent note issued in the form of a Dominion or bank note, and intended to circulate as money, which is presented to him at his place of business, the word "Counterfeit," "Altered" or "Worthless."

If wrongfully stamped.

2. If such officer or person wrongfully stamps any genuine 15 note he shall, upon presentation, redeem it at the face value thereof. 53 V., c. 31, s. 62.

## BUSINESS AND POWERS OF A BANK.

Business and powers of bank.

Exceptions.

76. The bank may—

(a) open branches, agencies and offices;

(b) engage in and carry on business as a dealer in gold 20

and silver coin and bullion;

(c) deal in, discount and lend money and make advances upon the security of, and take as collateral security for any loan made by it, bills of exchange, promissory notes and other negotiable securities, or the stock, 25 bonds, debentures and obligations of municipal and other corporations, whether secured by mortgage or otherwise, or Dominion, provincial, British, foreign, and other public securities; and,

(d) engage in and carry on such business generally as 30

appertains to the business of banking.

2. Except as authorized by this Act, the bank shall not, either directly or indirectly,—

(a) deal in the buying or selling, or bartering of goods, wares and merchandise, or engage or be engaged in 35

any trade or business whatsoever:

(b) purchase, or deal in, or lend money, or make advances upon the security or pledge of any share of its own capital stock, or of the capital stock of any bank; or,

(c) lend money or make advances upon the security, 40 mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or upon the security of any goods, wares and merchandise. 53 V., c. 31, s. 64.

(d) lend to or on the security of the general manager, 45 assistant general manager, branch manager, or any officer, clerk or servant of the bank without the approval

of the directors any amount or amounts exceeding in the

aggregate one thousand dollars; or

(e) lend to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank any amount or amounts exceeding in the aggregate ten thousand dollars. V., c. 31, s. 64; 3-4 G. V., c. 9, s. 76. Am.

(f) lend money or make advances in excess of ten per cent of its paid-up capital to a director of the bank or to any company or corporation in which the president, general 10 manager or a director of the bank is a partner or shareholder, as the case may be, without the approval of twothirds of the directors present at a regular meeting, or meeting specially called for the purpose, of the board.

3. No agent or manager of any bank shall act as agent for 15 any insurance company or for any person in the placing of insurance, nor shall any bank exercise pressure upon any borrower to place insurance for the security of such bank in any particular insurance agency, but nothing herein contained shall prevent such bank from requiring such insurance to be 20 placed with an insurance company which it may approve.

Bank to have lien upon the stock of its debtors.

Sale of shares.

Notice.

Transfer.

Effect of

transfer.

77. The bank shall have a privileged lien, for any debt or liability for any debt to the bank, on the shares of its own capital stock, and on any unpaid dividends of the debtor or person liable, and may decline to allow any transfer 25 of the shares of such debtor or person until the debt is paid.

2. The bank shall, within twelve months after the debt has accrued and become payable, sell such shares: Provided that notice shall be given to the holder of the shares of the intention of the bank to sell the same, by mailing the notice, 30 in the post office, post paid, to the last known address of the holder, as shown by the records of the bank, at least thirty days prior to the sale.

3. Upon the sale being made the president, a vicepresident or the general manager shall execute a transfer 35 of the shares to the purchaser thereof in the usual transfer book of the bank.

4. Such transfer shall vest in the purchaser all the rights in or to the said shares which were possessed by the holder thereof, with the same obligation of warranty on his part 40 as if he were the vendor thereof, but without any warranty from the bank or by the officer of the bank executing the transfer. 53 V., c. 31, s. 65. Am.

Collateral securities may be sold.

78. The stock, bonds, debentures or securities, acquired and held by the bank as collateral security, may, in case of 4.5 default in the payment of the debt, for the securing of which they were so acquired and held, be dealt with, sold and conveyed, either in like manner and subject to the same restrictions as are herein provided in respect of stock of the

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hand on which if her acquired a little should be add, or in like marror as and subject to the restrictions under which a private individual maps in the consumatances deal with sell and convey the same: Provided the bank shall not be obliged to sell soften tracks months

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2. The shot so to deal with and dispuse of such stock, bonds, detentures or sequeties in magner, alorested may be waived or varied by our agreement between the bank and the owner of the stock, bonds, debentures or securities, 53 V., c. 31, s. 66. Am.

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property for its actual use and occupation and the management of its business and may sell or dispose of the same and acquire other property in its stead for the same purpose.

2. The beat shall appropriate during the rountle of Japanese.

bransmil or deliver to the Minister a return showing in detail the fair market value of its real and immovable property held under this section eshor as its own name or in the name of a corporation controlled by the bone.

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(b) the arment of any mortgage or hypotheque thereon, and
if more than one percel is subject to the come mortgage or
hypotheque, the parcels subject to each mortgage or layarcaque ekelt be segregated in such results dantified

Junior Sales

(a) the detail (if any) to which each such pured is not held for the acteal are and occupation of the banks

and ruch return shall be signed by the chief accountant, and by the provident, or a vice-president, or the director then, acting at president, and by the general manager or other president; after of the tenue next metabority in the management of the sign bank at the time at which the said return is mule.

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(a) mortgages and hypotheques upon real and personal, an

(b) the rights of confers or purchasire under agreements for the sale or purchase of root and personal, immubilities and

by way of additional security for debts contracted to the q

2. The rights, powers and privileges which the bank, is by this flot declared to have, or to have had, in respect, of real or monovable property mortgaged to it, shall be held

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bank on which it has acquired a lien under this Act. or in like manner as and subject to the restrictions under which a private individual might in like circumstances deal with, sell and convey the same: Provided that the bank shall not be obliged to sell within twelve months.

Right of sale may be waived.

2. The right so to deal with and dispose of such stock, bonds, debentures or securities in manner aforesaid may be waived or varied by any agreement between the bank and the owner of the stock, bonds, debentures or securities. 53 V., c. 31, s. 66. Am.

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Acquisition of real estate.

79. The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same and acquire other property in its stead for the same purpose.

Return to Minister.

2. The bank shall annually, during the month of January, 15 transmit or deliver to the Minister a return showing in detail the fair market value of its real and immovable property held under this section either in its own name or in the name of a trustee or of a corporation controlled by the bank.

Particulars.

3. Such return shall state separately each parcel of real property held by the bank and as to each such parcel shall state-

(a) the registered owner thereof, if the bank is not the registered owner:

(b) the amount of any mortgage or hypotheque thereon, and if more than one parcel is subject to the same mortgage or hypotheque, the parcels subject to such mortgage or hypotheque shall be segregated in such return and identified therewith;

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How signed.

(c) the extent (if any) to which each such parcel is not held for the actual use and occupation of the bank;

and such return shall be signed by the chief accountant, and by the president, or a vice-president, or the director then acting as president, and by the general manager or other principal 35 officer of the bank next in authority in the management of the affairs of the bank at the time at which the said return is made. 3-4 G. V., c. 9, s. 79. Am.

Mortgages and hypotheques of realty, and agreements of sale.

As to personalty. **80.** The bank may take, hold and dispose of—

(a) mortgages and hypotheques upon real and personal, 40 immovable and movable property.

(b) the rights of vendors or purchasers under agreements for the sale or purchase of real and personal, immovable and movable property.

by way of additional security for debts contracted to the 45

bank in the course of its business.

2. The rights, powers and privileges which the bank is by this Act declared to have, or to have had, in respect of real or immovable property mortgaged to it, shall be held

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and respectfully it in expect of any political or movable protectly which is mortplated or hymothecated to the bank. 53 V., c. 31, s. 80. Am.

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or derice of a court, as belonging to any debtor to the bank; or bank; or

(b) by a snortgagee or other encumbranear, having priority over a mortgage or other communicance held

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four weeks in a newspaper published to the county or Inelectoral distribt in which such bands or property is situate.

in cases in which, under similar encountainers, as individual could so parchase, without any restriction as to the vidue of the property which is may so purchase, and may 20 acquire a title therete as any individual, purchasing at shoriff's sale, or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same at pleasure; 53 V., c. 21; s. 60, Am.

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security for a debt size of owing to it, either by the obtainlog of a release of the equity of redemption in the mortgaged
paoperty, or by producing a foredocure, or by other means
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and acquire any prior mortgage or charge on such preparty.

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us over having been intended to provent or as preventing at the bank from acquirmy, and holding an pheologo title to and in any such most gaged real or incorrectly emperty; whatever the such thereof, or incorrectly or acting upon any power of sale contained in any mortgage given to or hold by the leants outbourning or entition is to sail or the

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S.R. No bank shall have not or insurerable property bonseever sequined, except such as is application its own pas, for any period exceeding neven yours from the date of the acquisition themed, or only extended or such period, or have settless settless growthed, and each property shall be theory and no disposed of within another versiod or extended in the possess of a state world or extended

Africa Africa Malain and possessed by it in respect of any personal or movable property which is mortgaged or hypothecated to the bank. 53 V., c. 31, s. 68; 3-4 G. V., c. 9, s. 80. Am.

Purchases of realty.

S1. The bank may purchase any lands or real or immovable property offered for sale—

(a) under execution, or in insolvency, or under the order or decree of a court, as belonging to any debtor to the bank; or,

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(b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held 10

by the bank; or,

(c) by the bank under a power of sale given to it for that purpose, notice of such sale by auction to the highest bidder having been first given by advertisement for four weeks in a newspaper published in the county or 15 electoral district in which such lands or property is situate.

in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property which it may so purchase, and may 20 acquire a title thereto as any individual, purchasing at sheriff's sale, or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same at pleasure. 53 V., c. 31, s. 69. Am.

Bank may acquire absolute title to mortgaged premises. **82.** The bank may acquire and hold an absolute title 25 in or to real or immovable property mortgaged to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption 30 can, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

No Act or law to prevent.

2. Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing 35 the bank from acquiring and holding an absolute title to and in any such mortgaged real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or 40 convey any property so mortgaged. 53 V., c. 31, s. 71; 63-64 V., c. 26, s. 14.

Property to be sold within certain time.

83. No bank shall hold any real or immovable property, howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of 45 the acquisition thereof, or any extension of such period as in this section provided, and such property shall be absolutely sold or disposed of, within such period or extended 61848—6

period, as the case may be, so that the bank shall no longer retain any interest therein unless by way of security.

Extension of time.

2. The Treasury Board 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 5 exceed five years.

Twelve years.

3. The whole period during which the bank may so hold such property under the foregoing provisions of this section shall not exceed twelve years from the date of the acquisition thereof.

Property not sold liable to forfeiture.

4. Any real or immovable property, not required by the bank for its own use, held by the bank for a longer period than authorized by the foregoing provisions of this section shall be liable to be forfeited to His Majesty for the use of the Dominion of Canada: Provided that—

Proviso.

(a) no such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the bank by the Minister of the intention of His Majesty to claim the forfeiture; and,

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(b) the bank may, notwithstanding such notice, before 20 the forfeiture is effected sell or dispose of the property

free from liability to forfeiture.

Provisions apply to realty now held.

5. The provisions of this section shall apply to any real or immovable property heretofore acquired by the bank and held by it at the time of the coming into force of this Act. 25 63-64 V., c. 26, s. 14.

Loans on standing timber.

**84.** The bank may lend money upon the security of standing timber or the rights or licenses held by persons to cut or remove such timber; provided that the instrument evidencing such security is registered against the land upon 30 which such timber stands or in the offices in which are recorded such rights or licenses. 3-4 G.V., c. 9, 3s. 4, Am.

Loans to receiver or liquidator under Winding-up Acts and to trustee under Bankruptcy Act. **84**A. The bank may lend money to a receiver, to a receiver and manager, to a liquidator appointed under any Winding-up Act, or to a trustee under the Bankruptcy Act, 35 provided such receiver, receiver and manager, liquidator, or trustee, has been duly authorized or empowered to borrow; and, in respect of any money so lent, the bank may take security, with or without personal liability, from such receiver, receiver and manager, liquidator or trustee to such 40 an amount, and upon such property and assets, as may be directed or authorized by any court of competent jurisdiction. 63-64 V., c. 26, s. 16. Am.; 3-4 G.V., c. 9, s. 84A. Am.

Advances for building ships.

**85.** Every bank advancing money in aid of the build-45 ing of any ship or vessel shall have the same right of acquiring and holding security upon such ship or vessel, while building and when completed, either by way of mortgage,

hypothèque, hypothecation, privilege or lien thereon, or purchase or transfer thereof, as individuals have in the

province wherein the ship or vessel is being built.

Rights and obligations.

2. The bank may, for the purpose of obtaining and enforcing such security, avail itself of all such rights and means, and shall be subject to all such obligations, limitations and conditions, as are, by the law of such province, conferred or imposed upon individuals making such advances. c. 31, s. 72.

Warehouse receipts and bills of lading.

Effect of

taking.

86. The bank may acquire and hold any warehouse 10 receipt or bill of lading as collateral security for the payment of any debt incurred in its favour, or as security for any liability incurred by it for any person, in the course of its banking business.

2. Any warehouse receipt or bill of lading so acquired 15 shall vest in the bank, from the date of the acquisition

thereof.-

(a) all the right and title to such warehouse receipt or bill of lading and to the goods covered thereby of the

previous holder or owner thereof; or,

20 (b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom such goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank, instead 25 of to the previous holder or owner of such goods, 53 V., c. 31, s. 73; 63-64 V., wares and merchandise. c. 26, s. 15. Am.

When previous holder is an agent.

87. If the previous holder of such warehouse receipt or bill of lading is any person— 30

(a) entrusted with the possession of the goods, wares and merchandise mentioned therein, by or by the authority of the owner thereof; or,

(b) to whom such goods, wares and merchandise are, by or by the authority of the owner thereof, consigned; or, 35

(c) who, by or by the authority of the owner of such goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and mer- 40 chandise, or as authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented;

the bank shall be, upon the acquisition of such warehouse 45 receipt or bill of lading, vested with all the right and title of the owner of such goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the debt or liability, as security for which such warehouse receipt or bill of lading is held by the bank, is paid. 50 warestad merchantise, stock or products chargel, or grain

Presumption of possession.

2. Any person shall be deemed to be the possessor of such goods, wares and merchandise, bill of lading, receipt, order or other document as aforesaid—

(a) who is in actual possession thereof; or,

(b) for whom, or subject to whose control such goods, 5 wares and merchandise are, or bill of lading, receipt, order, or other document is held by any other person. 53 V., c. 31, s. 73; 63-64 V., c. 26, s. 15. Am.

Loans to certain whole sale dealers.

88. The bank may lend money to any wholesale purchaser or shipper of or dealer in products of agriculture, the 10 forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live stock or dead stock or the products thereof, upon the security of such products, or of such live stock or dead stock or the products thereof.

Grain.

2. The bank may lend money to a farmer upon the security of his threshed grain grown upon the farm.

Loans to wholesale manufacturers. 3. The bank may lend money to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise, upon the security of the goods, wares and 20 merchandise manufactured by him, or procured for such manufacture.

4. If, with the consent of the bank, the products, goods,

Removal of goods.

Substitution.

wares and merchandise, live stock or dead stock or the products thereof, upon the security of which money has 25 been loaned under the authority of this section, are removed and other products, goods, wares and merchandise, livestock or dead stock or the products thereof of substantially the same character are respectively substituted therefor, then to the extent of the value of the products, goods, wares and 30 merchandise, or live stock or dead stock or the products thereof so removed, the products, goods, wares and merchandise. live stock or dead stock or the products thereof so substituted shall be covered by such security as if originally covered thereby; but failure to obtain the consent of the 35 bank to any such substitution shall not affect the validity of the security either as respects any products, goods, wares and merchandise, or live stock or dead stock or the products thereof actually substituted as aforesaid or in any other particular.

Security.

5. Any such security, as mentioned in the foregoing provisions of this section, may be given by the owner of the said products, goods, wares and merchandise, stock or products thereof, or grain.

Owner may give the security.

Form of security.

6. The security may be taken in the form set forth in 45 Schedule C to this Act, or to the like effect.

Same rights as upon warehouse receipts. 7. The bank shall, by virtue of such security, acquire the same rights and powers in respect of the products, goods, wares and merchandise, stock or products thereof, or grain covered thereby as if it had acquired the same by virtue 50

of a Newscholes receipt. Destroy behive a the veges

of a warehouse receipt: provided, however, that the wages. salaries or other remuneration of persons employed by any wholesale purchaser, shipper or dealer, by any wholesale manufacturer, or by any farmer in connection with any of the several wholesale businesses referred to, or in connection 5 with the farm, owing in respect of a period not exceeding three months, and any claim by an unpaid vendor of or in respect to such products, goods, wares and merchandise to the amount remaining unpaid, shall be a charge upon the property covered by the said security in priority to the 10 claim of the bank thereunder, and such wages, salaries or other remuneration and such claim of an unpaid vendor shall be paid by the bank if the bank takes possession or in any way disposes of the said security or of the products. goods, wares and merchandise, stock or products thereof, or 15 grain covered thereby.

Loans for purchase of seed grain.

Security.

First lien upon seed grain and crop.

Same rights as upon warehouse receipts.

Right to enter and take possession in case of default, etc.

Loan for Live Stock Raising. 8. The bank may lend money to the owner, tenant or occupier of land for the purchase of seed grain upon the security of any crop to be grown from such seed grain.

9. The security taken under subsection eight of this section 20 may be taken in the form set forth in Schedule D to this Act or in a form to the like effect.

10. The bank shall by virtue of such security acquire a first and preferential lien and claim for the sum secured and interest thereon upon the seed grain purchased and 25 the crop covered by the security, as well before as after the severance of the crop from the soil, and upon the grain threshed therefrom, and the bank shall by virtue of such security acquire the same rights and powers in respect of such seed grain and of the grain so threshed as if it had 30 acquired such rights and powers by virtue of a warehouse receipt.

11. The bank shall have the right, through its servants or agents, in case of default in payment of the money lent or in case of neglect to care for and harvest the crop, or 35 in case of any attempt to dispose of the crop without the consent of the bank, or in case of the seizure of the crop under process of law, to enter upon the land upon which the crop is grown, to take possession of, care for and harvest the crop and thresh the grain therefrom.

12. The bank may lend money to a farmer and to any person engaged in stock raising upon the security of his live stock; provided however that such security shall not include and shall be deemed not to include any live stock which at the date of the coming into force of this Act is by any statutory 45 enactment exempt from seizure under writs of execution. The provisions of subsection 4 of this section, making live stock substituted for live stock removed subject to the security, shall apply to the live stock substituted by the farmer or other person engaged in stock raising. "Live stock" for the purposes of 50 this section means horses and mares, bulls, cows. oxen.

desertation of or columns, the self-study live smale; or in releases

bullocks, steers, heifers and calves, sheep and swine and the

offspring of any of such animals.

Security.

13. The security taken under subsection twelve of this section may be taken in the form set forth in schedule E to this Act or in a form to the like effect.

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Entry, seizure and sale.

14. The bank shall by virtue of the security taken under subsection twelve of this section have full power, right and authority, if the bills or notes therein mentioned or described or any of them are not paid according to their tenor, to enter upon the premises upon which the live 10 stock mentioned in the security are, to take possession of or seize such live stock, and before or after such taking possession of or seizure, to sell such live stock, or such part thereof as may be necessary to realize the amount due and payable, at public auction, not less than five days 15 after.

(a) notice of the time and place of such sale has appeared in a newspaper published in or nearest to the place

where the sale is to be made, and,

(b) posting a notice in writing or in print of the time and 20 place of such sale in or at the post office nearest to the

place where the sale is to be made.

15. After all necessary and reasonable expenses in connection with such seizure and sale have been deducted and prior privileges, liens or pledges existing in favour of 25 third parties and for which claims may have been filed with the party making the sale have been satisfied, the balance of the proceeds of the sale shall be applied in payment of the said bills or notes and the surplus if any returned to the grantor. 53 V., c. 31, s. 74; 63-64 V., c. 26, s. 17. 30 Am.; 3-4 G. V., c. 9, s. 88; 5 G. V., c. 1. Am.; 6-7 G. V., c. 10. Am.

Notice of intention to give security.

Disposal of proceeds of

sale.

To be registered.

88A. Any person intending to give a bank security under the authority of section eighty-eight of this Act must give notice of such intention before any loan is made by the bank to such 35 person and the security taken, by signing a document which may be in the form set out in Schedule F to this Act or to the like effect. Such document shall be registered in the manner hereinafter provided, and, after this section comes into force, any security subsequently taken under the authority of section eighty-eight 40 of this Act, before such document is registered, shall be null and void as against the creditors of such person and as against subsequent purchasers or mortgagees in good faith. of intention when registered shall be deemed to be notice for the purposes of this section in respect of all securities taken by the 45 bank from such person, under said authority, during the period of three years after the date of registration.

2. The document mentioned in the last preceding subsection shall be registered in the office of the Assistant Receiver General (hereinafter called the Assistant Receiver) in the province in 50

Where to be registered.

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which the place of business, or principal place of business in case the person has more than one place of business, of the person is situate. If the person has no place of business then the document shall be registered in the office of the Assistant Receiver in the province in which such person resides. "Place of business" and "principal place of business" shall, in the case of a company incorporated in Canda, be deemed to be the place where the head office or chief place of business of the company is situate, or if a foreign corporation, then the place of business of such corporation for the purposes of this section shall be the place at which civil process in the province in which the loan is made can be served upon the company. "Assistant Receiver" in this section includes anyone acting for the Assistant Receiver.

Manner of registration.

3. The Assistant Receiver shall number consecutively 15 every notice received by him and shall endorse thereon the number and the hour and date of receiving it, and shall file the notice and enter, in alphabetical order, in a book to be kept by him, the name of every person who has given notice of such intention, with the number endorsed thereon opposite 20 to each name. The Assistant Receiver shall endorse over his signature on a copy of the document, to be supplied by the bank, for the records of the bank, the date of registration and number, and the production of the copy with such endorsation and signature shall be conclusive evidence in all courts of the 25 registration and of the time of registration as thereon endorsed.

Cancellation.

4. The notice of intention may be cancelled by the Assistant Receiver in the book containing such registration at the place where the registration is entered on receipt by him from the bank named in the document registered of a certificate duly 30 signed on behalf of the bank to the effect that each and every security under section 88 given to the bank by the person has been released, or that no security was given to the bank, as the case may be, and such certificate shall bear on the face thereof the number and date endorsed on the original document on file 35 in the office of the Assistant Receiver. The Assistant Receiver shall number consecutively every release received by him and shall endorse thereon the number and the hour and date of its receipt and shall file the release.

Register open to inspection.

Fees.

5. Every person, upon payment of the proper fees, shall 40 have access to and be entitled to inspect the registration book and any document registered or filed pursuant to this section.

6. For services under this Act, the Assistant Receiver shall be entitled to the following fees, for which he shall be accountable to the Consolidated Revenue Fund:—

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Date.

7. This section shall come into force on the first day of

August, nineteen hundred and twenty-three.

Goods manufactured from articles pledged. or produced from the goods, wares and merchandise, or any of them, included in or covered by any warehouse receipt, or included in or covered by any security given under section 88 of this Act, while so covered, the bank holding such warehouse receipt or security shall hold or continue to hold such goods, wares and merchandise, during the process and after the completion of such manufacture or 10 production, with the same right and title, and for the same purposes and upon the same conditions, as it held or could have held the original goods, wares and merchandise.

Prior claim of bank over unpaid vendor.

Proviso.

2. All advances made on the security of any bill of lading or warehouse receipt, or of any security given under 15 section 88 of this Act, shall give to the bank making the advances a claim for the repayment of the advances on the products or stock, goods, wares and merchandise therein mentioned, or into which they have been converted, prior to and by preference over the claim of any unpaid vendor: 20 Provided that such preference shall not be given over the claim of any unpaid vendor who had a lien upon the products or stock, goods, wares and merchandise at the time of the acquisition by the bank of such warehouse receipt, bill of lading, or security, unless the same was 25 acquired without knowledge on the part of the bank of such lien.

Sale of goods on non-payment of debt.

3. In the event of the non-payment at maturity of any debt or liability secured by a warehouse receipt or bill of lading, or secured by any security given under section 30 88 of this Act, the bank may sell the products or stock, goods, wares and merchandise or grain, mentioned therein, or so much thereof as will suffice to pay such debt or liability with interest and expenses, returning the surplus, if any, to the person from whom the warehouse receipt, 35 bill of lading, or security, or the products or stock, goods, wares and merchandise or grain mentioned therein, as the case may be, were acquired: Provided that such power of sale shall be exercised subject to the following provisions namely:—

Proviso.

Notice of sale of saw-logs, railway ties and lumber. (a) No sale, without the consent in writing of the owner of any products of the forest shall be made under this Act until notice of the time and place of such sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the 45 pledgor thereof, at least thirty days prior to the sale thereof:

Notice of sale of goods.

(b) No such products or stock, other than products of the forest, and no goods, wares and merchandise, and no grain, shall be sold by the bank under this Act with-50 out the consent of the owner, until notice of the

time and place of sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the pledgor thereof, at least ten

days prior to the sale thereof;

Sale by auction.

(c) Every sale, under such power of sale, without the consent of the owner, shall be made by public auction, after notice thereof by advertisement, in at least two newspapers published in or nearest to the place where the sale is to be made, stating the time and place thereof; and, if the sale is in the province of Quebec, 10 then at least one of such newspapers shall be a newspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language. 53 V., c. 31, ss. 76, 77 and 78; 63-64 V., c. 26, s. 19. Am.

Conditions under which bank may take security. **90.** The bank shall not acquire or hold any warehouse receipt or bill of lading, or any such security as aforesaid, to secure the payment of any bill, note, debt, or liability, unless such bill, note, debt or liability is negotiated or contracted,—

(a) at the time of the acquisition thereof by the bank; or, 20 (b) upon the written promise or agreement that such warehouse receipt or bill of lading or security would

be given to the bank:

Proviso.

Exchanging

receipt for bill of lading

and vice

persa.

of warehouse

Provided that such bill, note, debt or liability may be renewed, or the time for the payment thereof extended, 25 without affecting any such security.

2. The bank may—

(a) on the shipment of any products or stock, goods, wares and merchandise, or grain, for which it holds a warehouse receipt, or any such security as aforesaid, 30 surrender such receipt or security and receive a bill of

lading in exchange therefor; or,

(b) on the receipt of any products or stock, goods, wares and merchandise, or grain, for which it holds a bill of lading, or any such security as aforesaid, surrender such 35 bill of lading or security, store the products or stock, goods, wares and merchandise, or grain, and take a warehouse receipt therefor, or ship the products or stock, goods, wares and merchandise, or grain, or part of them, and take another bill of lading therefor. 53 40 V., c. 31, s. 75; 63-64 V., c. 26, s. 18.

Interest at 7 per cent may be charged.

91. The bank may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per cent per annum and may receive and take in advance any such rate, but no higher rate of interest shall be recover-45 able by the bank. The rate of interest or discount charged by the bank shall appear on the face of the note.

2. The bank shall make a quarterly return to the Minister, as of the last juridical day of the months of March, June, 61848—7

Return to Minister.

September and December in each year, giving such particulars as may be prescribed by regulations made by the Treasury Board of the interest and discount rates charged by the bank.

Signature to returns.

3. Such returns shall be made up and sent in within the 5 first thirty days after the respective juridical days aforesaid, and shall be signed by the same persons as are required to sign the monthly returns made to the Minister under section 112 of this Act. 53 V., c. 31, s. 80. Am.

Any rate may be allowed. 4. No bank shall directly or indirectly charge or receive any 10 sum whatsoever for the keeping of any account unless such charge is made by express agreement between the Bank and the customer.

Liability of bank on deposits. **92.** The bank may allow any rate of interest whatever upon money deposited with it.

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2. The liability of the bank, under any law, custom or agreement to repay moneys heretofore or hereafter deposited with it and interest, if any, shall continue, notwithstanding any statute of limitations, or any enactment or law relating to prescription. 53 V., c. 31, s. 90; R.S., c. 29, s. 126. 20

Percentage chargeable for collection.

93. When any note, bill, or other negotiable security or paper, payable at any of the bank's places or seats of business, branches, agencies or offices of discount and deposit in Canada, is discounted at any other of the bank's places or seats of business, branches, agencies or offices of 25 discount and deposit, the bank may, in order to defray the expenses attending the collection thereof, receive or retain in addition to the discount thereon, a percentage calculated upon the amount of such note, bill, or other negotiable security or paper, not exceeding one-eighth of one per cent; 30 provided that the bank may make a minimum charge of fifteen cents. 53 V., c. 31, s. 82.

Agency charges.

94. The bank may, in discounting any note, bill or other negotiable security or paper, bona fide payable at any place in Canada, other than that at which it is discounted, 35 and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain, in addition to the discount thereon, a sum not exceeding one-fourth of one per cent on the amount thereof; provided that the bank may make 40 a minimum charge of twenty-five cents. 53 V., c. 31, s. 83.

Deposits may be received from persons unable to contract. 95. The bank may, subject to the provisions of this section, without the authority, aid, assistance or intervention of any other person or official being required.—

(a) receive deposits from any person whomsoever, what-45 ever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not; and,

granted by any controls Canada having power to grant

(b) from time to time repay any or all of the principal thereof, and pay the whole or any part of the interest thereon to such person, unless before such repayment the money so deposited in the bank is lawfully claimed as the property of some other person.

Payments by consent.

2. In the case of any such lawful claim the money so deposited may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the depositor.

Deposit limited to \$2.000.

3. If the person making any such deposit could not, 10 under the law of the province where the deposit is made. deposit and withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not, at any time, exceed the sum of two thousand dollars. 53 V., c. 31, s. 84; 53 V., c. 31, 15 Am.; 3-4 G. V., c. 9, s. 95 Am.

Bank not bound to see to trust in deposits.

96. The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive,

Receipt of one of two depositors sufficient.

to which any deposit made under the authority of this Act is subject. 2. Except only in the case of a lawful claim, by some

Or of a majority. other person, before repayment the receipt of the person in whose name any such deposit stands, or, if it stands in the names of two persons, the receipt of one, or, if it stands in the names of more than two persons, the receipt of a majority 25 of such persons, shall, notwithstanding any trust to which such deposit is then subject, and whether or not the bank sought to be charged with such trust, and with which the deposit has been made, had notice thereof, be a sufficient discharge to all concerned for the payment of any money 30 payable in respect of such deposit.

Application.

3. The bank shall not be bound to see to the application

of the money paid upon such receipt.

Garnishee order affects only branch where served.

4. An attaching or garnishee order or summons shall only affect and bind moneys to the credit of the debtor at the branch, 35 agency or office of the bank where such order or summons or notice thereof is served. 53 V., c. 31, s. 84; 3-4 G. V, c. 9, s. 96. Am.

If depositor dies, claim not exceeding \$500, how proved.

97. If a person dies, having a deposit with the bank not exceeding the sum of five hundred dollars, the production 40 to the bank of-

(a) any authenticated copy of the probate of the will of the deceased depositor, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, 45 granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland or any British colony, or of any testament, testamentary or testament dative expede in Scotland; or, 50

(b) an authentic notarial copy of the will of the deceased depositor, if such will is in notarial form, according to

the law of the province of Quebec; or,

(c) if the deceased depositor died out of His Majesty's dominions, any authenticated copy of the probate of his will, or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power on such matters; shall be sufficient justification and authority to the directors for paying such deposit, in pursuance of and in conformity 10

to such probate, letters of administration, or other documents as aforesaid.

Deposit of copy of document.

2. When the authenticated copy or other document of like import is produced to the bank under subsection 1 of this section, there shall be deposited with the bank a true 15 copy thereof. 63-64 V., c. 26, s. 20.

### DOMINION GOVERNMENT CHEQUES.

Dominion government cheques to be paid at par.

98. The bank shall not charge any discount or commission for the cashing of any official cheque of the Government of Canada or of any department thereof, whether drawn on the bank cashing the cheque or on any other 20 bank, nor upon any cheque drawn in favor of the Government of Canada or any department thereof, and tendered for deposit to the credit of the Receiver General of Canada. 53 V., 31, s. 103; 3-4 G. V., c. 9, s. 98.

#### PURCHASE OF THE ASSETS OF A BANK.

Bank may sell assets to another bank.

99. Any bank may sell the whole or any portion of its 25 assets to any other bank which may purchase such assets; and the selling and purchasing banks may, for such purposes, enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with the sale and purchase of such assets. 30

Consent of Minister.

2. No agreement by a bank to sell the whole or any portion of its assets to another bank shall be made unless and until the Minister, in writing, consents that an agreement under subsection 1 of this section may be entered into between the two banks. 63-64 V., c. 26, s. 33. 35

Consideration.

**100.** The consideration for any such sale and purchase may be as agreed upon between the selling and purchasing banks.

If in shares of capital stock.

2. If the consideration, or any portion thereof, is shares of the capital stock of the purchasing bank, the agreement 40 shall provide for the amount of the shares of the purchasing bank to be paid to the selling bank.

Not considered issued until

3. Until such shares so paid to the selling bank have been sold by such bank, or have been distributed among and

sold or distributed.

accepted by the shareholders of such bank, they shall not be considered issued shares of the purchasing bank for the purposes of its note circulation. 63-64 V., c. 26, s. 34.

Agreement of sale to be submitted to selling shareholders at meeting.

101. The agreement of sale and purchase shall be submitted to the shareholders of the selling and purchasing 5 banks, either at the annual general meeting of the respective banks or at a special general meeting thereof called for the purpose.

Copy to each shareholder by mail.

2. A copy of the agreement shall be mailed, post paid, to every shareholder of each bank to his last known address, at 10 least four weeks previously to the date of the meeting at which the agreement is to be submitted, together with a notice of the time and place of the holding of such meeting. 63-64 V., c. 26, s. 35.

Agreement may be executed f they approve.

102. If at each meeting the agreement is approved by 15 resolution carried by the votes of shareholders, present or represented by proxy, representing not less than two-thirds of the amount of the subscribed capital stock of the bank, the agreement may be executed under the seals of the banks, parties thereto, and application may be made to the Governor 20 in Council, through the Minister, for approval thereof.

Approval of Governor in Council.

2. Until the agreement is approved by the Governor in Council it shall not be of any force or effect. 63-64 V., c. 26, s. 36.

Approval of chareholders of purchasing bank.

103. If the agreement provides for the payment of the 25 consideration for such sale and purchase, in whole or in part, in shares of the capital stock of the purchasing bank, and for such purpose it is necessary to increase the capital stock of such bank, a bylaw for the purpose may be passed by the shareholders at the meeting called to approve of the agreement. 30 63-64 V., c. 26, s. 37.

Necessary increase of stock may be approved. 104. The Governor in Council may, on the application for his approval of the agreement, approve of the increase of the capital stock of the purchasing bank, which is necessary to provide for the payment of the shares of such bank 35 to the selling bank, as provided in the said agreement. 63-64 V., c. 26, s. 38.

Ordinary provisions for increase not to apply. 105. The provisions of this Act with regard to—
(a) the increase of the capital stock of the bank by bylaw of the shareholders approved by the Treasury 40
Board; and,

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(b) the allotment and sale of such increased stock; shall not apply to any increase of stock made or provided for under the authority of the last two preceding sections. 63-64 V., c. 26, s. 38.

Conditions on which Governor in Council may approve agreement. 106. The approval of the Governor in Council shall not be given to the agreement, unless—

(a) the consent of the Minister as prescribed by subsection 2 of section 99 of this Act has been given;

(b) the approval of the agreement is recommended by 5 the Treasury Board:

(c) the application for approval thereof is made, by or on behalf of the bank executing it, within three months from the date of execution of the agreement; and,

'd) it appears to the satisfaction of the Governor in 10 Council that all the requirements of this Act in connection with the approval of the agreement by the shareholders of the selling and purchasing banks have been complied with, and that, after the approval by the shareholders of the selling bank, notice of the intention 15 of the banks to apply to the Governor in Council for the approval of the agreement has been published for at least four weeks in *The Canada Gazette*, and in one or more newspapers published in places where the chief offices of the banks are situate.

2. Such banks shall afford all information that the

Minister requires.

3. Nothing herein contained shall be construed to prevent the Governor in Council or the Treasury Board from refusing to approve of the agreement or to recommend its 25 approval. 63-64 V., c. 26, s. 39. Am.

Further conditions.

Information.

Approval may be

refused.

107. The agreement shall not be approved of unless it appears that—

(a) proper provisions have been made for the payment of the liabilities of the selling bank;

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(b) the agreement provides for the assumption and payment by the purchasing bank of the notes of the selling bank issued and intended for circulation outstanding

and in circulation; and.

(c) the amounts of the notes of both the purchasing and 35 selling banks, issued for circulation, outstanding and in circulation, as shown by the then last monthly returns of the banks, do not together exceed the then paid-up capital of the purchasing bank and the amount (if any) held for both of the said banks in the central gold 40 reserves referred to in section 61 of this Act; or if the amount of such notes does exceed such paid-up capital and the amount so held, an amount in cash, equal to the excess of such notes over such paid-up capital and the amount so held, has been deposited by the pur-45 chasing bank with the Minister.

2. The amount so deposited under paragraph (c) of subsection 1 of this section shall be held by the Minister as security for the redemption of the said excess of notes; and when the amount of the notes of the two banks out- 50

Deposit.

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standing and in circulation is less than the aggregate of the paid-up capital of the purchasing bank, the amount aforesaid (if any) held in the central gold reserves, together with the amount so deposited, the difference shall, from time to time, be repaid by the Minister out of the deposit, to the extent thereof, to the purchasing bank, but without interest, on the application of such bank, and on the production of such evidence as the Minister may require to show the amount of the notes of the two banks then outstanding and in circulation. 63-64 V., c. 27, s. 1. Am.

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Notes of selling bank to become notes of purchasing bank. 108. The notes of the selling bank so assumed and to be paid by the purchasing bank shall, on the approval of the agreement, be deemed to be, for all intents and purposes, notes of the purchasing bank issued for circulation; and the purchasing bank shall be liable in the same manner and to 15 the same extent as if it had issued them for circulation.

Circulation Fund.

2. The amount at the credit of the selling bank in the Circulation Fund shall, on the approval of the agreement, be

transferred to the credit of the purchasing bank.

As to withdrawal of deposit in central gold reserves. 3. The trustees shall not permit any part of the deposit 20 (if any) of the selling bank in the central gold reserves to be withdrawn under the provisions of this Act after the last juridical day of the month in which notice of intention to apply to the Governor in Council for approval of the agreement has been given and pending such approval, unless and until the trustees are notified in writing by the Minister of his consent thereto; and on the approval of the agreement the trustees shall hold the deposit (if any) for and as if such deposit had been originally made by the purchasing bank.

Notes to be called in.

4. The notes of the selling bank shall not be re-issued, but 30 shall be called in, redeemed and cancelled as quickly as possible. 63-64 V., c. 26, s. 41.

Evidence of approval by Governor in Council.

**109.** The approval by the Governor in Council of the agreement shall be evidenced by a certified copy of the order in council approving thereof.

Order in council conclusive.

2. A copy of such order in council or extract thereof, and a copy of such agreement, purporting to be certified to be true by the clerk or assistant or acting clerk of the King's Privy Council for Canada shall, in all courts of justice and for all purposes, be *prima facie* evidence of the said agree-40 ment, and of its due execution, and of its approval by the Governor in Council, and of the regularity of all proceedings in connection therewith. 63-64 V., c. 26, s. 42. Am.

On approval of Governor in Council the assets pass. 110. On the agreement being approved of by the Governor in Council, the assets therein referred to as sold 45 and purchased shall, in accordance with and subject to the terms thereof, and without any further conveyance, become vested in the purchasing bank.

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Further assurance.

2. The selling bank shall, from time to time, subject to the terms of the agreement, execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full title or ownership of the assets referred to in the agreement. 63-64 V., c. 26, s. 43.

Selling bank to cease business and be wound up.

**111.** As soon as the agreement is approved of by the Governor in Council, the selling bank shall cease to issue or re-issue notes for circulation, and shall cease to transact 10 any business, except such as is necessary to enable it to carry out the agreement, to realize upon any assets not included in the agreement, to pay and discharge its liabilities, and generally to wind up its business; and the charter or Act of incorporation of such bank, and any Acts in amend- 15 ment thereof then in force, shall continue in force only for the purposes in this section specified. 63-64 V., c. 26, s. 44.

#### RETURNS.

Monthly returns.

112. The bank shall, within the first twenty-eight days of each month, transmit or deliver to the Minister a return in the form set forth in Schedule G to this Act.

2. Such return shall exhibit the condition of the bank on

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the last juridical day of the month last preceding.

When return last received may be used.

What return

shall show.

3. Notwithstanding anything in this section, whenever, in the usual course of the post, the return of a branch or agency for the last juridical day of the month, mailed at 25 the branch or agency on or before the second day of the following month, does not reach—

(a) the chief office of the bank on or before the eighteenth

day of the month; or,

(b) the office of the general manager, if the office of the 30 general manager is at a place other than the chief office of the bank, on or before the fifteenth day of the month,

the return last received from any such branch, exhibiting as far as that branch is concerned the condition of the bank 35 at the date for which it purports to be made, may be used in the preparation of the monthly return called for by this

section.

Special returns.

(4) The Minister may also call for other or special returns from any bank, and may require that the bank shall transmit 40 or deliver such other or special returns at monthly or other prescribed periods, or whenever in his judgment they are necessary to afford a full and complete knowledge of its condition.

(5) The Minister may prescribe the time within which such 45 other or special returns shall be transmitted or delivered to

Within 30 days from demand.

him, one unless pharmais prescribed the time sertion which any mostly or other periodic reterns shall be translitted or delicered, shall be translitted or delicered, shall be the time allowed by this section for a monthly reserve, procedule that the delicered may extend the time for measurables one special return for such further period, not descending theirty days, as he thinks expedient.

8-4 Gr. N., e. 9, s. 112 and 118.

THE RESERVE

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and by the president, or a vira president, or the then action as president, and by the general or other principal officer of the bank next in subthe management of the affairs of the bank at the which the desileration is agained.

2. As soon as may be after the annual general there stall be sent to the Minister the names of the

there stell be sent to the Minister the mines of the directors elected thereat and the minns of the president and vice- 20 presidents, and should any vacuury occur in the membership of the board of directors, or in the office of president, on vice-president, the Minister shall forthwith be notified of the assure of the person by whom the recency has been filled.

A. It any change is made in the holder of the office of 2 oben accountant or of general manager, the Minister shall forthwish be nothing of the name of the person by whom the vacancy has been filled.

It is distributed and an explaining set the last preceding section concerned it shall not, except as to the chief accountains or desirg 30 may assurable of the lasts, be englicious for the purposes of any relative previous of the bank, be englicious for the purposes of any relative expression that such relative expressions that should not relative expressions that he could get from that fast periodical forms of the manufactory preceding the date of the neturn according to the fasts enjoyed subject to the fasts enjoyed to the section points of the manufactory points and the fasts enjoyed to the section of the manufactory points of the manufactory points of the manufactory points of the relative processing the tree fasts of the manufactory points of the processing the processin

under the last presenting section, or less the purposes of only sections as the fast present of the purposes of only sections and secured by a basis, 40 sections and its property of the present of the

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he has have has taken possession of the property or may push of the property exceed by any scornity green by the elegiquest with the interation of rendining thereon, on his

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him; but unless otherwise prescribed the time within which any monthly or other periodic return shall be transmitted or delivered, shall be the time allowed by this section for a monthly return; provided that the Minister may extend the time for transmitting any special return for such further 5 period, not exceeding thirty days, as he thinks expedient.

3-4 G. V., c. 9, s. 112 and 113.

Return accompanied by declaration.

How signed.

113. Every return provided for or required under the last preceding section shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the 10 form set forth in Schedule G to this Act, and shall be signed by the chief accountant or by the acting chief accountant, and by the president, or a vice president, or the director then acting as president, and by the general manager or other principal officer of the bank next in authority in 15 the management of the affairs of the bank at the time at which the declaration is signed.

2. As soon as may be after the annual general meeting there shall be sent to the Minister the names of the directors elected thereat and the names of the president and vice-20 presidents, and should any vacancy occur in the membership of the board of directors, or in the office of president, or vice-president, the Minister shall forthwith be notified of the name of the person by whom the vacancy has been filled.

3. If any change is made in the holder of the office of 25 chief accountant or of general manager, the Minister shall forthwith be notified of the name of the person by whom the vacancy has been filled.

4. Notwithstanding anything in the last preceding section contained it shall not, except as to the chief accountant or acting 30 chief accountant of the bank, be sufficient for the purposes of any return provided for or required under the said section that such return agrees with the books of the bank, but the return shall set forth the true financial position of the bank on the last juridical day of the month last preceding the date of the return according 35 to the latest information possessed by or reasonably available to the officers or any of them who sign the return.

5. For the purposes of any return provided for or required under the last preceding section, or for the purposes of any statement or balance sheet prepared and issued by a bank, 40 there shall not be included amongst "current loans", any loan in respect of which,—

(a) the borrower has not for a period of two years preceding the date of such return, statement or balance sheet, paid the interest thereon at the rate agreed, in cash, unassisted 45 by the bank:

(b) the bank has taken possession of the property or any part of the property covered by any security given by the borrower with the intention of realizing thereon, or has

Names of directors, president and vicepresident sent to Minister.

Vacancy.

Notice to Minister of change of officers.

Return to show true position.

Current loans not to include.

realized or taken any step or proceeding for the purpose of realizing upon any security given by the borrower;

(c) the bank has commenced an action at law to recover from the borrower the amount of the loan or any part thereof;

(d) the borrower has made an abandonment of his estate

for the benefit of his creditors or any of them; or,

(e) there is other cause, sufficient in the opinion of the manager of the branch of the bank where such loan is domiciled, or in the opinion of any director or officer of the bank who prepares, signs, approves or concurs 10 in such return, statement or balance sheet, for deeming such loan not to be a current loan.

Provided however, that any loan falling within this subsection may be included amongst current loans if the directors declare that after due inquiry they have approved such loan as 15

a current loan.

Controlled corporations.

6. Whenever a bank carries on any part of its operations in the name of a corporation controlled by such bank, then such bank shall, for the purposes of any return required under the last preceding section, transmit or deliver therewith, a separate 20 return, showing the assets and liabilities of each such corporation, and the interest of the bank in such corporations shall be shown separately in any return respecting the affairs of the bank.

Amounts written off bank premises. 7. Whenever a bank has appropriated, out of its profits 25 for any period, with the consent and approval of its shareholders had and obtained at any annual or special general meeting, any sum for the writing down of its bank premises or other assets, no portion of such sum so appropriated shall be again taken into account for the purposes of any return 30 required under the last preceding section, or for the purposes of any statement prepared and issued by the bank, without the consent and approval of its shareholders, in like manner first had and obtained.

Appropriations for losses.

8. For the purposes of any return provided for or required 35 under the last preceding section, the "Appropriation Account" shall be the total amount estimated or ascertained to be necessary to provide for losses, due to any cause whatsoever, according to the latest information which can be made available therefor.

3-4 G. V., c. 9, s. 112. Am.

Annual returns of unpaid dividends and balances.

114. The bank shall, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return—

(a) of all dividends which have remained unpaid for more than five years; and,

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(b) of all amounts or balances in respect of which no transactions have taken place, or upon which no interest has been paid, during the five years prior to the date of such return:

Provided that, in the case of moneys deposited for a fixed period, the said term of five years abalf be reckoned from the date of the termination of main fixed period.

2. The return mentioned in the list proceding subsection abalt set forther.

(a) the name of each shardedder or creditor to when such dividends, amounts or balances are, according the books of the bank, perable;

'é the bat known address af each such abaitholder or croditor:

(a) the amount due to each such shareholdes or creditor;
(a) the branch or agency of the heat at which the last

bus tree date of each less trumsaction; and

(/) if such shareholder or creditor is known to the bank 15 to be dead, the names and addresses of his logal rounds sentations on for an innovant of the bank.

3. The bank shall blownes, within the g days

close of each estendar year transmit or deliver to the Minister a return of all certified choques drafts or bills of 20 exchange, issued by the bank to any person, and remaining appell for more than five years prior to the date of such return, setting forth so far as known.—

to the manes of the persons to whom, or at whose request, such drefts, certified shaques, or bills of 25

the address of sich persons:

(v) the names of the payers of such dealts or hills of

(d) the encounts and dutes of such contified cheques, 30

ver the names of the places where such cartified choquer drafts or bills of exchange were payables and,

(/) the branches or agencies of the bank respectively from which such drafts, cartified disques, or bills of exchange 35

4. If a dividend, smooth or balance, entitled obeque, depth, or hill of exchange is for a less cam than the delicar, and extense in respect themed have been made under the providing providing of this section for five consecutive years the benk may hereafter each from the respective returns particular required by the said providing with required to say such dividend, amount or balance certified decrease the first or account or balance certified

of The source required by the foregoing provisions of the this section shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule I to this Act, and shall be signed by the publishent

or a vice-prosident or the director then setting as president, 63 and by the general manager or other principal officer of

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Provided that, in the case of moneys deposited for a fixed period, the said term of five years shall be reckoned from the date of the termination of such fixed period.

2. The return mentioned in the last preceding subsection

What return shall show.

shall set forth—
(a) the name of each shareholder or creditor to whom such dividends, amounts or balances are, according to the books of the bank, payable;

(b) the last known address of each such shareholder or

10

creditor;

(c) the amount due to each such shareholder or creditor;(d) the branch or agency of the bank at which the last transaction took place;

(e) the date of such last transaction; and,

(f) if such shareholder or creditor is known to the bank 15 to be dead, the names and addresses of his legal repre-

sentatives, so far as known to the bank.

Further annual return.

Particulars.

3. The bank shall likewise, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return of all certified cheques, drafts or bills of 20 exchange, issued by the bank to any person, and remaining unpaid for more than five years prior to the date of such return, setting forth so far as known,—

(a) the names of the persons to whom, or at whose request, such drafts, certified cheques, or bills of 25

exchange were issued;

(b) the addresses of such persons;

(c) the names of the payees of such drafts or bills of exchange;

(d) the amounts and dates of such certified cheques, 30

drafts or bills of exchange;

(e) the names of the places where such certified cheques,

drafts or bills of exchange were payable; and,

(f) the branches or agencies of the bank respectively from which such drafts, certified cheques, or bills of exchange 35 were issued.

Amounts under five dollars.

4. If a dividend, amount or balance, certified cheque, draft, or bill of exchange is for a less sum than five dollars, and returns in respect thereof have been made under the preceding provisions of this section for five consecutive 40 years, the bank may hereafter omit from the respective returns particulars required by the said provisions with regard to any such dividend, amount or balance, certified cheque, draft or bill of exchange.

Declarations and signatures.

5. The returns required by the foregoing provisions of 45 this section shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule I to this Act, and shall be signed by the chief accountant, and by the president or a vice-president or the director then acting as president, 50 and by the general manager or other principal officer of

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the bank next in authority in the management of the affairs of the bank at the time at which the declaration is

signed.

Notice that dividend draft or cheque remains unpaid. 6. The bank shall transmit by registered post to the person to whom any such dividend, amount or balance 5 is payable, and to the person to whom (in so far as known to the bank) and to the person at whose request any such draft, certified cheque or bill of exchange was issued, to the last known post office address of each person as shown by the books of the bank, a notice in writing stating that 10 such dividend remains unpaid, or that in respect of such amount or balance no transaction has taken place or no interest has been paid, or that such draft, certified cheque or bill remains unpaid, as the case may be.

When notice to be given.

Certified annual list

shareholders transmitted

to Minister.

of

7. The notice called for by the next preceding sub- 15 section shall be given twice, namely, during the month of January next after the end of the first two-year period and also during the month of January next after the end of the first five year period in respect of which—

(a) the dividend has remained unpaid; or,

has 20

(b) no transaction has taken place or no interest has been paid in connection with such amount or balance;

or,

(c) the draft, certified cheque or bill has remained unpaid.

8. The bank shall, within thirty days after the close of 25 each calendar year, transmit or deliver to the Minister a list, certified by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time at which the list is certified, and by the officer of the bank in charge of the register of 30 shareholders, to be a correct list and in accordance with the books of the bank with regard thereto; and the list shall show—

(a) the names of the shareholders of the bank on the last day of such calendar year, with their last known post 35 office addresses and descriptions;

(b) the number of shares then held by them respectively;

and,

(c) the amount paid thereon.

Laid before Parliament. 9. The Minister shall lay such returns and lists before 40 Parliament at the next session thereof. 53 V., c. 31, ss. 87 and 88; 63-64 V., 26, s. 21. Am.; 3-4 G. V., c. 9, s. 114. Am.

#### PAYMENTS TO THE MINISTER UPON WINDING UP.

Unclaimed moneys paid to Minister on winding up of bank. 115. If, in the event of the winding-up of the business of the bank in insolvency, or under any general winding-up 45 Act, or otherwise, any moneys payable by the liquidator, either to shareholders or depositors, remain unclaimed,—

(a) for the period of three years from the date of suspension of payment by the bank; or,

(b) for a like period from the commencement of the

winding-up of such business; or,

(c) until the final winding-up of such business, if the business is finally wound up before the expiration of the said three years:

With interest.

such moneys and all interest thereon shall, notwithstanding any statute of limitations or other Act relating to prescription, be paid to the Minister, to be held by him subject to 10 all rightful claims on behalf of any person other than the bank.

Governor in Council may order payment to person entitled.

Interest.

2. If a claim to any moneys so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, 15 direct payment thereof to be made to the person entitled thereto, together with interest on the principal sum thereof, at the rate of three per cent per annum for a period not exceeding six years from the date of payment thereof to the Minister as aforesaid: Provided that no such interest shall 20 be paid or payable on such principal sum unless interest thereon was payable by the bank paying the same to the Minister.

Bank discharged. 3. Upon payment to the Minister as herein provided, the bank and its assets shall be held to be discharged from 25 further liability for the amounts so paid. 53 V., c. 31, s. 88.

Circulation outstanding at distribution of assets.

under any general winding-up of a bank in insolvency or under any general winding-up Act, or otherwise, the assignees, liquidators, directors, or other officials in charge of such winding-up shall, before the final distribution of the 30 assets, or within three years from the commencement of the suspension of payment by the bank, whichever shall first happen, pay over to the Minister a sum, out of the assets of the bank, equal to the difference between the amount then outstanding of the notes intended for circu-35 lation issued by the bank, together with any interest on such outstanding notes which may have accrued under section 65 of this Act, and the aggregate of the amount at the credit of the bank in the Circulation Fund and the amount (if any) paid to the Minister by the trustees under 40 section 61 of this Act.

Bank relieved. 2. Upon such payment being made, the bank and its assets shall be relieved from all further liability in respect of such outstanding notes.

Minister to redeem.

3. The sum so paid shall be held by the Minister and 45 applied for the purpose of redeeming, whenever presented, such outstanding notes, without interest, except such as may have been paid over under this section. 53 V., c. 31, s. 88. Am.

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2. The Association near at any time remove the curators and may appears accept to set in his stoud. 63-54 V. o. 26, a. 24.

The The proposition of the emptor shall be made in the manner provided for in the level of the brighter previous of the Association made in that behalf as benjandfor previous.

2. If these more such by law the appointment that he made in writing by the president of the Association of by the person acting as president. 63-64 V. c. 26, s. 22.

116. The evistor shall assume supervision of the fillans of the back, and, of all nocessary arrangements for the La Louis payment of the actes of the back assumed for arrangement, at the time of his appointment, cutstanding and an circulation.

2. The emission shall grainedly have all powers and shall take all steps and do all things accessary or expedient to 20 project the rights and continues of the creditors and shareholded at the bank, and so con-crys and ensure the propose disriculture accessed of the essents of the bank; and for the essents of the bank; and for the purposes in this region, he shall have free and fall some or all imports, are small access to all papers 20 fall sources to all imports, are small accesses and papers 20 fall sources to all imports, are small accesses and papers 20 fall sources to all imports, are small accesses and papers 20 fall sources to all imports, are small accesses and papers 20 fall sources to all imports, are small accesses and papers 20 fall sources to all imports and accesses to all imports and accesses to a small sources and accesses to a small source to a s

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129. The president vice-president electrons general campage, managers clerks and ellicity of the bank shall give and affect of the companies and campage of his distance as he requires to the discharge of his distance of the discharge of his distance.

1921. No hy-law requireson, resolution or set, touching the affairs or unsurgement of the bank; passed, made or fone by the directors during the time time contains in inchange of the (nake that be at my force or effect until approved in writing by the constor. 63-64 V. c. 26, c. 27.

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#### CURATOR.

Association to appoint curator.

117. The Association shall, if a bank suspends payment in specie or Dominion notes of any of its liabilities as they accrue, forthwith appoint a curator to supervise the affairs of such bank.

Removal.

2. The Association may at any time remove the curator, 5 and may appoint another person to act in his stead. V., c. 26, s. 24.

Appointment by Association.

118. The appointment of the curator shall be made in the manner provided for in the by-law of the Association made in that behalf as hereinafter provided.

If no by-law.

2. If there is no such by-law the appointment shall be made in writing by the president of the Association, or by the person acting as president. 63-64 V., c. 26, s. 25.

Powers and duties of curator.

119. The curator shall assume supervision of the affairs of the bank, and of all necessary arrangements for the 15 payment of the notes of the bank issued for circulation. and, at the time of his appointment, outstanding and in circulation.

Generally.

2. The curator shall generally have all powers and shall take all steps and do all things necessary or expedient to 20 protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he shall have free and full access to all books, accounts, documents and papers 25 of the bank.

Supervision.

3. The curator shall continue to supervise the affairs of the bank until he is removed from office, or until the bank resumes business, or until a liquidator is duly appointed to wind up the business of the bank. 63-64 V., c. 26, s. 26. 30

Officers and clerks to assist curator.

120. The president, vice-president, directors, general manager, managers, clerks and officers of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties. 63-64 V., c. 26, s. 27.

No act of directors valid unless approved by curator.

121. No by-law, regulation, resolution or act, touching the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, shall be of any force or effect until approved in writing by the curator. 63-64 V., c. 26, s. 27. 40

Curator to make returns as required by Minister.

**122.** The curator or liquidator shall make all returns and reports, and shall give all information to the Minister, touching the affairs of the bank, that the Minister requires of him. 63-64 V., c. 26, s. 28.

by the Treesury Board. 63-34 V., c. 26, ss. 30 and 31.

Remuneration of curator.

123. The remuneration of the curator for his services. and his expenses and disbursements in connection with the discharge of his duties, shall be fixed and determined by a judge of a superior court in the province where the chief office of the bank is situate, and shall be paid out of the 5 assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of the liquidator. 63-64 V., c. 26, s. 29.

BY-LAWS OF THE CANADIAN BANKERS' ASSOCIATION.

By-laws.

124. The Association may, at any meeting thereof, with the approval of two-thirds in number of the banks 10 represented at such meeting, if the banks so approving have at least two-thirds in par value of the paid up-capital of the banks so represented, make by-laws, rules and regulations respecting—

As to what subjects.

(a) all matters relating to the appointment or removal of 15

the curator, and his powers and duties;

(b) the supervision of the making of the notes of the banks which are intended for circulation, and the delivery thereof to the banks:

(c) the inspection of the disposition made by the banks of 20

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such notes:

(d) the destruction of notes of the banks:

(e) the custody and management of the central gold reserves and the carrying out of the provisions of this Act relating to such reserves: and.

(f) the imposition of penalties for the breach or nonobservance of any by-law, rule or regulation made by

virtue of this section.

Approval by Treasury 2. No such by-law, rule or regulation, and no amendment or repeal thereof, shall be of any force or effect until 30

approved by the Treasury Board.

3. Before any such by-law, rule or regulation, or any amendment or repeal thereof is so approved, the Treasury Board shall submit it to every bank which is not a member of the Association, and give to each such bank an oppor- 35 tunity of being heard before the Treasury Board with respect thereto.

Enforcement of by-laws.

Board.

Notice to other banks

> 4. The Association shall have all powers necessary to carry out, or to enforce the carrying out, of any by-law, rule or regulation, or any amendment thereof, so approved 40 by the Treasury Board. 63-64 V., c. 26, ss. 30 and 31.

#### INSOLVENCY.

Double liability of shareholders,

125. In the event of the property and assets of the bank being insufficient to pay its debts and liabilities, each shareholder of the bank shall be liable for the deficiency, to an amount equal to the par value of the shares held by 45 him, in addition to any amount not paid up on such shares.

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"Shareholder" defined.

2. "Shareholder," within the meaning of this section, shall include an undisclosed principal and, to the extent of his interest, a cestui que trust, on whose behalf or for whose benefit shares in the capital stock of the bank are held. 53 V., c. 31, s. 89.

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Suspension for 90 days to constitute insolvency.

**126.** Any suspension by the bank of payment of any of its liabilities as they accrue, in specie or Dominion notes. shall, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitute the bank insolvent, and work a forfeiture of its charter or Act 10 of incorporation, so far as regards all further banking operations. 53 V., c. 31, s. 91.

Charter to remain in force for calls and winding

127. The charter or Act of incorporation of the bank shall, in the case mentioned in the next preceding section. remain in force only for the purpose of enabling the direc- 15 tors, or other lawful authority, to make and enforce the calls mentioned in the next following section of this Act. and to wind up the business of the bank. 53 V., c. 31, s. 91. Am.

If no proceedings within 3 months thereafter. directors to make calls.

128. If any suspension of payment in full, in specie or 20 Dominion notes, of all or any of the notes or other liabilities of the bank, continues for three months after the expiration of the time which, under the two last preceding sections would constitute the bank insolvent, and if no proceedings are taken under any Act for the winding-up of the bank, 25 the directors shall make calls on the shareholders thereof, to the amount they deem necessary to pay all the debts and liabilities of the bank not exceeding the limit of liability of the shareholders hereinbefore specified, without waiting for the collection of any debts due to the bank or the sale 30 of any of its assets or property.

Intervals.

Notice.

Number.

Amount.

Payment.

First call.

Procedure.

Forfeiture non-payment.

Proviso.

- 2. Such calls shall be payable at intervals of thirty days.
- 3. Notice of such calls shall be given to the shareholders. 4. Any number of such calls may be made by one resolution.
  - 5. No such call shall exceed twenty per cent on each share.
- 6. Payment of such calls may be enforced in like manner as payment of calls on unpaid stock may be enforced.

7. The first of such calls may be made within ten days after the expiration of the said three months.

8. In the event of proceedings being taken, under any Act, for the winding-up of the bank in consequence of the insolvency of the bank, the said calls shall be made in the manner prescribed for the making of such calls in such Act.

9. Any failure on the part of any shareholder liable to any 45 such call to pay the same when due, shall work a forfeiture by such shareholder of all claim in or to any part of the assets of the bank: Provided that such call, and any further call

thereafter, shall nevertheless be recoverable from him as if no such forfeiture had been incurred. 53 V., c. 31, ss. 92, 93 and 94. Am.

Liability of directors not diminished.

129. Nothing in the four sections last preceding shall be construed to alter or diminish the additional liabilities of the directors as herein mentioned and declared. 53 V., c. 31, s. 95.

Liability of shareholders who have transferred their stock. 130. (a) Persons who, having been shareholders of the bank, have only transferred their shares, or any of them, to others, as hereinbefore provided, within sixty days 10 before the commencement of the suspension of payment by the bank; and,

Or whose subscriptions have been cancelled.

have been forfeited, in manner hereinbefore provided, within the said period of sixty days before the com- 15 mencement of the suspension of payment by the bank; shall be liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held. 53 V. 20 c. 31, s. 96.

(b) Persons whose subscriptions to the stock of the bank

Order of charges.

131. In the case of the insolvency of any bank,—
(a) the payment of the notes issued or re-issued by such bank, intended for circulation, and then in circulation, together with any interest paid or payable thereon as 25 hereinbefore provided, shall be the first charge upon the assets of the bank;

Dominion Government. (b) the payment of any amount due to the Government of Canada, in trust or otherwise, shall be the second charge upon such assets:

Provincial governments.

(c) the payment of any amount due to the government of any of the provinces, in trust or otherwise, shall be the third charge upon such assets; and,

Penalties.

(d) the amount of any penalties for which the bank is liable shall not form a charge upon the assets of the 35 bank, until all other liabilities are paid. 53 V., c. 31, s. 53.

OFFENCES AND PENALTIES.

Payments of Incorporation and Organization expenses.

Offences.

131a. If prior to the time at which the certificate permitting the bank to issue notes and commence the business of banking has been obtained from the Treasury 40 Board, any provisional director or director authorizes or is a party to the payment of, or receives, out of moneys paid in by subscribers or interest thereon, any sum for commission, salary or charges for services in connection 61848—9

Payments of expenses prior to obtaining Treasury Board certificate. and the section 16 of this Act on develop, 3-4 G. Vi.

with or arising out of the incorporation or organization of the bank, it shall be an offence against this Act.

After certificate obtained.

2. If after the certificate has been obtained from the Treasury Board, any director authorizes payment of, or any general manager or other officer of the bank pays or 5 causes to be paid any money for or on account of the incorporation or organization expenses of the bank, except and unless the sum so paid is mentioned or included in the statement submitted to the Treasury Board at the time at which the application is made under this Act to 10 the Board for a certificate permitting the bank to issue notes and commence the business of banking, it shall be an offence against this Act.

When no certificate obtained.

3. If no certificate from the Treasury Board has been obtained within the time limited by this Act, it shall be 15 an offence against this Act for any provisional director or director to authorize or be a party to the payment of, or to receive, out of moneys paid in by subscribers, any sum for commission, salary or charges for services in connection with or arising out of the incorporation or organi- 20 zation of the bank, unless provision has been made pursuant to section 16 of this Act for payment. c. 9, s. 131A.

Penalty for bank officers obtaining gifts or showing avour

131B. Every one is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment or 25 to a fine not exceeding two thousand five hundred dollars, or to both, and, upon summary conviction, to imprisonment for six months, with or without hard labour, or to a fine not exceeding one hundred dollars, or both, who-

(a) being a director, general manager, manager, or other 30 executive officer of a bank, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having, after this Act comes 35 into force, done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs; or,

Penalty for offering gifts or showing favour to bank officers (b) corruptly gives or agrees to give or offers any gift or 40 consideration to any director, general manager, manager, or other executive officer of a bank as an inducement or reward or consideration to such director, general manager, manager, or other executive officer of the bank, for doing or forbearing to do, or for 45 having, after this Act comes into force, done or forborne to do any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

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2. In this section "consideration" includes valuable consideration of any kind. 3-4 G. V., c. 9, s. 131B.

# Commencement of Business.

"Consideration" defined.

132. Every director or provisional director of any bank and every other person who, before the obtaining of the certificate from the Treasury Board, by this Act required, 5 permitting the bank to issue notes or commence business, issues or authorizes the issue of any note of such bank, or transacts or authorizes the transaction of any business in connection with such bank, except such as is by this Act authorized to be transacted before the obtaining of such 10 certificate, is guilty of an offence against this Act. 3-4 G. V., c. 9, s. 132.

Commencing business without certificate.

# Sale and Transfer of Shares.

Offence.

133. Any person, whether principal, broker or agent, who wilfully sells or transfers or attempts to sell or transfer—

(a) any share or shares of the capital stock of any bank

by a false number; or,

Sale and transfer of shares contrary to requirements. (b) any share or shares of which the person making such sale or transfer, or in whose name or on whose behalf the same is made, is not at the time of such sale, or 20 attempted sale, the registered owner; or,

(c) any share or shares, without the assent to such sale of the registered owner thereof:

Offence.

is guilty of an offence against this Act. 53 V., c. 31, s. 37.

## Cash Reserves.

Penalty for cash reserve not held in prescribed notes.

134. Every bank which at any time holds in Dominion 25 notes less than forty per cent of the cash reserves which it has in Canada shall incur a penalty of five hundred dollars for each such offence. 53 V., c. 31, s. 50. Am.

# Issue and Circulation of Notes.

Excess of circulation.

135. If the total amount of the notes of the bank in circulation at any time exceeds the amount authorized by 30 this Act the bank shall.—

(a) if the amount of such excess is not over one thousand dollars, incur a penalty equal to the amount of such

excess; or,

(b) if the amount of such excess is over one thousand 35 dollars, and not over twenty thousand dollars, incur a penalty of one thousand dollars; or,

(c) if the amount of such excess is over twenty thousand dollars, and not over one hundred thousand dollars, incur a penalty of ten thousand dollars; or,

(d) if the amount of such excess is over one hundred thousand dollars, and not over two hundred thousand dollars, incur a penalty of fifty thousand dollars: or.

(e) if the amount of such excess is over two hundred thousand dollars, incur a penalty of one hundred thou- 5

sand dollars. 53 V., c. 31, s. 51.

Unauthorized issue of notes for circulation.

136. Every person, except a bank to which this Act applies, who issues or re-issues, makes, draws, or endorses any bill, bond, note, cheque or other instrument, intended to circulate as money, or to be used as a substitute for money, 10 for any amount whatsoever, shall incur a penalty of four hundred dollars.

Penalty. recovery of.

2. Such penalty shall be recoverable with costs, in any court of competent jurisdiction, by any person who sues for the same. 15

Appropriation.

3. A moiety of such penalty shall belong to the person suing for the same, and the other moiety to His Majesty for the public uses of Canada.

Intention presumed.

4. If any such instrument is made for the payment of a less sum than twenty dollars, and is payable either in form 20 or in fact to the bearer thereof, or at sight, or on demand, or at less than thirty days thereafter, or is overdue, or is in any way calculated or designed for circulation, or as a substitute for money, the intention to pass the same as money shall be presumed, unless such instrument is-25

Exceptions.

(a) a cheque on some chartered bank paid by the maker

directly to his immediate creditor: or.

(b) a promissory note, bill of exchange, bond or other undertaking for the payment of money made or delivered by the maker thereof to his immediate creditor; 30 and.

(c) not designed to circulate as money or as a substitute

for money. 53 V., c. 31, s. 60.

Defacement of notes.

137. Every person who mutilates, cuts, tears or perforates with holes any Dominion or bank note, or who in any 35 way defaces a Dominion or bank note, whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement shall, on summary conviction, be liable to a penalty not exceeding twenty dollars.

Penalty.

2. Every officer, clerk and servant of a bank who, for the bank, re-issues to the public any bank notes or Dominion notes which have not been disinfected and sterilized in accordance with the regulations made by the Treasury Board under the authority of this Act shall, on the information of 45 any person, on summary conviction, be liable to a penalty

Issue, by bank, of notes not disinfected or sterilized.

Penalty.

not exceeding twenty dollars. 3. In the event of the conviction of any officer, clerk or servant of a bank under this section, the bank shall thereby incur a penalty of fifty dollars. 53 V., c. 31, s. 61. Am.

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Issuing notes during period of suspension.

138 (a) Every person who, being president, vicepresident, director, general manager, manager, clerk or other officer of the bank, issues or re-issues, during any period of suspension of payment by the bank of its liabilities, any notes of the bank payable to bearer on 5 demand, and intended for circulation, or authorizes or is concerned in any such issue or re-issue; and,

Or without authority of Treasury Board. (b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinbefore provided for, every person who being president, 10 vice-president, director, general manager, manager, clerk or other officer of the bank issues or re-issues, or authorizes or is concerned in the issue or re-issue of any such notes before being thereunto authorized by the Treasury Board; and,

And accepting such notes.

(c) every person who accepts, receives or takes, or authorizes or is concerned in, the acceptance, receipt or taking of any such notes, knowing the same to have been so issued or re-issued, from the bank, or from such president, vice-president, director, general manager, 20 manager, clerk or other officer of the bank, in payment or part payment, or as security for the payment of any amount due or owing to such person by the bank;

Penalty.

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceed- 25 ing two thousand dollars, or to both. 63-64 V., c. 26, s. 10.

Pledging of notes by officers of bank. 139. (a) Every person who, being the president, vice-president, director, general manager, manager, clerk or other officer of the bank, pledges, assigns, or hypothecates, or authorizes, or is concerned in the pledge, 30 assignment or hypothecation of the notes of the bank; and,

Accepting.

(b) every person who accepts, receives or takes, or authorizes or is concerned in the acceptance or receipt or taking of such notes as a pledge, assignment or 35 hypothecation:

Penalty.

shall be liable to a fine of not less than four hundred dollars and not more than two thousand dollars, or to imprisonment for not more than two years, or to both. 53 V., c. 31, s. 52.

Issuing notes fraudulently.

140. (a) Every person who, being the president, vice-40 president, director, general manager, manager, clerk or other officer of a bank, with intent to defraud, issues or delivers, or authorizes or is concerned in the issue or delivery of notes of the bank intended for circulation and not then in circulation; and,

Knowingly accepting.

(b) every person who, with knowledge of such intent, accepts, receives or takes, or authorizes or is concerned in the acceptance, receipt or taking of such notes;

Penalty.

shall be guilty of an indictable offence, and liable to imprison-

ment for a term not exceeding seven years, or to a fine not exceeding two thousand dollars, or to both. 53 V., c. 31, s. 52.

## Annual Statement and Auditors' Report.

Issue of annual statement without auditors' report.

Penalty.

140A. If any copy of the statement or of the profit and loss account submitted under section 54 of this Act, which 5 has not been signed as required by that section, is issued, circulated or published, or if any copy of such statement is issued, circulated or published without having a copy of the auditor's report attached thereto, the bank, and every director, general manager or other officer of the bank who 10 is knowingly a party to the default, shall be liable to a fine not exceeding two hundred and fifty dollars. 3-4 G. V., c. 9, s. 140A.

Warehouse Receipts, Bills of Lading and other Securities.

Bank acquiring warehouse receipt or bill of lading. **141.** If any bank, to secure the payment of any bill, note, debt or liability, acquires or holds—

(a) any warehouse receipt or bill of lading; or,

(b) any instrument such as is by this Act authorized to

be taken by the bank to secure money lent,—

(i) to any wholesale purchaser, or shipper of or dealer in products of agriculture, the forest, quarry 20 and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live or dead stock, and the products thereof, upon the security of such products, or of such live or dead stock, or the products thereof;

(ii) to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise upon the security of the goods, wares and merchandise manufactured by such person, or

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procured for such manufacture; (iii) to any farmer upon the security of threshed

grain;

(iv) to any owner, tenant or occupier of land for the purchase of seed grain upon the security of any crop to be grown from such seed grain; or,

(v) to any farmer or person engaged in stock raising

upon the security of live stock;

Except in certain cases.

such bank shall, unless—

(a) such bill, note, debt or liability is negotiated or contracted at the time of the acquisition by the bank of 40 such warehouse receipt, bill of lading or security; or,

(b) such bill, note, debt or liability is negotiated or contracted upon the written promise or agreement that such warehouse receipt, bill of lading or security would be given to the bank; or,

most free senger shows sell in you intended as your done to beneson to too and beauty beauty sections (c) the acquisition or holding by the bank of such warehouse receipt, bill of lading or security is otherwise authorized by this Act;

incur a penalty not exceeding five hundred dollars. c. 31, s. 79; 3-4 G. V., c. 9, s. 141. Am.

Non-compliance with requirements for sale.

Penalty.

142. If any debt or liability to the bank is secured bv-

(a) any warehouse receipt or bill of lading; or,

(b) any other security such as is mentioned in the last preceding section:

and is not paid at maturity, such bank shall, if it sells the products or stock, goods, wares and merchandise or grain covered by such warehouse receipt, bill of lading or security. under the power of sale conferred upon it by this Act. without complying with the provisions to which the exercise 15 of such power of sale is, by this Act, made subject, incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79; 63-64 V., c. 26, s. 18.

Penalty.

Making false statements

In warehouse

bill of lading.

receipt or

In security

upon products.

**143.** Every person is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years 20 who wilfully makes any false statement—

(a) in any warehouse receipt or bill of lading given under

the authority of this Act to any bank; or,

(b) in any instrument given to any bank under the authority of this Act, as security for any loan of money 25 made by the bank to any wholesale purchaser or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or of any wholesale purchaser, or shipper of or dealer in live or dead stock or the products thereof, or farmer or 30 person engaged in stock raising, whereby any such products or stock is assigned or transferred to the bank

as security for the payment of such loan: or,

(c) in any instrument given to any bank under the authority of this Act, as security for any loan of money made 35 factures. by the bank to any person engaged in business as a wholesale manufacturer of any goods, wares and mer-

chandise, whereby any of the goods, wares and merchandise manufactured by him, or procured for such manufacture, are transferred or assigned to the bank 40

as security for the payment of such loan; or,

(d) in any instrument given to any bank under the authority of this Act as security for any loan of money made by the bank to a farmer or to the owner, tenant or occupier of land whereby any grain is transferred or 45 assigned to the bank as security for the payment of such loan. 53 V., c. 31, s. 75. Am.; 3-4 G. V., c. 9, s. 143. Am.

In security upon manu-

In security upon grain. or by any such security as in the last present as section

Wilfully disposing of or withholding goods covered by security.

144. Every person who, having possession or control of any products or stock, goods, wares and merchandise, or grain covered by any warehouse receipt or bill of lading or by any such security as in the last preceding section mentioned, and having knowledge of such receipt, bill 5 of lading or security, without the consent of the bank in writing, and before the advance, bill, note, debt or liability thereby secured has been fully paid,—

(a) wilfully alienates or parts with any such products or stock, goods, wares or merchandise, or grain; or,

(b) wilfully withholds from the bank possession of any such products or stock, goods, wares and merchandise. or grain, upon demand, after default in payment of such advance, bill, note, debt or liability;

is guilty of an indictable offence, and liable to imprisonment 15 for a term not exceeding two years. 53 V., c. 31, s. 75:

63-64 V., c. 26, s. 18. Am.

Bank not selling shares

subject to privileged

lien.

Penalty.

**145.** (a) If any bank having, by virtue of the provisions of this Act, a privileged lien for any debt or liability for any debt to the bank, on the shares of its own capital 20 stock of the debtor or person liable, neglects to sell such shares within twelve months after such debt or liability has accrued and become payable; or,

(b) If any such bank sells any such shares without giving Or selling without notice to the holder thereof of the intention of the bank 25 notice. to sell the same, by mailing such notice in the post office, post paid, to the last known address of such holder, at

least thirty days prior to such sale:

such bank shall incur, for each such offence, a penalty not Penalty. exceeding five hundred dollars. 53 V., c. 31, s. 79. 30

#### Prohibited Business.

Bank doing prohibited husiness

146. If any bank, except as authorized by this Act, either directly or indirectly—

(a) deals in the buying or selling or bartering of goods, wares and merchandise, or engages or is engaged in any trade or business whatsoever:

(b) purchases, deals in, or lends money or makes advances 35 upon the security or pledge of any share of its own capita stock, or of the capital stock of any bank;

(c) lends money or makes advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or 40 upon the security of any goods, wares and merchandise;

(d) lends to or on the security of the general manager. assistant general manager, branch manager, or any officer, clerk or servant of the bank without the approval of the directors any amount or amounts exceeding in the 45 aggregate one thousand dollars, or

Penalty.

(e) lends to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank any amount or amounts exceeding in the aggregate ten thousand dollars;

such bank shall incur a penalty not exceeding five hundred 5 dollars. 53 V., c. 31, s. 79; 3-4 G. V., c. 9, s. 146. Am.

Hypothecation of notes prohibited.

146A. It shall be an offence against this Act for any director, officer, clerk or servant of the bank to pledge, assign or hypothecate the notes of the bank on behalf of the bank.

3-4 G. V., c. 9, s. 146A.

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Payment of liabilities of bank after suspension.

146B. If a bank suspends payment in specie or Dominion notes of any of its liabilities as they accrue, then, so long as such suspension continues, it shall be an offence against this Act for any director, officer, clerk or servant of the bank who has knowledge of such suspension to pay or 15 cause to be paid to any person any debt or liability of the bank unless with the consent of a curator or liquidator duly appointed. 3-4 G. V, c. 9, s. 146B.

#### Returns.

Bank not making monthly.

147. Every bank which neglects to transmit or deliver to the Minister, within the first twenty-eight days of any 20 month, any monthly return by this Act required to be made up and sent in within the said twenty-eight days, exhibiting the condition of the bank on the last juridical day of the month last preceding, and signed in the manner and by the persons by this Act required, shall incur a penalty 25 of fifty dollars for each and every day, after the expiration of such time during which such neglect continues. 53 V., c. 31, s. 85 Am.; 3-4 G. V., c. 9, s. 147. Am.

Penalty.

Neglecting return of additional issue of notes. 147a. Every bank which neglects to transmit or deliver to the Minister, within the first thirty days after the last 30 day of the month in which any amount of its notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding, a return showing the amount of its notes in circulation for each juridical day during such month, and signed in the manner and by 35 the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration

Penalty.

Neglecting return of value of property. 147<sub>B</sub>. Every bank which neglects to transmit or deliver 40 to the Minister during the month of January in each year a return showing in detail the fair market value of its real and immovable property held under section seventy-nine of this Act, together with the other information prescribed 61848—10

of such time, during which such neglect continues. VII, c. 7, s. 2, Am.; 3-4 G. V., c. 9, s. 147A. Am.

West and dering which such neglect continues 58 V

Penalty.

by the said section, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which such neglect continues. 3-4 G. V., c. 9, s. 1478. Am.

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Neglecting quarterly return.

147c. Every bank which neglects to transmit or deliver to the Minister a quarterly return as of the last juridical day of the months of March, June, September and December in each year, giving such particulars as may be prescribed by regulations made by the Treasury Board of the 10 interest and discount rates charged by the bank, such returns to be made up and sent in within the first thirty days after the respective juridical days aforesaid, and signed by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration 15 of such time, during which such neglect continues. 3-4 George V., c. 9, s. 147c. Am.

Penalty.

Not making returns required by Minister. 148. Every bank which neglects to transmit or deliver to the Minister, within thirty days from the date of the demand therefor by the Minister, or, if such time is extended 20 by the Minister, within such extended time, not exceeding thirty days, as the Minister may allow, any special return, signed in the manner and by the persons by this Act required, which under the provisions of this Act, the Minister may, for the purpose of affording a full and com-25 plete knowledge of the condition of the bank, call for, shall incur a penalty of five hundred dollars for each and every day during which such neglect continues. 53 V., c. 31, s. 86; 3-4 G. V., c. 9, s. 148. Am.

Penalty.

Bank not making annual returns of drafts and bills.

Penalty.

149. Every bank which neglects to transmit or deliver 30 to the Minister, within thirty days after the close of any calendar year, a return, signed in the manner and by the persons and setting forth the particulars by this Act required in that behalf, of all certified cheques, drafts or bills of exchange issued by the bank to any person and remaining 35 unpaid for more than five years prior to the date of such return, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 63-64 V., c. 26, s. 21; 3-4 G. V., c. 9, s. 149. Am.

Not returning annual list.

150. Every bank which neglects to transmit or deliver 40 to the Minister, within *thirty* days after the close of any calendar year, a certified list, as by this Act required, showing—

(a) the names of the shareholders of the bank on the last day of such calendar year, with their last known 45

post office addresses and descriptions;

(b) the number of shares then held by such shareholders respectively; and.

transmitted to the Minister. 33 V. e. 31, es. 55 and 90 construction in the collect of the bank of mistay cale Penalty.

(c) the amount paid thereon, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 53 V., c. 31, s. 87. Am.; 3-4 G. V., c. 9, s. 150. Am.

Not making annual returns of dividends, balances, drafts and bills. 151. Every bank which neglects to transmit or deliver 5 to the Minister, within thirty days after the close of any calendar year, a return, signed in the manner and by the persons by this Act required, of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect of which no transactions 10 have taken place, or upon which no interest has been paid, during the five years prior to the date of such return, and also of all certified cheques, drafts or bills of exchange issued by the bank and remaining unpaid for more than five years prior to the date of such return, as required by 15 the provisions of this Act in the several cases respectively mentioned, shall incur a penalty of fifty dollars for each and every day during which such neglect continues.

Penalty.

Period of 5 years.

2. The said term of five years shall, in case of moneys deposited for a fixed period, be reckoned from the date of 20 the termination of such fixed period. 53 V., c. 31, s. 88; 3-4 G. V., c. 9, s. 151. Am.

Date of posting return or list.

152. If any return or list, mentioned in either of the last eight preceding sections, is transmitted by post, the date appearing, by the post office stamp or mark upon the 25 envelope or wrapper inclosing the return or list received by the Minister, as the date of deposit in the post office of the place at which the chief office of the bank was situated shall be taken *prima facie*, for the purpose of any of the said sections, to be the day upon which such return or list was 30 transmitted to the Minister. 53 V., c. 31, ss. 85 and 86; 63-64 V., c. 26, s. 22. Am.

Making false or deceptive statement in account or return. 153. Every president, vice-president, director, auditor, general manager or other officer of the bank or trustee who knowingly prepares, signs, approves or concurs in any account, 35 statement, return, report or document respecting the affairs of the bank containing any false or deceptive statement, or any return which does not set forth the true financial position of the bank including all the information required by Section 113 of this Act, shall be guilty of an indictable offence punish-40 able, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding

Penalty.

five years.

2. Every president, vice-president, director, auditor, general manager or other officer of the bank or trustee 45 who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive

Liability of officers.

statement, or any return which does not set forth the true financial position of the bank including all the information required by Section 113 of this Act, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment 5 for a term not exceeding three years.

### Calls in the case of Suspension of Payment.

Director refusing to make calls on suspension of bank.

154. (a) If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the bank continues for three months after the expiration of the time which, under the provisions of this 10 Act. would constitute the bank insolvent: and.

(b) if no proceedings are taken under any Act for the

winding-up of the bank; and,

(c) if any director of the bank refuses to make or enforce, or to concur in the making or enforcing of any call on 15 the shareholders of the bank, to any amount which the directors deem necessary to pay all the debts and liabilities of the bank;

Penalty.

such director shall be guilty of an indictable offence, and liable—

(a) to imprisonment for any term not exceeding two

years; and,

(b) personally for any damages suffered by any such default. 53 V., c. 31, s. 92.

## Undue Preference to the Bank's Creditors.

Officers giving undue' preference to any creditor. 155. Every person who, being the president, vice- 25 president, director, general manager, manager, or other officer of the bank, wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or other- 30 wise howsoever, is guilty of an indictable offence, and liable—

Penalty.

(a) to imprisonment for a term not exceeding two years; and.

Damages.

(b) for all damages sustained by any person in conse-35 quence of such preference. 53 V., c. 31, s. 97. Am.

## Use of the Title "Bank," etc.

Unauthorized use of title "bank," etc.

156. Every person using the word "bank," or the words "savings bank," "banking company," "banking house," "banking association," or "banking institution," or any word or words of import equivalent thereto in any foreign 40 language, in a sign or in an advertisement, or in a title to

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c 31 a 101.

13.8. The should of all conduce huposed upon a bank or her sor has so has any victories of this Act shall, unless otherwise provided by this Ass, the recoverable and enforcesible with 40 costs, at the sais of Life Majorty instituted by the Attorney Central of Canada or by the Minister.

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Offence.

Unauthorized use of words "banker," "private banker."

Offence.

Person receiving money on deposit. represent or describe his business or any part of his business without being authorised so to do by this Act, or by some other Act in force in that behalf, is guilty of an offence against this Act.

2. Every person who uses in a sign or in an advertisement or in a title to represent or describe his business words in a foreign language of import equivalent to the word "banker," or equivalent to the words "private banker," without being authorized so to do by this Act or by some other Act in force in that behalf, is guilty of an offence 10

against this Act. 53 V., c. 31, s. 100. Am.

3. The Minister may, upon the application of any interested person, require that any person who receives money on deposit or receives money for transmission to a foreign country without being authorized so to do, either by or under the authority of 15 a statute of Canada or any province thereof, shall make to the Minister in such form as the Minister may prescribe, a return respecting the business so carried on; or the Minister may direct an inquiry into such business and that a report be made to him thereon by any one or more persons whom 20 he may select from the list of persons eligible to audit the affairs of a bank, or by any other person whom he may designate for that purpose; and the Minister may, after due consideration of such return or report, require that such business be discontinued, or that security be deposited as a condition of the 25 continuance thereof, to such extent and in such manner as the public interest may seem to require; and failure to comply with such requirement, within such time as the Minister shall allow, shall be an offence against this Act; and if the offender be a body corporate, then every officer of such body 30 corporate shall be guilty of such offence.

### Penalty for Offence against this Act.

Offence against this Act. 157. Every person committing an offence, declared to be an offence against this Act, shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding five years, or to both, in the discretion 35 of the court before which the conviction is had. 53 V., c. 31, s. 101.

Penalty.

#### PROCEDURE.

Penalties enforceable at suit of Attorney General or Minister. 158. The amount of all penalties imposed upon a bank or person for any violation of this Act shall, unless otherwise provided by this Act, be recoverable and enforceable, with 40 costs, at the suit of His Majesty instituted by the Attorney General of Canada, or by the Minister.

Appropria-

Proviso.

2. Such penalties shall, unless otherwise provided by this Act, belong to the Crown for the public uses of Canada: Provided that the Governor in Council, on the report of 45

A GO. This Act their room into lorge on the hest day of

the Treasury Board, may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act, and to secure the due administration thereof. 53 V., c. 31, s. 98. Am.

Repeal 1913, c. 9. 1915, c. 1. 1916, c. 10. 159. Chapter 9 of the Statutes of 1913, Chapter 1 of the Statutes of 1915 and Chapter 10 of the Statutes of 1916 are repealed, save and except that sections 112 and 153 of said chapter 9 shall remain in force to and including the thirtieth day of September, 1923.

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Commencement of Act. 160. This Act shall come into force on the first day of July, one thousand nine hundred and twenty-three, save and except that sections 112, 113 and 153 thereof shall not come into force until the first day of October, one thousand nine hundred and twenty-three.

### SCHEDULE A.

		Capital	Chief office
1	Name of Bank	authorized	of Bank
1.	The Bank of Montreal	\$31,175,000	Montreal
	The Bank of Nova Scotia		Halifax
	The Bank of Toronto		Toronto
	The Molsons Bank	5,000,000	Montreal
	La Banque Nationale	5,000,000	Quebec
	La Banque Provinciale du		AND THE PARTY
	Canada	5,000,000	Montreal
7.	The Union Bank of Canada	15,000,000	Winnipeg
	The Canadian Bank of Com-		1 0
	merce	25,000,000	Toronto
9.	The Royal Bank of Canada	25,000,000	Montreal
10.	The Dominion Bank	10,000,000	Toronto
11.	The Bank of Hamilton	7,000,000	Hamilton
12.	The Standard Bank of Can-		
	ada	5,000,000	Toronto
13.	La Banque d' Hochelaga	10,000,000	Montreal
14.	The Imperial Bank of Can-		
	ada	10,000,000	Toronto
15.	The Home Bank of Canada	5,000,000	Toronto
	The Sterling Bank of Canada.	3,000,000	Toronto
	The Weyburn Security Bank.	1,000,000	Weyburn

#### SCHEDULE B.

An Act to incorporate the——Bank.

Whereas the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition:

Therefores the Mainty, by and with the advise and amount of the forestern of the first desired of the supplementation of the supplementation in the major positions. The

1. France content of these applience for management, the feel remay contents out depression of each director result for an expense of the extent of the persons as become distribution in the corporation but, this Not spended, are incorporated notice the name of finance of incorp forms of density hereinafter cultivities stants."

25. The persons approed in section 4 of this Act shall be be revelational discrepance of the Banks.

3. The capital stock of the Bank shall be as distant

4. The chief office of the Rank shall be at --

a. This are shall subject to the provisions of section 16 of The Sank Act, ranson is ture until the first day of July, in the year one thousand nine bundred and sharly three.

62 V. c. 31, Sch. B.; 66-64 V. c. 26, 8, 45. Am

### O BUILDING

In musidivation of an advanto of the dollars and the by time.

Said Flood builds the delibering tills or notes (describe the falls of the delibering tills or notes) (describe the falls of the delibering falls of the delibe

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The said products of agriculture, the forces, quarry and enter, for the san, below and elvers, or, the live stadis or deal stock, or the products thereof, or the goods was short marchancies, or the grain, (or old case may surjusted to a read to see that are read to the same may Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. [Insert names of those applying for incorporation; the full name, address and description of each director must be given], together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name of [insert name of bank] hereinafter called "the Bank."
- 2. The persons named in section 1 of this Act shall be the provisional directors of the Bank.
  - 3. The capital stock of the Bank shall be——dollars.
  - 4. The chief office of the Bank shall be at-
- 5. This Act shall, subject to the provisions of section 16 of The Bank Act, remain in force until the first day of July, in the year one thousand nine hundred and thirty-three.

53 V., c. 31, Sch. B.; 63-64 V., c. 26, s. 45. Am.

### SCHEDULE C.

This security is given under the provisions of section eighty-eight of The Bank Act, and is subject to the

provisions of the said Act.

The said products of agriculture, the forest, quarry and mine, [or, the sea, lakes and rivers, or, the live stock or dead stock, or the products thereof, or, the goods, wares and merchandise, or, the grain, (as the case may be),] are now owned by————, and are now in the possession

of———, and are free from any mortgage, lien or charge thereon (or as the case may be), and are in (place or places where the goods are), and are the following (description of property assigned).

Dated, etc.

(N.B.—The bills or notes and the property assigned may be set out in schedules annexed.) 63-64 V., c. 26, s. 46 and Sch. C.

#### SCHEDULE D.

In consideration of an advance of dollars made by the Bank to A.B., for which the said bank holds the following bills or notes: (describe the bills or notes, if any) [or, In consideration of the discounting of the following bills or notes by the

Bank for A. B.: (describe the bills or notes)] and inasmuch as the said advance [or the said discounting, as the case may be] was made on the representation that seed grain would be purchased with the advance [or proceeds of the discounting, as the case may be] and would be sown upon land in the province of

situate and being

the seed grain purchased and the crop grown from the grain so sown upon the land aforesaid and the grain threshed therefrom are hereby assigned to the said bank as security for the payment, on or before the day of

, of the said advance, together with interest at the rate of per cent per annum from the day of [or, of the said bills or notes, or renewals thereof, or substitutions therefor,

and interest thereon, as the case may be].

This security is given under the provisions of subsection 8 of section 88 of *The Bank Act* and is subject to the provisions of the said Act.

Dated at

5 G. V, c. 1, Sch. G. Am.

### SCHEDULE E.

In consideration of an advance of dollars, made by the

A. B., for which the said Bank holds the following bills or notes (describe the bills or notes, if any) [or, in consideration of the discounting of the following bills or notes by the

Bank for A. B. (describe the bills or notes)], and, inasmuch as the said advance (or the said discounting, as the case may be) is made upon the security of the following live stock:

the said live stock are hereby assigned to the said Bank as security for the payment, on or before the of the said advance together day of with interest at the rate of per centum day of per annum from the (or, of the said bills or notes or renewals thereof or substitutions therefor, and interest thereon, as the case may be. This security is given under the provisions of subsection twelve of section eighty-eight of The Bank Act, and is subject to the provisions of the said Act. Dated at 3-4 G. V. c. 9, Sch. H. Am. SCHEDULE F. To Whom it May Concern: (name of person, firm or company. P.O. address) hereby gives notice that it is \_\_\_\_\_ intention to give security under the authority of section 88 of The Bank Act, to the——Bank——.
Dated at——this——day of——. SCHEDULE G. Return of the liabilities and assets of the—Bank on the——day of——, 19— Liabilities. 1. Notes in circulation.....\$ 2. Balance due to Dominion Government after deducting advances for credits, pay-lists, 3. Advances under the Finance Act..... 4. Balances due to provincial governments.... 5. Deposits by the public, payable on demand in Canada..... 6. Deposits by the public, payable after notice or on a fixed day, in Canada..... 7. Deposits elsewhere than in Canada...... 8. Loans from other banks in Canada, secured, including bills re-discounted.....

9. Deposits made by and balances due to other banks in Canada......10. Due to banks and banking correspondents in

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12.	Bills payableLetters of credit outstanding		
	Liabilities not included under foregoing		
	heads  Dividends declared and unpaid		
	Rest or Reserve Fund		
11.			
	Assets.		
1.	Current gold and sub-{In Canada \$ sidiary coin{Elsewhere \$ }\$		
2.			
3.	Notes of other banks		
4.	United States and other foreign currencies.		
6.	Cheques on other banks		
	including bills re-discounted		
7.	Deposits made with and balances due from		
8	other banks in Canada  Due from banks and banking correspondents		
	in the United Kingdom		
9.	Due from banks and banking correspondents,		
	elsewhere than in Canada and the United Kingdom		
10.	Dominion government and provincial government securities.		
11.	Canadian municipal securities, and British,		
	foreign and colonial public securities other than Canadian		
12.	Railway and other bonds, debentures and		
10	stocks		
10.	Call and short (not exceeding thirty days) loans in Canada on stocks, debentures,		
	bonds and other securities of a sufficient		
1/	marketable value to cover		
14.	loans elsewhere than in Canada on stocks,		
	debentures, bonds and other securities of a sufficient marketable value to cover		
	Other current loans and discounts in Canada		
16.	Other current loans and discounts elsewhere than in Canada after making full provision		
	for bad and doubtful debts		
17.	for bad and doubtful debts  Loans to the Government of Canada		
18.	Loans to provincial governments		
19.	Loans to cities, towns, municipalities and school districts		
	SOLIOUI GESTATORITATION CONTRACTORITATION CONTRA		

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20. Non-current loans, estimated loss provided for 21. Real estate other than bank premises 22. Mortgages on real estate sold by the bank 23. Bank premises, at not more than cost, less amounts (if any) written off 24. Liabilities of customers under letters of credit as per contra 25. Deposit with the Minister of Finance for the security of note circulation 26. Deposit in the central gold reserves 27. Shares of and loans to controlled companies 28. Other assets not included under the foregoing heads				
Capital authorized				
foregoing and antedating the last juridical day of the month aforesaid are as follows:—				
Branch or Agency. Date of such return.				
I declare that the above return is correct according to the books of the bank.				

E. F., Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is to the best of our knowledge and belief correct, and shows truly and clearly the financial position of the bank, as required by sections 112 and 113 of the Bank Act; and we further declare that the Bank has never, at any time during the period to which the said return relates, held in Dominion notes less than forty per cent. of the cash reserves which it has in Canada.

A. B.,

President, (Vice-President, or Director acting as President, as the case may be).

C.D.
Lenaral Manager, (or other principal
offers, on the once may be).

J. J. S. S. Sefp. E.

C. D.,
General Manager, (or other principal officer, as the case may be).

3-4 G. V, c. 9, Sch. D. Am.

### SCHEDULE H.

Return of the——Bank——showing the amount of its notes in circulation for each juridical day during the month of————, 19—.

Day of the Month.	Paid-up Capital.	*Reserve Fund.	Deposit Gold Coin and Dominion Notes.	Circulation.	Excess (if any).
					6011

<sup>\*</sup>N.B.-Returns for the months of March to August, inclusive, need not have the Reserve Fund column.

I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

> E.F., Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct.

(Place)—this—day of—, 19—.

A.B., President, (Vice-President, or Director acting as President, as the case may be).

C.D.,
General Manager, (or other principal officer, as the case may be).
E.

3-4 G.V, c. 9, Sch. E.

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I declare that the above return his been prepared under to the bedieved the bedieve

Chief Accountant, on Action Chief

We declare that the foregoing retain is made up from the books of the bank, and that to the best of our knowledge and better is correct.

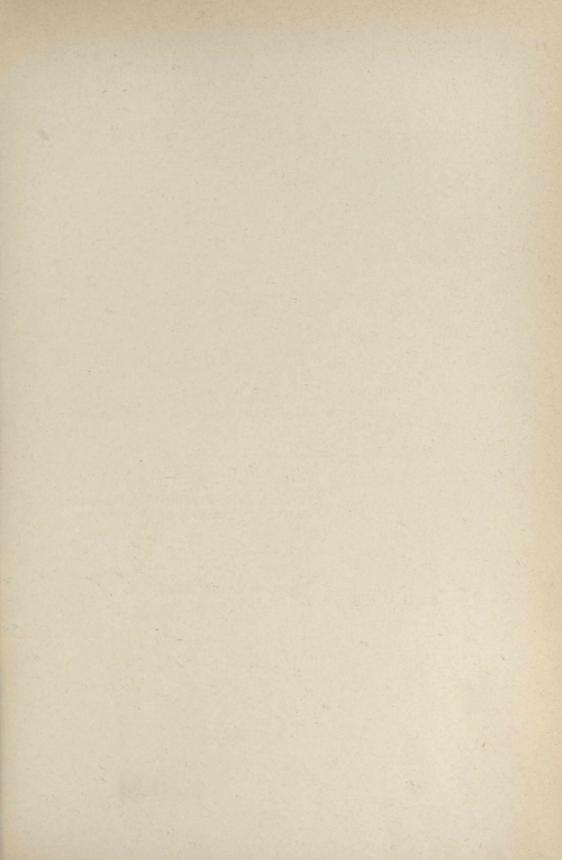
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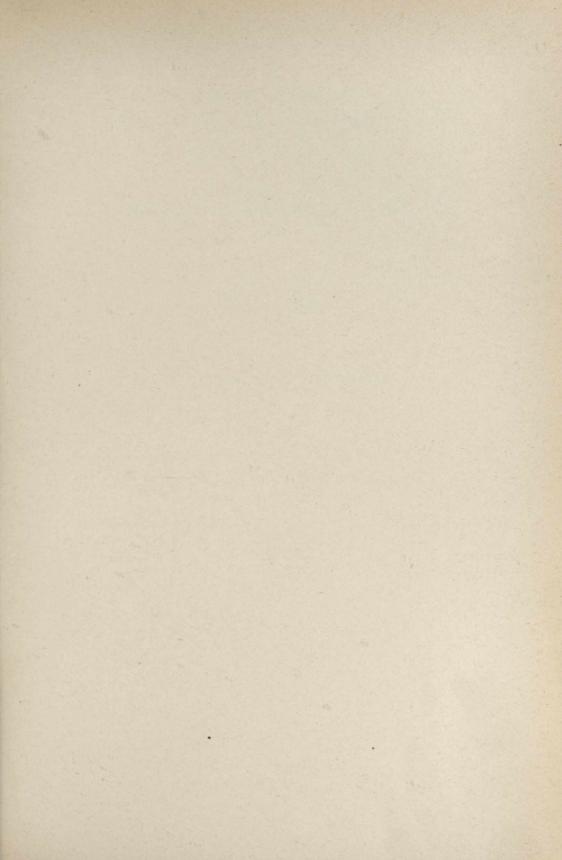
A.B., President, (Vice-President, or Director acting as President at the case some

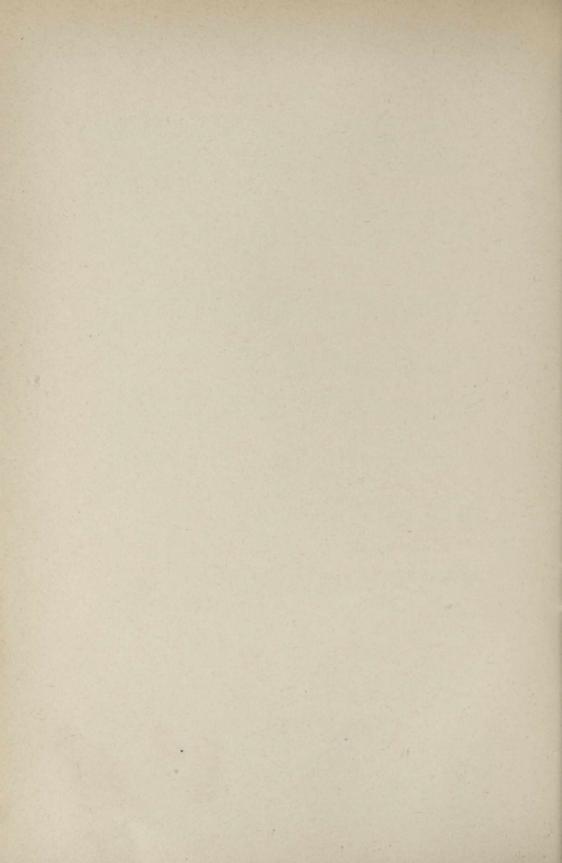
Consend Manager, for other principal offices on the same tens.

# SCHEDULE I.

Return of unpaid dividends, balances and amounts, certified cheques, drafts and bills of exchange of the——Bank at the close of the calendar year 19—, made in accordance with the provisions of subsections 1 to 5, inclusive, of section 114 of The Bank Act.
I declare that the above return has been prepared under my directions and is correct according to the books of the bank.
E.F., Chief Accountant, (or Acting Chief
Accountant, as the case may be).
We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct.
(Place)————————————————————————————————————
A.B., President, (Vice-President, or Director acting as President, as the case may be).
C.D., General Manager, (or other principal officer, as the case may be).  3-4 G. V, c. 9, Sch. F.







An Ant respecting tracks and thursday,



Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 83.

An Act respecting Banks and Banking.

AS PASSED BY THE HOUSE OF COMMONS, 20th JUNE, 1923.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1923

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## THE HOUSE OF COMMONS OF CANADA

# **BILL 83.**

1908, c. 7. 1911, c 4.	An Act respecting Banks and Banking.	
1912, c. 5. 1913, c. 9. (C.S.)	(New matter is printed in italics.)	
1914 (2 Sess.) e. 3. 1915, c. 1. 1916, 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 Bank Act. 1913, c. 9, s. 1.  INTERPRETATION.	5
Definitions. "Association."	2. In this Act, unless the context otherwise requires,— (a) "Association" means the Canadian Bankers' Association, incorporated by chapter 93 of the statutes of 1900, intituled An Act to incorporate the Canadian Bankers' Association:	10
"Bank." "Bill of lading."	(b) "bank" means any bank to which this Act applies; (c) "bill of lading" includes all receipts for goods, wares or merchandise, accompanied by an undertaking to transport the same from the place where they were received to some other place, by any mode of carriage, whatever;	
"Circulation Fund."	(d) "Circulation Fund" means the fund heretofore established and continued by the authority of this Act under the name of the Bank Circulation Redemption Fund;	20
"Curator."		25
"Farmer."	(f) "farmer" includes the owner, occupier, landlord and tenant of a farm;	

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"Goods. wares and merchandise.'

"Manufacturer !

(a) "goods, wares and merchandise" includes, in addition to the things usually understood thereby, products of agriculture, products of the forest, products of the quarry and mine, products of the sea, lakes and rivers. petroleum and crude oil, and other articles of commerce;

(h) "grain" includes wheat, oats, barley, rye, corn,

buckwheat and flax:

(i) "manufacturer" includes manufacturers of logs, timber or lumber, maltsters, distillers, brewers, refiners and producers of petroleum, tanners, curers, packers, 10 canners of meat, pork, fish, fruit or vegetables, and any person who produces by hand, art, process or mechanical means any goods, wares or merchandise;

(i) "Minister" means the Minister of Finance and Receiver General; 15

(k) "president" does not include an honorary president; (1) "products of agriculture," in addition to the direct products of the soil such as hay, grain, roots, vegetables, fruits and other crops, includes milk, cream, butter,

cheese, honey, poultry (dead), and eggs, hides, skins 20 and wool, and dried, canned and preserved vegetables

and fruits:

(m) "products of \* \* \* \* the forest" includes bark, logs, pulpwood, piling, spars, railway ties, poles, mining and all other timber, shingles, laths, deals, boards, staves 25 and all other lumber, and the skins and furs of wild

animals:

(n) "products of \* \* \* \* the sea, lakes and rivers" includes, in addition to fish of all kinds, whether fresh, frozen, salted, dried, canned, preserved in oil or other- 30 wise preserved, whales and seals, their oil, skins and bone, oysters, lobsters and other crustaceans, fresh

and canned or otherwise preserved:

(o) "trustees" means the persons appointed by the Association and by the Minister to receive and hold 35 the central gold reserves, and "trustee" means any one of the trustees, and if one or more of the trustees is a corporation then "trustee" includes each of the officers of such corporation who is responsible for any action taken by the corporation for the purposes of 40 this Act:

(p) "warehouse receipt—"

(i) means any receipt given by any person for any goods, wares or merchandise in his actual, visible and continued possession as bailee thereof in good faith and 45

not as of his own property, and,

(ii) includes receipts, given by any person who is the owner or keeper of a harbour, cove, pond, wharf, vard, warehouse, shed, storehouse or other place for the storage of goods, wares or merchandise, for goods, 50 wares and merchandise delivered to him as bailee, and actually in the place or in one or more of the

"Minister."

"President."

"Products of agriculture."

"Products of the forests.

"Products of the sea, lakes and rivers.'

'Trustees."

"Warehouse receipt.

places owned or kept by him, whether such person

is engaged in other business or not, and,

(iii) includes also receipts given by any person in charge of logs or timber in transit from timber limits or other lands to the place of destination of such logs or timber, and,

(iv) includes Lake Shippers Clearance Association receipts and all documents recognized by The Canada Grain Act

as warehouse receipts. 1913, c. 9, s. 2. Am.

Public notice; how given.

3. Where by this Act any public notice is required to be 10 given the notice shall, unless otherwise specified, be given by advertisement—

(a) in one or more newspapers published at the place

where the chief office of the bank is situate; and, (b) in The Canada Gazette.

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Sufficiency of publication.

2. When by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during the period in a newspaper published more frequently, shall be a sufficient publication for the purposes of this Act.

Notice of call.

3. When by this Act notice of any call is required to be given to the shareholders the notice shall, unless otherwise specified, be sufficiently given by mailing the notice in the post office, registered and post paid, to the last known post office address of the respective shareholders as shown 25 by the records of the bank, at least thirty days prior to the day on which the call is payable. 1913, c. 9, s. 2.

#### APPLICATION.

#### General.

To what banks this Act applies. 4. The provisions of this Act apply to the several banks enumerated in Schedule A to this Act, and to every bank incorporated after the first day of January, one thousand 30 nine hundred and twenty-two, whether this Act is specially mentioned in its Act of incorporation or not, but not to any other bank, except as hereinafter specially provided. 1913, c. 9, s. 3.

Bank charters continued to July 1st, 1933, as to some particulars. 5. Each of the several banks under the name mentioned 35 in Schedule A to this Act is, and shall continue to be, a body politic and corporate until the first day of July, one thousand nine hundred and thirty-three, and this Act shall form and be the charter of each of the said banks until the first day of July aforesaid. The chief office of each bank, and, subject to the 40 provisions of this Act with regard to increase or decrease, the amount of its authorized capital stock, divided into shares of one hundred dollars each, shall be as set out in the Schedule.

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As to other particulars.

2. As to all other particulars this Act shall form and be the charter of each of the said banks until the first day of July, one thousand nine hundred and *thirty-three*. 1913, c. 9, s. 4. Am.

Forfeited or void charters not continued.

6. Nothing in the next preceding section shall be deemed 5 to continue in force any charter or Act of incorporation, if, or in so far as it is, under the terms thereof, or under the terms of this Act or of any other Act passed or to be passed, forfeited or rendered void by reason of the non-performance of the conditions of such charter or Act of 10 incorporation, or by reason of insolvency, or for any other reason. 1913, c. 9, s. 4. Am.

### Banks in course of winding-up.

Act continues to apply for purposes of windingup. 7. The provisions of this Act shall continue to apply to the banks named in the Schedule to chapter 9 of the statutes of 1913 intituled An Act respecting Banks and 15 Banking, and not named in Schedule A to this Act, but only in so far as may be necessary to wind up the business of the said Banks respectively; and the charters or Acts of incorporation of the said Banks, and any Acts in amendment thereof, or any Acts in relation to the said banks 20 now in force, shall respectively continue in force for the purposes of winding up, and for such purposes only. 1913, c. 9, s. 5. Am.

#### INCORPORATION AND ORGANIZATION OF BANKS.

Particulars of Act of incorporation. S. The capital stock of every bank hereafter incorporated, the name of the bank, the place where its chief office is to 25 be situated, and the names of the provisional directors, shall be declared in the Act of incorporation of every such bank respectively. 1913, c. 9, s. 8.

Form thereof.

**9.** An Act of incorporation of a bank in the form set forth in Schedule B to this Act shall be construed to confer 30 upon the bank thereby incorporated all the powers, privileges and immunities, and to subject it to all the liabilities and provisions set forth in this Act. 1913, c. 9, s. 9.

Capital stock and shares.

10. The capital stock of any bank hereafter incorporated shall be not less than five hundred thousand dollars, and 35 shall be divided into shares of one hundred dollars each. 1913, c. 9, s. 10.

Provisional directors.

- 11. The number of provisional directors shall be not less than five.
- 2. A provisional director shall not be eligible to act as such 40 unless he be a bona fide subscriber of stock of the bank for and

or enough the enterior dates to enterior which his behavior

on his own behalf, to become the absolute and sole owner in his individual right of such stock, and not as trustee or in the right of another, on which subscription not less than—

"(a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million dollars

or less;

"(b) four thousand dollars have been paid up, when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars:

"(c) five thousand dollars have been paid up, when the 10 paid-up capital stock of the bank exceeds three million

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dollars." 1923. New.

Tenure of office.

3. The provisional directors shall hold office until directors are elected by the subscribers to the stock, as hereinafter provided. 1913, c. 9, s. 11. Am.

Opening of stock books.

12. For the purpose of organizing the bank, the provisional directors may, after giving ten days public notice thereof, cause stock books to be opened, in which shall be recorded the subscriptions of such persons as desire to become shareholders in the bank.

Where.

2. The stock books shall be opened at the place where the chief office of the bank is to be situate, and elsewhere in the discretion of the provisional directors.

Particulars entered.

3. Each subscriber shall, at the time of subscription, give his post office address, and description, and these par- 25 ticulars shall appear in the stock books in connection with the name of the subscriber and the number of shares subscribed for.

Notice of double liability.

4. There shall be printed in small pica type, or type of larger size, on each page in the stock books upon which 30 subscriptions are recorded, and on every document constituting or authorizing a subscription, on a part of the page and document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act. 35

Time stock books open. 5. The stock books may be kept open for such time as the provisional directors deem necessary.

Recovery of unpaid subscriptions.

6. In case of the non-payment of any instalment or other sum payable by a subscriber on account of his subscription, the provisional directors may, in the corporate name of the 40 bank, sue for, recover, collect and get in any such instalment or sum. 1913, c. 9, s. 12.

First meeting of subscribers.

13. Whenever a sum not less than five hundred thousand dollars of the capital stock of the bank has been bona fide subscribed, and payments in money on account thereof 45 have been made by the subscribers, the total of such payments making a sum not less than two hundred and fifty thousand dollars, and as soon thereafter as the provisional directors have paid thereout to the Minister the sum of

and not smally cause out to gainesmid they referred a task to the with any sinterest and the transfer that it entires mention a little two hundred and fifty thousand dollars, the provisional directors may, by public notice published for at least four weeks, and by notice with postage prepaid mailed to the last known address of each subscriber at least ten days prior to the date of such meeting, call a meeting of the subscribers to the said stock, to be held in the place named in the Act of incorporation as the chief office of the bank, at such time and at such place as is set forth in the said notice.

What is a bona fide subscription.

2. For the purposes of the foregoing subsection no subscription shall be deemed to have been made bona fide or be 10 complete unless and until payment in money equal to at least ten per cent of the amount subscribed has been made on account of such subscription by the subscriber, and such payment, with the date thereof, shall be entered on the stock books opposite to such subscription.

Business at meeting.

Tenure of directors.

Provisional

directors

cease.

3. The subscribers shall, at such meeting,—

(a) determine the day upon which the annual general

meeting of the bank is to be held;

(b) elect such number of directors, duly qualified under this Act, not less than five, as they think necessary; 20 and,

(c) provide for the method of filling vacancies in the board of directors until the annual general meeting.

4. Such directors shall hold office until the annual general

meeting next succeeding their election.

5. Upon the election of directors as aforesaid the functions of the provisional directors shall cease. 1913, c. 9, s. 13. Am.

Permission to commence business.

14. The bank shall not issue notes or commence the business of banking until it has obtained from the Treasury 30 Board a certificate permitting it to do so.

No certificate until directors elected.

2. No application for such certificate shall be made until directors have been elected by the subscribers to the stock in the manner hereinbefore required. 1913, c. 9, s. 14.

Statement of payments by provisional directors.

15. At the time of the application for the certificate, 35 there shall be submitted to the Treasury Board a sworn statement setting forth the several sums of money paid in connection with the incorporation and organization of the bank, and such statement shall, in addition, include a list of all the unpaid liabilities, if any, in connection with or 40 arising out of such incorporation and organization.

To what limited.

2. Prior to the time at which the certificate is given no payments on account of incorporation and organization expenses shall be made out of moneys paid in by subscribers except reasonable sums for the payment of clerical assist- 45 ance, legal services, office rental, advertising, stationery, postage and expenses of travel, if any.

3. No certificate shall be given by the Treasury Board until it has been shown to the satisfaction of the Board, by

When certificate may be granted.

ex el amidmensole, una la rego dada area estas Secuellos. S. thorson shall be disherred for enginesions, salaries, charges for services or low other purposes, except a resionable 35 affidavit or otherwise, that all the requirements of this Act and of the special Act of incorporation of the bank, as to the subscriptions to the capital stock, the payment of money by subscribers on account of their subscriptions, the payment required to be made to the Minister, the election of direc- 5 tors, deposit for security of note issue, or other preliminaries, have been complied with, and that the sum so paid is then held by the Minister, and unless it appears to the Board that the expenses of incorporation and organization are reasonable.

Within one year.

4. No such certificate shall be given except within one year from the passing of the Act of incorporation of the bank applying for the said certificate. 1913. c. 9. s. 15.

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If certificate not granted, powers to cease.

16. If the bank does not obtain a certificate from the Treasury Board within one year from the time of the 15 passing of its Act of incorporation, all the rights, powers and privileges conferred on the bank by its Act of incorporation shall thereupon cease and determine, and be of no force or effect whatever.

Ordinary disbursements allowed. but other expenses subject to resolution.

2. If stock books have been opened and subscriptions in 20 whole or in part paid, but no certificate from the Treasury Board obtained within the time limited by the preceding subsection, no part of the money so paid, or accrued interest thereon, shall be disbursed for commissions, salaries, charges for services or for other purposes, except a reasonable 25 amount for payment of clerical assistance, legal services. office rental, advertising, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at which the greater part of the money so paid is represented 30 by subscribers or by proxies of subscribers; and each subscriber shall be entitled at such a meeting to one vote for each ten dollars paid on account of his subscription.

Application to court to settle amount of disbursements.

3. If the amount allowed by such resolution for commissions, salaries or charges for services be deemed insufficient 35 by the provisional directors, or directors elected under section 13 of this Act, as the case may be, or if no resolution for such purpose be passed after a meeting has been duly called, then the provisional directors, or directors elected as aforesaid, may apply to a judge of any superior or county 40 court having jurisdiction where the chief office of the bank is fixed by its Act of incorporation, to settle and determine all charges and the reasonableness of the amount of the disbursements already made to which such money and interest, if any, shall be subject, before distribution of the balance 45 to the subscribers.

Notice of meeting and application to court. with statement.

4. Notice of the meeting and notice of the application respectively referred to in the next preceding subsections shall be given by mailing the notice in the post office,

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registered and post paid, at least twenty-one days prior to the date fixed for such meeting or the hearing of such application, to the several subscribers to their respective post office addresses as contained in the stock books; and each of such notices shall contain a statement, in summary form, of the several amounts for commissions, salaries, charges for services and disbursements which it is proposed shall be provided by resolution for payment, or settled and determined by a judge, as the case may be.

Voting.

5. Votes of subscribers may be given at such meeting 10 by proxy, the holder of such proxy to be a subscriber, and subscribers may be heard either in person or by counsel on

such application.

Ratio payable by subscribers.

6. In order that the sums paid and payable under the provisions of this section may be equitably borne by the 15 subscribers, the provisional directors or the directors, as the case may be, shall, after the amount of such sums is ascertained as herein provided, fix the proportionate part thereof chargeable to each subscriber at the ratio of the number of shares, in respect of which he is a subscriber 20 to the total number of shares bona fide subscribed.

Payment of excess.

7. The respective amounts so fixed shall, before return of the sums paid in to the subscriber, be deducted therefrom, and if the respective sums paid in are not as much as the amounts so fixed, then the excess in each case shall be 25 payable forthwith by the subscriber to the provisional directors or the directors, as the case may be.

Deductions.

8. The total of the amounts in excess mentioned in the next preceding subsection which the provisional directors or the directors are unable to get in or collect in what seems 30 to them a reasonable time shall, with any legal costs incurred, be deducted by them from the sums then remaining in their hands to the credit of the several subscribers in the ratio hereinbefore mentioned, the shares in respect of which no such collections have been made being eliminated from 35 the basis of calculation.

Return of excess to subscribers.

9. The provisional directors or directors, after payment by them of the sums payable under this section, shall return to the subscribers, with any interim interest accretions, the respective balances of the moneys paid in by the subscribers. 40 1913, c. 9, s. 16.

Deposit, how disposed of if certificate granted.

17. Upon the issue of the certificate in manner here-inbefore provided, the Minister shall forthwith pay to the bank the amount of money so deposited with him as afore-said, without interest, after deducting therefrom the sum 45 of five thousand dollars required to be deposited under the provisions of this Act for the securing of the notes issued by the bank.

If certificate not granted.

2. In case no certificate is issued by the Treasury Board within the time limited for the issue thereof, the amount 50

The trace grain proceedings for the election of directors 25 to absent of discounts or leans which need he made to so deposited shall be returned to the bank for distribution

in the manner provided by this Act.

Minister not bound.

3. In no case shall the Minister be under any obligation to see to the proper application in any way of the amount so returned. 1913, c. 9, s. 17.

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#### INTERNAL REGULATIONS.

Regulation by by-law.

18. The shareholders of the bank may, at any annual general meeting or at any special general meeting duly called for the purpose, regulate, by by-law, the following matters incident to the management and administration of the affairs of the bank, that is to say:—

(a) The day upon which the annual general meeting of the shareholders for the election of directors shall be

held:

(b) The record to be kept of proxies, and the time, not exceeding twenty days, within which proxies must be 15 produced and recorded prior to a meeting in order to entitle the holder to vote thereon:

(c) The number of the directors, which shall be not less than five, and the quorum thereof, which shall be not less than three;

(d) Subject to the provisions hereinafter contained, the qualifications of directors;

(e) The method of filling vacancies in the board of directors, whenever the same occur during each year;

(f) The time and proceedings for the election of directors 25 in case of a failure of any election on the day appointed for it:

(q) The remuneration of the president, vice-president

and other directors; and,

(h) The amount of discounts or loans which may be made 30 to directors, either jointly or severally, or to any one firm or person, or to any shareholder, or to corporations.

Copy of by-laws to be sent to shareholders.

2. A copy of the by-laws in force on the first day of July, one thousand nine hundred and twenty-three, in respect of the 35 several matters hereinbefore in this section set out, together with a copy of this section of the Act, shall, before the thirty-first day of December, one thousand nine hundred and twenty-three, be sent to each shareholder at his last known post office address, as shown by the books of the 40 bank; and after the first day of July, one thousand nine hundred and twenty-three, within six months after the end of each successive five year period, a copy of the by-laws, in respect of the said matters, in force at the end of each such period, shall be sent as aforesaid. 45

3. The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute 55900 - 2

Guarantee and pension funds. thereto out of the lunds of the bank orbit meta part out of presents of the junds of the bank or not said to institute funds of the bank or not, and be instited in securities in which a trustee may meet under the Trust Componies

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A STANDARD

13. The stool, property, affairs and concerns of the badk shall be rained by a board of directors, who shall be 15 elected annually in the meaner heaving ter provided, and shall be climble for re-electron. 1913, c. 9, s. 19.

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26, hach director shall held stock of the bank, of which stock he shall be the shoulde and sole owner in his individual right, and not as trustee or in the right of another, on go which not less than—

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2. No person shall be shoted or continue to be a director unless he holds stocky of which he is the owner as aloresaid, paid up to the amount is quired by this Act, or such greater amount as is required by any by-law in that behilf.

Majority to be bidded outgoods

6. A misjonity of the directors shall be natural bern or 35 naturalized subjects of His Majorty and domiciled in canda. 1913, c. 97 s. 20.

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to given by the directors by publishing such notice, for at tiges four weeks previously to the time of noticing the said meeting, in a newspaper published of the place where the chief offer of the large said at the place where

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thereto out of the funds of the bank, and such guarantee or pension fund, whether contributed in whole or in part out of the funds of the bank or not, shall be invested in securities in which a trustee may invest under the Trust Companies Act, 1914. Any conversion of investments rendered necessary by this provision shall be made within such time or times as the Minister may deem reasonable.

Existing by-laws continued.

4. Until it is otherwise prescribed by by-law under this section, the by-laws of the bank on any matter which may be regulated by by-law under this section shall remain in 10 force, except as to any provision fixing the qualification of directors at an amount less than that prescribed by this Act. 1913, c. 9, s. 18. Am.

Board of directors.

Exception.

19. The stock, property, affairs and concerns of the bank shall be managed by a board of directors, who shall be 15 elected annually in the manner hereinafter provided, and shall be eligible for re-election. 1913, c. 9, s. 19.

Qualifica-

20. Each director shall hold stock of the bank, of which stock he shall be the absolute and sole owner in his individual right and not as trustee or in the right of another, on 20 which not less than—

(a) three thousand dollars have been paid up, when the paid-up capital stock of the bank is one million

dollars or less;

(b) four thousand dollars have been paid up, when the 25 paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars;

(c) five thousand dollars have been paid up, when the paid-up capital stock of the bank exceeds three million

dollars

2. No person shall be elected or continue to be a director unless he holds stock, of which he is the owner as aforesaid, paid up to the amount required by this Act, or such greater amount as is required by any by-law in that behalf.

3. A majority of the directors shall be natural born or 35 naturalized subjects of His Majesty and domiciled in

Canada. 1913, c. 9, s. 20.

Majority to be British subjects.

Required

holdings.

stock

Election of directors.

At chief

office.

Notice.

21. The directors shall be elected by the shareholders at the annual general meeting.

2. The election shall take place at the place where the 40

chief office of the bank is situate.

3. Public notice of the annual general meeting shall be given by the directors by publishing such notice, for at least four weeks previously to the time of holding the said meeting, in a newspaper published at the place where 45 the chief office of the bank is situate, and by mailing a copy of such notice to each shareholder at his last known post

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\$2. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or none or none of such persons as a discotor of five close of such persons as a discotor who have a greater number of votes or the majority of them, shall intended to enapped the lift number of directors, dotternous which of the said persons so having an equal number of votes shall be a director or directors. 1913, and the colors of the said persons or directors.

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24. the directors as son as may be after their election shall proceed for elect. by bellot, from their number a president and one or more vice-presidents.

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2.0 . It is vacuated to the transmission of discourage provided by the by interpretary shall be taken in the transmission of the first of the acts of a quorum of the remaining directors that not be thereby invalidabled. Hers c. 21 a. 22.

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"The first appeared before in the office of the president or visc-mendont, the directors shall from anxeng themselves, above a president or a virs-tresident, who shall continue in office for the remainder of the year. 1913, c. 6, a 26.

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office address, as shown by the books of the bank, at least twenty days prior to the time aforesaid. 1913, c. 9, s. 21.

Who shall be directors.

22. The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be directors. 1913, c. 9, s. 22.

Provision in case of equality of votes.

23. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors 10 who have a greater number of votes, or the majority of them, shall, in order to complete the full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors. c. 9, s. 23.

Election of president and vicepresident.

24. The directors, as soon as may be after their election shall proceed to elect, by ballot, from their number a president and one or more vice-presidents.

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Honorary president.

2. The directors may also elect by ballot one of their 20 number to be honorary president. 1913, c. 9, s. 24.

Vacancies, how filled.

Proviso.

25. If a vacancy occurs in the board of directors the vacancy shall be filled in the manner provided by the bylaws: Provided that, if the vacancy is not filled, the acts of a quorum of the remaining directors shall not be thereby invalidated. 1913, c. 9, s. 25.

Vacancy in presidency or vicepresidency.

**26.** If a vacancy occurs in the office of the president or vice-president, the directors shall, from among themselves, elect a president or a vice-president, who shall continue in office for the remainder of the year. 1913, c. 9, s. 26.

Postponed election of directors

27. If an election of directors is not made on the day 30 appointed for that purpose, such election may take place on any other day, according to the by-laws made by the shareholders in that behalf.

Continuance in office.

2. The directors in office on the day appointed for the election of directors shall remain in office until a new 35 election is made. 1913, c. 9, s. 27.

Meetings of directors.

28. The president, or in his absence a vice-president, shall preside at all meetings of the directors.

Temporary chairman.

2. If at any meeting of the directors both president and vice-presidents are absent, one of the directors present, 40 chosen to act pro tempore, shall preside.

Voting.

The president, a vice-president or president pro tempore, so presiding, shall vote as a director, and shall,

if there is an equal division on any question, also have

a casting vote.

Record of attendance of Directors.

4. A record shall be kept of the attendance at each meeting of directors. A summary thereof prepared so as to show the total number of directors' meetings held and the number 5 attended by each director shall be sent to each shareholder with the notice of the annual meeting required by Section twenty-one; and such summary may state the nature and extent of the services rendered by any director who, by reason of residing at a point remote from the chief office of the bank, 10 has been unable to attend meetings of directors. 1913, c. 9, s. 28. Am.

General powers of directors.

29. The directors may make bylaws and regulations, not repugnant to the provisions of this Act, or to any by-law duly passed by the shareholders or to the laws of 15 Canada, with respect to—

(a) the management and disposition of the stock,

property, affairs and concerns of the bank;

(b) the duties and conduct of the officers, clerks and servants employed therein; and,

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(c) all such other matters as appertain to the business of

a bank.

Existing by-laws continued.

2. All by-laws of the bank heretofore lawfully made and now in force with regard to any matter respecting which the directors may make by-laws under this section, includ- 25 ing any by-laws for the establishing of guarantee and pension funds for the employees of the bank, shall remain in force until they are repealed or altered by other by-laws made under this Act. 1913, c. 9, s. 29.

Appointment of officers.

Directors may authorize officer to make appointments.

Salaries.

Security.

**30.** The directors may appoint as many officers, 30 clerks and servants as they may consider necessary for the carrying on of the business of the bank, and may authorize any officer of the bank to make such of these appointments as they may deem expedient.

2. Such officers, clerks and servants may be paid such 35 salaries and allowances as the directors or such officer, in the case of appointments made by him, consider necessary.

3. The directors before permitting any general manager, manager, or other officer, clerk or servant of the bank to enter upon the duties of his office, and any officer, author-40 ized as aforesaid, before permitting any officer, clerk or servant of the bank appointed by him to enter upon the duties of his office, shall require him to give a bond, guarantee or other security to the satisfaction of the directors or such officer as the case may be, for the due and faithful 45 performance of his duties. 1913, c. 9, s. 30. Am.

Special general meeting.

31. A special general meeting of the shareholders of the bank, may be called at any time by—

(a) the directors of the bank or any four of them; or,

year tast care eding this time, of such mastrust

(b) any number not less than twenty-five of the shareholders, acting by themselves or by their proxies, who are together proprietors of at least one-tenth of the paid-up capital stock of the bank.

2. Such directors or shareholders shall give six weeks' previous public notice, specifying therein the object of such

meeting.

3. Such meeting shall be held at the usual place of meeting

of the shareholders.

4. If the object of the special general meeting is to con- 10 sider the proposed removal, for maladministration or other specified and apparently just cause, of the president or a vice-president, or of a director of the bank, and if a majority of the votes of the shareholders at the meeting is given for such removal, a director to replace him shall be elected 15 or appointed in the manner provided by the by-laws of the bank, or, if there are no by-laws providing therefor. by the shareholders at the meeting.

5. If it is the president or a vice-president who is removed, his office shall be filled by the directors in the manner 20 provided in case of a vacancy occurring in the office of

president or vice-president. 1913, c. 9, s. 31.

One vote for each share.

32. Every shareholder shall, on all occasions on which the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the 25 time of meeting.

2. In all cases when the votes of the shareholders are

taken, the voting shall be by ballot.

3. All questions proposed for the consideration of the shareholders shall be determined by a majority of the votes 30

of the shareholders present or represented by proxy.

4. The chairman elected to preside at any meeting of the Casting vote. shareholders shall vote as a shareholder only, unless there is a tie, in which case he shall, except as to the election of a director, have a casting vote.

> 5. If two or more persons are joint holders of shares, any one of the joint holders may be empowered, by letter of

> attorney from the other joint holder or holders, or a majority of them, to represent the said shares, and to vote accordingly.

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6. Shareholders may vote by proxy, but no person other than a shareholder eligible to vote shall be permitted to vote or act as proxy.

7. No general manager, manager, clerk or other subordinate officer of the bank shall vote either in person or by 45 proxy, or hold a proxy for the purpose of voting.

8. No appointment of a proxy to vote at any meeting of the shareholders of the bank shall be valid for that purpose unless it has been made or renewed in writing within one year last preceding the time of such meeting.

Notice.

Place.

Removal of

president,

vice-president or

director.

Another to replace.

Choosing another president or vicepresident.

Ballot.

Majority to determine.

As to joint holders of shares.

Provies

Officers not to vote.

Renewal of proxies.

Calls must be paid before voting.

9. No shareholder shall vote, either in person or by proxy. on any question proposed for the consideration of the shareholders of the bank at any meeting of the shareholders, or in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors 5 which are then due and payable. 1913, c. 9, s. 32.

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#### CAPITAL STOCK.

Increase of capital.

33. The capital stock of the bank may be increased, from time to time, by such percentage, or by such amount, as is determined upon by by-law passed by the shareholders at the annual general meeting, or at any special general meet- 10 ing called for the purpose.

Approval of Treasury Board.

2. No such by-law shall come into operation, or be of any force or effect, unless and until a certificate approving thereof has been issued by the Treasury Board.

Conditions for approval.

3. No such certificate shall be issued by the Treasury 15 Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the by-law, together with notice of intention to apply for the certificate, has been published for at least 20 four weeks in The Canada Gazette, and in one or more newspapers published in the place where the chief office of the bank is situate.

Treasury Board may refuse.

4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue such certificate 25 if it thinks best so to do. 1913, c. 9, s. 33.

Allotment.

To present shareholders.

34. Any of the original unsubscribed capital stock. or of the increased stock of the bank, shall, at such time as the directors determine, be allotted to the then shareholders of the bank pro rata, at such price and on such terms 30 as are fixed by the directors: Provided that—

(a) no fraction of a share shall be so allotted:

(b) in no case shall a rate be fixed by the directors, which will make the premium, if any, paid or payable on the stock so allotted, exceed the percentage which 35 the rest or reserve fund of the bank then bears to the paid-up capital stock thereof;

(c) payment shall not be required in greater amounts or at shorter intervals than ten per cent of the price every thirty days; and,

(d) the price of such stock shall be paid in money.

Notice of allotment.

2. Notice of allotment shall be mailed to the shareholders at their last known post office address as shown by the record of the bank, and the directors shall in such notice fix a date not less than ninety days from the day on which 45 the notice is mailed within which the allotment is to be accepted.

or the sharehelders voting for the by-law represent a form words in Fig. Carook Gazalle, and in one or more

Allotment to the public.

3. Any of such allotted stock which is not accepted by a shareholder to whom the allotment has been made, within the time so fixed, or which he declines to accept, together with such shares as remain unallotted because of the provisions of this section that no fraction of a share can be allotted. 5 may be offered for subscription to the public in such manner and on such terms as the directors prescribe.

Distribution of fractions.

4. Any sums received in excess of the rate per share fixed by the directors under this section in respect of fractions of shares offered for subscription to the public shall be rateably 10 distributed to the respective shareholders from whose shares the fractions arose. 1913, c. 9, s. 34. Am.

Reduction of capital.

35. The capital stock of the bank may be reduced by by-law passed by the shareholders at the annual general meeting, or at a special general meeting called for the 15 purpose.

Approval Treasury Board.

2. No such by-law shall come into operation or be of force or effect until a certificate approving thereof has been issued by the Treasury Board.

Conditions for approval.

3. No such certificate shall be issued by the Treasury 20 Board unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Board that—

(a) the shareholders voting for the by-law represent a majority in value of all the shares then issued by the 25

bank: and.

(b) a copy of the by-law, together with notice of intention to apply to the Treasury Board for the issue of a certificate approving thereof, has been published for at least four weeks in The Canada Gazette, and in one or more 30 newspapers published in the place where the chief office of the bank is situate.

4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue the certificate if it thinks best so to do.

5. In addition to evidence of the passing of the by-law, and of the publication thereof in the manner in this section provided, statements showing-

(a) the amount of stock issued:

- (b) the number of shareholders represented at the meeting 40 at which the by-law passed;
- (c) the amount of stock held by each such shareholder: (d) the number of shareholders who voted for the by-law;
- (e) the amount of stock held by each of such last mentioned shareholders: 45
- (f) the assets and liabilities of the bank in full; and, (q) the reasons and causes why the reduction is sought; shall be laid before the Treasury Board at the time of the application for the issue of a certificate approving the by-law.

Treasury Board may refuse.

Statements to be? submitted to Treasury Board.

Not to affect liability of shareholders. 6. The passing of the by-law, and any reduction of the capital stock of the bank thereunder, shall not in any way diminish or interfere with the liability of the shareholders of the bank to the creditors thereof at the time of the issue of the certificate approving the by-law.

If legislation is asked to sanction reduction.

7. If in any case legislation is sought to sanction any reduction of the capital stock of any bank, a copy of the by-law or resolution passed by the shareholders in regard thereto, together with statements similar to those by this section required to be laid before the Treasury Board, shall, at least 10 one month prior to the introduction into Parliament of the bill relating to such reduction, be filed with the Minister.

Limit of reduction.

8. The capital shall not be reduced below the amount of two hundred and fifty thousand dollars of paid-up stock. 1913, c. 9, s. 35.

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### SHARES AND CALLS.

Shares personalty.

**36.** The shares of the capital stock of the bank shall be personal property.

Books of subscription.

2. For the purpose of disposing of stock which may be offered for subscription to the public under section 34 of this Act, stock books may be opened at the chief office of 20 the bank, or at such of its branches, or elsewhere, as the directors prescribe.

Particulars entered.

3. Each subscriber shall, at the time of subscription, give his post office address, and description, and these particulars shall appear in the stock books in connection with the name 25 of the subscriber and the number of shares subscribed for. 1913, c. 9, s. 36.

Notice of double liability.

37. There shall be printed in small pica type, or type of larger size, on each page in the stock books upon which subscriptions are recorded and on every document constituting 30 or authorizing a subscription, on a part of the page and document, respectively, which may be readily seen by the person recording the subscription, or by the person signing the document, a copy of section 125 of this Act. 1913, c. 9, s. 37.

Calls on shares.

38. The directors may make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as they find necessary.

Number of.

2. Any number of calls may be made by one resolution.

Intervals for calls.

3. Such calls shall be payable at intervals of not less than 40 thirty days.

Notice.

4. Notice of such calls shall be given to the shareholders.

Limitation.

5. No such call shall exceed ten per cent of each share subscribed. 1913, c. 9, s. 38.

Age. If any spired the gradual states had been deed on the direct

Capital lost to be called

39. If any part of the paid-up capital is lost the directors shall, if all the subscribed stock is not paid up, forthwith make calls upon the shareholders to an amount equivalent to the loss: Provided that all net profits shall be applied to make good such loss.

Returns to Minister.

2. Any such loss of capital and the calls, if any, made in respect thereof, shall be mentioned in the next return made by the bank to the Minister. 1913, c. 9, s. 39.

Recovery of calls and instalments.

Forfeiture.

40. In case of the non-payment of any call, or instalment under an accepted allotment, the directors may, in 10 the corporate name of the bank, sue for, recover, collect and get in any such call or instalment, or may cause and declare the shares in respect of which any such default is made to be forfeited to the bank. 1913, c. 9, s. 40.

Fine for failure to pay call.

**41.** If any shareholder refuses or neglects to pay any 15 instalment or call upon his shares of the capital stock at the time appointed therefor, such shareholder shall incur a penalty, to the use of the bank, of a sum of money equal

to ten per cent of the amount of such shares.

2. If the directors declare any shares to be forfeited to the 20 Sale of forfeited bank they shall, within six months thereafter, without shares at public any previous formality, other than public notice published auction. for at least four weeks, of their intention so to do, sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, 25

yield a sum of money sufficient to pay the unpaid instalments or calls due on the remainder of the said shares, and the amount of penalties incurred upon the whole.

Transfer. how executed.

3. The president, a vice-president, or the general manager of the bank shall execute the transfer to the purchaser of the 30 shares so sold; and such transfer shall be as valid and effectual in law as if it had been executed by the original holder of the shares thereby transferred.

Remission of forfeiture or penalty.

4. The directors, or the shareholders at a general meeting may, notwithstanding anything in this section contained, 35 remit, either in whole or in part, and conditionally or unconditionally, any forfeiture or penalty incurred by the non-payment of instalments or calls as aforesaid. c. 9, s. 41.

Recovery by action.

42. In any action brought to recover any money due 40 on any instalment or call, it shall not be necessary to set forth the special matter in the declaration or statement of claim, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the bank, and that he is indebted to 45 the bank for instalments or calls upon such share or shares, in the sum to which the instalments or calls amount, as the

Allegations.

ities to the bank which exceed in second to be remaining and the new shareholder resides in province other than that is which the former shareholder resided, and whenever case may be, stating the amount and number of the instalments or calls.

Proof.

2. It shall not be necessary, in any such action, to prove the appointment of the directors. 1913, c. 9, s. 42.

### TRANSFER AND TRANSMISSION OF SHARES.

Conditions for transfer of shares.

Entries

in books.

share not

Fraction of

transferable.

office to be

opened in

each province.

43. No transfer of the shares of the capital stock of the 5 bank shall be valid unless—

(a) made, registered and accepted by the person to whom the transfer is made, or by his attorney appointed in writing, in a book or books kept for that purpose; and.

(b) the person making the transfer has, if required by 10 the bank, previously discharged all his debts or liabilities to the bank which exceed in amount the remaining stock, if any, belonging to such person, valued at the then current rate.

2. The post office address and description of the transferee 15 shall be entered in such book.

3. No fractional part of a share, or less than a whole share shall be transferable.

4. The bank may open and maintain in any province Share register in Canada in which it has resident shareholders and in which 20 it has one or more branches or agencies, a share-registry office, to be designated by the directors, at which the shares of the shareholders, resident within the province, shall be registered and at which, and not elsewhere, except as hereinafter provided, such shares may be validly transferred.

5. Shares of persons who are not resident in Canada or in any province in which there is a branch or agency of the bank may be registered and shall be transferable at the chief office of the bank or elsewhere, as the directors may

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designate.

When change of residence.

Register and transfer of

shares.

6. Whenever there is a change in the ownership of shares, and the new shareholder resides in a province other than that in which the former shareholder resided, and whenever there is a change in the residence of a shareholder from one province to another, or whenever a shareholder residing 35 outside of Canada becomes a resident of a province in Canada, the registration of the shares shall be changed to the registry of the province in which the shareholder has his residence, if there is a branch or agency of the bank in that province, and if a share-registry has been opened in 40 that province, and the shares of such shareholder shall thereafter be transferable at such registry and not elsewhere, except as herein provided. 7. For the purposes of this section, a shareholder shall

be deemed to be resident in the province in which he has, 45 defined. according to the books of the bank, his post office address.

Residence

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is the directors that appoint and against the purposes of this section as they deep necessary. 1913, o. 0, a. 43.

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of purporting to be sold or transferred, or

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A lyannishatending anything in this section contained, the rights and remedies under uny contract of site, which does not comply with the eraditates and requirements in 25 the section meetings, of the purchaser who has no brow-ledge of such not cottaining are bereby-saved. 1913.

Ast. When any share of the capital atout has been subunider a bart of execution, the officer by whom the write was 30 executed shall, within thirty days after the sells leave with the bank on attested copy of the write with the perfilients of a bridger endorsed thereon, cartifying to whom the

2. The analysis, a vice-president or the gament analysis, in of the bear shall execute the warsher of the chare so sold to the perviouse, but not until sizer oil dotte and liabilities to the bank of the holder of the same, and all liens in favour of the bank extering shoreson, have been discharged as by

3. Such transfer shall be to all intents and purposes as vaid and should be the said the law as if it had been executed by the believe of the said shain. 1913 o 0 a sin

Av. If the interest in any share in the capital stock of any back is transmitted by or in consequence of

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Agents.

8. The directors shall appoint such agents for the purposes of this section as they deem necessary. 1913. c. 9, s. 43.

List of transfers.

44. A list of all transfers of shares registered each day in the books of the bank at the respective places where transfers are authorized, showing in each case the parties to such transfers and the number of shares transferred, shall be made up at the end of each day.

For inspection.

2. Such lists shall be kept at the said respective places for the inspection of the shareholders. 1913, c. 9, s. 44.

Requirements for

45. All sales or transfers of shares, and all contracts 10 valid transfer, and agreements in respect thereof, hereafter made or purporting to be made, shall be null and void, unless the person making the sale or transfer, or the person in whose name or behalf the sale or transfer is made, at the time of the sale or transfer. 15

(a) is the registered owner in the books of the bank of the share or shares so sold or transferred, or intended

or purporting to be sold or transferred; or, (b) has the registered owner's assent to the sale.

Contract to state number.

2. The distinguishing number or numbers, if any, of such 20 share or shares shall be designated in the contract of agreement of sale or transfer.

Purchasers without notice.

3. Notwithstanding anything in this section contained, the rights and remedies under any contract of sale, which does not comply with the conditions and requirements in 25 this section mentioned, of any purchaser who has no knowledge of such non-compliance, are hereby saved. 1913. c. 9, s. 45.

Sale of shares under execution.

**46.** When any share of the capital stock has been sold under a writ of execution, the officer by whom the writ was 30 executed shall, within thirty days after the sale, leave with the bank an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made.

Transfer. how executed.

2. The president, a vice-president or the general manager 35 of the bank shall execute the transfer of the share so sold to the purchaser, but not until after all debts and liabilities to the bank of the holder of the share, and all liens in favour of the bank existing thereon, have been discharged as by this Act provided. 40

Validity.

3. Such transfer shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder of the said share. 1913, c. 9, s. 46.

Transmission of shares.

47. If the interest in any share in the capital stock of any bank is transmitted by or in consequence of—

persons viaking the same, until the said persons see fit to

(a) the death, lunacy, bankruptcy, or insolvency of any shareholder; or,

(b) the marriage of a female shareholder: or.

(c) any lawful means, other than a transfer according to the provisions of this Act:

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ticated.

How authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the directors of the bank require.

Declaration.

2. Every such declaration shall distinctly state the manner in which and the person to whom the share has been 10 transmitted, and shall give his post office address and description, and such person shall make and sign the declaration.

Acknowledgment.

3. The person making and signing the declaration shall acknowledge the same before a judge of a court of record, 15 or before the mayor, provost or chief magistrate of a city. town, borough or other place, or before a notary public, or a commissioner for taking affidavits, where the same is made and signed.

To be left with bank.

4. Every declaration so signed and acknowledged shall be 20 left with the general manager, or other officer or agent of the bank, who shall thereupon enter the name of the person entitled under the transmission in the register of shareholders.

Exercise of rights as shareholder.

5. Until the transmission has been so authenticated, no 25 person claiming by virtue thereof shall be entitled to participate in the profits of the bank, or to vote in respect of any such share of the capital stock. 1913, c. 9, s. 47.

Transmission by marriage of female shareholders.

48. If the transmission of any share of the capital stock has taken place by virtue of the marriage of a female share- 30 holder, the declaration shall be accompanied by a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife, with the holder of such share, and shall be made and signed by such female shareholder and her husband. 35

Declaration.

2. The declaration may include a statement to the effect that the share transmitted is the separate property and under the sole control of the wife, and that she may, without requiring the consent or authority of her husband, receive and grant receipts for the dividends and profits accruing 40 in respect thereof, and dispose of and transfer the share itself.

If separate property of wife.

Revocation.

3. The declaration shall be binding upon the bank and persons making the same, until the said persons see fit to revoke it by a written notice to the bank to that effect.

Omission not

4. The omission of a statement in any such declaration to invalidate. that the wife making the declaration is duly authorized by her husband to make the same shall not invalidate the declaration. 1913, c. 9, s. 48.

Authentication of declaration and papers in certain cases. 49. Every such declaration and instrument as are by the last two preceding sections required to perfect the transmission of a share in the bank shall, if made in any country other than Canada, the United Kingdom or a British colony.—

(a) be further authenticated by the clerk of a court of record under the seal of the court, or by the British consul or vice-consul, or other accredited representative of His Majesty's Government in the country where the declaration or instrument is made; or,

(b) be made directly before such British consul, vice-

consul or other accredited representative.

Further evidence.

2. The directors, general manager or other officer or agent of the bank may require corroborative evidence of any fact alleged in any such declaration. 1913, c. 9, s. 49

Transmission by will or intestacy.

Entry.

50. If the transmission has taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or tutorship, or an official extract therefrom, shall, together with the declaration, be produced and left with 20 the general manager or other officer or agent of the bank.

2. The general manager or other officer or agent shall thereupon enter in the register of shareholders the name of the person entitled under the transmission. 1913, c. 9,

s. 50.

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Transmission by decease.

51. Notwithstanding anything in this Act, if the transmission of any share of the capital stock has taken place by virtue of the decease of any shareholder, the production to the directors and the deposit with them of—

(a) any authenticated copy of the probate of the will of 30 the deceased shareholder, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland, 35 or any British colony, or of any testament, testamentary or testament dative expede in Scotland; or,

(b) an authentic notarial copy of the will of the deceased shareholder, if such will is in notarial form according to the law of the province of Quebec; or,

the law of the province of Quebec; or,

(c) if the deceased shareholder died out of His Majesty's dominions, any authenticated copy of the probate of his will or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters; 45

shall be sufficient justification and authority to the directors for paying any dividend, or for transferring or authorizing the transfer of any share, in pursuance of and in conformity 1/3

to the probate, letters of administration, or other auch document as alonesaid. 1913, a. 9, k. 51.

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any trust, whether expressed, caplie

If the receipt of the person in whose name any such share stands in the blooks of the bunk, or, if it stands in the names of name persons than one, the receipt of one of such persons shall be a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of such share, unless, previously to such payment, express such share, unless, previously to such payment, express

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of the quomy paid upon such receipt whether given by one of such persons or all of them. 1813, c. 9, s. 52.

Engewher of creature and parecently factors

U.S. No person helding stock in the bank as exceptor, administrator, quardian, trustee, tutor or curator—

(a) of or for any estate, trust or person mimed in the book of the bank as being represented by hims or

if the will or other instrument under or by virtue of 26 which the stock is so held be usmed in the books of the bank in connection with such holding.

shall be personally subject to any liability as a shareholder; but the extate and hards in his hands chall be liable in the manner and to the sunt extent as the frequency intestate, 25 ward or person interested in such estate and lunds would be if living and sungistent to hold the stock in his own name.

2. If the wast is for a living person or corrocation, such

ADMINISTRATION OF THE PARTY OF

C. If the estate, trust or person so represented, or will or other nestruntous as not nessed in the books of the bank, the crecupon, administrator, quardian, trustee, tutor, or example as all in personally liable in respect of the stock, as

## ANNEAU AND SPECIAL STATISCENES.

Wit. At every syngs, general meeting of the eigercholder for the election of directon, the outgoing directors chall submit a clear and full sintement of the affairs of the bank, exhibiting, on the one part, the liabilities of the bank, and on the other part, the assets and resources thereof, and the statement chall he signed by the general manager or other

the aid

to the probate, letters of administration, or other such document as aforesaid. 1913, c. 9, s. 51.

### SHARES SUBJECT TO TRUSTS.

Bank not bound to see to trusts.

**52.** The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to

which any share of its stock is subject.

Receipt.

2. The receipt of the person in whose name any such share stands in the books of the bank, or, if it stands in the names of more persons than one, the receipt of one of such persons shall be a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of 10 such share, unless, previously to such payment, express notice to the contrary has been given to the bank.

3. The bank shall not be bound to see to the application of the money paid upon such receipt whether given by one

of such persons or all of them. 1913, c. 9, s. 52.

Bank not bound.

Executor or trustee not personally liable.

53. No person holding stock in the bank as executor, administrator, guardian, trustee, tutor or curator—

(a) of or for any estate, trust or person named in the books of the bank as being represented by him; or,

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(b) if the will or other instrument under or by virtue of 20 which the stock is so held be named in the books of the bank in connection with such holding.

shall be personally subject to any liability as a shareholder; but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, 25 ward or person interested in such estate and funds would be, if living and competent to hold the stock in his own name.

2. If the trust is for a living person or corporation, such person or corporation shall also be liable as a shareholder to the extent of his or its respective interest in the shares. 30

3. If the estate, trust or person so represented, or will or other instrument, is not named in the books of the bank, the executor, administrator, guardian, trustee, tutor or curator shall be personally liable in respect of the stock, as if he held it in his own name as owner thereof. 1913, c. 9, 35 s. 53.

### ANNUAL AND SPECIAL STATEMENTS.

Statement to be laid before annual meeting.

54. At every annual general meeting of the shareholders for the election of directors, the outgoing directors shall submit a clear and full statement of the affairs of the bank, exhibiting, on the one part, the liabilities of the bank, and, 40 on the other part, the assets and resources thereof, and the statement shall be signed by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time at which the

Cestui que trust liable.

Executor or trustee liable if trust not named.

statement is signed, and shall be signed on behalf of the board by the president or a vice-president or any other two directors, neither of whom shall be an officer of the bank.

2. The statement shall, without restricting the generality of the requirement of the next preceding subsection, include

Liabilities.

Assets.

2. The statement shall, without restricting the generality of the requirement of the next preceding subsection, include and show, on the one part, the amount of the—
(a) capital stock paid in,
(b) rest or reserve fund,

(c) dividends declared and unpaid,(d) balance of profits, as per profit and loss account referred to in subsection 6 of this section.

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(e) notes of the bank in circulation, (f) deposits not bearing interest,

(g) deposits bearing interest, including interest accrued to 15 date of statement,

(h) advances under the Finance Act,

(i) balances due to other banks in Canada,

(j) balances due to banks and banking correspondents in the United Kingdom and foreign countries, 20

(k) bills payable,

(1) letters of credit outstanding,

(m) liabilities not included in the foregoing;

3. The statement shall include and show, on the other part, the amount of—

(a) current coin held by the bank,

(b) Dominion notes held, (c) notes of other banks,

(d) United States and other foreign currencies,

(e) cheques on other banks,

(f) balances due by other banks in Canada,

(g) balances due by banks and banking correspondents elsewhere than in Canada,

(h) Dominion and provincial government securities, not exceeding market value,

(i) Canadian municipal securities, and British, foreign and colonial public securities other than Canadian, not exceeding market value,

(j) railway and other bonds, debentures and stocks, not exceeding market value,

(k) call and short (not exceeding thirty days) loans in Canada on stocks, debentures and bonds and other securities of a sufficient marketable value to cover,

(1) call and short (not exceeding thirty days) loans elsewhere in Canada on stocks, debentures and bonds 45 and other securities of a sufficient marketable value to cover,

(m) other current loans and discounts in Canada (less rebate of interest), after making full provision for all bad and doubtful debts,

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(n) other current loans and discounts elsewhere than in Canada (less rebate of interest), after making full provision for all bad and doubtful debts,

(o) liabilities of customers under letters of credit as per

contra.

(p) real estate other than bank premises,

(a) non-current loans, estimated loss provided for.

(r) bank premises, at not more than cost, less amounts (if any) written off,

(s) deposit with the Minister for the purposes of the 10

Circulation Fund.

(t) deposit in the central gold reserves,

(u) other assets not included in the foregoing.

4. Whenever a bank carries on any part of its operations in the name of a corporation controlled by such bank, then 15 there shall accompany the statement, a further statement or statements showing the assets and liabilities of each such corporation, and the value placed upon the bank's interest in the corporation; and the auditors of the bank shall, or any purposes within the purview of this Act, be deemed auditors 20 of such controlled corporation, and the shareholders of the bank at every annual general meeting shall appoint such person to act as proxy for the bank at any and all meetings of such controlled corporation as they may see fit.

5. Any other or further particulars than those called for 25 by subsections 2 and 3 of this section, which, in the opinion of the directors, are necessary to a full and clear statement of the affairs of the bank shall also be included and shown

in such statement.

Profit and loss account.

Copies of statement

Other

particulars.

6. A profit and loss account for the financial year of the 30 bank next preceding the date of the annual general meeting shall accompany the statement and be attached thereto, and shall be signed on behalf of the board by the same persons as are required by this section to sign the statement referred to. 35

7. A copy of the statement and of the profit and loss account, together with a copy of the minutes of the annual to be sent to shareholders general meeting, shall be sent within four weeks thereafter and Minister. to each shareholder at his last known post office address, as shown by the books of the bank, and concurrently there- 40 with a certified copy of each of these shall be sent to the Minister. 1913, c. 9, s. 54. Am.

Further statements as required by by-law.

55. The directors shall also submit to the shareholders such further statements of the affairs of the bank as the shareholders require by by-law passed at the annual general 45 meeting, or at any special general meeting of the shareholders called for the purpose.

When to be submitted.

2. The statements so required shall be submitted at the annual general meeting, or at any special general meeting called for the purpose, or at such time and in such manner 50

as is set forth in the by-law of the shareholders requiring such statements. 1913, c. 9, s. 55.

### SHAREHOLDERS' AUDIT.

Who qualified to audit.

56. The affairs of the bank shall be audited by two persons, residing in Canada, each one of whom shall be an accountant who has for at least six years preceding the date of his appointment, as hereinafter provided, practised his profession in Canada, and who shall also be a member in good standing of an Institute or Association of Accountants incorporated under the authority of the Legislature of any province of Canada.

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Lists to be furnished to the Association.

2. A list or lists shall be furnished to the Minister and also to the Association by each such incorporated Institute or Association of Accountants on or before the thirty-first day of July, nineteen hundred and twenty-three, and thereafter on or before the thirtieth day of June in each year, of all 15 members of their corporation in good standing whose names are entitled to be included therein as determined by the provisions of the last preceding subsection, together with their addresses and the names of the firms, if any, of which they are members, and such list or lists shall be certified under their 20 corporate seals respectively.

The Minister may remove name or names.

3. The Minister may, not later than the thirtieth day of September next following, remove from such list or lists the name of any person of whose appointment to be an auditor

of a bank he may disapprove.

Publication of list.

4. The Minister shall, as soon thereafter in each year as may be convenient, cause to be inserted in two successive issues of The Canada Gazette, a public notice containing the names and other particulars of persons included in such list or lists and not removed therefrom by the Minister, and the persons 30 included in such published notice shall be deemed qualified for appointment as auditors of a bank.

Appointment of auditors.

5. The shareholders shall at each annual general meeting appoint two persons, not members of the same firm, whose names are included in the last published list, to audit the 35 affairs of the bank, but if the same two persons, or members respectively of the same two firms have been appointed for two years in succession to audit the affairs of any one bank, one such person or any member of one such firm shall not be again appointed to audit the affairs of such bank during 40 the period of two years next following the term for which he was last appointed.

Vacancy.

6. If any vacancy should occur in the office of auditor of a bank, notice thereof shall forthwith be given by the bank to the Minister, who shall thereupon appoint some other person 45 included in the published list for the year to serve for the unexpired term of the person previously appointed.

Remuneration of Auditors. 7. The remuneration of auditors shall be fixed by the share-holders at the time of their appointment, and in the event of any vacancy and the appointment of another auditor under the next preceding subsection, the remuneration so fixed shall be divided between them as the directors shall consider just and reasonable.

Powers and rights of auditors.

8. Every auditor of a bank shall have a right of access to the books and accounts, cash, securities, documents and vouchers of the bank, and shall be entitled to require and receive from the directors and officers of the bank such 10 information and explanation as may be necessary for the performance of the duties of the auditors.

Procedure and scope of audit.

9. The Minister may from time to time require that the auditors of a bank shall report to him upon the adequacy of the procedure adopted by the bank for the safety of its creditors and 15 shareholders, and as to the sufficiency of their own procedure in auditing the affairs of the bank; and the Minister may at his discretion enlarge or extend the scope of the audit, or direct that any other or particular examination be made or procedure established in the particular case as the public interest may seem to require. 20

Duty with respect to directors.

10. It shall be the duty of the auditors to report individually or jointly as to them may seem fit to the general manager and to the directors in writing any transactions or conditions affecting the well being of the bank which are not satisfactory to them, and which in their opinion require recti- 25 fication, and without restricting the generality of this requirement they shall report specifically to the general manager and to the directors from time to time upon any loans exceeding one per cent of the paid-up capital of the bank which in their judgment are inadequately secured, but this provision shall not be construed 30 to relieve any director from the due and proper discharge of the duties of a director. The report shall be transmitted or delivered by the auditors to the general manager at his office and to each director at his last known post office address and the said report shall be incorporated in the minutes of the directors' 35 meeting first following the receipt of the said report.

Report of Auditors.

11. The auditors shall make a report to the shareholders on the statement of the affairs of the bank to be submitted by the directors to the shareholders under Section 54 of this Act during their tenure of office; and the report shall state—

(a) whether or not they have obtained all the information

and explanations they have required;

(b) whether, in their opinion, the transactions of the bank which have come under their notice have been within the powers of the bank;

(c) whether, in their opinion, the statement referred to in the report discloses the true condition of the bank;

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(d) whether the statement is as shewn by the books of the bank.

12. The auditors' report shall be attached to the statement 50 submitted by the directors to the shareholders under section

Attached to anrual statement and read.

2. For the parpulate of this section tay anditor appointed

54 of this Act, and the report shall be read before the share-

holders in the annual general meeting.

Audit and report on further statements.

AttachedIto

statement

and read.

Copies.

13. Any further statement of the affairs of the bank submitted by the directors to the shareholders under section 55 of this Act shall be subject to audit and report, and the 5 report of the auditors thereon shall state—

(a) whether or not they have obtained the information

and explanation they have required;

(b) whether, in their opinion, such further statement discloses to the extent thereof the true condition of the bank. 10

14. The auditors' report shall be attached to the further statement referred to in the next preceding subsection, and shall be read before the shareholders at the meeting to which such further statement is submitted, and a copy of the statement and report shall be mailed to every share-15 holder at his last known address.

holder at his last known address.

Auditor not to undertake other employment for bank.

15. A person appointed under this section to audit the affairs of a bank shall not, during the term for which such person is appointed, either by himself, or by the firm of which he is a member, or by any other member of such firm, accept 20 any retainer or undertake any employment on behalf of or at the instance of such bank or any officer thereof, whether at the expense of the bank or not, other than that of auditor hereunder; and failure to comply with the provisions of this subsection shall be an offence against this Act.

16. No person shall be appointed an auditor of a bank if such person or any member of his firm is a director or

officer of such bank. 1913, c. 9, s. 56. Am.

# AUDITORS' REPORT TO MINISTER.

Examination by auditor appointed by Minister.

56A. The Minister may direct and require any auditor appointed under the next preceding section of this Act, or 30 any other auditor whom he may select, to examine and inquire specially into any of the affairs or business of the bank, and the auditor so appointed or selected, as the case may be, shall, at the conclusion of his examination and inquiry, report fully to the Minister the results thereof. 35

Powers of auditor.

2. For the purposes of this section the auditor appointed or selected as aforesaid shall have all the rights and powers given to an auditor under the next preceding section.

Remunera-

3. For the performance of the duties imposed by this section the auditor shall be paid as remuneration, out of the 40 Consolidated Revenue Fund, such sum as the Governor in Council may direct.

To be deemed auditor of bank.

4. The person selected by the Minister under this section shall, for the purposes of section 153 of this Act, be deemed to be an auditor of the bank. 1913, c. 9, s. 56 A.

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its with most to impound the state of the record of the colonies of se benes, or both combined, or in any other way, exception the rate of sight per cent per analysis, shall be made by the 20.

### DIVIDENDS.

Quarterly or half yearly dividends.

**57.** The directors of the bank shall, subject to the provisions of this Act, declare quarterly or half yearly dividends of so much of the profits of the bank as to the majority of them seems advisable.

Notice.

2. The directors shall give public notice, published for at least four weeks, of the payment of such dividends previously to the date fixed for such payment.

Where payable.

3. Dividends shall, on and after the date fixed for payment, be payable at the chief office of the bank, and at such of its branches, and at such other places, as the directors 10 prescribe.

Books closed.

4. The directors may close the transfer books during a certain time, not exceeding fifteen days, before the payment of each dividend.

Liability of

5. The liability of any bank under any law, custom or 15 agreement to pay dividends heretofore or hereafter declared and payable on its capital stock shall continue notwithstanding any statute of limitations or any enactment or law relating to prescription. 1913, c. 9, s. 57.

No prescription.

Dividend not to impair capital. Directors liable for such dividend.

- 58. No dividend or bonus shall be declared so as to 20 impair the paid-up capital of the bank.
- 2. The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus, whereby the paid-up capital of the bank is impaired, shall be jointly and severally liable for the amount of such divi-25 dend or bonus, as a debt due by them to the bank. 1913, c. 9, s. 58.

Dividend limited unless there is a certain reserve.

59. No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per cent per annum, shall be made by the 30 bank, unless, after making the same, the bank has a rest or reserve fund, equal to at least thirty per cent of its paid-up capital after providing all the appropriations necessary for ascertained and estimated losses.

Personal liability of directors.

2. The directors who knowingly and wilfully concur in any 35 division of profits exceeding the rate of eight per cent per annum, unless after making the same the bank has a rest or reserve fund equal to at least thirty per cent of its paid up capital after making the appropriations necessary to provide for losses, shall be jointly and severally liable for the amount so 40 divided, as a debt due by them to the bank. 1913, c. 9, s. 59. Am.

CASH BUSINESS

40. The bank shall hold in Pominion notes not less than lorty per cept of the cash reserves which it has in Consider R. The Minister shall make such arrangements as are

necessary for engineer the delivery of Hommion notes to any bank, in exchange for an ordivalent amount of gold two lawfully current at the several branch offices of the Department of Finance established for the redemption of Deminion Veles Act 1974.

Street B. Such notes shall be redemable at any of the branch 10 offices mentioned in subsection 2 hence. 1913, c. 9, s. 00.
Am.

### SHOW AND CONCULATION OF NOTES.

GE. The bank may issue and prisone its notes payable to trans on degrand and introded for circulation: Provided

io rejected to berney one garue, ton liefs land eit; (a) payent to tested one of its habitites, usue or re-issue on to tested her restor

(5) if, after any such suspension, the bank resumes business without the consent in writing of the circular, 20 bereinafter provided for, it shall not is no re-issue any of its notes until authorized by the Treasury Board so

2. No such note that he for a muzical than its dollars, of for any sing which to not a mainfair of five deliber.

3. Except as amounted provided, the total amount of the notes of a bank in obsubilish at any time wall not exceed.

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A The Association may, with the approval of the Simuster, approval of the Simuster, approved a superior of the Simuster of Simusters and Englished and receive such amounts in orderest gold coin and Dominion notices, or either recent beauty desire from time to time to deposit.

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b. If so, Association may make by-laws, rules and testilebute under section 124 of title Act respecting the articles into under section 124 of title Act respecting the articles to a resuggestion of the resident gold reserves and the

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A TANKS

#### CASH RESERVES.

Cash reserves in Dominion notes Supply of Dominion notes.

60. The bank shall hold in Dominion notes not less than forty per cent of the cash reserves which it has in Canada.

2. The Minister shall make such arrangements as are necessary for ensuring the delivery of Dominion notes to any bank, in exchange for an equivalent amount of gold 5 coin lawfully current at the several branch offices of the Department of Finance established for the redemption of Dominion notes under the provisions of The Dominion Notes Act. 1914.

Redemption.

3. Such notes shall be redeemable at any of the branch 10 offices mentioned in subsection 2 hereof. 1913, c. 9, s. 60, Am.

### ISSUE AND CIRCULATION OF NOTES.

Tague of notes.

61. The bank may issue and re-issue its notes payable to bearer on demand and intended for circulation: Provided that-

Proviso.

(a) the bank shall not, during any period of suspension of payment of its liabilities, issue or re-issue any of its notes; and,

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(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, 20 hereinafter provided for, it shall not issue or re-issue any of its notes until authorized by the Treasury Board so

\$5, or multiples.

2. No such note shall be for a sum less than five dollars, or for any sum which is not a multiple of five dollars.

Amount limited.

3. Except as hereinafter provided, the total amount of the notes of a bank in circulation at any time shall not exceed the aggregate of—

(a) the amount of the unimpaired paid-up capital of the bank; and,

(b) the amount of current gold coin and of Dominion notes held for the bank in the central gold reserves hereinafter mentioned.

Appointment of trustees.

4. The Association may, with the approval of the Minister, appoint three trustees and the Minister may appoint a 35 fourth trustee, and the trustees so appointed shall receive such amounts in current gold coin and Dominion notes, or either, as any bank may desire from time to time to deposit with them. The amounts so deposited are herein referred to as "central gold reserves" and shall be held and dealt 40 with in accordance with the provisions of this Act.

5. The Association may make by-laws, rules and regula-By-laws tions under section 124 of this Act respecting the custody and management of the central gold reserves and the carrying out of the provisions of this Act relating to such 45

reserves.

"Central gold reserves."

respecting.

Excess of notes over paid up capital.

6. When and so long as the amount of the notes of a bank in circulation in excess of its unimpaired paid-up capital is less than the amount deposited by it in the central gold reserves, the excess of the amount so deposited shall belong to the bank as its property, and the bank may apply to the trustees for a return of the excess last mentioned. and upon receiving from the bank a statement signed by the chief accountant and by the general manager or other principal officer next in authority in the management of the affairs of the bank at the time the statement is signed, 10 and otherwise in the form provided by said by-laws, rules or regulations, setting forth to the best of the information and belief of these officers the amount of the notes of the bank in circulation on the date of such statement, the trustees shall return the whole or part of the deposit of 15 the bank, as the case may be. On and from the date when such statement is transmitted by registered post or delivered to the trustees, the amount applied for shall, for the purpose of the statement to be made by the trustees to the Minister under subsection 7 of this section, and 20 for the purpose of calculating the total amount of the authorized note circulation of the bank, be deemed to have been withdrawn from the central gold reserves and shall not be taken into account in such statement nor included in such calculation: provided always that should the 25 total amount of the notes of the bank in circulation be found, by reason of such withdrawal, to be in excess of the circulation of the bank authorized by this Act the bank shall not be deemed to be released or relieved from any of the penalties imposed by this Act for circulation of the 30 notes of a bank in excess of the amount authorized by this Act.

Statement to be sent to Minister. 7. The trustees shall prepare and transmit by registered post or deliver to the Minister within the first twenty days of each month a statement to be signed by them show- 35 ing the amount on each juridical day of the preceding month of the deposit of each bank in the central gold reserves and not withdrawn or deemed to be withdrawn under the provisions of this section.

frequently than twice in each year, cause an inspection

and audit of the gold coin and Dominion notes held by the

Inspection and audit of gold coin and notes.

trustees to be made by officers of the Department of Finance.

9. It shall be the duty of such officers—

Particulars of inspection.

(a) to inspect and ascertain the amount of the gold coin 45 and Dominion notes held by the trustees for the respective banks at the date of inspection; and,

8. The Minister shall, from time to time, and not less 40

(b) to ascertain from the books and accounts, documents and vouchers of the trustees the amounts of gold coin and Dominion notes held by the trustees for the 50

respective banks at any preceding date named by the Minister.

Powers of inspecting officer.

10. Every such officer shall have a right of access to the gold coin and Dominion notes held and to the books and accounts, documents and vouchers of the trustees, and shall be entitled to require from the trustees such information and explanation as may be necessary for the performance of his duties.

When bank insolvent.

11. Should the bank become insolvent within the meaning of this Act, the amount held for it in the central gold reserves 10 shall be paid by the trustees to the liquidator or other person entitled by law to collect and receive the assets of the bank and shall be applied in redeeming the notes of such bank in circulation and for no other purpose, or in making the payment to the Minister required by section 15 116 of this Act.

Vacancy in office of trustee.

12. When a vacancy in the office of a trustee appointed by the Association occurs, by resignation, death or other cause, the trustee to fill the vacancy shall, subject to the approval of the Minister, be appointed by the Association; 20 and when a vacancy occurs in the office of a trustee appointed by the Minister, the trustee to fill the vacancy shall be appointed by the Minister.

Remuneration of trustees. 13. The remuneration of trustees, including that of the trustee appointed by the Minister, and all charges and 25 expenses incidental to the establishment and maintenance of the central gold reserves, shall be borne by the Association as the Association may, by by-law, rule or regulation, determine.

Additional issue during moving of crops.

14. During the usual season of moving the crops, that is to 30 say, from and including the first day of September in any year to and including the last day of February next ensuing in addition to the said amount of notes hereinbefore authorized to be issued for circulation, the bank may issue its notes to an amount not exceeding fifteen per cent of the 35 combined unimpaired paid-up capital and rest or reserve fund of the bank as stated in the statutory monthly return made by the bank to the Minister for the month immediately preceding that in which the additional amount is issued.

Notice o additional issue.

15. Whenever, under the authority of the next preceding 40 subsection of this section, the issue of an additional amount of notes of the bank has been made, the general manager, or other principal officer next in authority in the management of the affairs of the bank for the time being, shall forthwith give notice thereof by registered letter addressed 45 to the Minister and to the president of the Association.

Interest on additional issue. 16. While its notes in circulation are in excess of the aggregate referred to in subsection 3 of this section, the bank shall pay interest to the Minister at such rate, not exceeding five per cent per annum, as is fixed by the Gover-50 nor in Council, on the amount of its notes in circulation

in excess from day to day; and the interest so paid shall form part of the Consolidated Revenue Fund.

Return by

17. A return shall be made and sent by the bank to the Minister showing the amount of its notes in circulation for each juridical day during any month in which any amount of notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding.

Time and form of return.

18. Such return shall be made up and sent within the first thirty days after the last day of the month in which any such amount in excess has been issued or is outstanding, 10 and shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule H to this Act, and shall be signed by the chief accountant, and by the president or a vice-president or the director then acting as president, and by the general 15 manager or other principal officer next in authority in the management of the affairs of the bank at the time at which the declaration is signed. 1913, c. 9, s. 61. Am.

Signatures thereto.

Note issue at agency in British possessions other than Canada. 62. Notwithstanding the provisions of the last preceding section any bank may issue and re issue, at any branch, 20 agency or office of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and intended for circulation in such colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, or for the sum of 25 five dollars each, or for any multiple of such sum of the dollars in commercial use in such colony or possession, if the issue or reissue of such notes is not forbidden by the laws of such colony or possession.

Governor in Council to fix rate for circulation. 2. No issue of notes of the denomination of five such 30 dollars, or any multiple thereof, shall be made in any such British colony or possession unless and until the Governor in Council, on the report of the Treasury Board, determines the rate, in Canadian currency, at which such notes shall be circulated as forming part of the total amount of the 35 notes in circulation within the meaning of the last preceding section.

Redemption.

3. The notes so issued shall be redeemable at par at any branch, agency or office of the bank in the colony or possession in which they are issued for circulation, and not else-40 where, except as in this section specially provided; and the place of redemption of such notes shall be legibly printed or stamped across the face of each note so issued.

Redemption if agency is abolished.

4. In the event of the bank ceasing to have a branch or agency or office in any such British colony or possession, 45 all notes issued in such colony or possession under the provisions of this section shall become payable and redeemable at the rate of four dollars and eighty-six and two-thirds

such such whall thereafter be adjusted naminary as herein-

cents per pound sterling, or, in the case of the issue of notes of the denomination of five dollars, or any multiple thereof, of the dollars in commercial use in such colony or possession. at the rate established by the Governor in Council as required by this section, in the same manner as notes of 5 the bank issued in Canada are payable and redeemable.

Total amount of circulation.

5. The amount of the notes at any time in circulation in any such colony or possession, issued under the provisions of this section, shall, at the rate mentioned in the last preceding subsection, form part of the total amount of the 10 notes in circulation within the meaning of the last preceding section, and, except as herein otherwise specially provided, shall be subject to all the provisions of this Act.

No re-issue in Canada.

Section

limited.

6. No notes issued for circulation in a British colony or possession other than Canada shall be re-issued in Canada. 15

7. Nothing in this section shall be construed to authorize any bank-

(a) to increase the total amount of its notes in circulation in Canada and elsewhere beyond the limit fixed by the last preceding section; or,

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(b) to issue or re-issue in Canada notes payable to bearer on demand, and intended for circulation, for a sum less than five dollars, or for a sum which is not a multiple of five dollars. 1913, c. 9, s. 62.

Pledge of notes prohibited.

**63.** The bank shall not pledge, assign, or hypothecate 25 its notes; and no advance or loan made on the security of the notes of a bank shall be recoverable from the bank or its assets. 1913, c. 9, s. 63.

Bank circulation redemption fund continued.

**64.** The moneys heretofore paid to and now deposited with the Minister by the banks to which this Act applies, 30 constituting the fund known as the Bank Circulation Redemption Fund, shall continue to be held by the Minister for the purposes and subject to the provisions in this section mentioned and contained.

\$5,000 to be retained upon issue of certificate.

2. The Minister shall, upon the issue of a certificate under 35 this Act authorizing a bank to issue notes and commence the business of banking, retain, out of any moneys of such bank then in his possession, the sum of five thousand dollars, which sum shall be held for the purposes of this section, until the annual adjustment hereinafter provided 40 for takes place in the year then next following.

Adjustment.

3. The amount at the credit of such bank shall, at such next annual adjustment, be adjusted by payment to or by the bank of such sum as is necessary to make the amount of money at the credit of the bank equal to five per cent of 45 the average amount of its notes in circulation from the time it commenced business to the time of such adjustment and such sum shall thereafter be adjusted annually as hereinafter provided.

Five per cent of average circulation.

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Circulation Fund. 4. The amounts heretofore and from time to time hereafter paid, to be retained and held by the Minister as by this section provided, shall continue to form and shall form the Circulation Fund.

Its purposes.

5. The Circulation Fund shall continue to be held as heretofore for the sole purpose of payment, in the event of the suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, of the notes then issued or re-issued by such bank, intended for circulation, and then in circulation, and interest thereon.

Fund to bear interest.

6. The Circulation Fund shall bear interest at the rate

of three per cent per annum.

Adjustment annually.

7. The Circulation Fund shall be adjusted, as soon as possible after the thirtieth day of June in each year, in such a way as to make the amount at the credit of each bank 15 contributing thereto, unless herein otherwise specially provided, equal to five per cent of the average note circulation of such bank during the then last preceding twelve months.

Average note circulation, how determined.

8. The average note circulation of a bank during any period shall be determined from the average of the amount 20 of its notes in circulation, as shown by the monthly returns for such period made by the bank to the Minister; and where, in any return the greatest amount of notes in circulation at any time during the month is given, such amount shall, for the purposes of this section, be taken to be the 25 amount of the notes of the bank in circulation during the

Proviso.

month to which such return relates: Provided, however, that in determining the average note circulation of a bank under this subsection the daily average for each month of the amount of the bank's deposit (if any) in the central 30 gold reserves which has not been withdrawn or deemed to be withdrawn within the meaning of this Act shall be deducted from the greatest amount of the notes of the bank in circulation at any time during the month.

Rights of Minister.

Proviso.

9. The Minister shall, with respect to all notes paid out of 35 the Circulation Fund, have the same rights as any other holder of notes of the bank: Provided that all such notes, and all interest thereon, so paid by the Minister, after the amount at the credit of such bank in the Circulation Fund, and all interest due or accruing due thereon, has been 40 exhausted, shall bear interest, at the rate of three per cent per annum, from the time such notes and interest are paid until such notes and interest are repaid to the Minister by or out of the assets of such bank. 1913, c. 9, s. 64.

Notes of bank suspending payment to bear interest. 65. In the event of the suspension by a bank of pay-45 ment in specie or Dominion notes of any of its liabilities as they accrue, the notes of the bank, issued or re-issued, intended for circulation, and then in circulation, shall bear interest at the rate of five per cent per annum, from the day

I. If any notes presented for payment on or after any day 10

of the suspension to such day as is named by the directors, or by the liquidator, receiver, assignee, or other proper

official, for the payment thereof.

Notice of time for payment.

2. Notice of such day shall be given by advertisement in at least three consecutive issues of a daily newspaper, published in the place in which the chief office of the bank is situate, and if there is no daily newspaper published there, then by advertisement in two consecutive issues of any weekly newspaper published in that place.

As to notes not then presented. 3. If any notes presented for payment on or after any day 10 named for payment thereof are not paid, all notes then unpaid and in circulation shall continue to bear interest until such further day is named for payment thereof, of which day notice shall be given in manner hereinbefore provided.

Notes not redeemed to be paid out of Circulation Fund.

4. If the directors of the bank or the liquidator, receiver, assignee or other proper official fails to make arrangements within two months from the day of the suspension of payment by the bank, for the payment of all of its notes and interest thereon, the Minister may make arrangements for 20 the payment out of the Circulation Fund, of the notes remaining unpaid and all interest thereon, and the Minister shall give such notice of the payment as he thinks expedient.

Interest to cease.

5. Notwithstanding anything herein, all interest upon such notes shall cease upon and from the date named by 25 the Minister for such payment.

Government not liable.

6. Nothing herein shall be construed to impose any liability upon the Government of Canada, or upon the Minister, beyond the amount available from time to time out of the Circulation Fund. 1913, c. 9, s. 65.

Payment from fund.

**66.** All payments made from the Circulation Fund shall be without regard to the amount contributed thereto by the bank in respect of whose notes the payments are made.

If fund exceeded.

2. If the payments from the Circulation Fund exceed the amount contributed to the Circulation Fund by the bank 35 so suspending payment, and all interest due or accruing due to such bank thereon, the other banks to which this Act applies shall, on demand, make good to the Circulation Fund the amount of the excess, proportionately to the amount which each such other bank had or should have 40 contributed to the Circulation Fund, at the time of the suspension of the bank in respect of whose notes the payments are made: Provided that—

Proviso.

(a) each of such other banks shall only be called upon to make good to the Circulation Fund its share of the 45 excess in payments not exceeding in any one year one per cent of the average amount of its notes in circulation;

(7) stein erreignet shell be never died in such manner as the Minrater decides; and

c) the Minister's decision shall be final

3. All amorals resovered and remired by the Minister from the bank on account of which such payments were wind and chart start after the amorals of such except based has been reader to another to inske good such educate majoral the banks contributed to inske good such educate majoral or in the contributed by such 1913 e. 9. a (6)

To be before it

651. In the event of the winding up of the husiness of a 16 bank by reason of inselvency or otherwise, the Trossmy Board may, on the application of the directors, or of the fiquidator, receiver, assignee or other proper official, and enfort the payment of the moter arrangements, have been made for the payment of the notes of the hank and any interest 15 thereon, pay over to the directors, liquidator, receiver, assignee or other proper official, the amount of the Circulation fund at the moter of the bank, or such portion thereof as it thinks expedient. 1913, c. 9, s. 67.

Thousand T

65. The Treasury Board sany make all such rules and 20 regulations as it thinks expedient with reference to—
(a) the payment of any moneys out of the Circulation Fund, and the manner place and time of such payment.

(b) the collection of all amounts due to the Circulation 25 Fund

(c) all accounts to be kept in connection therewith, and, (d) generally the management of the Chaulation Fund and all matters relating thereto, 1913, c. 9, s. 68.

Minister may believe bey sentte.

60. The Minister may, in his official name, by action in the Exchequer Court of Canada, cultoned payment, with coats of action of any star due and payable by any bank which should form part of the Circulation Fund. 1913, c. 9 c. 69.

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20. The bank shall make such arrangements as are necescary to ensure the circulation at par, in pay and every part
of Canada; of all notes issued or re-issued by it and intended
for circulation; and towards this purpose the bank shall
establish agencies for the redeniption and payment of its
notes at the places of which the Gosertor in Council has
established branch offices of the Department of Finance for
the redemption of Dominion notes; and at most other places
as are from time to time designated by the Togsatary
Bound. 1918. c. 9, s. 70. Am.

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VI. The bank shall always receive in payment its own moles at not at any of its bustolies, agencies or offices, and

(b) such circulation shall be ascertained in such manner as the Minister decides; and,

(c) the Minister's decision shall be final.

Amounts recovered, how distributed.

3. All amounts recovered and received by the Minister from the bank on account of which such payments were 5 made shall, after the amount of such excess has been made good as aforesaid, be distributed among the banks contributing to make good such excess, proportionately to the amount contributed by each. 1913, c. 9, s. 66.

Refund of deposit if bank is wound up.

**67.** In the event of the winding-up of the business of a 10 bank by reason of insolvency or otherwise, the Treasury Board may, on the application of the directors, or of the liquidator, receiver, assignee or other proper official, and on being satisfied that proper arrangements have been made for the payment of the notes of the bank and any interest 15 thereon, pay over to the directors, liquidator, receiver, assignee or other proper official, the amount of the Circulation Fund at the credit of the bank, or such portion thereof as it thinks expedient. 1913, c. 9, s. 67.

Treasury Board rules.

68. The Treasury Board may make all such rules and 20 regulations as it thinks expedient with reference to-

(a) the payment of any moneys out of the Circulation Fund, and the manner, place and time of such pay-

(b) the collection of all amounts due to the Circulation 25

(c) all accounts to be kept in connection therewith; and, (d) generally the management of the Fund and all matters relating thereto. 1913, c. 9, s. 68.

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Minister may enforce payments.

69. The Minister may, in his official name, by action in the Exchequer Court of Canada, enforce payment, with costs of action, of any sum due and payable by any bank 1913, which should form part of the Circulation Fund. c. 9, s. 69.

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Arrangements to be made for circulation at par, and redemption.

70. The bank shall make such arrangements as are necessary to ensure the circulation at par, in any and every part of Canada, of all notes issued or re-issued by it and intended for circulation; and towards this purpose the bank shall establish agencies for the redemption and payment of its 40 notes at the places at which the Governor in Council has established branch offices of the Department of Finance for the redemption of Dominion notes, and at such other places as are from time to time designated by the Treasury Board. 1913, c. 9, s. 70. Am.

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Bank must take its own notes.

71. The bank shall always receive in payment its own notes at par at any of its branches, agencies or offices, and

at east one such came to each note or till, regular with a

whether they are made payable there or not. 1913, c. 9, s. 71.

Payment in Dominion notes.

72. The bank, when making any payment shall, on the request of the person to whom the payment is to be made, pay the same, or such part thereof, not exceeding one hundred dollars, as such person requests, in Dominion notes for one, two or five dollars each, at the option of such person.

No torn or defaced notes. 2. No payment, whether in Dominion notes or bank notes, shall be made by the bank in bills that are unclean 10

or torn or partially defaced by excessive handling.

Disinfection of notes.

3. The Treasury Board may make regulations providing for the disinfection and sterilization by the several banks of all bank notes and Dominion notes which have come into the bank's possession before a re-issue thereof to the public; and 15 the bank, its officers, clerks and servants, shall carry out and execute the regulations made under the authority of this section. 1913, c. 9, s. 72.

Bills or notes binding though not sealed. 73. The bills or notes of the bank signed by the president, a vice-president, the general manager or other officer 20 appointed by the directors of the bank to sign the same, promising the payment of money to any person, or to his order, or to the bearer, though not under the corporate seal of the bank, shall be binding and obligatory on the bank, in like manner and with the like force and effect as 25 they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity.

Directors may depute officer to sign. 2. The directors of the bank may, from time to time, 30 authorize or depute the general manager, a manager or other officer of the bank, or any director other than the president or a vice-president, or any manager of any branch or office of discount and deposit of the bank, to sign the notes of the bank intended for circulation. 1913, c. 9, s. 73.

Bills may be signed by machinery.

74. All bank notes and bills whereon the name of any person entrusted or authorized to sign such notes or bills on behalf of the bank is impressed by machinery provided for that purpose, by or with the authority of the bank, shall be good and valid to all intents and purposes, as if 40 such notes and bills had been subscribed in the proper handwriting of the person entrusted or authorized by the bank to sign the same respectively, and shall be bank notes and bills within the meaning of all laws and statutes whatever, and may be described as bank notes or bills in all 45 indictments and civil or criminal proceedings whatever: Provided that if all such names are impressed by machinery, at least one such name to each note or bill, together with a distinguishing device and number, shall be impressed or

every person acting as or employed by any banker, shall

engraved under the authority of the bank after the notes are received by the bank from the engraver and printer, and shall not be otherwise impressed or engraved. 1913, c. 9, s. 74.

Counterfeit or fraudulent notes to be stamped. 75. Every officer charged with the receipt or disbursement of public moneys, and every officer of any bank, and 5 every person acting as or employed by any banker, shall stamp or write in plain letters, upon every counterfeit or fraudulent note issued in the form of a Dominion or bank note, and intended to circulate as money, which is presented to him at his place of business, the word "Counterfeit," 10 "Altered" or "Worthless."

If wrongfully stamped.

2. If such officer or person wrongfully stamps any genuine note he shall, upon presentation, redeem it at the face value thereof. 1913, c. 9, s. 75.

## BUSINESS AND POWERS OF A BANK.

Business and powers of bank.

Exceptions.

76. The bank may-

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(a) open branches, agencies and offices;

(b) engage in and carry on business as a dealer in gold

and silver coin and bullion;

(c) deal in, discount and lend money and make advances upon the security of, and take as collateral security 20 for any loan made by it, bills of exchange, promissory notes and other negotiable securities, or the stock, bonds, debentures and obligations of municipal and other corporations, whether secured by mortgage or otherwise, or Dominion, provincial, British, foreign, 25 and other public securities; and,

(d) engage in and carry on such business generally as

appertains to the business of banking.

2. Except as authorized by this Act, the bank shall not, either directly or indirectly,—

(a) deal in the buying or selling, or bartering of goods, wares and merchandise, or engage or be engaged in any trade or business whatsoever:

(b) purchase, or deal in, or lend money, or make advances upon the security or pledge of any share of its own 35 capital stock, or of the capital stock of any bank; or,

- (c) lend money or make advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or upon the security of any goods, wares and mer- 40 chandise.
- (d) lend to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank without the approval of the directors any amount or amounts exceeding in the 45 aggregate one thousand dollars; or

(e) lend to or on the security of the general manager, assistant general manager, branch manager, or any officer,

their or secure of the bank only assount or onsurers revised or in the supregate test thousand dollars. manager or a director of the bank is a partner or shareclerk or servant of the bank any amount or amounts exceeding in the aggregate ten thousand dollars.

(f) lend money or make advances in excess of ten per cent of its paid-up capital to a director of the bank or to any company or corporation in which the president, general manager or a director of the bank is a partner or shareholder, as the case may be, without the approval of two-thirds of the directors present at a regular meeting, or meeting specially called for the purpose, of the board.

3. No agent or manager of any bank shall act as agent for 10 any insurance company or for any person in the placing of insurance, nor shall any bank exercise pressure upon any borrower to place insurance for the security of such bank in any particular insurance agency, but nothing herein contained shall prevent such bank from requiring such insurance to be 15 placed with an insurance company which it may approve. 1913, c. 9, s. 76. Am.

Pank to have lien upon the stock of its debtors.

Sale of shares.

Notice.

Transfer.

Effect of

77. The bank shall have a privileged lien, for any debt or liability for any debt to the bank, on the shares of its own capital stock, and on any unpaid dividends of the 20 debtor or person liable, and may decline to allow any transfer of the shares of such debtor or person until the debt is paid.

2. The bank shall, within twelve months after the debt has accrued and become payable, sell such shares: Provided that notice shall be given to the holder of the shares of the 25 intention of the bank to sell the same, by mailing the notice, in the post office, post paid, to the last known address of the holder, as shown by the records of the bank, at least thirty days prior to the sale.

3. Upon the sale being made the president, a vice-30 president or the general manager shall execute a transfer of the shares to the purchaser thereof in the usual transfer book of the bank.

4. Such transfer shall vest in the purchaser all the rights in or to the said shares which were possessed by the holder 35 thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the bank or by the officer of the bank executing the transfer. 1913, c. 9, s. 77.

Collateral securities may be sold.

78. The stock, bonds, debentures or securities, acquired 40 and held by the bank as collateral security, may, in case of default in the payment of the debt, for the securing of which they were so acquired and held, be dealt with, sold and conveyed, either in like manner and subject to the same restrictions as are herein provided in respect of stock of the 45 bank on which it has acquired a lien under this Act, or in like manner as and subject to the restrictions under which a private individual might in like circumstances deal with, sell and convey the same: Provided that the bank shall not be obliged to sell within twelve months.

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2. The right so to deal with and dispose of such stock, bonds, dobouties, or securities in granger, atoresaid may be wait of an education born on the lipsed and the owner of the stock, bands, debentures or securities.

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2. The bank shall annually, during the month of lanuary, in connect or defect to the Minister a return, showing in detail the ten market value of its real and manovable property held under this section of its real and are sense or in the near state of a component to the controlled by the

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(a) the registeral owner thereof, y the bank is not the

(b) the arrotant of any mortgage or hypotherms thereon, and if more than one porcel is subject to the same mortgage or hypotherms, the parents subject Va each mortgage or hypotherms shall be expressed at such return and shortfied

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by the president, or a sing-president, or the director than cettle us president, and by the penetral reamaged or other principal 30 efficir of the bank next in authority in the consequenced of the organization of the bank at the time of such billion and return is made:

560. The bank may take, hold and dispose offor mortgages and hypotheques agent real cod personal, a
inductable cod intentile property. Propided, kneemy,
that no make age is hapotheque shull be taken, held or
disposed of its verest to, or be deemed to include, any
personal income to content at the date of the coming rate

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by way of additional security for debts contracted the the 45 bank is the course of the besiness.

2. The rights, powers and pervileges which the light is

by this set occined to have or to have had, in respect of

Right of sale may be waived.

2. The right so to deal with and dispose of such stock. bonds, debentures or securities in manner aforesaid may be waived or varied by any agreement between the bank and the owner of the stock, bonds, debentures or securities. 1913, c. 9, s. 78.

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Acquisition of rea! estate.

79. The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose of the same, and acquire other property in its stead for the same purpose.

Return to Minister.

2. The bank shall annually, during the month of January, 10 transmit or deliver to the Minister a return showing in detail the fair market value of its real and immovable property held under this section either in its own name or in the name of a trustee or of a corporation controlled by the bank.

Particulars.

3. Such return shall state separately each parcel of real property held by the bank and as to each such parcel shall state-

(a) the registered owner thereof, if the bank is not the 20

registered owner;

(b) the amount of any mortgage or hypotheque thereon, and if more than one parcel is subject to the same mortgage or hypotheque, the parcels subject to such mortgage or hypotheque shall be segregated in such return and identified therewith:

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How signed.

(c) the extent (if any) to which each such parcel is not held for the actual use and occupation of the bank;

and such return shall be signed by the chief accountant, and by the president, or a vice-president, or the director then acting as president, and by the general manager or other principal 30 officer of the bank next in authority in the management of the affairs of the bank at the time at which the said return is made. 1913, c. 9, s. 79. Am.

Mortgages hypotheques of realty, and agreements of sale.

80. The bank may take, hold and dispose of—

(a) mortgages and hypotheques upon real and personal, 35 immovable and movable property: Provided, however, that no mortgage or hypotheque shall be taken, held or disposed of in respect to, or be deemed to include, any personal property which, at the date of the coming into force of this Act, is by any statutory enactment exempt 40 from seizure under writs of execution.

(b) the rights of vendors or purchasers under agreements for the sale or purchase of real and personal, immovable and

movable property.

by way of additional security for debts contracted to the 45

bank in the course of its business.

2. The rights, powers and privileges which the bank is by this Act declared to have, or to have had, in respect of real or immovable property mortgaged to it, shall be held

As to personalty. 13

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ST. The bank mist reindises any fands or real at the hardsvebbe property offered for sale-

(a) quder execution, or in healwayer, or under the order or decree of a court, as belonging to any debter to the bank; or

(b) by a mortgages or other encumbrance, having priority over a nextgage or other communication hald

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(c) by the bank ander a power of sale gives to it for that surpose, noffee of each sale by anotion to the highest bidder having teen first gives by advertisement for four weeks in a newspaper published in the county or its electrical district in which such heads or newspaper

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Es eases in which theer mailer inregnatances, an indevidual could so purchase, without any restriction as to the value of the property which it may so purchase, and may 20 acquire a title thereto as any individual, purchasing at sheriff's sale, or under a power of sale, in his circumstances could do, and may take, have, hold and dispose of the same as pleasure. 1913. c. 9 s. 61.

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in or to real or immorable property mentanced to it as recurity for a deat due or owing to it, either by the obtaining of a release of the equity of redemption in the mertgaged property, or hi procuring a laracleonic, or by other means whereby, as between individuals, an equity-of redemption 20 can, by law, be barred, or a transfer of title to-eval or insmovaitle property can, by law, he effected, and may purchase and arquire any proc mortgage or charge on such property.

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A voltary in any charger, Act or law such he conserved as ever having been intended to prevent or as preventing 35 the bank from acquiring and helding an absolute title to any such mantgaged real or immovable property, whatever title value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank; authorizing or enabling it to sell or 40 convey any property so meetinged. 1813, c. 8, a 32.

All property Mica of alubro

howsoner acquired, except such as is required for its own use, for any period except such as is required for its own use, for any period excepting saven years from the date of the acquisition thereof, or any extension of such period as a lin this section provided, and such property shall be about to the sold or disposed of within such period or extended

and possessed by it in respect of any personal or movable property which is mortgaged or hypothecated to the bank. 1913, c. 9, s. 80, Am.

Purchases of realty.

**81.** The bank may purchase any lands or real or immovable property offered for sale—

(a) under execution, or in insolvency, or under the order or decree of a court, as belonging to any debtor to the bank; or,

(b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held 10

by the bank; or,

(c) by the bank under a power of sale given to it for that purpose, notice of such sale by auction to the highest bidder having been first given by advertisement for four weeks in a newspaper published in the county or 15 electoral district in which such lands or property is situate.

in cases in which, under similar circumstances, an individual could so purchase, without any restriction as to the value of the property which it may so purchase, and may 20 acquire a title thereto as any individual, purchasing at sheriff's sale, or under a power of sale, in like circumstances could do, and may take, have, hold and dispose of the same at pleasure. 1913, c. 9, s. 81.

Bank may acquire absolute title to mortgaged premises. **82.** The bank may acquire and hold an absolute title 25 in or to real or immovable property mortgaged to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption 30 can, by law, be barred, or a transfer of title to real or immovable property can, by law, be effected, and may purchase and acquire any prior mortgage or charge on such property.

No Act or law to prevent.

2. Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing 35 the bank from acquiring and holding an absolute title to and in any such mortgaged real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or 40 convey any property so mortgaged. 1913, c. 9, s. 82.

Property to be sold within certain time.

83. No bank shall hold any real or immovable property, howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof, or any extension of such period as 45 in this section provided, and such property shall be absolutely sold or disposed of, within such period or extended

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period, as the case may be, so that the bank shall no longer retain any interest therein unless by way of security.

Extension of time.

2. The Treasury Board 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.

Twelve years.

3. The whole period during which the bank may so hold such property under the foregoing provisions of this section shall not exceed twelve years from the date of the acquisition thereof.

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Property not sold liable to forfeiture.

4. Any real or immovable property, not required by the bank for its own use, held by the bank for a longer period than authorized by the foregoing provisions of this section shall be liable to be forfeited to His Majesty for the use of the Dominion of Canada: Provided that—

Proviso.

(a) no such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the bank by the Minister of the intention of His Majesty to claim the forfeiture; and,

(b) the bank may, notwithstanding such notice, before 20 the forfeiture is effected sell or dispose of the property

free from liability to forfeiture.

Provisions apply to realty now held.

5. The provisions of this section shall apply to any real or immovable property heretofore acquired by the bank and held by it at the time of the coming into force of this Act. 25 1913. c. 9. s. 83.

Loans on standing timber.

**S4.** The bank may lend money upon the security of standing timber or the rights or licenses held by persons to cut or remove such timber; provided that the instrument evidencing such security is registered against the land upon 30 which such timber stands or in the offices in which are recorded such rights or licenses. 1913, c. 9, s. 84. Am.

Loans to receiver or liquidator under Winding-up Acts and to trustee under Bankruptcy Act. S4A. The bank may lend money to a receiver, to a receiver and manager, to a liquidator appointed under any Winding-up Act, or to a trustee under the Bankruptcy Act, 35 provided such receiver, receiver and manager, liquidator, or trustee, has been duly authorized or empowered to borrow; and, in respect of any money so lent, the bank may take security, with or without personal liability, from such receiver, receiver and manager, liquidator or trustee to such 40 an amount, and upon such property and assets, as may be directed or authorized by any court of competent jurisdiction. 1913, c. 9, s. 84 A. Am.

Advances for building ships. **85.** Every bank advancing money in aid of the building of any ship or vessel shall have the same right of acquir- 45 ing and holding security upon such ship or vessel, while building and when completed, either by way of mortgage,

the part of the parter to have the same returnal gred to house 'it the debt or liability, as security for which such warehouse receipt or full of lading is held by the book, is said. hypothèque, hypothecation, privilege or lien thereon, or purchase or transfer thereof, as individuals have in the

province wherein the ship or vessel is being built.

Rights and obligations.

2. The bank may, for the purpose of obtaining and enforcing such security, avail itself of all such rights and means. and shall be subject to all such obligations, limitations and conditions, as are, by the law of such province, conferred or imposed upon individuals making such advances. 1913. c. 9, s. 85, ss. 2.

Warehouse receipts and bills of lading.

86. The bank may acquire and hold any warehouse 10 receipt or bill of lading as collateral security for the payment of any debt incurred in its favour, or as security for any liability incurred by it for any person, in the course of its banking business.

Effect of taking.

2. Any warehouse receipt or bill of lading so acquired 15 shall vest in the bank, from the date of the acquisition thereof.-

(a) all the right and title to such warehouse receipt or bill of lading and to the goods covered thereby of the 20

previous holder or owner thereof; or,

(b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom such goods, wares and merchandise were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank, instead 25 of to the previous holder or owner of such goods, wares and merchandise. 1913, c. 9, s. 86.

When previous holder is an agent.

87. If the previous holder of such warehouse receipt or bill of lading is any person—

(a) entrusted with the possession of the goods, wares and 30 merchandise mentioned therein, by or by the authority of the owner thereof: or.

(b) to whom such goods, wares and merchandise are, by or by the authority of the owner thereof, consigned; or,

(c) who, by or by the authority of the owner of such 35 goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, 40 either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented;

the bank shall be, upon the acquisition of such warehouse receipt or bill of lading, vested with all the right and title of 45 the owner of such goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the debt or liability, as security for which such warehouse receipt or bill of lading is held by the bank, is paid.

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Presumption of possession.

2. Any person shall be deemed to be the possessor of such goods, wares and merchandise, bill of lading, receipt, order or other document as aforesaid—

(a) who is in actual possession thereof; or,

(b) for whom, or subject to whose control such goods, 5 wares and merchandise are, or bill of lading, receipt, order, or other document is held by any other person. 1913, c. 9, s. 87.

Loans to certain whole sale dealers.

88. The bank may lend money to any wholesale purchaser or shipper of or dealer in products of agriculture, the 10 forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live stock or dead stock or the products thereof, upon the security of such products, or of such live stock or dead stock or the products thereof. 15

Grain.

2. The bank may lend money to a farmer upon the security of his threshed grain grown upon the farm.

4. If, with the consent of the bank, the products, goods,

3. The bank may lend money to any person engaged in Loans to wholesale business as a wholesale manufacturer of any goods, wares manufacand merchandise, upon the security of the goods, wares and 20 turers. merchandise manufactured by him, or procured for such manufacture.

Removal of goods.

Substitution.

wares and merchandise, live stock or dead stock or the products thereof, upon the security of which money has 25 been loaned under the authority of this section, are removed and other products, goods, wares and merchandise, livestock or dead stock or the products thereof of substantially the same character are respectively substituted therefor, then to the extent of the value of the products, goods, wares and 30 merchandise, or live stock or dead stock or the products thereof so removed, the products, goods, wares and merchandise, live stock or dead stock or the products thereof so substituted shall be covered by such security as if originally covered thereby; but failure to obtain the consent of the 35 bank to any such substitution shall not affect the validity of the security either as respects any products, goods, wares and merchandise, or live stock or dead stock or the products thereof actually substituted as aforesaid or in any other particular.

Security.

5. Any such security, as mentioned in the foregoing Owner may give the provisions of this section, may be given by the owner of security. the said products, goods, wares and merchandise, stock or products thereof, or grain.

Form of

security.

6. The security may be taken in the form set forth in 45 Schedule C to this Act, or to the like effect.

Same rights as upon warehouse receipts.

7. The bank shall, by virtue of such security, acquire the same rights and powers in respect of the products, goods, wares and merchandise, stock or products thereof, or grain covered thereby as if it had acquired the same by virtue 50

of a warehouse receipt; provided, however, that the wages, salaries or other remuneration of persons employed by any wholesale purchaser, shipper or dealer, by any wholesale manufacturer, or by any farmer in connection with any of the several wholesale businesses referred to, or in connection 5 with the farm, owing in respect of a period not exceeding three months, and any claim by an unpaid vendor of or in respect to such products, goods, wares and merchandise to the amount remaining unpaid, shall be a charge upon the property covered by the said security in priority to the 10 claim of the bank thereunder, and such wages, salaries or other remuneration and such claim of an unpaid vendor shall be paid by the bank if the bank takes possession or in any way disposes of the said security or of the products, goods, wares and merchandise, stock or products thereof, or 15 grain covered thereby.

Loans for purchase of seed grain.

Security.

First lien upon seed grain and crop.

Same rights as upon warehouse receipts.

Right to enter and take possession in case of default, etc.

Loan for Live Stock Raising. 8. The bank may lend money to the owner, tenant or occupier of land for the purchase of seed grain upon the security of any crop to be grown from such seed grain.

9. The security taken under subsection eight of this section 20 may be taken in the form set forth in Schedule D to this Act or in a form to the like effect.

10. The bank shall by virtue of such security acquire a first and preferential lien and claim for the sum secured and interest thereon upon the seed grain purchased and 25 the crop covered by the security, as well before as after the severance of the crop from the soil, and upon the grain threshed therefrom, and the bank shall by virtue of such security acquire the same rights and powers in respect of such seed grain and of the grain so threshed as if it had 30 acquired such rights and powers by virtue of a warehouse receipt.

11. The bank shall have the right, through its servants or agents, in case of default in payment of the money lent or in case of neglect to care for and harvest the crop, or 35 in case of any attempt to dispose of the crop without the consent of the bank, or in case of the seizure of the crop under process of law, to enter upon the land upon which the crop is grown, to take possession of, care for and harvest the crop and thresh the grain therefrom.

12. The bank may lend money to a farmer and to any person engaged in stock raising upon the security of his live stock; provided however that such security shall not include and shall be deemed not to include any live stock which at the date of the coming into force of this Act is by any statutory 45 enactment exempt from seizure under writs of execution. The provisions of subsection 4 of this section, making live stock substituted for live stock removed subject to the security, shall apply to the live stock substituted by the farmer or other person engaged in stock raising. "Live stock" for the purposes of 50 this section means horses and mares, bulls, cows, oxen,

2. The company mentioned by the low periodical colonic allowed

bullocks, steers, heifers and calves, sheep and swine and the

offspring of any of such animals.

Security.

13. The security taken under subsection twelve of this section may be taken in the form set forth in schedule E to this Act or

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in a form to the like effect.

Entry, seizure and sale.

14. The bank shall by virtue of the security taken under subsection twelve of this section have full power. right and authority, if the bills or notes therein mentioned or described or any of them are not paid according to their tenor, to enter upon the premises upon which the live 10 stock mentioned in the security are, to take possession of or seize such live stock, and before or after such taking possession of or seizure, to sell such live stock, or such part thereof as may be necessary to realize the amount due and payable, at public auction, not less than five days 15 after.-

(a) notice of the time and place of such sale has appeared in a newspaper published in or nearest to the place

where the sale is to be made, and,

(b) posting a notice in writing or in print of the time and 20 place of such sale in or at the post office nearest to the

place where the sale is to be made.

Disposal of proceeds of

After all necessary and reasonable expenses in connection with such seizure and sale have been deducted and prior privileges, liens or pledges existing in favour of 25 third parties and for which claims may have been filed with the party making the sale have been satisfied, the balance of the proceeds of the sale shall be applied in payment of the said bills or notes and the surplus if any returned to the grantor. 1913, c. 9, s. 88; 1915, c. 1; 1916, c. 10. 30

Notice of intention to give security.

To be registered.

88A. Any person intending to give a bank security under the authority of section eighty-eight of this Act must give notice of such intention before any loan is made by the bank to such person and the security taken, by signing a document which may be in the form set out in Schedule F to this Act or to the like effect. 35 Such document shall be registered in the manner hereinafter provided, and, after this section comes into force, any security subsequently taken under the authority of section eighty-eight of this Act, before such document is registered, shall be null and void as against the creditors of such person and as against 40 subsequent purchasers or mortgagees in good faith. A notice of intention when registered shall be deemed to be notice for the purposes of this section in respect of all securities taken by the bank from such person, under said authority, during the period of three years after the date of registration.

2. The document mentioned in the last preceding subsection shall be registered in the office of the Assistant Receiver General (hereinafter called the Assistant Receiver) in the province in which the place of business, or principal place of business in case the person has more than one place of business, of the 50

Where to be registered.

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person is situate. If the person has no place of business then the document shall be registered in the office of the Assistant Receiver in the province in which such person resides. "Place of business" and "principal place of business" shall, in the case of a company incorporated in Canda, be deemed to be the place where the head office or chief place of business of the company is situate, or if a foreign corporation, then the place of business of such corporation for the purposes of this section shall be the place at which civil process in the province in which the loan is made can be served upon the company. "Assistant 10 Receiver" in this section includes anyone acting for the Assistant Receiver.

Manner of registration.

3. The Assistant Receiver shall number consecutively every notice received by him and shall endorse thereon the number and the hour and date of receiving it, and shall file 15 the notice and enter, in alphabetical order, in a book to be kept by him, the name of every person who has given notice of such intention, with the number endorsed thereon opposite to each name. The Assistant Receiver shall endorse over his signature on a copy of the document, to be supplied by the 20 bank, for the records of the bank, the date of registration and number, and the production of the copy with such endorsation and signature shall be conclusive evidence in all courts of the registration and of the time of registration as thereon endorsed.

Cancellation.

4. The notice of intention may be cancelled by the Assistant 25 Receiver in the book containing such registration at the place where the registration is entered on receipt by him from the bank named in the document registered of a certificate duly signed on behalf of the bank to the effect that each and every security under section 88 given to the bank by the person has 30 been released, or that no security was given to the bank, as the case may be, and such certificate shall bear on the face thereof the number and date endorsed on the original document on file in the office of the Assistant Receiver. The Assistant Receiver shall number consecutively every release received by him and 35 shall endorse thereon the number and the hour and date of its receipt and shall file the release.

Register open to inspection.

Fees.

and any document registered or filed pursuant to this section.

6. For services under this Act, the Assistant Receiver shall be entitled to the following fees, for which he shall be accountable to the Consolidated Revenue Fund:—

have access to and be entitled to inspect the registration book

5. Every person, upon payment of the proper fees, shall

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Date

7. This section shall come into force on the first day of August, nineteen hundred and twenty-three.

Goods manufactured from articles pledged.

89. If goods, wares and merchandise are manufactured or produced from the goods, wares and merchandise, or any of them, included in or covered by any warehouse receipt, or included in or covered by any security given under section 88 of this Act, while so covered, the bank holding such warehouse receipt or security shall hold or continue to hold such goods, wares and merchandise, during the process and after the completion of such manufacture or 10 production, with the same right and title, and for the same purposes and upon the same conditions, as it held or could have held the original goods, wares and merchandise.

Prior claim of bank over unpaid vendor.

Proviso.

2. All advances made on the security of any bill of lading or warehouse receipt, or of any security given under 15 section 88 of this Act, shall give to the bank making the advances a claim for the repayment of the advances on the products or stock, goods, wares and merchandise therein mentioned, or into which they have been converted, prior to and by preference over the claim of any unpaid vendor: 20 Provided that such preference shall not be given over the claim of any unpaid vendor who had a lien upon the products or stock, goods, wares and merchandise at the time of the acquisition by the bank of such warehouse receipt, bill of lading, or security, unless the same was 25 acquired without knowledge on the part of the bank of such lien.

Sale of goods on non-payment of debt.

3. In the event of the non-payment at maturity of any debt or liability secured by a warehouse receipt or bill of lading, or secured by any security given under section 30 88 of this Act, the bank may sell the products or stock, goods, wares and merchandise or grain, mentioned therein, or so much thereof as will suffice to pay such debt or liability with interest and expenses, returning the surplus, if any, to the person from whom the warehouse receipt, 35 bill of lading, or security, or the products or stock, goods, wares and merchandise or grain mentioned therein, as the case may be, were acquired: Provided that such power of sale shall be exercised subject to the following provisions namely:

Proviso.

Notice of sale of

saw-logs.

railway ties and lumber.

(a) No sale, without the consent in writing of the owner of any products of the forest shall be made under this Act until notice of the time and place of such sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the 45 pledgor thereof, at least thirty days prior to the sale

out the consent of the owner, until notice of the

Notice of sale of goods.

thereof: (b) No such products or stock, other than products of the forest, and no goods, wares and merchandise, and no grain, shall be sold by the bank under this Act with- 50

letter, mailed in the goal effect post mid to the last

time and place of sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the pledgor thereof, at least ten

days prior to the sale thereof;

Sale by auction.

(c) Every sale, under such power of sale, without the consent of the owner, shall be made by public auction, after notice thereof by advertisement, in at least two newspapers published in or nearest to the place where the sale is to be made, stating the time and place thereof; and, if the sale is in the province of Quebec, 10 then at least one of such newspapers shall be a newspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language. 1913, c. 9, s. 89. Am.

Conditions under which bank may take security.

Exchanging

of warehouse

receipt for bill of lading

and vice versa.

**90.** The bank shall not acquire or hold any warehouse receipt or bill of lading, or any such security as aforesaid, to secure the payment of any bill, note, debt, or liability, unless such bill, note, debt or liability is negotiated or contracted,—

(a) at the time of the acquisition thereof by the bank; or, (b) upon the written promise or agreement that such 20

warehouse receipt or bill of lading or security would

25

be given to the bank:

Provided that such bill, note, debt or liability may be renewed, or the time for the payment thereof extended, without affecting any such security.

2. The bank may—

(a) on the shipment of any products or stock, goods, wares and merchandise, or grain, for which it holds a warehouse receipt, or any such security as aforesaid, surrender such receipt or security and receive a bill of 30

lading in exchange therefor; or,

(b) on the receipt of any products or stock, goods, wares and merchandise, or grain, for which it holds a bill of lading, or any such security as aforesaid, surrender such bill of lading or security, store the products or stock, 35 goods, wares and merchandise, or grain, and take a warehouse receipt therefor, or ship the products or stock, goods, wares and merchandise, or grain, or part of them, and take another bill of lading therefor. 1913, c. 9, s. 90.

Interest at 7 per cent may be charged.

**91.** The bank may stipulate for, take, reserve or exact any rate of interest or discount not exceeding seven per cent per annum and may receive and take in advance any such rate, but no higher rate of interest shall be recoverable by the bank. The rate of interest or discount charged **45** by the bank shall annear on the face of the rate

by the bank shall appear on the face of the note.

Return to 2. The bank shall make a quarterly return to

2. The bank shall make a quarterly return to the Minister, as of the last juridical day of the months of March, June,

Minister.

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September and December in each year, wiving such particulars as may be prescribed by regulations made by the Treasury Board of the interest and discount rates charged by the head.

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3. Such returns shall be made up and sent in within they a first thirty days after the respective juridical days aforesaid, and shall be signed by the some persons as are required to sign the monthly returns made to the Minister ladder section.

Asy pits may be shawed.

4. No bank shall directly or indirectly charge or receive any 10 sam teleatecases for the herjany of any account unless such charge is made by saytess agreement behesen the Bank and the evelower. 1913 c. 9, s. 41, Am.

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2. The liability of the bank, under any law, gustom or agreement to repsy moneys herefolers or bereafter denosited with it and interest, if any, shall continue, notwithstanding any statute of limitations, or any execution or law relating to presentation.

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paper, payable at any of the bank's places or soils of business, branches, againess or offices of discount and deposit in Canada, is discounted at any other of the bank's places or cents of business, branches, agencies or offices of 25 discount and deposit, the bank may, in order to delay the expenses attending life collection thereof, receive or tetam in addition to the discount thereof, a percentage calculated upon the annuals of such note, bill, or other ungertable recently or paper, not exceeding one-sightly of one per cent; 30 growlded that the bank mey make a minimum charge of files one-sightly of the bank mey make a minimum charge of files one-sightly of the bank mey make a minimum charge of

STATE OF STREET

Other negotiable scentify or paper, been fits payable at any placed in Canada, other than that at which it is discounted. 35 and other than one of its own places or sents of business, branches, agencies or offices of discount and deposit in Canada, receive and retain, in addition to the oldcount thereon, is sum not exceeding or-fourth of one per cent on the amount thereof; provided that the bank may make 40 a number on thurse of twenty-five cents.

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95. The bent may subject to the provisions of this section, without the authority, aid, assistance or intervention of any other payens or official being from the control.

(a) receive deposits from any person whomsover, what- 15 ever his age status or condition in life, and whether such person is qualified by law to onter into ordinary contracts or not. and.

September and December in each year, giving such particulars as may be prescribed by regulations made by the Treasury Board of the interest and discount rates charged by the bank.

Signature to returns.

3. Such returns shall be made up and sent in within the 5 first thirty days after the respective juridical days aforesaid, and shall be signed by the same persons as are required to sign the monthly returns made to the Minister under section 112 of this Act.

Any rate may be allowed. 4. No bank shall directly or indirectly charge or receive any 10 sum whatsoever for the keeping of any account unless such charge is made by express agreement between the Bank and the customer. 1913, c. 9, s. 91. Am.

Liability of bank on deposits.

**92.** The bank may allow any rate of interest whatever upon money deposited with it.

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2. The liability of the bank, under any law, custom or agreement to repay moneys heretofore or hereafter deposited with it and interest, if any, shall continue, notwithstanding

any statute of limitations, or any enactment or law relating to prescription. 1913, c. 9, s. 92.

Percentage chargeable for collection.

93. When any note, bill, or other negotiable security or paper, payable at any of the bank's places or seats of business, branches, agencies or offices of discount and deposit in Canada, is discounted at any other of the bank's places or seats of business, branches, agencies or offices of 25 discount and deposit, the bank may, in order to defray the expenses attending the collection thereof, receive or retain in addition to the discount thereon, a percentage calculated upon the amount of such note, bill, or other negotiable security or paper, not exceeding one-eighth of one per cent; 30 provided that the bank may make a minimum charge of fifteen cents. 1913, c. 9, s. 93.

Agency charges.

94. The bank may, in discounting any note, bill or other negotiable security or paper, bona fide payable at any place in Canada, other than that at which it is discounted, 35 and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and retain, in addition to the discount thereon, a sum not exceeding one-fourth of one per cent on the amount thereof; provided that the bank may make 40 a minimum charge of twenty-five cents. 1913, c. 9, s. 94.

Deposits may be received from persons unable to contract. 95. The bank may, subject to the provisions of this section, without the authority, aid, assistance or intervention of any other person or official being required,—

(a) receive deposits from any person whomsoever, what-45 ever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not; and,

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Administration of the

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5. If the person making any such deposit confit cot, it ander the law of the province where the deposit is made, deposit and without the section, the total amount to be received from such person on deposit shall not ut any time, exceed the sum of two framend dollars. 1913. c. 3, a 35, Am.

deposited may be part to the depositor with the consent

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97. If a person wise, having a deposit with the bank not not secretized the large the production of the large of

(a) say authorized copy of the probate of the will in the demand depositor, or of letters of educinical traces of the details, or of letters of verification of hereing at of the set of caraturality or materials, granted by any court in Capada having power to grant the store, or by any court or authority in England, if

the stone, or by any court or surbority in Bingland, to Wales, Ireland or any British colony, or of any testaness, testamentary or testament dative expeds in Scotland: or (b) from time to time repay any or all of the principal thereof, and pay the whole or any part of the interest thereon to such person, unless before such repayment the money so deposited in the bank is lawfully claimed as the property of some other person.

Payments by consent.

2. In the case of any such lawful claim the money so deposited may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the depositor.

Deposit limited to \$2,000.

3. If the person making any such deposit could not, 10 under the law of the province where the deposit is made, deposit and withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not, at any time, exceed the sum of two thousand dollars. 1913, c. 9, s. 95. Am.

Bank not bound to see to trust in deposits. **96.** The bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit made under the authority of this Act is subject.

Receipt of one of two joint depositors sufficient. 2. Except only in the case of a lawful claim, by some 20 other person, before repayment the receipt of the person in whose name any such deposit stands, or, if it stands in the names of two persons, the receipt of one, or, if it stands in the names of more than two persons the receipt of a majority.

Or of a majority.

whose name any such deposit stands, or, if it stands in the names of two persons, the receipt of one, or, if it stands in the names of more than two persons, the receipt of a majority of such persons, shall, notwithstanding any trust to which 25 such deposit is then subject, and whether or not the bank sought to be charged with such trust, and with which the deposit has been made, had notice thereof, be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit.

Application.

3. The bank shall not be bound to see to the application

of the money paid upon such receipt.

Garnishee order affects only branch where served. 4. An attaching or garnishee order or summons shall only affect and bind moneys to the credit of the debtor at the branch, agency or office of the bank where such order or summons or 35 notice thereof is served. 1913, c. 9, s. 96. Am.

If depositor dies, claim not exceeding \$500, how proved.

**97.** If a person dies, having a deposit with the bank not exceeding the sum of five hundred dollars, the production to the bank of—

(a) any authenticated copy of the probate of the will 40 of the deceased depositor, or of letters of administration of his estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in England, 45 Wales, Ireland or any British colony, or of any testament, testamentary or testament dative expede in Scotland; or,

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(e) if the deceased depositor died out of His Majesty's deminions, any authenticated copy of the probate of 5 his will, or letters of administration of his property, or other decument of his import, granted by any court or authority barrier the requisite nower on such matters:

shall be sufficient justineation and authority to the directors for paying such deposit, in pursuance of and in conformity 10 to such probate, letters of administration, or other docu-

rayerts are aforesend.

A. When the authenticated copy or other document of like inducts is produced to the bank under subsection I of this section, there shall be deposited with the bank a true I5 copy thereof. 1913, c. 9, s. 97.

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sion for the eaching of any official cheque of the Governmest of Canada or of any department thereof, whether drawn en the bank eaching the cheque or on any other 20 bank, sor upon any cheque crown in favor of the Government of Canada or any department thereof, and tendered for deposit to the credit of the Receiver General of Canada. 1913, c. 9, k. 98. Am.

## CURCULAR OF THE ASSUES OF A RANK

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assets to any other bank which may purchase such assets; and the selling and purchasing banks may; for such purposes, enter into an agreement of sale and purchase, which agreement shall contain all the terms and couplings considered and sale and couplings.

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2. No agreement by a bank to sell the whole or any portion of its assets to another bank shall be made unless and until the Minister, in writing, consents that an agreement under subsection 1 of this section may be entered into between the two banks. 1913, c. 9, s. 99.

Considera-

1990. The consideration for any such sale and purchase may be as agregd upon between the zelling and purchasing banks.

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of the capital stock of the purchasing bank, the agreement 45 shell provide for the amount of the shares of the purchasing bank to be paid to the selling bank.

Seed Seed

 Ustil such shares so paid to the celling bank have been sold by such bank, or have been distributed among and (b) an authentic notarial copy of the will of the deceased depositor, if such will is in notarial form, according to

the law of the province of Quebec; or,

(c) if the deceased depositor died out of His Majesty's dominions, any authenticated copy of the probate of 5 his will, or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power on such matters; shall be sufficient justification and authority to the directors for paying such deposit, in pursuance of and in conformity 10 to such probate, letters of administration, or other docu-

ments as aforesaid.

Deposit of copy of document.

2. When the authenticated copy or other document of like import is produced to the bank under subsection 1 of this section, there shall be deposited with the bank a true 15 copy thereof. 1913, c. 9, s. 97.

### DOMINION GOVERNMENT CHEQUES.

Dominion government cheques to be paid at par. **98.** The bank shall not charge any discount or commission for the cashing of any official cheque of the Government of Canada or of any department thereof, whether drawn on the bank cashing the cheque or on any other 20 bank, nor upon any cheque drawn in favor of the Government of Canada or any department thereof, and tendered for deposit to the credit of the Receiver General of Canada. 1913, c. 9, s. 98. Am.

### PURCHASE OF THE ASSETS OF A BANK.

Bank may sell assets to another bank. 99. Any bank may sell the whole or any portion of its 25 assets to any other bank which may purchase such assets; and the selling and purchasing banks may, for such purposes, enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with the sale and purchase of such assets.

Consent of Minister.

2. No agreement by a bank to sell the whole or any portion of its assets to another bank shall be made unless and until the Minister, in writing, consents that an agreement under subsection 1 of this section may be entered into between the two banks. 1913, c. 9, s. 99.

Considera-

**100.** The consideration for any such sale and purchase may be as agreed upon between the selling and purchasing banks.

If in shares of capital stock.

2. If the consideration, or any portion thereof, is shares of the capital stock of the purchasing bank, the agreement 40 shall provide for the amount of the shares of the purchasing bank to be paid to the selling bank.

Not considered issued until 3. Until such shares so paid to the selling bank have been sold by such bank, or have been distributed among and

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accepted by the shareholders of such benic they shall not be codeidered invied shares of the purchasing bank for the ourgoses of he note directation 1813, o. 0, s. 100.

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united to the stareholders of the selling and pareinsing that is either at the firmusl pereint meeting of the respective banks or at a special general meeting thereof called for the purpose.

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2. A copy of the agreement shall be maned, post paid, for every singulated of each bank to his last known address; at 10 least four weeks previously to the date of the sussting at which the agreement is to be submitted, regelies with a notice of the time and place of the holding of sech meeting.

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ASS. If at size meeting the acreement of appeared by the resolution certaind by the votes of shareholders, present or represented by proxy, representing not less than two-fairles of the amount of the subscribed expital stock of the bank, the spreement may be excepted under the seals of the banks.

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Council, through the Minister, for approval thereof.
2. Until the arrosmant is approved by the Governor in

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Council to shall not be of any force or affect. 1915; c. 9, a. 1922; Acc.

1928. If the agreement provides for the payment of the

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For a line agreement provides for the payment of the 25 consideration for such sale and perchase, in whole or in part, in shares of the capital stock of the purchasing bank, and for such purpose it is necessary to increase the capital stock of siles bank, a byten for the purpose way is present by the shareholders at the median spiles in appress of set of terminals. 30 1913 to the capital spiles in appress of set of terminals.

104. The Udvergor in Council may, on the implication for his representation of the increase of the more state approved of the provided in the chartes of such bank to provide for the payment of the chartes of such bank to the soliding bank; as provided in the self agreement.

2 0.5. The provisions of this Act with regard to—
(a) the increase of the capital stock of the bank by bylaw of the starsholders approved by the Treasury 40

(b) the allotment and sale of such increased stock; shall not supply to any increase of stock made or provided for under the nuthorisy of the last two preceding sections.

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sold or distributed.

accepted by the shareholders of such bank, they shall not be considered issued shares of the purchasing bank for the purposes of its note circulation. 1913, c. 9, s. 100.

Agreement of sale to be submitted to selling shareholders at meeting. 101. The agreement of sale and purchase shall be submitted to the shareholders of the selling and purchasing 5 banks, either at the annual general meeting of the respective banks or at a special general meeting thereof called for the purpose.

Copy to each shareholder by mail.

2. A copy of the agreement shall be mailed, post paid, to every shareholder of each bank to his last known address, at 10 least four weeks previously to the date of the meeting at which the agreement is to be submitted, together with a notice of the time and place of the holding of such meeting. 1913, c. 9, s. 101. Am.

Agreement may be executed f they approve.

102. If at each meeting the agreement is approved by 15 resolution carried by the votes of shareholders, present or represented by proxy, representing not less than two-thirds of the amount of the subscribed capital stock of the bank, the agreement may be executed under the seals of the banks, parties thereto, and application may be made to the Governor 20 in Council, through the Minister, for approval thereof.

Approval of Governor in Council.

2. Until the agreement is approved by the Governor in Council it shall not be of any force or effect. 1913, c. 9, s. 102. Am.

Approval of shareholders

of purchasing bank.

103. If the agreement provides for the payment of the 25 consideration for such sale and purchase, in whole or in part, in shares of the capital stock of the purchasing bank, and for such purpose it is necessary to increase the capital stock of such bank, a bylaw for the purpose may be passed by the shareholders at the meeting called to approve of the agreement. 30 1913, c. 9, s. 103. Am.

Necessary increase of stock may be approved.

104. The Governor in Council may, on the application for his approval of the agreement, approve of the increase of the capital stock of the purchasing bank, which is necessary to provide for the payment of the shares of such bank 35 to the selling bank, as provided in the said agreement. 1913, c. 9, s. 104.

Ordinary provisions for increase not to apply.

105. The provisions of this Act with regard to—
(a) the increase of the capital stock of the bank by bylaw of the shareholders approved by the Treasury 40
Board; and,

(b) the allotment and sale of such increased stock; shall not apply to any increase of stock made or provided for under the authority of the last two preceding sections. 1913, c. 9, s. 105.

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Conditions on which Governor in Council may approve agreement. **106.** The approval of the Governor in Council shall not be given to the agreement, unless—

(a) the consent of the Minister as prescribed by subsection 2 of section 99 of this Act has been given;

(b) the approval of the agreement is recommended by 5 the Treasury Board;

(c) the application for approval thereof is made, by or on behalf of the bank executing it, within three months from the date of execution of the agreement; and,

'd) it appears to the satisfaction of the Governor in 10 Council that all the requirements of this Act in connection with the approval of the agreement by the shareholders of the selling and purchasing banks have been complied with, and that, after the approval by the shareholders of the selling bank, notice of the intention 15 of the banks to apply to the Governor in Council for the approval of the agreement has been published for at least four weeks in The Canada Gazette, and in one or more newspapers published in places where the chief offices of the banks are situate.

Information.

2. Such banks shall afford all information that the

Minister requires.

Approval may be refused.

3. Nothing herein contained shall be construed to prevent the Governor in Council or the Treasury Board from refusing to approve of the agreement or to recommend its 25approval. 1913, c. 9, s. 106.

Further conditions.

107. The agreement shall not be approved of unless it appears that—

(a) proper provisions have been made for the payment of the liabilities of the selling bank;

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(b) the agreement provides for the assumption and payment by the purchasing bank of the notes of the selling bank issued and intended for circulation, outstanding

and in circulation; and,
(c) the amounts of the notes of both the purchasing and 35
selling banks, issued for circulation, outstanding and in
circulation, as shown by the then last monthly returns
of the banks, do not together exceed the then paid-up
capital of the purchasing bank and the amount (if any)
held for both of the said banks in the central gold 40
reserves referred to in section 61 of this Act; or if the
amount of such notes does exceed such paid-up capital
and the amount so held, an amount in cash, equal to
the excess of such notes over such paid-up capital and
the amount so held, has been deposited by the pur-45

2. The amount so deposited under paragraph (c) of subsection 1 of this section shall be held by the Minister as security for the redemption of the said excess of notes; and when the amount of the notes of the two banks out-50

chasing bank with the Minister.

Deposit.

standing and in circulation is less than the aggregate of the paid-up capital of the purchasing bank, the amount aforesaid (if any) held in the central gold reserves, together with the amount so deposited, the difference shall, from time to time, be repaid by the Minister out of the deposit, to the 5 extent thereof, to the purchasing bank, but without interest. on the application of such bank, and on the production of such evidence as the Minister may require to show the amount of the notes of the two banks then outstanding and in circulation. 1913, c. 9, s. 107.

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Notes of selling bank to become notes of purchasing bank.

108. The notes of the selling bank so assumed and to be paid by the purchasing bank shall, on the approval of the agreement, be deemed to be, for all intents and purposes, notes of the purchasing bank issued for circulation: and the purchasing bank shall be liable in the same manner and to 15 the same extent as if it had issued them for circulation.

Circulation Fund.

2. The amount at the credit of the selling bank in the Circulation Fund shall, on the approval of the agreement, be transferred to the credit of the purchasing bank.

As to withdrawal of deposit in central gold reserves.

3. The trustees shall not permit any part of the deposit 20 (if any) of the selling bank in the central gold reserves to be withdrawn under the provisions of this Act after the last juridical day of the month in which notice of intention to apply to the Governor in Council for approval of the agreement has been given and pending such approval, unless and 25 until the trustees are notified in writing by the Minister of his consent thereto; and on the approval of the agreement the trustees shall hold the deposit (if any) for and as if such deposit had been originally made by the purchasing bank.

Notes to be called in.

4. The notes of the selling bank shall not be re-issued, but 30 shall be called in, redeemed and cancelled as quickly as possible. 1913, c. 9, s. 108.

Evidence of approval by Governor in Council.

109. The approval by the Governor in Council of the agreement shall be evidenced by a certified copy of the order in council approving thereof.

Order in council conclusive.

2. A copy of such order in council or extract thereof, and a copy of such agreement, purporting to be certified to be true by the clerk or assistant or acting clerk of the King's Privy Council for Canada shall, in all courts of justice and for all purposes, be prima facie evidence of the said agree- 40 ment, and of its due execution, and of its approval by the Governor in Council, and of the regularity of all proceedings in connection therewith. 1913, c. 9, s. 109.

On approval of Governor in Council the assets pass.

110. On the agreement being approved of by the Governor in Council, the assets therein referred to as sold 45 and purchased shall, in accordance with and subject to the terms thereof, and without any further conveyance, become vested in the purchasing bank.

Further assurance.

2. The selling bank shall, from time to time, subject to the terms of the agreement, execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full 5 title or ownership of the assets referred to in the agreement. 1913, c. 9, s. 110.

Selling bank to cease business and be wound up. 111. As soon as the agreement is approved of by the Governor in Council, the selling bank shall cease to issue or re-issue notes for circulation, and shall cease to transact 10 any business, except such as is necessary to enable it to carry out the agreement, to realize upon any assets not included in the agreement, to pay and discharge its liabilities, and generally to wind up its business; and the charter or Act of incorporation of such bank, and any Acts in amend- 15 ment thereof then in force, shall continue in force only for the purposes in this section specified. 1913, c. 9, s. 111.

#### RETURNS.

Monthly returns.

What return

shall show.

112. The bank shall, within the first twenty-eight days of each month, transmit or deliver to the Minister a return in the form set forth in Schedule G to this Act.

2. Such return shall exhibit the condition of the bank on

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the last juridical day of the month last preceding.

When return last received may be used.

3. Notwithstanding anything in this section, whenever, in the usual course of the post, the return of a branch or agency for the last juridical day of the month, mailed at 25 the branch or agency on or before the second day of the following month, does not reach—

(a) the chief office of the bank on or before the eighteenth

day of the month; or,

(b) the office of the general manager, if the office of the 30 general manager is at a place other than the chief office of the bank, on or before the fifteenth day of the month.

the return last received from any such branch, exhibiting as far as that branch is concerned the condition of the bank 35 at the date for which it purports to be made, may be used in the *preparation* of the monthly return called for by this section.

Special returns.

(4) The Minister may also call for other or special returns from any bank, and may require that the bank shall transmit 40 or deliver such other or special returns at monthly or other prescribed periods, or whenever in his judgment they are necessary to afford a full and complete knowledge of its condition.

(5) The Minister may prescribe the time within which such 45 other or special returns shall be transmitted or delivered to

Within 30 days from demand. hier; but extest otherwise prescribed the time seatin which eny monthly or other periodic return shall be transmitted or delicered, shall be theretime allowed by this serion for a monthly return; growthed that the fillulater was crowd the time for transmitting any special return for eyet factors formed, not exceeding thirty days, as he thinks repediend.

1915, c. 9; sections 112 and 113. Am.

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there shall be sees to the Minister the names of the directors elected therest and the names of the president and vice- of the board of directors, or in the office of president, or vice-president, the Minister shall forthwith be notified of the name of the person by whom the vacancy less been filled.

3. It any change is these in the horser of the onice of green which accountant of of general manager, the Minister shall for firstly the notified of the name of the person by whom the version has been filled.

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exists accounting of the bank, he sufficient for the purposes of any
return agrees with the tanks of the bank, her this science chait each
forth the true frameigh position of the bank on the last parished
tay or the marks last preceding the dute of the return according 85
to the latest information progresses by our reasonably available to

5. For the persones of any return provided for ar required uniter the last principles excluse, or for the purposes of any eletenesis or datases short prepared and issued by a hard. Motore shall not be included amongst "curyout loons", any loon in resoner of white in

is the borrower has rule for a paried of two yours prolading the date of such return, elatement or balance sheet, paid the interest therein at the rate agreed, in each, unusuided &

b) the bank has taken possession of the property or any part of the property covered by any security often by the borrower with the intention of realising thereon, or has

him; but unless otherwise prescribed the time within which any monthly or other periodic return shall be transmitted or delivered, shall be the time allowed by this section for a monthly return; provided that the Minister may extend the time for transmitting any special return for such further period, not exceeding thirty days, as he thinks expedient. 1913. c. 9, sections 112 and 113. Am.

Return accompanied by declaration.

How signed.

preceding section shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the 10 form set forth in Schedule G to this Act, and shall be signed by the chief accountant or by the acting chief accountant, and by the president, or a vice president, or the director then acting as president, and by the general manager or other principal officer of the bank next in authority in 15 the management of the affairs of the bank at the time at which the declaration is signed.

2. As soon as may be after the annual general meeting there shall be sent to the Minister the names of the directors elected thereat and the names of the president and vice-20 presidents, and should any vacancy occur in the membership of the board of directors, or in the office of president, or vice-president, the Minister shall forthwith be notified of the name of the person by whom the vacancy has been filled.

3. If any change is made in the holder of the office of 25 chief accountant or of general manager, the Minister shall forthwith be notified of the name of the person by whom

the vacancy has been filled.

4. Notwithstanding anything in the last preceding section contained it shall not, except as to the chief accountant or acting 30 chief accountant of the bank, be sufficient for the purposes of any return provided for or required under the said section that such return agrees with the books of the bank, but the return shall set forth the true financial position of the bank on the last juridical day of the month last preceding the date of the return according 35 to the latest information possessed by or reasonably available to the officers or any of them who sign the return.

5. For the purposes of any return provided for or required under the last preceding section, or for the purposes of any statement or balance sheet prepared and issued by a bank, 40 there shall not be included amongst "current loans", any loan

in respect of which,-

(a) the borrower has not for a period of two years preceding the date of such return, statement or balance sheet, paid the interest thereon at the rate agreed, in cash, unassisted 45 by the bank;

(b) the bank has taken possession of the property or any part of the property covered by any security given by the borrower with the intention of realizing thereon, or has

Names of directors, president and vice-president sent to Minister.

Vacancy.

Notice to Minister of change of officers.

Return to show true position.

Current loans not to include.

realized or taken any step or proceeding for the purpose of realizing upon any security given by the borrower;

(c) the bank has commenced an action at law to recover from the borrower the amount of the loan or any part thereof; (d) the borrower has made an abandonment of his estate

for the benefit of his creditors or any of them; or,

(e) there is other cause, sufficient in the opinion of the manager of the branch of the bank where such loan is domiciled, or in the opinion of any director or officer of the bank who prepares, signs, approves or concurs 10 in such return, statement or balance sheet, for deeming such loan not to be a current loan.

Provided however, that any loan falling within this subsection may be included amongst current loans if the directors declare that after due inquiry they have approved such loan as 15

a current loan.

Controlled corporations.

6. Whenever a bank carries on any part of its operations in the name of a corporation controlled by such bank, then such bank shall, for the purposes of any return required under the last preceding section, transmit or deliver therewith, a separate 20 return, showing the assets and liabilities of each such corporation, and the interest of the bank in such corporations shall be shown separately in any return respecting the affairs of the bank.

Amounts written off bank premises. 7. Whenever a bank has appropriated, out of its profits 25 for any period, with the consent and approval of its shareholders had and obtained at any annual or special general meeting, any sum for the writing down of its bank premises or other assets, no portion of such sum so appropriated shall be again taken into account for the purposes of any return 30 required under the last preceding section, or for the purposes of any statement prepared and issued by the bank, without the consent and approval of its shareholders, in like manner first had and obtained.

Appropriations for losses.

8. For the purposes of any return provided for or required 35 under the last preceding section, the "Appropriation Account" shall be the total amount estimated or ascertained to be necessary to provide for losses, due to any cause whatsoever, according to the latest information which can be made available therefor. 1913, c. 9, s. 112. Am.

Annual returns of unpaid dividends and balances.

114. The bank shall, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return—

(a) of all dividends which have remained unpaid for

45

more than five years; and,
(b) of all amounts or balances in respect of which no
transactions have taken place, or upon which no interest has been paid, during the five years prior to the
date of such return:

Provided that, in the case of moneys deposited for a fixed period, the said term of five years shall be reckoned from the date of the termination of such fixed period.

What return shall show.

2. The return mentioned in the last preceding subsection shall set forth—

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(a) the name of each shareholder or creditor to whom such dividends, amounts or balances are, according to the books of the bank, payable;

(b) the last known address of each such shareholder or creditor:

(c) the amount due to each such shareholder or creditor;(d) the branch or agency of the bank at which the last transaction took place;

(e) the date of such last transaction; and,

(f) if such shareholder or creditor is known to the bank 15 to be dead, the names and addresses of his legal representatives, so far as known to the bank.

Further annual return.

Particulars.

3 The bank shall likewise, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return of all certified cheques, drafts or bills of 20 exchange, issued by the bank to any person, and remaining unpaid for more than five years prior to the date of such return, setting forth so far as known,—

(a) the names of the persons to whom, or at whose request, such drafts, certified cheques, or bills of 25 exchange were issued:

(b) the addresses of such persons;

(c) the names of the payees of such drafts or bills of exchange;

(d) the amounts and dates of such certified cheques, 30 drafts or bills of exchange;

(e) the names of the places where such certified cheques, drafts or bills of exchange were payable; and,

(f) the branches or agencies of the bank respectively from which such drafts, certified cheques, or bills of exchange 35 were issued.

Amounts under five dollars. 4. If a dividend, amount or balance, certified cheque, draft, or bill of exchange is for a less sum than five dollars, and returns in respect thereof have been made under the preceding provisions of this section for five consecutive 40 years, the bank may hereafter omit from the respective returns particulars required by the said provisions with regard to any such dividend, amount or balance, certified cheque, draft or bill of exchange.

Declarations and signatures.

5. The returns required by the foregoing provisions of 45 this section shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule I to this Act, and shall be signed by the chief accountant, and by the president or a vice-president or the director then acting as president, 50 and by the general manager or other principal officer of

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the bank post in authority in the meangement of the

Selections.

percon to whose any such dividend, amount in balance is pagable, and to the person to whom (in so far as known to the the bank) and to the person at whose request any such draft, verified cheque or bill of exchange was issued, to the last known year office address of each person as shown by the books of the bink, a notice in writing stating that to such dividend remains unpaid, or that in respect of such sixteen or balance or no interest bas loss raid or that such draft, certified checus

never our or

7. The notice called for by the next preceding sub-life section shall be given durie, banely, dering the month of fractions and the most of the first most constant of the first most called the month of January next after the end of the first five year verted in respect of which ...

(a) the dividend has remained unfaid; or

(b) no transaction has taken place or no interest has been paid in connection with such amount or balance;

Self Income

s. the clark same, which provides to the Minister a list, critical by the general manager or other principal click of the bank next in sutherity in the management of the affiles of the bank at the time at which the list is critical and by the officer of the bank in closer of the exister of 30 and by the officer of the bank in closer of the exister of 30 and by the officer of the bank in closer of the exister of 30 and by the officer of the bank in closer of the exister of 30 and by the officer of the bank in closer of the exister of 30 and by the officer of the bank in closer of the exister of 30 and 10 and 10

and by the officer of the bank in charge of the engister of 20 shareholders, to be a correct list-end in secondance with the books of the bank with regard thereto; and the list shall show.

(a) the names of the shareholders of the bank on the last day of such calendar year, with their last known port 35

(b) the number of chares (ben held by them respectively;

(a) the amount paid thereon

0. The Stinister shall by such returns and lists before 40 Parliament at the next session thereof. 1918, c. 0; s. 114.

PATHONIC TO THE MINISTER OF STRONG OF A

RIW. If, in the event of the winding-up of the business of the bank in insolvency; or under any general winding-up act, or otherwise, any moneys payable by the liquidator, sixter to shareholders or depositors remain undaimed—

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the bank next in authority in the management of the affairs of the bank at the time at which the declaration is

signed.

Notice that dividend draft or cheque remains unpaid. 6. The bank shall transmit by registered post to the person to whom any such dividend, amount or balance 5 is payable, and to the person to whom (in so far as known to the bank) and to the person at whose request any such draft, certified cheque or bill of exchange was issued, to the last known post office address of each person as shown by the books of the bank, a notice in writing stating that 10 such dividend remains unpaid, or that in respect of such amount or balance no transaction has taken place or no interest has been paid, or that such draft, certified cheque or bill remains unpaid, as the case may be.

When notice to be given. 7. The notice called for by the next preceding sub-15 section shall be given twice, namely, during the month of January next after the end of the first two-year period and also during the month of January next after the end of the first five year period in respect of which—

(a) the dividend has remained unpaid; or,

est has

(b) no transaction has taken place or no interest has been paid in connection with such amount or balance;

Certified annual list of shareholders transmitted to Minister. (c) the draft, certified cheque or bill has remained unpaid.

8. The bank shall, within thirty days after the close of 25 each calendar year, transmit or deliver to the Minister a list, certified by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time at which the list is certified, and by the officer of the bank in charge of the register of 30 shareholders, to be a correct list and in accordance with the books of the bank with regard thereto; and the list shall show—

(a) the names of the shareholders of the bank on the last day of such calendar year, with their last known post 35 office addresses and descriptions;

(b) the number of shares then held by them respectively; and,

(c) the amount paid thereon.

Laid before Parliament. 9. The Minister shall lay such returns and lists before 40 Parliament at the next session thereof. 1913, c. 9, s. 114. Am.

### PAYMENTS TO THE MINISTER UPON WINDING UP.

Unclaimed moneys paid to Minister on winding up of bank. 115. If, in the event of the winding-up of the business of the bank in insolvency, or under any general winding-up Act, or otherwise, any moneys payable by the liquidator, 45 either to shareholders or depositors, remain unclaimed,—

(a) for the period of three years from the date of suspension of payment by the bank; or,

(b) for a like period from the commencement of the

winding-up of such business; or,

(c) until the final winding-up of such business, if the 5 business is finally wound up before the expiration of the said three years;

With interest. such moneys and all interest thereon shall, notwithstanding any statute of limitations or other Act relating to prescription, be paid to the Minister, to be held by him subject to 10 all rightful claims on behalf of any person other than the bank.

Governor in Council may payment to person entitled.

Interest.

2. If a claim to any moneys so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, 15 direct payment thereof to be made to the person entitled thereto, together with interest on the principal sum thereof, at the rate of three per cent per annum for a period not exceeding six years from the date of payment thereof to the Minister as aforesaid: Provided that no such interest shall 20 be paid or payable on such principal sum unless interest thereon was payable by the bank paying the same to the Minister.

Bank discharged.

3. Upon payment to the Minister as herein provided, the bank and its assets shall be held to be discharged from 25 further liability for the amounts so paid. 1913, c. 9, s. 115.

Circulation outstanding distribution of assets.

116. Upon the winding-up of a bank in insolvency or under any general winding-up Act, or otherwise, the assignees, liquidators, directors, or other officials in charge of such winding-up shall, before the final distribution of the 30 assets, or within three years from the commencement of the suspension of payment by the bank, whichever shall first happen, pay over to the Minister a sum, out of the assets of the bank, equal to the difference between the amount then outstanding of the notes intended for circu- 35 lation issued by the bank, together with any interest on such outstanding notes which may have accrued under section 65 of this Act, and the aggregate of the amount at the credit of the bank in the Circulation Fund and the amount (if any) paid to the Minister by the trustees under 40 section 61 of this Act.

Bank relieved.

2. Upon such payment being made, the bank and its assets shall be relieved from all further liability in respect of such outstanding notes.

Minister to redeem.

3. The sum so paid shall be held by the Minister and 45 applied for the purpose of redeeming, whenever presented, such outstanding notes, without interest, except such as may have been paid over under this section. 1913, c. 9, s. 116.

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AFT. The Association shall, if a bank suspends payment in specie of Denantion potes of any of its liabilities as they scorne, forthwith appoint a curator to supervise the affaire of such land.

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2. The Association may at any time remove the entator and may appoint another person to act in his stead. 1913, c. 6, s. 177.

Appoint distal by Amoria ting.

the manner provided for in the by-law of the Association made in that behalf as bereinster provided.

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mode in writing by the president of the Association, or by the person acting as president 1913, c. 9, s. 118.

Powers and decles of mater

III. The curator shall assume supervision of the affairs of the bank, and of all necessary arrangements for the II payment of the notes of the back lessed for airculation, and, at the time of his appointment, outstanding and in circulation.

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2. The curator shall generally have all powers and shall take all steps and do all things necessary or expedient to 20 protect the rights and interests of the creditors and share bolders of the bank, and to conserve and ensure the proper disposition, anomaling to law, of the assets of the bank; and, for the purposes of this section, he shall have free and full access to all books, accounts, documents and papers 25 full access to all books, accounts, documents and papers 25

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3. The cerator shall continue to supervise the affairs of the hank until he is removed from office, or until the bank resumes because, or until a liquidator is duly appointed to wind up the business of the bank. 1913, c. 9, a 119.

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ARO. The president, vice-president, directors, general managers, managers, cierks and officers of the bank shall give and afford to the curator all such information and assistance as he requires in the directory of his duties. 1913, c. 9, e. 1303.

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121. No hy-law regulation, resolution or act tourning the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, shall be of any force or effect until approved in writing by the curator, 1913, c. 0, c. 121.

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I 2 2. The enator or hypoidator shall make all returns and reports, and shall give all information to the Minister regimes toddings the affairs of the bank, that the Minister regimes of him. 1913, c. 9, s. 122. Air.

#### CURATOR.

Association to appoint curator.

117. The Association shall, if a bank suspends payment in specie or Dominion notes of any of its liabilities as they accrue, forthwith appoint a curator to supervise the affairs of such bank.

Removal.

2. The Association may at any time remove the curator, and may appoint another person to act in his stead. 1913, c. 9, s. 117.

Appointment by Association.

118. The appointment of the curator shall be made in the manner provided for in the by-law of the Association made in that behalf as hereinafter provided.

If no by-law.

2. If there is no such by-law the appointment shall be made in writing by the president of the Association, or by the person acting as president. 1913, c. 9, s. 118.

Powers and duties of curator.

119. The curator shall assume supervision of the affairs of the bank, and of all necessary arrangements for the 15 payment of the notes of the bank issued for circulation, and, at the time of his appointment, outstanding and in circulation.

Generally.

2. The curator shall generally have all powers and shall take all steps and do all things necessary or expedient to 20 protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he shall have free and full access to all books, accounts, documents and papers 25 of the bank.

Supervision.

3. The curator shall continue to supervise the affairs of the bank until he is removed from office, or until the bank resumes business, or until a liquidator is duly appointed to wind up the business of the bank. 1913, c. 9, s. 119.

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Officers and clerks to assist curator.

**120.** The president, vice-president, directors, general manager, managers, clerks and officers of the bank shall give and afford to the curator all such information and assistance as he requires in the discharge of his duties. 1913, c. 9, s. 120.

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No act of directors valid unless approved by curator. 121. No by-law, regulation, resolution or act, touching the affairs or management of the bank, passed, made or done by the directors during the time the curator is in charge of the bank, shall be of any force or effect until approved in writing by the curator. 1913, c. 9, s. 121.

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Curator to make returns as required by Minister. **122.** The curator or liquidator shall make all returns and reports, and shall give all information to the Minister, touching the affairs of the bank, that the Minister requires of him. 1913, c. 9, s. 122. Am.

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Remuneration of curator. 123. The remuneration of the curator for his services, and his expenses and disbursements in connection with the discharge of his duties, shall be fixed and determined by a judge of a superior court in the province where the chief office of the bank is situate, and shall be paid out of the assets of the bank, and, in case of the winding-up of the bank, shall rank on the estate equally with the remuneration of the liquidator 1913, c. 9, s. 123.

## BY-LAWS OF THE CANADIAN BANKERS' ASSOCIATION.

By-laws.

124. The Association may, at any meeting thereof, with the approval of two-thirds in number of the banks 10 represented at such meeting, if the banks so approving have at least two-thirds in par value of the paid up-capital of the banks so represented, make by-laws, rules and regulations respecting—

As to what subjects.

(a) all matters relating to the appointment or removal of 15

the curator, and his powers and duties:

(b) the supervision of the making of the notes of the banks which are intended for circulation, and the delivery thereof to the banks;

(c) the inspection of the disposition made by the banks of 20

such notes;

(d) the destruction of notes of the banks;

(e) the custody and management of the central gold reserves and the carrying out of the provisions of this Act relating to such reserves; and,

(f) the imposition of penalties for the breach or nonobservance of any by-law, rule or regulation made by

virtue of this section.

Approval by Treasury Board. 2. No such by-law, rule or regulation, and no amendment or repeal thereof, shall be of any force or effect until 30

approved by the Treasury Board.

Notice to other banks 3. Before any such by-law, rule or regulation, or any amendment or repeal thereof is so approved, the Treasury Board shall submit it to every bank which is not a member of the Association, and give to each such bank an oppor- 35 tunity of being heard before the Treasury Board with respect thereto.

Enforcement of by-laws.

4. The Association shall have all powers necessary to carry out, or to enforce the carrying out, of any by-law, rule or regulation, or any amendment thereof, so approved 40 by the Treasury Board. 1913, c. 9, s. 124.

#### INSOLVENCY.

Double liability of shareholders, 125. In the event of the property and assets of the bank being insufficient to pay its debts and liabilities, each shareholder of the bank shall be liable for the deficiency, to an amount equal to the par value of the shares held by 45 him, in addition to any amount not paid up on such shares.

tion of the time which under the two just preceding sections as payment of calls on undald stock stay be callened.

such cell to pay the same when due, shall work a forfeiting by auch shareholder of all claim in or to any part of the sasels of the bank; Provided that such cell, and any firsthick call, and any firsthick call.

and.

"Shareholder" defined. 2. "Shareholder," within the meaning of this section, shall include an undisclosed principal and, to the extent of his interest, a cestui que trust, on whose behalf or for whose benefit shares in the capital stock of the bank are held. 1913, c. 9, s. 125.

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Suspension for 90 days to constitute insolvency. 126. Any suspension by the bank of payment of any of its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitute the bank insolvent, and work a forfeiture of its charter or Act 10 of incorporation, so far as regards all further banking operations. 1913, c. 9, s. 126.

Charter to remain in force for calls and winding up. 127. The charter or Act of incorporation of the bank shall, in the case mentioned in the next preceding section, remain in force only for the purpose of enabling the directors, or other lawful authority, to make and enforce the calls mentioned in the next following section of this Act, and to wind up the business of the bank. 1913, c. 9, s. 127.

If no proceedings within 3 months thereafter, directors to make calls.

Dominion notes, of all or any of the notes or other liabilities 20 of the bank, continues for three months after the expiration of the time which, under the two last preceding sections would constitute the bank insolvent, and if no proceedings are taken under any Act for the winding-up of the bank, the directors shall make calls on the shareholders thereof, 25 to the amount they deem necessary to pay all the debts and liabilities of the bank not exceeding the limit of liability of the shareholders hereinbefore specified, without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

Intervals.

Such calls shall be payable at intervals of thirty days.
 Notice of such calls shall be given to the shareholders.

Notice. Number.

4. Any number of such calls may be made by one resolution.

Amount.
Payment.

5. No such call shall exceed twenty per cent on each share. 356. Payment of such calls may be enforced in like manner

First call.

as payment of calls on unpaid stock may be enforced.

7. The first of such calls may be made within ten days after the expiration of the said three months.

Procedure.

8. In the event of proceedings being taken, under any Act, 40 for the winding-up of the bank in consequence of the insolvency of the bank, the said calls shall be made in the manner prescribed for the making of such calls in such Act.

Forfeiture for non-payment.

- Proviso.
- 9. Any failure on the part of any shareholder liable to any such call to pay the same when due, shall work a forfeiture by 45 such shareholder of all claim in or to any part of the assets of the bank: Provided that such call, and any further call

- Jand you lo venevious ad le seas oil al . IS I (at the payment of the notes issued or re-famed by such thereafter, shall nevertheless be recoverable from him as if no such forfeiture had been incurred. 1913, c. 9, s. 128.

Liability of directors not diminished.

129. Nothing in the four sections last preceding shall be construed to alter or diminish the additional liabilities of the directors as herein mentioned and declared. 1913, c. 9, s. 129.

Liability of shareholders who have transferred their stock.

**130.** (a) Persons who, having been shareholders of the bank, have only transferred their shares, or any of them, to others, as hereinbefore provided, within sixty days before the commencement of the suspension of pay- 10 ment by the bank; and,

Or whose subscriptions have been cancelled.

(b) Persons whose subscriptions to the stock of the bank have been forfeited, in manner hereinbefore provided, within the said period of sixty days before the commencement of the suspension of payment by the bank; 15 shall be liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held.

Order of charges. Notes.

**131.** In the case of the insolvency of any bank,—

(a) the payment of the notes issued or re-issued by such bank, intended for circulation, and then in circulation, together with any interest paid or payable thereon as hereinbefore provided, shall be the first charge upon 25 the assets of the bank:

Dominion Government. (b) the payment of any amount due to the Government of Canada, in trust or otherwise, shall be the second charge upon such assets:

governments.

s. 130.

(c) the payment of any amount due to the government 30 of any of the provinces, in trust or otherwise, shall

be the third charge upon such assets; and,

Penalties.

Provincial

(d) the amount of any penalties for which the bank is liable shall not form a charge upon the assets of the bank, until all other liabilities are paid. 1913, c. 9, 35 s. 131.

### OFFENCES AND PENALTIES.

Payments of Incorporation and Organization expenses.

Offences.

131A. If prior to the time at which the certificate permitting the bank to issue notes and commence the business of banking has been obtained from the Treasury Board, any provisional director or director authorizes or 40 is a party to the payment of, or receives, out of moneys paid in by subscribers or interest thereon, any sum for commission, salary or charges for services in connection 55900 - 9

Payments of expenses prior to obtaining Treasury Board certificate. or describing to any person with relation to the bank's

with or arising out of the incorporation or organization of the bank, it shall be an offence against this Act.

After certificate obtained.

2. If after the certificate has been obtained from the Treasury Board, any director authorizes payment of, or any general manager or other officer of the bank pays or 5 causes to be paid any money for or on account of the incorporation or organization expenses of the bank, except and unless the sum so paid is mentioned or included in the statement submitted to the Treasury Board at the time at which the application is made under this Act to 10 the Board for a certificate permitting the bank to issue notes and commence the business of banking, it shall be an offence against this Act.

When no certificate obtained.

3. If no certificate from the Treasury Board has been obtained within the time limited by this Act, it shall be 15 an offence against this Act for any provisional director or director to authorize or be a party to the payment of, or to receive, out of moneys paid in by subscribers, any sum for commission, salary or charges for services in connection with or arising out of the incorporation or organi- 20 zation of the bank, unless provision has been made pursuant to section 16 of this Act for payment. 1913, c. 9, s. 131A.

Penalty for bank officers obtaining gifts or showing avour 1318. Every one is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment or 25 to a fine not exceeding two thousand five hundred dollars, or to both, and, upon summary conviction, to imprisonment for six months, with or without hard labour, or to a fine not exceeding one hundred dollars, or both, who—

(a) being a director, general manager, manager, or other 30 executive officer of a bank, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having, after this Act comes 35 into force, done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs; or,

Penalty for offering gifts or showing favour to bank officers (b) corruptly gives or agrees to give or offers any gift or 40 consideration to any director, general manager, manager, or other executive officer of a bank as an inducement or reward or consideration to such director, general manager, manager, or other executive officer of the bank, for doing or forbearing to do, or for 45 having, after this Act comes into force, done or forborne to do any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

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2. In this section "consideration" includes valuable consideration of any kind. 1913, c. 9, s. 131B.

# Commencement of Business.

"Consideration" defined.

Commencing

business

without

certificate.

132. Every director or provisional director of any bank and every other person who, before the obtaining of the certificate from the Treasury Board, by this Act required, 5 permitting the bank to issue notes or commence business, issues or authorizes the issue of any note of such bank, or transacts or authorizes the transaction of any business in connection with such bank, except such as is by this Act authorized to be transacted before the obtaining of such 10 certificate, is guilty of an offence against this Act. 1913, c. 9, s. 132.

# Sale and Transfer of Shares.

Offence.

133. Any person, whether principal, broker or agent, who wilfully sells or transfers or attempts to sell or transfer—

(a) any share or shares of the capital stock of any bank

by a false number; or,

Sale and transfer of shares contrary to requirements. (b) any share or shares of which the person making such sale or transfer, or in whose name or on whose behalf the same is made, is not at the time of such sale, or 20 attempted sale, the registered owner; or,

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(c) any share or shares, without the assent to such sale

of the registered owner thereof;

Offence.

is guilty of an offence against this Act. 1913, c. 9, s. 133.

## Cash Reserves.

Penalty for cash reserve not held in prescribed notes. **134.** Every bank which at any time holds in Dominion 25 notes less than forty per cent of the cash reserves which it has in Canada shall incur a penalty of five hundred dollars for each such offence. 1913, c. 9, s. 134.

# Issue and Circulation of Notes.

Excess of circulation.

135. If the total amount of the notes of the bank in circulation at any time exceeds the amount authorized by 30 this Act the bank shall, —

(a) if the amount of such excess is not over one thousand dollars, incur a penalty equal to the amount of such

excess: or,

(b) if the amount of such excess is over one thousand 35 dollars, and not over twenty thousand dollars, incur a

penalty of one thousand dollars; or,
(c) if the amount of such excess is over twenty thousand dollars, and not over one hundred thousand dollars, incur a penalty of ten thousand dollars; or,

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(d) if the amount of such excess is over one hundred thousand dollars, and not over two hundred thousand dollars, incur a penalty of fifty thousand dollars; or,

(e) if the amount of such excess is over two hundred thousand dollars, incur a penalty of one hundred thousand dollars. 1913, c. 9, s. 135.

Unauthorized issue of notes for circulation.

136. Every person, except a bank to which this Act applies, who issues or re-issues, makes, draws, or endorses any bill, bond, note, cheque or other instrument, intended to circulate as money, or to be used as a substitute for money, 10 for any amount whatsoever, shall incur a penalty of four hundred dollars.

Penalty, recovery of.

2. Such penalty shall be recoverable with costs, in any court of competent jurisdiction, by any person who sues for the same.

Appropria-

3. A moiety of such penalty shall belong to the person suing for the same, and the other moiety to His Majesty for the public uses of Canada.

Intention presumed.

4. If any such instrument is made for the payment of a less sum than twenty dollars, and is payable either in form 20 or in fact to the bearer thereof, or at sight, or on demand, or at less than thirty days thereafter, or is overdue, or is in any way calculated or designed for circulation, or as a substitute for money, the intention to pass the same as money shall be presumed, unless such instrument is—

Exceptions.

(a) a cheque on some chartered bank paid by the maker

directly to his immediate creditor; or,

(b) a promissory note, bill of exchange, bond or other undertaking for the payment of money made or delivered by the maker thereof to his immediate creditor; 30 and,

(c) not designed to circulate as money or as a substitute for money. 1913, c. 9, s. 136.

Defacement of notes.

137. Every person who mutilates, cuts, tears or perforates with holes any Dominion or bank note, or who in any 35 way defaces a Dominion or bank note, whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement shall, on summary conviction, be liable to a penalty not exceeding twenty dollars.

Penalty.

2. Every officer, clerk and servant of a bank who, for the bank, re-issues to the public any bank notes or Dominion notes which have not been disinfected and sterilized in accordance with the regulations made by the Treasury Board under the authority of this Act shall, on the information of 45 any person, on summary conviction, be liable to a penalty

Issue, by bank, of notes not disinfected or sterilized.

not exceeding twenty dollars.

3. In the event of the conviction of any officer, clerk or servant of a bank under this section, the bank shall thereby

incur a penalty of fifty dollars. 1913, c. 9, s. 137.

Penalty.

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Issuing notes during period of suspension.

138 (a) Every person who, being president, vicepresident, director, general manager, manager, clerk or other officer of the bank, issues or re-issues, during any period of suspension of payment by the bank of its liabilities, any notes of the bank payable to bearer on 5 demand, and intended for circulation, or authorizes or is concerned in any such issue or re-issue; and,

Or without authority of Treasury Board.

(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinbefore provided for, every person who being president, 10 vice-president, director, general manager, manager, clerk or other officer of the bank issues or re-issues, or authorizes or is concerned in the issue or re-issue of any such notes before being thereunto authorized by the Treasury Board; and,

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And accepting such notes. (c) every person who accepts, receives or takes, or authorizes or is concerned in, the acceptance, receipt or taking of any such notes, knowing the same to have been so issued or re-issued, from the bank, or from such president, vice-president, director, general manager, 20 manager, clerk or other officer of the bank, in payment or part payment, or as security for the payment of any amount due or owing to such person by the bank;

Penalty.

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceed- 25 ing two thousand dollars, or to both. 1913, c. 9, s. 138.

Pledging of notes by officers of bank.

**139.** (a) Every person who, being the president, vicepresident, director, general manager, manager, clerk or other officer of the bank, pledges, assigns, or hypothecates, or authorizes, or is concerned in the pledge, 30 assignment or hypothecation of the notes of the bank;

Accepting.

(b) every person who accepts, receives or takes, or authorizes or is concerned in the acceptance or receipt or taking of such notes as a pledge, assignment or 35 hypothecation;

Penalty.

shall be liable to a fine of not less than four hundred dollars and not more than two thousand dollars, or to imprisonment for not more than two years, or to both. 1913, c. 9, s. 139.

Issuing notes fraudulently.

140. (a) Every person who, being the president, vice-40 president, director, general manager, manager, clerk or other officer of a bank, with intent to defraud, issues or delivers, or authorizes or is concerned in the issue or delivery of notes of the bank intended for circulation and not then in circulation; and,

Knowingly accepting.

(b) every person who, with knowledge of such intent, accepts, receives or takes, or authorizes or is concerned in the acceptance, receipt or taking of such notes; shall be guilty of an indictable offence, and liable to imprison-

Penalty.

ment for a term not exceeding seven years, or to a fine not exceeding two thousand dollars, or to both. 1913, c. 9, s. 140.

# Annual Statement and Auditors' Report.

Issue of annual statement without auditors' report.

Penalty.

140A. If any copy of the statement or of the profit and loss account submitted under section 54 of this Act, which 5 has not been signed as required by that section, is issued, circulated or published, or if any copy of such statement is issued, circulated or published without having a copy of the auditor's report attached thereto, the bank, and every director, general manager or other officer of the bank who 10 is knowingly a party to the default, shall be liable to a fine not exceeding two hundred and fifty dollars. 1913, c. 9, s. 140A.

Warehouse Receipts, Bills of Lading and other Securities.

Bank acquiring warehouse receipt or bill of lading. **141.** If any bank, to secure the payment of any bill, note, debt or liability, acquires or holds—

(a) any warehouse receipt or bill of lading; or.

(b) any instrument such as is by this Act authorized to be taken by the bank to secure money lent,—

(i) to any wholesale purchaser, or shipper of or dealer in products of agriculture, the forest, quarry 20 and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live or dead stock, and the products thereof, upon the security of such products, or of such live or dead stock, or the products thereof;

(ii) to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise upon the security of the goods, wares and merchandise manufactured by such person, or procured for such manufacture;

(iii) to any farmer upon the security of threshed

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(iv) to any owner, tenant or occupier of land for the purchase of seed grain upon the security of any crop to be grown from such seed grain; or,

(v) to any farmer or person engaged in stock raising

upon the security of live stock;

Except in cases.

such bank shall, unless—

(a) such bill, note, debt or liability is negotiated or contracted at the time of the acquisition by the bank of 40 such warehouse receipt, bill of lading or security; or,

(b) such bill, note, debt or liability is negotiated or contracted upon the written promise or agreement that such warehouse receipt, bill of lading or security would be given to the bank; or,

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(c) the acquisition or holding by the bank of such warehouse receipt, bill of lading or security is otherwise authorized by this Act;

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incur a penalty not exceeding five hundred dollars. 1913, c. 9, s. 141. Am.

Non-compliance with requirements for sale.

Penalty.

142. If any debt or liability to the bank is secured by—

(a) any warehouse receipt or bill of lading; or,

(b) any other security such as is mentioned in the last preceding section; 10 and is not paid at maturity, such bank shall, if it sells the products or stock, goods, wares and merchandise or grain covered by such warehouse receipt, bill of lading or security, under the power of sale conferred upon it by this Act, without complying with the provisions to which the exercise 15 of such power of sale is, by this Act, made subject, incur a penalty not exceeding five hundred dollars. 1913, c. 9, s. 143.

Penalty.

Making false statements143. Every person is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years 20 who wilfully makes any false statement—

In warehouse (a) in any warehouse receipt or bill of lading given under the authority of this Act to any bank; or,

receipt or bill of lading. In security

products.

(b) in any instrument given to any bank under the authority of this Act, as security for any loan of money 25 made by the bank to any wholesale purchaser or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or of any wholesale purchaser, or shipper of or dealer in live or dead stock or the products thereof, or farmer or 30 person engaged in stock raising, whereby any such products or stock is assigned or transferred to the bank as security for the payment of such loan; or,

In security upon manufactures.

(c) in any instrument given to any bank under the authority of this Act, as security for any loan of money made 35 by the bank to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise, whereby any of the goods, wares and merchandise manufactured by him, or procured for such manufacture, are transferred or assigned to the bank 40 as security for the payment of such loan; or,

In security upon grain.

(d) in any instrument given to any bank under the authority of this Act as security for any loan of money made by the bank to a farmer or to the owner, tenant or occupier of land whereby any grain is transferred or 45 assigned to the bank as security for the payment of such loan. 1913, c. 9, s. 143. Am.

Wilfully disposing of or withholding goods covered by security.

144. Every person who, having possession or control of any products or stock, goods, wares and merchandise, or grain covered by any warehouse receipt or bill of lading or by any such security as in the last preceding section mentioned, and having knowledge of such receipt, bill 5 of lading or security, without the consent of the bank in writing, and before the advance, bill, note, debt or liability thereby secured has been fully paid,-

(a) wilfully alienates or parts with any such products or stock, goods, wares or merchandise, or grain; or,

(b) wilfully withholds from the bank possession of any such products or stock, goods, wares and merchandise, or grain, upon demand, after default in payment of such advance, bill, note, debt or liability;

is guilty of an indictable offence, and liable to imprisonment 15 for a term not exceeding two years. 1913, c. 9, s. 144.

Bank not

Penalty.

**145.** (a) If any bank having, by virtue of the provisions selling shares of this Act, a privileged lien for any debt or liability for subject to privileged any debt to the bank, on the shares of its own capital stock of the debtor or person liable, neglects to sell 20 such shares within twelve months after such debt or

liability has accrued and become payable; or, (b) If any such bank sells any such shares without giving notice to the holder thereof of the intention of the bank to sell the same, by mailing such notice in the post office, 25 post paid, to the last known address of such holder, at

least thirty days prior to such sale;

such bank shall incur, for each such offence, a penalty not exceeding five hundred dollars. 1913, c. 9, s. 145.

Penalty.

Or selling without

notice.

#### Prohibited Business.

Bank doing prohibited business.

146. If any bank, except as authorized by this Act, 30 either directly or indirectly—

(a) deals in the buying or selling or bartering of goods, wares and merchandise, or engages or is engaged in any trade or business whatsoever;

(b) purchases, deals in, or lends money or makes advances 35 upon the security or pledge of any share of its own capita stock, or of the capital stock of any bank;

(c) lends money or makes advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or 40 upon the security of any goods, wares and merchandise;

(d) lends to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank without the approval of the directors any amount or amounts exceeding in the 45 aggregate one thousand dollars, or

Penalty.

(e) lends to or on the security of the general manager, assistant general manager, branch manager, or any officer, clerk or servant of the bank any amount or amounts exceeding in the aggregate ten thousand dollars;

such bank shall incur a penalty not exceeding five hundred 5

dollars. 1913, c. 9, s. 146. Am.

Hypothecation of notes prohibited.

**146**A. It shall be an offence against this Act for any director, officer, clerk or servant of the bank to pledge, assign or hypothecate the notes of the bank on behalf of the bank. 1913, c. 9, s. 146A.

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Payment of liabilities of bank after suspension.

146B. If a bank suspends payment in specie or Dominion notes of any of its liabilities as they accrue, then, so long as such suspension continues, it shall be an offence against this Act for any director, officer, clerk or servant of the bank who has knowledge of such suspension to pay or 15 cause to be paid to any person any debt or liability of the bank unless with the consent of a curator or liquidator duly appointed. 1913, c. 9, s. 146B.

### Returns.

Bank not making monthly.

147. Every bank which neglects to transmit or deliver to the Minister, within the first twenty-eight days of any 20 month, any monthly return by this Act required to be made up and sent in within the said twenty-eight days, exhibiting the condition of the bank on the last juridical day of the month last preceding, and signed in the manner and by the persons by this Act required, shall incur a penalty 25 of fifty dollars for each and every day, after the expiration of such time during which such neglect continues. 53 V., c. 31, s. 85 Am.; 1913, c. 9, s. 147. Am.

Penalty.

Neglecting return of additional issue of notes. 147A. Every bank which neglects to transmit or deliver to the Minister, within the first thirty days after the last 30 day of the month in which any amount of its notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding, a return showing the amount of its notes in circulation for each juridical day during such month, and signed in the manner and by 35 the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which such neglect continues. 1913,

Penalty.

Neglecting return of value of property. c. 9, s. 147A. Am.

147<sub>B</sub>. Every bank which neglects to transmit or deliver 40 to the Minister during the month of January in each year a return showing in detail the fair market value of its real and immovable property held under section seventy-nine of this Act, together with the other information prescribed 55900—10

by the soid section, and stored in the capacity and by the reasons by thire Act required, whall income a penalty of fifty dollars for each and every day, after the exhination of soich sine, during which read anders commence, 1812 o. 0.

E. 1476. Am.

to the Minister a quarterly return as of the last radicion day of the mention of March, June, September and Douenber us each year; giving such particulars as may be presented by regulations made by the Transmy Board of the Line.

ber is each year, giving soch particulars as may be prescribed by regulations made by the Treasury Board of the interest and discount tates charged by the bestle such returns to be made up and sent in within the first thirty days after the respective juridical days aforesaid, and signed by the persons by this Act required, shall man a penalty of fifty dollars for each and every day, after the expiration of such time, during which such neglect rections: 1013, c. 3, s. 1470. Am.

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to the Minister, within their days after the close of any calcular year, a return, signed in the county and by the persons and setting forth the particularity this Mrt required in that being or all certified choques, drafts or bills of exclusive resued by the bank to any preson and remaining his uppet for more than five years point to the date of sink return, shall incur a penalty of fifty dollars for each and every day during which such agiest continues. 1018, c. 9.

Matricement 15th Every bank which neglects to transmit of district 40 manual lat. to the Ministret, within Muris days after the close of any calcular year, a certified list, as by this Act required.

(a) the names of the shareholders of the lexis, on the last day of such calcular year, with their last known 45 to nost office addresses and descriptions.

(b) the number of states then hald by such shareholders.

bus ; zlevileers; and,

Penalty.

by the said section, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which such neglect continues. s. 147B. Am.

Neglecting quarterly return.

Penalty.

147c. Every bank which neglects to transmit or deliver to the Minister a quarterly return as of the last juridical day of the months of March, June, September and December in each year, giving such particulars as may be prescribed by regulations made by the Treasury Board of the 10 interest and discount rates charged by the bank, such returns to be made up and sent in within the first thirty days after the respective juridical days aforesaid, and signed by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration 15 of such time, during which such neglect continues. 1913, c. 9, s. 147c. Am.

Not making returns required by Minister.

148. Every bank which neglects to transmit or deliver to the Minister, within thirty days from the date of the demand therefor by the Minister, or, if such time is extended 20 by the Minister, within such extended time, not exceeding thirty days, as the Minister may allow, any special return, signed in the manner and by the persons by this Act required, which under the provisions of this Act, the Minister may, for the purpose of affording a full and com- 25 plete knowledge of the condition of the bank, call for, shall incur a penalty of five hundred dollars for each and every day during which such neglect continues. 1913, c. 9, s. 148. Am.

Penalty.

Bank not making annual returns of drafts and

Penalty.

149. Every bank which neglects to transmit or deliver 30 to the Minister, within thirty days after the close of any calendar year, a return, signed in the manner and by the persons and setting forth the particulars by this Act required in that behalf, of all certified cheques, drafts or bills of exchange issued by the bank to any person and remaining 35 unpaid for more than five years prior to the date of such return, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 1913, c. 9, s. 149. Am.

Not returning annual list.

150. Every bank which neglects to transmit or deliver 40 to the Minister, within thirty days after the close of any calendar year, a certified list, as by this Act required, showing-

(a) the names of the shareholders of the bank on the last day of such calendar year, with their last known 45

post office addresses and descriptions;

(b) the number of shares then held by such shareholders respectively; and.

Penalty.

(c) the amount paid thereon, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 1913, c. 9, s. 150.

Not making annual returns of dividends. balances, drafts and bills.

151. Every bank which neglects to transmit or deliver 5 to the Minister, within thirty days after the close of any calendar year, a return, signed in the manner and by the persons by this Act required, of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect of which no transactions 10 have taken place, or upon which no interest has been paid, during the five years prior to the date of such return, and also of all certified cheques, drafts or bills of exchange issued by the bank and remaining unpaid for more than five years prior to the date of such return, as required by 15 the provisions of this Act in the several cases respectively mentioned, shall incur a penalty of fifty dollars for each and every day during which such neglect continues.

Penalty.

Period of 5 years.

2. The said term of five years shall, in case of moneys deposited for a fixed period, be reckoned from the date of 20 the termination of such fixed period. 1913, c. 9, s. 151.

Date of posting return or list.

152. If any return or list, mentioned in either of the last eight preceding sections, is transmitted by post, the date appearing, by the post office stamp or mark upon the 25 envelope or wrapper inclosing the return or list received by the Minister, as the date of deposit in the post office of the place at which the chief office of the bank was situated shall be taken prima facie, for the purpose of any of the said sections, to be the day upon which such return or list was 30 transmitted to the Minister. 1913, c. 9, s. 152. Am.

Making false or deceptive statement in account or return.

153. Every president, vice-president, director, auditor, general manager or other officer of the bank or trustee who knowingly prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs 35 of the bank containing any false or deceptive statement, or any return which does not set forth the true financial position of the bank including all the information required by Section 113 of this Act, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law 40 prescribed therefor, by imprisonment for a term not exceeding five years.

Penalty.

2. Every president, vice-president, director, auditor, Liability of general manager or other officer of the bank or trustee who negligently prepares, signs, approves or concurs in 45

any account, statement, return, report or document respecting the affairs of the bank containing any false or deceptive

officers.

(b) for all dimerce systemed by any person in come-

statement, or any return which does not set forth the true financial position of the bank including all the information required by Section 113 of this Act, shall be guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment 5 for a term not exceeding three years. 1913, c. 9, s. 153 Am.

# Calls in the case of Suspension of Payment.

Director refusing to

154. (a) If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other on suspension liabilities of the bank continues for three months after the expiration of the time which, under the provisions of this 10 Act, would constitute the bank insolvent; and,

(b) if no proceedings are taken under any Act for the

winding-up of the bank; and,

(c) if any director of the bank refuses to make or enforce, or to concur in the making or enforcing of any call on 15. the shareholders of the bank, to any amount which the directors deem necessary to pay all the debts and liabilities of the bank:

Penalty.

such director shall be guilty of an indictable offence, and liable-20

(a) to imprisonment for any term not exceeding two

years; and.

(b) personally for any damages suffered by any such default. 1913, c. 9, s. 154.

# Undue Preference to the Bank's Creditors.

Officers giving undue preference to any creditor.

155. Every person who, being the president, vice-25 president, director, general manager, manager, or other officer of the bank, wilfully gives or concurs in giving to any creditor of the bank any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or other- 30 wise howsoever, is guilty of an indictable offence, and liable-

Penalty.

(a) to imprisonment for a term not exceeding two years; and.

Damages.

(b) for all damages sustained by any person in conse-35 quence of such preference. 1913, c. 9, s. 155.

# Use of the Title "Bank," etc.

Unauthorized use of title "bank," 156. Every person using the word "bank," or the words "savings bank," "banking company," "banking house," "banking association," or "banking institution," or any word or words of import equivalent thereto in any foreign 40 language, in a sign or in an advertisement, or in a title to

Offence.

represent or describe his business or any part of his business without being authorised so to do by this Act, or by some other Act in force in that behalf, is guilty of an offence against this Act.

Unauthorized use of words "banker," "private banker." 2. Every person who uses in a sign or in an advertisement or in a title to represent or describe his business words in a foreign language of import equivalent to the word "banker," or equivalent to the words "private banker," without being authorized so to do by this Act or by some other Act in force in that behalf, is guilty of an offence 10

Offence.

against this Act.

Person receiving money on deposit.

3. The Minister may, upon the application of any interested person, require that any person who receives money on deposit or receives money for transmission to a foreign country without being authorized so to do, either by or under the authority of 15 a statute of Canada or any province thereof, shall make to the Minister in such form as the Minister may prescribe, a return respecting the business so carried on; or the Minister may direct an inquiry into such business and that a report be made to him thereon by any one or more persons whom 20 he may select from the list of persons eligible to audit the affairs of a bank, or by any other person whom he may designate for that purpose; and the Minister may, after due consideration of such return or report, require that such business be discontinued, or that security be deposited as a condition of the 25 continuance thereof, to such extent and in such manner as the public interest may seem to require; and failure to comply with such requirement, within such time as the Minister shall allow, shall be an offence against this Act; and if the offender be a body corporate, then every officer of such body 30 corporate shall be guilty of such offence. 1913, c. 9, s. 156, Am.

# Penalty for Offence against this Act.

Offence against this Act. 157. Every person committing an offence, declared to be an offence against this Act, shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding five years, or to both, in the discretion 35 of the court before which the conviction is had. 1913, c. 9, s. 157.

Penalty.

#### PROCEDURE.

Penalties enforceable at suit of Attorney General or Minister. 158. The amount of all penalties imposed upon a bank or person for any violation of this Act shall, unless otherwise provided by this Act, be recoverable and enforceable, with 40 costs, at the suit of His Majesty instituted by the Attorney General of Canada, or by the Minister.

Appropria-

2. Such penalties shall, unless otherwise provided by this Act, belong to the Crown for the public uses of Canada: Provided that the Governor in Council, on the report of 45

Proviso.

100

the Treasury Board, may direct that any portion of any penalty be remitted, or paid to not person, or applied in any manner domard best adapted as attain the objects of this Act, and to secure the due adjainistration thereof. 1913, c. 9, s. 158.

Ropent Plant of the Part of the

First Chapter B of the absolute of 1955 (Ampler I of the Statutes of 1955 and Chapter 10 of the Statutes of 1956 are repealed, over and except that sections 112 and 165 of soul chapter B that remain or force to and including the Invited day of Stephenber, 1945.

Contonnece-

100. The Ast shall come into lorce on the first day of July, one thousand nine burdend and merrhythese, sant made except that motions 113, 113 and 153 theref shall not come into force until the first day of Golder, one monaged nion kundend and tremby-three.

#### SCHEDULE A.

A STATE OF THE PARTY OF THE PAR	

An Asy to incorporate the

Wheness the persons beneauther named have for their political prayed that it he connected as hereinshed est, portless and it is expendent to grant the prayer of the said perform.

the Treasury Board, may direct that any portion of any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act, and to secure the due administration thereof. 1913, c. 9, s. 158.

Repeal 1913, c. 9. 1915, c. 1. 1916, c. 10. 159. Chapter 9 of the Statutes of 1913, Chapter 1 of the Statutes of 1915 and Chapter 10 of the Statutes of 1916 are repealed, save and except that sections 112 and 153 of said chapter 9 shall remain in force to and including the thirtieth day of September, 1923.

10

15

Commencement of Act. 160. This Act shall come into force on the first day of July, one thousand nine hundred and twenty-three, save and except that sections 112, 113 and 153 thereof shall not come into force until the first day of October, one thousand nine hundred and twenty-three.

SCHEDULE A.

		Capital	Chief office
N	Name of Bank	authorized	of Bank
	The Bank of Montreal		Montreal
	The Bank of Nova Scotia	15,000,000	Halifax
	The Bank of Toronto	10,000,000	Toronto
	The Molsons Bank	5,000,000	Montreal
	La Banque Nationale	5,000,000	Quebec
	La Banque Provinciale du	The state of the s	
	Canada	5,000,000	Montreal
7.	The Union Bank of Canada	15,000,000	Winnipeg
8.	The Canadian Bank of Com-		THE SERVICE STATES
	merce	25,000,000	Toronto
9.	The Royal Bank of Canada	25,000,000	Montreal
	The Dominion Bank	10,000,000	Toronto
11.	The Bank of Hamilton	7,000,000	Hamilton
12.	The Standard Bank of Can-	Carrie Land	
	ada	5,000,000	Toronto
13.	La Banque d' Hochelaga	10,000,000	Montreal
	The Imperial Bank of Can-		
	ada	10,000,000	Toronto
15.	The Home Bank of Canada	5,000,000	Toronto
	The Sterling Bank of Canada.	3,000,000	Toronto
17.	The Weyburn Security Bank.	1,000,000	Weyburn

### SCHEDULE B.

An Act to incorporate the—Bank.

Whereas the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition:

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

- 1. [Insert names of those applying for incorporation; the full name, address and description of each director must be given], together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name of [insert name of bank] hereinafter called "the Bank."
- 2. The persons named in section 1 of this Act shall be the provisional directors of the Bank.
  - 3. The capital stock of the Bank shall be dollars.
- 4. The chief office of the Bank shall be at——.
- 5. This Act shall, subject to the provisions of section 16 of The Bank Act, remain in force until the first day of July, in the year one thousand nine hundred and thirty-three.

1913, c. 9, Sch. B, Am.

### SCHEDULE C.

In consideration of an advance of made by the--Bank to A. B., for which the said Bank holds the following bills or notes: (describe the bills or notes, if any), [or, in consideration of the discounting of the following bills or notes by the—— for A. B.; (describe the bills or notes), the products of agriculture, the forest, quarry and mine, [or, the sea, lakes and rivers, or, the live stock or dead stock, or, the products thereof, or the goods, wares and merchandise, or, the grain, (as the case may be), mentioned below are hereby assigned to the said Bank as security for the payment on or before the -day of -----of the said advance, together bills or notes, or renewals thereof, or substitutions therefor, and interest thereon, or as the case may be].

This security is given under the provisions of section eighty-eight of The Bank Act, and is subject to the

provisions of the said Act.

The said products of agriculture, the forest, quarry and mine, [or, the sea, lakes and rivers, or, the live stock or dead stock, or the products thereof, or, the goods, wares and merchandise, or, the grain, (as the case may be),] are now owned by————, and are now in the possession

of the contract of the case that the mentages has or course the thereon on the case that the case that the following the contract of the contr

Dated, etc.

(N.B.—The bolls in motes and the property carryand may be per out in scheduler uniqued.).

#### SCHEDULE

In consideration of an advance of

deltars made by the wind bolds the following talls or notes: which the said book holds the following talls or notes of describe the bolls or society of any less in consideration of the discounting of the following balls or notes by the

notes) and inasmuch as the said advance for the said discounting, do the case man be was made on the representation that seed grain would be purchased with the advance for process of the discounting, or the case may be said

united bern atantic

the seed grain purchased and the crop grown from the grain so sown upon the land aforegaid and the grain threshold therefrom are hereby assigned to the enid bonk as security for the payment, on or before the day of

of the said advance, together with interest

at the rate of per out per augum from the

or notes, or renowals thereof, or substitutions therefor,

This security is given under the provisionary of subsection 8 st section 88 of The Bank Art and is subject to the provisions of the said Ast.

Linkest at

1915; c. 4; Seb. Ci.

# SCHEDELD E

In consideration of an advance of, dollars, and by the land to the said liank holds the following-addle or notes (describe the bills or notes if any) for, is consideration of the discounting of the following bills or notes by the Bank, for A. B. (describe the bills or notes)]; and inserted as the mad advance (or the said discounting as the case may be) is inade spront (or the said discounting as the case may be) is inade spront.

or security of the following live steek to

of———, and are free from any mortgage, lien or charge thereon (or as the case may be), and are in (place or places where the goods are), and are the following (description of property assigned).

Dated, etc.

(N.B.—The bills or notes and the property assigned may be set out in schedules annexed.) 1913, c. 9, Sch. C.

### SCHEDULE D.

In consideration of an advance of dollars made by the Bank to A.B., for which the said bank holds the following bills or notes: (describe the bills or notes, if any) [or, In consideration of the discounting of the following bills or notes by the · Bank for A. B.: (describe the bills or notes)] and inasmuch as the said advance [or the said discounting, as the case may be was made on the representation that seed grain would be purchased with the advance [or proceeds of the discounting, as the case may be] and would be sown upon land in the province of situate and being the seed grain purchased and the crop grown from the grain so sown upon the land aforesaid and the grain threshed therefrom are hereby assigned to the said bank as security for the payment, on or before the , of the said advance, together with interest at the rate of per cent per annum from the [or, of the said bills day of or notes, or renewals thereof, or substitutions therefor, and interest thereon, as the case may be]. This security is given under the provisions of subsection

This security is given under the provisions of subsection 8 of section 88 of *The Bank Act* and is subject to the provisions of the said Act.

Dated at 1915, c. 1, Sch. G.

## SCHEDULE E.

In consideration of an advance of dollars, made by the Bank to A. B., for which the said Bank holds the following bills or notes (describe the bills or notes, if any) [or, in consideration of the discounting of the following bills or notes by the Bank for A. B. (describe the bills or notes)], and, inasmuch as the said advance (or the said discounting, as the case may be) is made upon the security of the following live stock:

IN

the said live stock are hereby assigned to the said Bank as security for the raymont, on, or believe the day of with interest at the take of pur benium you make the take of the lake to pur benium

to it the said bills or notes or renewels thereof or substitutions thereor, and intenset thereon, as the one may be.
This security is given under the provisions of subsection twelve of section cichty-eight-of The Bunk Act, and is subject to the provisions of the said Aut.

Distoit at the Sale II the

#### N HITTONIAN

To Whom it May Concern:

(same of person, firm or company. P.O. address)
hereby gives notice that it is intention to give
security under the authority of section 88 of The Bank Ad,
to the Bank
Dated at different ody of

(West)

# SCHEDULE C

Return of the liabilities and assets of the --- Bank in the --- day of --- 10---

#### anistillation.

Notes in circuition
 Balgare due to Dominian Government after deducting advances for credits, pay-litte.

5. Advances under the Finance Act.
4. Relatives due to provincial governments.
5. Deposits by the public mayable in demand

6. Deposits by the public, payable after notice

7. Legona elsowhere that in Canada.
8. Loans from other banks in Canada, secured

including bills re-discounted.

9. Doposits made by and belances due to other

Eg. Due to banks and basicing correspondents in
the United Engloss.

are stated and the state of the United and the United

11-00036

the said live stock are hereby assigned to the said Bank as security for the payment, on or before the of the said advance together with interest at the rate of per centum day of per annum from the (or, of the said bills or notes or renewals thereof or substitutions therefor, and interest thereon, as the case may be. This security is given under the provisions of subsection twelve of section eighty-eight of The Bank Act, and is subject to the provisions of the said Act. Dated at 1916, c. 10, Sch. H Am. SCHEDULE F. To Whom it May Concern: (name of person, firm or company. P.O. address) hereby gives notice that it is \_\_\_\_\_ intention to give security under the authority of section 88 of The Bank Act, to the——Bank——.
Dated at——this——day of——. (New)SCHEDULE G. Return of the liabilities and assets of the Bank on the day of , 19— Liabilities. 1. Notes in circulation.....\$ 2. Balance due to Dominion Government after deducting advances for credits, pay-lists, 3. Advances under the Finance Act..... 4. Balances due to provincial governments.... 5. Deposits by the public, payable on demand in Canada..... 6. Deposits by the public, payable after notice or on a fixed day, in Canada..... 7. Deposits elsewhere than in Canada...... 8. Loans from other banks in Canada, secured, including bills re-discounted..... 9. Deposits made by and balances due to other banks in Canada..... 10. Due to banks and banking correspondents in the United Kingdom.....

Kingdom......55900—11

11. Due to banks and banking correspondents elsewhere than in Canada and the United

13.	Bills payable  Letters of credit outstanding  Liabilities not included under foregoing heads
16.	Dividends declared and unpaid.  Rest or Reserve Fund.  Capital paid up.
	e de la companya de
	Assets.
1.	Current gold and sub-{In Canada \$ sidiary coin{Elsewhere \$ }
	Dominion notes In Canada \$ Elsewhere \$
3.	Notes of other banks
4.	United States and other foreign currencies Cheques on other banks
6.	
	including bills re-discounted
7.	Deposits made with and balances due from other banks in Canada
8.	Due from banks and banking correspondents
	in the United Kingdom
9.	Due from banks and banking correspondents,
	elsewhere than in Canada and the United
10	Kingdom Dominion government and provincial gov-
10.	ernment securities
11.	Canadian municipal securities, and British,
	foreign and colonial public securities
10	other than Canadian
12.	Railway and other bonds, debentures and stocks
13	Call and short (not exceeding thirty days)
-0.	loans in Canada on stocks, debentures,
	loans in Canada on stocks, debentures, bonds and other securities of a sufficient
	marketable value to cover
14.	Call and short (not exceeding thirty days)
	loans elsewhere than in Canada on stocks, debentures, bonds and other securities of a
	sufficient marketable value to cover
15.	Other current loans and discounts in Canada
16.	Other current loans and discounts elsewhere
	than in Canada after making full provision
17	for bad and doubtful debts
	Loans to the Government of Canada Loans to provincial governments
	Loans to cities, towns, municipalities and
I THE	school districts

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20. 7	Non-current loans, estimated loss provided for
	Real estate other than bank premises
	Mortgages on real estate sold by the bank
23. I	Bank premises, at not more than cost, less
	amounts (if any) written off
24. 1	Liabilities of customers under letters of credit as per contra
25. 1	Deposit with the Minister of Finance for the security of note circulation
26. ]	Deposit in the central gold reserves
	Shares of and loans to controlled companies
	Other assets not included under the fore-
	going heads
	Therefore I I
~	\$
Ca	pital authorized\$
Ca	pital subscribed
Ac	ate per cent of last dividend declared per cent.
	gregate amount of loans to directors and firms of which they are partners, and loans for which they are guarantors, \$
	verage amount of current gold and subsidiary coin held
	during the month, \$——
Av	verage amount of Dominion notes held during the
	month, \$
	reatest amount of notes of the bank in circulation at any time during the month, \$
Br	anch and Agency returns used in the preparation of the
	oing and antedating the last juridical day of the month
	said are as follows:—

aforesaid are as follows:

Branch or Agency.

Date of such return.

I declare that the above return is correct according to the books of the bank.

E. F., Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is to the best of our knowledge and belief correct, and shows truly and clearly the financial position of the bank, as required by sections 112 and 113 of the Bank Act; and we further declare that the Bank has never, at any time during the period to which the said return relates, held in Dominion notes less than forty per cent. of the cash reserves which it has in Canada.

(Place).....this.....day of............19...

A. B., President, (Vice-President, or Director acting as President, as the case may be).

A depend Manager for other principal

# SCHEDELE H

N. H. - Experime for the months of Monch to Appoint, suckested, evely set form the Reserve Point distress.

I declare that the above return has been prepared under my directions and is carrect according to the books of the bank.

# E'L'

Chief Accountant, (or Acting Chief Accountant, as the case with he).

We declare that the facegoing return is made up from the books of the binds, and that to the best of our knowledge and belief it is correct.

resident, (Vice-President, or Director acting as Président, as de case may bel,

### \*CD

Chaseral Manager, for other principal

Tong, or D, Hole, E.

C. D., General Manager, (or other principal officer, as the case may be). 1913, c. 9, Sch. D, Am.

## SCHEDULE H.

Day of the Month.	Paid-up Capital.	*Reserve Fund.	Deposit Gold Coin and Dominion Notes.	Circulation.	Excess (if any).
				State and	THE STATE OF

<sup>\*</sup>N.B.-Returns for the months of March to August, inclusive, need not have the Reserve Fund column.

I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

> E.F., Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct.

President, (Vice-President, or Director acting as President, as the case may be).

General Manager, (or other principal officer, as the case may be).

1913, c. 9, Sch. E.

Con Manual T. A. and Prince penning. THE PARTY OF STATE OF 1018, 6 3, 8 9, 11, 44

#### SCHEDULE I.

Return of unpaid dividends, balances and amounts certified cheques, drafts and bills of exchange of the——Bank at the close of the calendar year 19—, made in accordance with the provisions of subsections 1 to 5, inclusive, o section 114 of The Bank Act.
Link
I declare that the above return has been prepared under my directions and is correct according to the books of the
E.F., Chief Accountant (or Acting Chie

Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct.

> A.B., President, (Vice-President, or Director acting as President, as the case may be).

C.D., General Manager, (or other principal officer, as the case may be).

1913, c. 9, Sch. F.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 84.

An Act to amend The Industrial Disputes Investigation Act, 1907.

First reading, March 21, 1923.

The MINISTER OF LABOUR.

56434

# THE HOUSE OF COMMONS OF CANADA

# BILL 84.

1907, c. 20; 1908, c. 33; 1910, c. 27; 1911, c. 12; 1914 (2nd Sess.) c. 2; 1918, c. (3); 1919, cc. 25, 26; 1919 (2nd Sess.) c. 19; 1921, c. 32.

An Act to amend The Industrial Disputes Investigation Act, 1907.

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

Declaration by officers of trade union. 1. Subparagraph (b) of paragraph two of section fifteen of The Industrial Disputes Investigation Act, 1907, as 5 enacted by section two of chapter twenty-nine of the statutes of 1910, is amended by inserting after the word "committee", in the eighteenth line thereof, the words "of the employees"; and by inserting after the word "employer", in the nineteenth line thereof, the words 10 "or that it has been impossible to secure conference or to enter into negotiations"; and by inserting after the word "further", in the last line thereof, the words "effort or".

Relation of parties pending proceedings.

2. Section fifty-seven of the said Act, as amended by 15 section five of chapter twenty-nine of the statutes of 1910, and as further amended by section five of chapter twenty-nine of the statutes of 1920, is further amended by inserting after the word "intended", in the second line thereof, the words "or desired"; and by inserting after the word "in-20 tended", in the fourth line thereof, the words "or desired"; and by inserting after the word "dispute", in the fourth line thereof, the words "it shall be unlawful for the employer to make effective a proposed change in wages or hours or for the employees to go on strike"; and by inserting, after 25 the word "affected", in the seventh line thereof, the words "the application for the appointment of a Board shall be made by the employers or employees proposing the change in wages or in hours";

Penalty for causing lockout.

3. Section fifty-eight of the said Act is amended by 30 inserting after the word "lockout", in the first line thereof, the words "or making effective a change in wages or hours"; and by inserting after the word "lockout", in the last line thereof, the words "or change".

(NOTE.—NO ALTERATIONS ARE MADE EXCEPT THE ADDITION OF THE NEW WORDS IN ITALICS.)

Subparagraph (b) of section 15, of chapter 20. First portion of this subsection as it now stands, latter part to read as follows:

"... failing an adjustment of the dispute or a reference thereof by the Minister to a Board to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee of the employees and the employer, or that it has been impossible to secure conference or to enter into negotiations, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further effort or negotiations. (1910, c. 29.)

Sec. 57.—Employers and employees shall give at least thirty days' notice of an intended or desired change affecting conditions of employment with respect to wages or hours; and in the event of such intended or desired change resulting in a dispute, it shall be unlawful for the employer to make effective a proposed change in wages or hours or for the employees to go on strike, until the dispute has been finally dealt with by a Board, and a copy of its report has been delivered through the Registrar to both the parties affected; the application for the appointment of a Board shall be made by the employers or employees proposing the change in wages or hours; neither of those parties shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section (Am. 1920, c. 29).

SEC. 58.—Any employer declaring or causing a lockout or making effective a change in wages or hours contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout or change exists.

(NOTE -WO ALKERATIONS ARE MADE EXCRET THE ADMITIDE OF THE NEW WORLD IN ITALICS)

Bobgerngraph Velical section in, of chapter 20. Such porflor of this subsociou as it now stands latter part to read as follows:

And the contract of the characters of the characters of the knowledge and by the Minister to a Board to the best of the knowle of the characters will be declared that the depart of the characters of the charact

particular and heads to feed and a feed and a policy of the court of t

SEC. 35. -Aur coppletes declarate or receing a deckade or receing a deckade or receive estimated of all less the provisions of the Act and he halfe so a new of not less than odd besend dollars for each close or heavend dollars for each dock or heavend and are the teach lockout or change which lockout or change which

### THE HOUSE OF COMMONS OF CANADA

# BILL 84.

An Act to amend The Industrial Disputes Investigation Act, 1907.

AS PASSED BY THE HOUSE OF COMMONS, 20th APRIL, 1923.

## **BILL 84.**

An Act to amend The Industrial Disputes Investigation Act, 1907.

1907, c. 20; 1910, c. 29; 1918, c. 27; 1920, c. 29. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaration by officers of trade union. 1. Subparagraph (b) of paragraph two of section fifteen of The Industrial Disputes Investigation Act, 1907, as 5 enacted by section two of chapter twenty-nine of the statutes of 1910, is amended by inserting after the word "committee", in the eighteenth line thereof, the words "of the employees"; and by inserting after the word "employer", in the nineteenth line thereof, the words 10 "or that it has been impossible to secure conference or to enter into negotiations"; and by inserting after the word "further", in the last line thereof, the words "effort or".

Relation of parties pending proceedings.

2. Section fifty-seven of the said Act, as amended by 15 section five of chapter twenty-nine of the statutes of 1910, and as further amended by section five of chapter twenty-nine of the statutes of 1920, is further amended by inserting after the word "intended", in the second line thereof, the words "or desired"; and by inserting after the word "in- 20 tended", in the fourth line thereof, the words "or desired"; and by inserting after the word "dispute", in the fourth line thereof, the words "it shall be unlawful for the employer to make effective a proposed change in wages or hours or for the employees to go on strike"; and by inserting, after 25 the word "affected", in the seventh line thereof, the words "the application for the appointment of a Board shall be made by the employers or employees proposing the change in wages or in hours";

Penalty for causing lockout.

3. Section fifty-eight of the said Act is amended by 30 inserting after the word "lockout", in the first line thereof, the words "or making effective a change in wages or hours"; and by inserting after the word "lockout", in the last line thereof, the words "or change".

### THE HOUSE OF COMMONS OF CANADA

# BILL 85.

An Act to amend The Naturalization Acts, 1914 and 1920.

First reading, March 22, 1923.

The SECRETARY OF STATE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

56834

## BILL 85.

1914, c. 44; 1914 (2 Sess.), c. 7; 1918, c. 32; 1919, c. 38; 1919 (2 Sess.), c. 3; 1920, c. 59.

An Act to amend The Naturalization Acts, 1914 and 1920. Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definition.

1. In this Act the expression "the principal Act" means The Naturalization Acts, 1914 and 1920.

5

Definition of natural-born British; subject.

2. (1) Paragraph (b) of subsection one of section one of chapter forty-four of the statutes of 1914, An Act respecting British Nationality, Naturalization and Aliens, is repealed, and the following is substituted therefor:—

"(b) Any person born out of His Majesty's dominions 10 whose father was, at the time of that person's birth a British subject, and who fulfils any of the following conditions, that is to say, if either—

(i) his father was born within His Majesty's allegiance; or

(ii) his father was a person to whom a certificate of naturalization had been granted; or

(iii) his father had become a British subject by reason of any annexation of territory; or

(iv) his father was at the time of that person's birth 20 in the service of the Crown; or

(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born 25 on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and"

3. At the end of the foregoing subsection the following is inserted:—

Explanatory Note-Section 2.

This section is verbatim section (1) of The British Nationality and Status of Aliens Act, 1922. The following is a copy of the Memorandum attached to this Act when it was before the British House of Commons:

"The object of this Bill is to provide for the continuance, under certain conditions,

of the British Nationality of successive generations of British descent born abroad.
"Under the existing law British Nationality by descent ends after the first generation (or in the case of persons born before 1915, the second generation) born

"The Bill proposes that every child born abroad of a British father shall be a British subject, if two main conditions, calculated to show continued connection and sympathy with the British Empire, are fulfilled, namely:

"(a) The birth of a child is at the time registered at a British consulate; and

"(b) The child, on obtaining majority, asserts his British Nationality by a declaration duly registered.

"The Bill effects this by inserting certain provisions in section one of the British Nationality and Status of Aliens Act, 1914, which defines natural-born British

subjects. "For this purpose paragraph (b) of sub-section (1) of that section is to be replaced by the paragraph set out in caluse 1 (i) of the Bill, which contains the new provision (v) relating to registration during the infancy of the child. Sub-clause (2) of clause 1 of the Bill contains the provision as to assertion of British Nationality at majority.

"The discussion at the Imperial Conferences which preceded the Naturalization Act of 1914 virtually established the legislation of this subject as a pact between the United Kingdom and the Dominions with the understanding that this legislation would be adopted by the Dominions."

Explanatory Note-Section 4.

Sections 19 to 24, inclusive, and section 33, ss (2), provide a method of local investigation by judges of the various courts, the application to the Secretary of State being filed with the Clerk of the Court. This method is not as satisfactory as expected when the Act of 1914 was passed. The local investigation cannot always be relied on and a complete investigation must be made in each case by the Department of the Powel North West. ment and this is done by the Immigration Department and the Royal North West Mounted Police. The sections referred to require the applicant to present himself before the Judge for examination. In large centres this creates no inconvenience, but in country districts it adds very much to the cost of the certificate. In many cases these regulations are prohibitive. The investigation by the Department

is as thorough as can be by the local authorities.

Section 7 of the Act of 1920 provides for the cancellation of certificates granted to former enemies and the prohibition of naturalization of former enemies for ten years after the expiration of the war, with certain exceptions: (a) those who served with the allies during the war; (b) those of a race opposed to the former enemy governments; (c) those of British origin; and (d) those who came to Canada prior to 6th of July, 1909.

The repeal of this section will permit certificates being issued to former enemies. The repeal of these sections is not contrary to the pact with the United Kingdom and the Dominions.

Proviso as to British Nationality at majoirity. "Provided also that any person whose British-Nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regulations made under this Act:

"(i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under

this Act; and

"(ii) if he is a subject or citizen of a foreign country
under the law of which he can, at the time of asserting
his British nationality, divest himself of the nationality
of that foreign country by making a declaration of
alienage or otherwise, he divests himself of such 15
nationality accordingly."

Repeal.

4. Sections nineteen, twenty and twenty-four of *The Naturalization Act*, 1914, chapter forty-four of the statutes of 1914, as enacted by chapter fifty-nine of the statutes of 1920, and sections twenty-one, twenty-two and twenty- 20 three and subsection two of section thirty-three and section seven of *The Naturalization Act*, 1920, are repealed.

5. Section thirty-three of the principal Act is amended by adding the following paragraph thereto:—

"British Consulate" defined. "(g) The expression 'British Consulate' means the office 25 of any British Consular Officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty the office of such resident or representative."

Included in principal Act.

6. (1) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of the principal Act in the place assigned to it by this Act; and the principal Act, and all Acts, including this Act, which refer thereto 35 shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the principal Act, in the place so assigned, and where it is substituted for another enactment or word, had been enacted in lieu of that enactment or word.

Force of amending Acts.

(2) A reference in any enactment (whether passed before or after the passing of this Act) or in any document to *The Naturalization Acts*, 1914 and 1920, shall, unless the context otherwise requires, be construed to refer to that Act as amended by any enactment for the time being in 45 force.

### THE HOUSE OF COMMONS OF CANADA

# BILL 85.

An Act to amend The Naturalization Acts, 1914 and 1920.

AS PASSED BY THE HOUSE OF COMMONS, 15th JUNE, 1923.

## BILL 85.

1914, c. 44; 1914 (2 Sess.), an Act to amend The Naturalization Acts, 1914 and 1920. c. 7; 1918, c. 32; 1919, c. 38; 1919 (2 Sess.), and Senate and House of Commons of Canada, enacts as follows:—

Definition.

1. In this Act the expression "the principal Act" means The Naturalization Acts, 1914 and 1920.

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Definition of natural-born British subject. 2. (1) Paragraph (b) of subsection one of section one of chapter forty-four of the statutes of 1914, An Act respecting British Nationality, Naturalization and Aliens, is repealed, and the following is substituted therefor:—

"(b) Any person born out of His Majesty's dominions 10 whose father was, at the time of that person's birth a British subject, and who fulfils any of the following conditions, that is to say, if either—

(i) his father was born within His Majesty's allegiance;

(ii) his father was a person to whom a certificate of naturalization had been granted; or

(iii) his father had become a British subject by reason of any annexation of territory; or

(iv) his father was at the time of that person's birth 20 in the service of the Crown; or

(v) his birth was registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born 25 on or after the first day of January, nineteen hundred and fifteen, who would have been a British subject if born before that date, within twelve months after the first day of August, nineteen hundred and twenty-two; and"

3. At the end of the foregoing subsection the following is inserted:—

Explanatory Note-Section 2.

This section is verbatim section (1) of The British Nationality and Status of Aliens Act, 1922. The following is a copy of the Memorandum attached to this Act when it was before the British House of Commons:

"The object of this Bill is to provide for the continuance, under certain conditions,

of the British Nationality of successive generations of British descent born abroad.
"Under the existing law British Nationality by descent ends after the first generation (or in the case of persons born before 1915, the second generation) born abroad.

"The Bill proposes that every child born abroad of a British father shall be a British subject, if two main conditions, calculated to show continued connection and sympathy with the British Empire, are fulfilled, namely

"(a) The birth of a child is at the time registered at a British consulate; and "(b) The child, on obtaining majority, asserts his British Nationality by a

declaration duly registered. "The Bill effects this by inserting certain provisions in section one of the British Nationality and Status of Aliens Act, 1914, which defines natural-born British

"For this purpose paragraph (b) of sub-section (1) of that section is to be replaced by the paragraph set out in caluse 1 (i) of the Bill, which contains the new provision (v) relating to registration during the infancy of the child. Sub-clause (2) of clause 1 of the Bill contains the provision as to assertion of British Nationality at majority.

"The discussion at the Imperial Conferences which preceded the Naturalization Act of 1914 virtually established the legislation of this subject as a pact between the United Kingdom and the Dominions with the understanding that this legislation would be adopted by the Dominions."

Explanatory Note-Section 4.

Sections 19 to 24, inclusive, and section 33, ss (2), provide a method of local investigation by judges of the various courts, the application to the Secretary of State being filed with the Clerk of the Court. This method is not as satisfactory as expected when the Act of 1914 was passed. The local investigation cannot always be relied on and a complete investigation must be made in each case by the Department and this is done by the Immigration Department and the Royal North West Mounted Police. The sections referred to require the applicant to present himself before the Judge for examination. In large centres this creates no inconvenience, but in country districts it adds very much to the cost of the certificate. In many cases these regulations are prohibitive. The investigation by the Department is as thorough as can be by the local authorities.

Section 7 of the Act of 1920 provides for the cancellation of certificates granted

to former enemies and the prohibition of naturalization of former enemies for ten years after the expiration of the war, with certain exceptions: (a) those who served with the allies during the war; (b) those of a race opposed to the former enemy governments; (c) those of British origin; and (d) those who came to Canada prior to 6th of July, 1909.

The repeal of this section will permit certificates being issued to former enemies. The repeal of these sections is not contrary to the pact with the United Kingdom and the Dominions.

Proviso as to British Nationality at majoirity.

"Provided also that any person whose British Nationality is conditional upon registration at a British consulate shall cease to be a British subject unless within one year after he attains the age of twenty-one, or within such extended period as may be authorized in special cases by regula- 5 tions made under this Act:

"(i) he asserts his British nationality by a declaration of retention of British nationality, registered in such manner as may be prescribed by regulations made under this Act: and

"(ii) if he is a subject or citizen of a foreign country under the law of which he can, at the time of asserting his British nationality, divest himself of the nationality of that foreign country by making a declaration of alienage or otherwise, he divests himself of such 15 nationality accordingly."

Certificates to enemy subjects.

4. Section seven of The Naturalization Act, 1920, chapter fifty-nine of the statutes of 1920, is hereby repealed.

5. Section thirty-three of the principal Act is amended by adding the following paragraph thereto:—

"British Consulate" defined.

"(g) The expression 'British Consulate' means the office of any British Consular Officer where a register of births is kept, and includes, in the case of any territory where there is no British Consulate and there is a British resident or other representative of His Majesty 25 the office of such resident or representative."

Included in principal Act.

6. (1) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of the principal Act in the place assigned to it by this Act: and the principal 30 Act, and all Acts, including this Act, which refer thereto shall, after the commencement of this Act, be construed as if the said enactment or word had been enacted in the principal Act, in the place so assigned, and where it is substituted for another enactment or word, had been 35 enacted in lieu of that enactment or word.

Force of amending Acts.

(2) A reference in any enactment (whether passed before or after the passing of this Act) or in any document to The Naturalization Acts, 1914 and 1920, shall, unless the context otherwise requires, be construed to refer to that 40 Act as amended by any enactment for the time being in force.

### THE HOUSE OF COMMONS OF CANADA

# BILL 102.

An Act to amend the Criminal Code.

First reading, March 26, 1923.

The Minister of Justice.

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

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## BILL 102.

### An Act to amend the Criminal Code.

R.S., c. 146; 1909, c. 9; 1910, c. 10. HIS Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Definition of "Opium joint" repealed.

1. Section two hundred and twenty-seven A of the Criminal Code, Revised Statutes of Canada, 1906, chapter one hundred and forty-six, as enacted by chapter nine 5 of the statutes of 1909, is repealed.

"Opium joint" taken out of penalty clause for keeping disorderly house. 2. Section two hundred and twenty-eight of the said Act, as enacted by chapter nine of the statutes of 1909, is amended by inserting the word "or" after the word "gaming-house" in the third line thereof and striking out 10 the words "or opium joint" in the fourth line thereof.

Amendment to penalty clause in respect to advertising, printing, posting or selling intelligence on horse races. 3. Paragraph (f) of section two hundred and thirty-five of the said Act, as enacted by chapter ten of the statutes of 1910, is repealed and the following is substituted therefor:—

"(f) advertises, prints, publishes, exhibits, posts up, sells or supplies, or offers to sell or supply (i) other than on the premises of an association lawfully conducting race meetings in Canada, and during the actual progress of a race meeting thereon, any tips, 20 selections, odds, winning money prices, pari-mutuel payments, or any similar intelligence with respect to or applicable to any horse-race, whether such race be held within or without the Dominion of Canada, and whether at the time of advertising, printing, 25 publishing, exhibiting, posting up or applying such news or information such race has or has not taken place: (ii) any information intended to assist in or intended for use in connection with book-making, pool-selling, betting or wagering upon any fight, game, sport or 30 race, other than a horse-race whether at the time of advertising, printing, publishing, exhibiting, posting up or supplying such news or information, such fight, game, sport or race has or has not taken place."

Amendment to penalty clause in respect to information to assist book-making, pool-selling, etc., on fights, games, sports or races.

# THE HOUSE OF COMMONS OF CANADA

# BILL 102.

An Act to amend the Criminal Code.

AS PASSED BY THE HOUSE OF COMMONS, 27th APRIL, 1923.

## BILL 102.

An Act to amend the Criminal Code.

R.S., c. 146; 1909, c. 9; 1910, c. 10. HIS Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

Definition of "Opium joint" repealed.

1. Section two hundred and twenty-seven A of the Criminal Code, Revised Statutes of Canada, 1906, chapter one hundred and forty-six, as enacted by chapter nine 5 of the statutes of 1909, is repealed.

"Opium joint" taken out of penalty clause for keeping disorderly house.

2. Section two hundred and twenty-eight of the said Act, as enacted by chapter nine of the statutes of 1909, is amended by inserting the word "or" after the word "gaming-house" in the third line thereof and striking out 10 the words "or opium joint" in the fourth line thereof.

Amendment to penalty clause in respect to advertising, printing, posting or selling intelligence on horse races. 3. Paragraph (f) of section two hundred and thirty-five of the said Act, as enacted by chapter ten of the statutes of 1910, is repealed and the following is substituted therefor:—

"(f) advertises, prints, publishes, exhibits, posts up,

sells or supplies, or offers to sell or supply (i) other than on the premises of an association lawfully conducting race meetings in Canada, and during the actual progress of a race meeting thereon, any tips, 20 selections, odds, winning money prices, pari-mutuel payments, or any similar intelligence with respect to or applicable to any horse-race, whether such race be held within or without the Dominion of Canada, and whether at the time of advertising, printing, 25 publishing, exhibiting, posting up or applying such news or information such race has or has not taken place; (ii) any information intended to assist in or intended for use in connection with book-making, pool-selling, betting or wagering upon any fight, game, sport or 30 race, other than a horse-race whether at the time of advertising, printing, publishing, exhibiting, posting up

or supplying such news or information, such fight,

Amendment to penalty clause in respect to information to assist book-making, pool-selling, etc., on fights, games, sports or races.

game, sport or race has or has not taken place."

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\* Section two hundred and ninety-four of the said Act is amended by striking out the word "fourteen" in the second line thereof and substituting therefor the word "sixteen."

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6. Subsection two of section three bundred and one of 5 the raid Act; as engaged in chapter forty-three of the stabutes of 1920, is amended by striking out the words "of previous chaste character" in the third line thereof.

Carcally knowing gir between 14 and 16.

6. Section four hundred and twelve of the said Act is amended by inserting the word "badge" after the word 10 "ticket" in the second line thereof and also after the word "ticket" in the third has thereof.

Optaining ganden by fraud.

Appeals . To Section ten hundred and twenty-four A of the said
page area of Act, as enacted by chapter forty-three of the statutes of
appeal courts, 1920, is appended by incresing after the wend from it is
confine.

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AS PASSED BY THE HOUSE OF GUSAMONS

Age of consent raised.

4. Section two hundred and ninety-four of the said Act is amended by striking out the word "fourteen" in the second line thereof and substituting therefor the word "sixteen."

Carnally knowing girl between 14 and 16.

5. Subsection two of section three hundred and one of the said Act, as enacted by chapter forty-three of the statutes of 1920, is amended by striking out the words "of previous chaste character" in the third line thereof.

Obtaining passage by fraud.

6. Section four hundred and twelve of the said Act is amended by inserting the word "badge" after the word 10 "ticket" in the second line thereof, and also after the word "ticket" in the third line thereof.

Appeals where judgments of appeal courts conflict.

7. Section ten hundred and twenty-four A of the said Act, as enacted by chapter forty-three of the statutes of 1920, is amended by inserting after the word "conviction" 15 in the fourth line thereof the words "or acquittal."

### THE HOUSE OF COMMONS OF CANADA

# BILL 103.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1924.

AS PASSED BY THE HOUSE OF COMMONS, 27th MARCH, 1923.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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1923

## BILL 103.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1924.

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 sums hereinafter mentioned are required to defray 5 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-four, and for other purposes connected with the public service: May it therefore please Your Majesty that it 10 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, 1923.

\$44,725,058.25 granted for 1923-24. 2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-four million, seven hundred and twenty-five thousand, fifty-eight dollars and twenty-five cents towards defraying the several charges and expenses of the 20 public service, from the first day of April, one thousand nine hundred and twenty-three, to the thirty-first day of March, one thousand nine hundred and twenty-four, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the 25 Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-four, as laid before the House of Commons at the present session of Parliament, excepting therefrom the second item of

Resolution No. 141, "Ottawa, New Departmental Building, 5500,000".

Account to be resileted to detail.

2. 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 .5 then next section of Parliament.

THE HOUSE OF COMMONS OF CANON

BILL 104

An Act to change the mains of The Peans Bank of Turout

The Mixierry of Pixage

PITTING A

Resolution No. 141, "Ottawa, New Departmental Building. \$500,000".

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 5 then next session of Parliament.

THE BOUSE OF COMMONS OF CANADA.

### THE HOUSE OF COMMONS OF CANADA

# BILL 104.

An Act to change the name of The Penny Bank of Toronto.

First reading, April 11, 1923.

The MINISTER OF FINANCE.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

## BILL 104.

An Act to change the name of The Penny Bank of Toronto.

R.S., c. 31. 1911, c. 18; 1917, c. 11; 1922, c. 37. WHEREAS The Penny Bank of Toronto was incorporated under the provisions of the Penny Bank Act, chapter thirty-one of the Revised Statutes of Canada, 1906, and whereas it appears desirable to change the name of the said bank: Therefore 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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Name changed to "The Penny Bank of Ontario".

Change not to affect rights or obligations. 1. The name of The Penny Bank of Toronto is changed to "The Penny Bank of Ontario", but such change of name shall not in any way impair, alter or affect the rights or 10 liabilities of the said bank nor in any way affect any suit or proceeding now pending, or judgment existing either by, or in favour of, or against the said bank, which, notwithstanding such change in the name of the said bank, may be prosecuted, continued, completed and enforced 15 as if this Act had not been passed.

### THE HOUSE OF COMMONS OF CANADA

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whereas it appears desirable to change the name of the

An Act to change the name of The Penny Bank of Toronto.

AS PASSED BY THE HOUSE OF COMMONS, 20th APRIL, 1923.

# BILL 104.

An Act to change the name of The Penny Bank of Toronto.

R.S., c. 31. 1911, c. 18; 1917, c. 11; 1922, c. 37. WHEREAS The Penny Bank of Toronto was incorporated under the provisions of the *Penny Bank Act*, chapter thirty-one of the Revised Statutes of Canada, 1906, and whereas it appears desirable to change the name of the said bank: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed to "The Penny Bank of Ontario".

Change not to affect rights or obligations.

1. The name of The Penny Bank of Toronto is changed to "The Penny Bank of Ontario", but such change of name shall not in any way impair, alter or affect the rights or 10 liabilities of the said bank nor in any way affect any suit or proceeding now pending, or judgment existing either by, or in favour of, or against the said bank, which, notwithstanding such change in the name of the said bank, may be prosecuted, continued, completed and enforced 15 as if this Act had not been passed.

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#### THE HOUSE OF COMMONS OF CANADA

# BILL 105.

An Act respecting the Canadian Order of the Woodmen of the World.

First reading, April 12, 1923.

(PRIVATE BILL).

Mr. GORDON.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

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# BILL 105.

An Act respecting the Canadian Order of the Woodmen of the World.

Preamble. 1893, c. 92; 1903, c. 206; 1917, c. 83.

WHEREAS the Canadian Order of the Woodmen of the World has by its petition represented that it was duly incorporated by chapter ninety-two of the statutes of 1893, which Act was amended by chapter two hundred and six of the statutes of 1903 and chapter eighty-three 5 of the statutes of 1917; and has praved that the said Acts be consolidated and amended so as to alter its corporate name, to define more clearly and to extend and enlarge its objects and powers, and to make provision in certain cases for the allocation to the general fund of a portion 10 of the premiums falling due in the benefit funds, and amongst other things to confer upon it the power to acquire and hold real estate for certain purposes. And it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent 15 of the Senate and House of Commons of Canada, enacts as follows:-

Short title.

1. This Act may be cited as The Canadian Woodmen of the World Consolidated Act.

Corporation continued.

2. (1) The Canadian Order of the Woodmen of the World 20 as at present constituted is hereby continued as a body corporate and politic possessed of all the powers, privileges and rights conferred upon it by the said Act of incorporation and amending Acts, and subject to its existing constitution and by-laws, but its name is hereby changed to "The 25 Canadian Woodmen of the World", hereinafter called "the Order", and in the said Order under its new name is hereby vested all property corporeal and incorporeal, real and personal, legal and equitable with or of which under its former corporate name it heretofore was or is now 30 invested or possessed together with all the rights, powers, privileges, obligations and duties pertaining or incidental thereto.

Name changed.

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(2) Such change of name or the repeal of the Note by
this Act provided shall not in any way impair, after or
affect the rights or habilities of the Order as under the
said Acts constituted, nor in any way affect the rights of
creditors sgainer the said Order, or affect any suit or
proceeding now pending or judgment existing either by
or in favor of or against the taid Order,

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35. The by-laws of the Canadian Order, of the Woodman of the World filed in the office of the Superintendent of Insurance are bereby declared to be the existing constitu- no tion and laws of the Under and to be binding upon the Order and every member thereof until reposled, sligned or amended as provided in the said by-laws; and the present officers and governing bedy of the Order shall continue to be its officers and governing bedy with all the rights, 15 powers, privileges, obligations and duties conferred or indeed open them or to by the said by-laws until in accordance with the provisions thereof their successors shall be sleeted or appointed, but wherever in said by-laws the Order list referred to as "The Canadian Order of the Woodman of the Woodman of the World".

Objects.

4. The objects of the Order and the purposes which it is

(a) To unite its members in social and fraternal bonds; 25 (b) To establish, maintain and administer an insurance

the resultant out to han

11) A benefit not exceeding five thousand dollars at the death of a member, the premiums for which shall be payable during the whole of his of the member or during go a certain number of years:

(2).As old age audowment benefit not exercising five the capitation of a certain sumber of years or upon the attainment of a certain age.

but in neither case payable before the attainment by the 35 member of the age of sixty-five years; or payable in the case of the death of a member prior to the expiration of the endowment period;

(3) A life annuly benefit not exceeding five hundred dollars per annuly payable on and after the attenual 40

(4) A benefit to members in ease of disability temporary or personent, not exceeding one-half the amount of the mortuary benefit under the contract, the amount payable on the death of the member being reduced by the amount 45 and he such disability benefit:

(5) A benefit known as a "monument benefit" in accord-

Rights saved.

(2) Such change of name or the repeal of the Acts by this Act provided shall not in any way impair, alter or affect the rights or liabilities of the Order as under the said Acts constituted, nor in any way affect the rights of creditors against the said Order, or affect any suit or proceeding now pending or judgment existing either by or in favor of or against the said Order.

By-laws and officers continued.

3. The by-laws of the Canadian Order of the Woodmen of the World filed in the office of the Superintendent of Insurance are hereby declared to be the existing constitu- 10 tion and laws of the Order and to be binding upon the Order and every member thereof until repealed, altered or amended as provided in the said by-laws; and the present officers and governing body of the Order shall continue to be its officers and governing body with all the rights, 15 powers, privileges, obligations and duties conferred or imposed upon them or it by the said by-laws until in accordance with the provisions thereof their successors shall be elected or appointed, but wherever in said by-laws the Order is referred to as "The Canadian Order of the Woodmen of the 20 World" they shall be taken to have been amended so as to read "The Canadian Woodmen of the World".

Objects.

4. The objects of the Order and the purposes which it is authorized to carry out are:—

(a) To unite its members in social and fraternal bonds; 25

(b) To establish, maintain and administer an insurance fund for the payment of:

(1) A benefit not exceeding five thousand dollars at the death of a member, the premiums for which shall be payable during the whole of life of the member or during 30

a certain number of years;

(2) An old age endowment benefit not exceeding five thousand dollars, payable after the expiration of a certain number of years or upon the attainment of a certain age, but in neither case payable before the attainment by the 35 member of the age of sixty-five years; or payable in the case of the death of a member prior to the expiration of the endowment period;

(3) A life annuity benefit not exceeding five hundred dollars per annum payable on and after the attainment 40

by the member of the age of sixty-five years;

(4) A benefit to members in case of disability temporary or permanent, not exceeding one-half the amount of the mortuary benefit under the contract, the amount payable on the death of the member being reduced by the amount 45 paid as such disability benefit;

(5) A benefit known as a "monument benefit" in accord-

ance with the laws of the Order from time to time.

(c) To establish, maintain and administer a find for the payment of sick benefits not exceeding ten dollars per week, and funeral benefits not exceeding two hundred dollars.

d.) To establish, maintain and administer a children's \$5 mind for the payment of meurance contracts upon the lives of children dependent upon the members of the

e) To establish maintain and administrasi

e) to establish, maintain and administer such other fund or funds as may be provided by the by-laws 10 of the Order and as are accessary to the attainment of the foregoing objects.

Hand off on.

5. The head office of the Order shall be in the city of

Carpa D

6. The Order shall be governed by a representative body I to be known as "The Head Camp" of the Canadian Woodmen of the World whose officers shall be elected annually or biennially or as by by-law may be determined.

Povest to nuke hydrave. the election of officers and prescribing and defining their 20 duties and powers, and for the government, regulation and name phenomena to the Order, regulating the admission of new management of the Order, regulating the admission of new members, the constitution and governing of subordinate camps, the amount and the time and the manner of payment by members of premiuns, these and other obligations, and 25 generally for the confluct, in all other particulars, of the affairs of the Order.

Investments.

So The Order shall invest its funds only in accordance with the provisions of section sixty-eight and of paragraphs (a); (b), (i), (c) and (d) of subsection one of section 30 sixty of The Insurance Act, 1817, and shall have the power of lending its funds only on the security of any of the securities in which the Order and invest and in accordance with paragraph (b) of subsection two of section sixty of the

St. A meeting of the representatives of the Order in Head Camp shall be held annually on the third Wednesday in June, or such other month as the Head Camp may decide, in such place as the Head Camp may from time to time determine, at which meeting a statement of the affairs 40 of the Order shall be submitted.

Proof of by-level 16. A copy of any by-law or by-laws of the Order, under the seal of the Order and purportang to be signed by an officer of the Order, shall be received as prima facie evidence of such by-law or by-laws in all courts of Canada.

(c) To establish, maintain and administer a fund for the payment of sick benefits not exceeding ten dollars per week, and funeral benefits not exceeding two hundred dollars:

(d) To establish, maintain and administer a children's 5 fund for the payment of insurance contracts upon the lives of children dependent upon the members of the Order not exceeding five hundred dollars:

(e) To establish, maintain and administer such other fund or funds as may be provided by the by-laws 10 of the Order and as are necessary to the attainment

of the foregoing objects.

Head office.

5. The head office of the Order shall be in the city of London, in the province of Ontario.

Head camp.

6. The Order shall be governed by a representative body 15 to be known as "The Head Camp" of the Canadian Woodmen of the World whose officers shall be elected annually or biennially or as by by-law may be determined.

Power to make by-laws.

7. The Order shall have power to make by-laws governing the election of officers and prescribing and defining their 20 duties and powers, and for the government, regulation and management of the Order, regulating the admission of new members, the constitution and governing of subordinate camps, the amount and the time and the manner of payment by members of premiums, dues and other obligations, and 25 generally for the conduct, in all other particulars, of the affairs of the Order.

Investments.

S. The Order shall invest its funds only in accordance with the provisions of section sixty-eight and of paragraphs (a), (b), (i), (c) and (d) of subsection one of section 30 sixty of The Insurance Act, 1917, and shall have the power of lending its funds only on the security of any of the securities in which the Order may invest and in accordance with paragraph (b) of subsection two of section sixty of the said Act. 35

Loans.

Annual meeting.

9. A meeting of the representatives of the Order in Head Camp shall be held annually on the third Wednesday in June, or such other month as the Head Camp may decide, in such place as the Head Camp may from time to time determine, at which meeting a statement of the affairs 40 of the Order shall be submitted.

Proof of by-laws.

10. A copy of any by-law or by-laws of the Order, under the seal of the Order and purporting to be signed by an officer of the Order, shall be received as prima facie evidence of such by-law or by-laws in all courts of Canada.

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General fund.

11. (1) The Order may maintain a general fund to which shall be credited all dues and other sums intended to be used for the payment of expenses and administration of the Order and all expenses of the Order shall be payable out of the general fund; and the Order may make provision 5 in its constitution whereby in the event of there being a deficiency in the general funds, and a surplus above all liabilities in any one or more of the benefit funds, the Head Camp may at any session thereof provide for the allocation to the general fund of such portion of the pre- 10 miums falling due in the said benefit funds during the succeeding twelve months as the Actuary of the Order may recommend, the amount so allocated to the general fund during the said period not to exceed, however, two months' premiums in the said benefit funds. 15

Notice.

(2) Notice of intention to make an allocation to the general fund of the premiums or any portion thereof falling due in any month in the said benefit funds shall be given in the official organ of the Order at least one month before the due date of the said premiums.

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Surplus applied to other benefits.

12. The Order may make provision in its constitution whereby such portion of the surplus above all liabilities in any benefit fund as may be approved by the actuary of the Order may be applied to grant new or additional benefits authorized by this Act or to the remission of 25 premiums or a portion thereof.

Loans on policies.

13. The Order may make provision in its constituion for the granting of loans on policies for the purpose of paying premiums and to grant paid-up policies or other equities in lieu thereof, in the case of members desiring 30 to be relieved of the payment of future regular benefit premiums, upon their policies or certificates of insurance.

Paid-up policies.

When Act comes into force.

14. (1) This Act shall come into force upon the day of its acceptance by a two-third vote of the members present or duly represented at a Head Camp session of the Order 35 and notice and proof of such acceptance shall be filed with the Superintendent of Insurance; and it is hereby declared that the session of Head Camp to be held during the year nineteen hundred and twenty-three, shall for the purpose of dealing with this Act be and be deemed to be 40 a legislative session of said Head Camp notwithstanding anything to the contrary contained in the by-laws of the Order.

Head camp session legalized.

Notice.

(2) Notice of the fact that the said session of Head Camp shall be a legislative session shall be given, and this 45 Act shall be printed in the official organ of the Order at least thirty days before the date of the said meeting of the Head Camp.

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15. Unon the acceptance of this better nearly that he provided in the provided better the short making of the provided better the provided by the provided by

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An Art respecting the Canadian Order of the Woodness of the World

SE PASSET BY THE HOUSE OF COMMONS

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Repeal.

15. Upon the acceptance of this Act as provided in the next preceding section the Acts mentioned in the preamble hereof shall thereupon be repealed.

Insurance Act to apply. The Insurance Act, 1917, and any amendments thereto.

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### THE HOUSE OF COMMONS OF CANADA

# BILL 105.

An Act respecting the Canadian Order of the Woodmen of the World.

AS PASSED BY THE HOUSE OF COMMONS, 22nd MAY, 1923.

the needlesses takes on the benefit funds, and

## BILL 105.

An Act respecting the Canadian Order of the Woodmen of the World.

Preamble.
1893, c. 92;
1903, c. 206;
1917, c. 83.

WHEREAS the Canadian Order of the Woodmen of the World has by its petition represented that it was duly incorporated by chapter ninety-two of the statutes of 1893, which Act was amended by chapter two hundred and six of the statutes of 1903 and chapter eighty-three 5 of the statutes of 1917; and has prayed that the said Acts be consolidated and amended so as to alter its corporate name, to define more clearly and to extend and enlarge its objects and powers, and to make provision in certain cases for the allocation to the general fund of a portion 10 of the premiums falling due in the benefit funds, and amongst other things to confer upon it the power to acquire and hold real estate for certain purposes. And it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent 15 of the Senate and House of Commons of Canada, enacts as follows:-

Short title.

1. This Act may be cited as The Canadian Woodmen of the World Consolidated Act.

Corporation continued.

Name changed.

2. (1) The Canadian Order of the Woodmen of the World 20 as at present constituted is hereby continued as a body corporate and politic possessed of all the powers, privileges and rights conferred upon it by the said Act of incorporation and amending Acts, and subject to its existing constitution and by-laws, but its name is hereby changed to "The 25 Canadian Woodmen of the World", hereinafter called "the Order", and in the said Order under its new name is hereby vested all property corporeal and incorporeal, real and personal, legal and equitable with or of which under its former corporate name it heretofore was or is now 30 invested or possessed together with all the rights, powers, privileges, obligations and duties pertaining or incidental thereto.

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Rights saved. (2) Such change of name or the repeal of the Acts by this Act provided shall not in any way impair, alter or affect the rights or liabilities of the Order as under the said Acts constituted, nor in any way affect the rights of creditors against the said Order, or affect any suit or proceeding now pending or judgment existing either by or in favor of or against the said Order.

By-laws and officers continued.

3. The by-laws of the Canadian Order of the Woodmen of the World filed in the office of the Superintendent of Insurance are hereby declared to be the existing constitu- 10 tion and by-laws of the Order and to be binding upon the Order and every member thereof until repealed, altered or amended as provided in the said by-laws; and the present officers and governing body of the Order shall continue to be its officers and governing body with all the rights, 15 powers, privileges, obligations and duties conferred or imposed upon them or it by the said by-laws until in accordance with the provisions thereof their successors shall be elected or appointed, but wherever in said by-laws the Order is referred to as "The Canadian Order of the Woodmen of the 20 World" they shall be taken to have been amended so as to read "The Canadian Woodmen of the World".

Objects.

4. The objects of the Order and the purposes which it is authorized to carry out are:—

(a) To unite its members in social and fraternal bonds; 25

(b) To establish, maintain and administer an insurance fund for the payment of:

(1) A benefit not exceeding five thousand dollars at the death of a member, the premiums for which shall be payable during the whole of life of the member or during 30

a certain number of years;

(2) An old age endowment benefit not exceeding five thousand dollars, payable after the expiration of a certain number of years or upon the attainment of a certain age, but in neither case payable before the attainment by the 35 member of the age of sixty-five years; or payable in the case of the death of a member prior to the expiration of the endowment period:

(3) A life annuity benefit not exceeding five hundred dollars per annum payable on and after the attainment 40

by the member of the age of sixty-five years;

(4) A benefit to members in case of disability temporary or permanent, not exceeding one-half the amount of the mortuary benefit under the contract, the amount payable on the death of the member being reduced by the amount 45 paid as such disability benefit;

(5) A benefit known as a "monument benefit" in accord-

ance with the by-laws of the Order from time to time.

(c) To establish, maintain and administer a fund for the payment of sick benefits not exceeding ten dollars per week, and funeral benefits not exceeding two hundred dollars;

(d) To establish, maintain and administer a children's 5 fund for the payment of insurance contracts upon the lives of children dependent upon the members of the

Order not exceeding five hundred dollars;

(e) To establish, maintain and administer such other fund or funds as may be provided by the by-laws 10 of the Order and as are necessary to the attainment of the foregoing objects.

Head office.

5. The head office of the Order shall be in the city of London, in the province of Ontario.

Head camp.

6. The Order shall be governed by a representative body 15 to be known as "The Head Camp" of the Canadian Woodmen of the World whose officers shall be elected annually or biennially or as by by-law may be determined.

Power to make by-laws.

7. The Order shall have power to make by-laws governing the election of officers and prescribing and defining their 20 duties and powers, and for the government, regulation and management of the Order, regulating the admission of new members, the constitution and governing of subordinate camps, the amount and the time and the manner of payment by members of premiums, dues and other obligations, and 25 generally for the conduct, in all other particulars, of the affairs of the Order.

Investments.

S. The Order shall invest its funds only in accordance with the provisions of section sixty-eight and of paragraphs (a), (b) (i), (c) and (d) of subsection one of section 30 sixty of The Insurance Act, 1917, and shall have the power of lending its funds only on the security of any of the securities in which the Order may invest and in accordance with paragraph (b) of subsection two of section sixty of the said Act.

Loans.

Annual meeting.

9. A meeting of the representatives of the Order in Head Camp shall be held annually on the third Wednesday in June, or such other month as the Head Camp may decide, in such place as the Head Camp may from time to time determine, at which meeting a statement of the affairs 40 of the Order shall be submitted.

Proof of by-laws.

**10.** A copy of any by-law or by-laws of the Order, under the seal of the Order and purporting to be signed by an officer of the Order, shall be received as *prima facie* evidence of such by-law or by-laws in all courts of Canada.

General fund.

11. (1) The Order may maintain a general fund to which shall be credited all dues and other sums intended to be used for the payment of expenses and administration of the Order and all expenses of the Order shall be payable out of the general fund; and the Order may make provision 5 in its constitution whereby in the event of there being a deficiency in the general funds, and a surplus above all liabilities in any one or more of the benefit funds, the Head Camp may at any session thereof provide for the allocation to the general fund of such portion of the pre- 10 miums falling due in the said benefit funds during the succeeding twelve months as the Actuary of the Order may recommend, the amount so allocated to the general fund during the said period not to exceed, however, two months' premiums in the said benefit funds.

(2) Notice of intention to make an allocation to the general fund of the premiums or any portion thereof falling due in any month in the said benefit funds shall be given in the official organ of the Order at least one month before

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the due date of the said premiums.

Surplus applied to benefits.

Notice.

12. The Order may make provision in its constitution whereby such portion of the surplus above all liabilities in any benefit fund as may be approved by the actuary of the Order may be applied to grant new or additional benefits authorized by this Act or to the remission of 25 premiums or a portion thereof.

Loans on policies.

13. The Order may make provision in its constituion for the granting of loans on policies for the purpose of paying premiums and to grant paid-up policies or other equities in lieu thereof, in the case of members desiring 30 to be relieved of the payment of future regular benefit premiums, upon their policies or certificates of insurance.

Paid-up policies.

- When Act comes into force.
- 14. (1) This Act shall not take effect, unless and until accepted and approved by resolution passed by a vote of not less than two-thirds of the members present or repre- 35 sented by proxy at a Head Camp session of the Order, 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 40 fixed for that purpose by the said resolution.

Notice.

(2) Notice of such acceptance and approval by the Order and by the said Superintendent, and of the day so fixed, shall be published by the Order in the Canada Gazette.

Head camp session legalized.

15. (1) It is hereby declared that the session or adjourned 45 session of Head Camp to be held during the year nineteen hundred and twenty-three, shall for the purpose of dealing

with this Act be and be deemed to be a legislative session of said Head Camp notwithstanding anything to the contrary contained in the by-laws of the Order.

Notice in official organ.

(2) A copy of this Act and notice of the fact that the said session or adjourned session of Head Camp shall be 5 a legislative session shall be published in the official organ of the Order at least thirty days before the date of the said meeting or adjourned meeting of the Head Camp.

Repeal.

16. Upon the coming into force of this Act, as provided by section fourteen hereof, the Acts mentioned in the 10 preamble of this Act shall be deemed to be and be repealed, and the provisions of this Act shall be substituted for the provisions of the Acts so repealed.

Insurance Act to apply.

17. The Order shall be subject to the provisions of The Insurance Act, 1917, and any amendments thereto. 15

#### THE HOUSE OF COMMONS OF CANADA

# BILL 112.

An Act to amend the Irrigation Act.

First reading, April 19, 1923.

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THE MINISTER OF THE INTERIOR.

#### THE HOUSE OF COMMONS OF CANADA

## MONANA TO P BILL 112, IRJUN HIT

An Act to amend the Irrigation Act.

R.S., c. 61; 1908, c. 38; 1910, c. 34; 1914, c. 37; 1919, c. 3; 1920, c. 55.

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

1. Section seven of the *Irrigation Act*, chapter sixty-one, Revised Statutes of Canada, 1906, as enacted by chapter fifty-five of the statutes of 1920, is amended by adding thereto the following:—

Water areas may be leased for mining purposes.

1908, c. 20, s. 37. "Provided that this section shall not affect the right of His Majesty to dispose of minerals, under the provisions of The Dominion Lands Act, under lands forming the bed or 10 shore of the said waters; and this proviso shall be deemed to have come into operation on the twenty-third day of July, one thousand eight hundred and ninety-four."

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THE HOUSE OF COMMONS OF CANADA

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An Act to amend the Irrigation Act.

AS PASSED BY THE HOUSE OF COMMONS, 25th APRIL, 1923.

#### THE HOUSE OF COMMONS OF CANADA

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#### THE HOUSE OF COMMONS OF CANADA

## BILL 115.

An Act to amend the Animal Contagious Diseases Act.

First reading, April 20, 1923.

The MINISTER OF AGRICULTURE.

OTTAWA F. A. ACLAND

#### THE HOUSE OF COMMONS OF CANADA

# BILL 115.

An Act to amend the Animal Contagious Diseases Act.

R.S., c. 75; 1909, c. 3; 1913, c. 6; 1920, c. 3; 1922, c. 7.

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

Compensation reduced for pure bred cattle. 1. Section one of chapter seven of the statutes of 1922, An Act to amend the Animal Contagious Diseases Act, is amended by striking out the words "two hundred dollars for each head of cattle," in the eighteenth line thereof, and substituting therefor the words "one hundred and fifty dollars for each head of cattle."

Commencement of Act. 2. This Act shall come into operation on the first day of 10 July, one thousand nine hundred and twenty-three,

Proviso as to animals slaughtered after 1st July, 1922.

Provided that, notwithstanding anything contained in this Act, or in chapter seven of the statutes of 1922, An Act to amend the Animal Contagious Diseases Act, the Minister may order compensation to be paid to the owners of animals 15 which were slaughtered on or after the first day of July, one thousand nine hundred and twenty-two, but which had been valued and ordered to be slaughtered, under the Animal Contagious Diseases Act, previous to that date, at the rates which were authorized by statute immediately 20 before the said chapter seven came into force,

Proviso as to animals slaughtered on or after 1st July, 1923. Provided also that, notwithstanding anything contained in this Act, the Minister may order compensation to be paid to the owners of animals which may be slaughtered on or after the first day of July, one thousand nine hundred 25 and twenty-three, but which shall have been valued and ordered to be slaughtered, under the provisions of the Animal Contagious Diseases Act, during the period from the first day of July, one thousand nine hundred and twenty-two to the thirtieth day of June, one thousand nine hundred 30 and twenty-three, both dates inclusive, at the rates authorized under chapter seven of the statutes of 1922.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 115.

An Act to amend the Animal Contagious Diseases Act.

AS PASSED BY THE HOUSE OF COMMONS, 24th APRIL, 1923.

OTTAWA F. A. ACLAND

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#### THE HOUSE OF COMMONS OF CANADA

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Commence-

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to animals slaughtered

2. This Act shall come into operation on the first day of 10 July, one thousand nine hundred and twenty-three.

Provided that, notwithstanding anything contained in this Act, or in chapter seven of the statutes of 1922, An Act after 1st July, to amend the Animal Contagious Diseases Act, the Minister may order compensation to be paid to the owners of animals 15 which were slaughtered on or after the first day of July, one thousand nine hundred and twenty-two, but which had been valued and ordered to be slaughtered, under the Animal Contagious Diseases Act, previous to that date, at the rates which were authorized by statute immediately 20 before the said chapter seven came into force,

Proviso as to animals slaughtered on or after 1st July, 1923.

Provided also that, notwithstanding anything contained in this Act, the Minister may order compensation to be paid to the owners of animals which may be slaughtered on or after the first day of July, one thousand nine hundred 25 and twenty-three, but which shall have been valued and ordered to be slaughtered, under the provisions of the Animal Contagious Diseases Act, during the period from the first day of July, one thousand nine hundred and twentytwo to the thirtieth day of June, one thousand nine hundred 30 and twenty-three, both dates inclusive, at the rates authorized under chapter seven of the statutes of 1922.

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#### THE HOUSE OF COMMONS OF CANADA

# BILL 116.

An Act respecting the Canadian National Railways.

First reading, April 20, 1923.

The Acting Minister of Railways

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

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#### THE HOUSE OF COMMONS OF CANADA.

## BILL 116.

1919, c. 13; 1920, c. 13. An Act respecting the Canadian National Railways.

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

Agreements to restore or make good loss or damage by fire or other casualty to mortgaged premises, and indemnify trustees.

1. The Governor in Council may from time to time cause an agreement or agreements to be executed by or 5 on behalf of His Majesty the King undertaking or guaranteeing that any company designated in the schedule hereto will restore or make good all loss or damage to the mortgaged premises comprised in any mortgage or deed of trust (hereinafter called "such mortgage") at any time 10 executed by any such company occasioned by fire or other causalty against which such company convenanted in such mortgage to insure, and indemnifying the trustee or trustees of any such mortgage against any consequences arising from any failure,—(a) on the part of such company to 15 comply with such covenant to insure, and (b) on the part of such trustee or trustees to take any action in respect thereof.

Details subject to approval.

2. The times and manner of the giving of any such agreement or agreements, and the form and terms thereof, 20 and the person who may sign the same on behalf of His Majesty, shall be such as the Governor in Council may from time to time approve or direct.

#### SCHEDULE

Any company mentioned or referred to in the following statutes:—

Chapter 13 of the Statutes of Canada, 1919. Chapter 13 of the Statutes of Canada, 1920.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 116.

An Act respecting the Canadian National Railways.

AS PASSED BY THE HOUSE OF COMMONS, 23rd APRIL, 1923.

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#### THE HOUSE OF COMMONS OF CANADA.

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#### THE HOUSE OF COMMONS OF CANADA

# -visal bas berham BILL 117. Marinah ed T. I

An Act to amend the Admiralty Act.

Read a first time, April 20, 1923.

The MINISTER OF JUSTICE.

OTTAWA

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 117.

An Act to amend the Admiralty Act.

R.S., c. 141; 1920, c. 33; 1922, c. 4. HIS Maj the Se

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

1. The Admiralty Act, chapter one hundred and fortyone of the Revised Statutes of Canada, 1906, is hereby amended by repealing section eleven of the said Act and substituting therefor the following:—

Deputy local judges.

"11. (1) The Governor in Council may, from time to "time, appoint for any Admiralty district one or more "deputy local judges, and any such deputy local judge 10 "shall have and exercise all such jurisdiction, powers and "authority as are possessed by the local judge.

Tenure.

"(2) The appointment of a deputy local judge shall not be "determined by the occurrence of a vacancy in the office "of the local judge.

Revocation of appointment.

"of the local judge.

"(3) The Governor in Council may at any time revoke
"the appointment of a deputy local judge."

No fees.

2. No judge, local judge or deputy local judge shall take or receive any fee of office upon the trial of any cause or upon any other judicial proceeding.

Salary of deputy local judge.

3. When the local judge of the Quebec Admiralty District resides at Montreal the deputy local judge residing at Quebec shall be paid the salary, if any, which he would have received if he were the local judge of the district, and in like manner when the local judge resides at Quebec the deputy local 25 judge residing at Montreal shall receive the salary, if any, which he would have received if he were the local judge of the district; provided that not more than one deputy local judge in the district shall receive a salary.

"Deputy registrar."

4. Section fourteen of the Admiralty Act, is amended by 30 inserting the words "a deputy registrar" immediately after the word "registrar" in the third line thereof.

Repeal

st 5. Chapter thirty-three of the statutes of 1920 and chapter four of the statutes of 1922 are hereby repealed.

Commencement of Act.

6. Pursuant to the requirements of section four of the Colonial Courts of Admirally Act, 1890, this Act shall not come into operation until His Majesty's pleasure thereon has been publicly signified in Canada.

THE HOUSE OF COMMONS OF CANADA

BILL 117

As Act to amend the Admiralty Act

AS PASSED BY THE HOUSE OF COSIMO

Repeal:

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Commencement of Act.

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THE HOUSE OF COMMONS OF CANADA.

## BILL 117.

H IS Malegay by and with the Milvios and consent of

An Act to amend the Admiralty Act.

AS PASSED BY THE HOUSE OF COMMONS, 25th APRIL, 1923.

OTTAWA

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 117.

An Act to amend the Admiralty Act.

R.S., c. 141; 1920, c. 33; 1922, c. 4. 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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3. When the local judge of the Quebec Admiralty District resides at Montreal the deputy local judge residing at Quebec shall be paid the salary, if any, which he would have received if he were the local judge of the district, and in like manner when the local judge resides at Quebec the deputy local 25 judge residing at Montreal shall receive the salary, if any, which he would have received if he were the local judge of the district; provided that not more than one deputy local judge in the district shall receive a salary.

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## BILL 118.

An Act to amend the Militin Pension Act

First moding, Spott 28, 1982

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Commencement of Act. 6. Pursuant to the requirements of section four of the Colonial Courts of Admiralty Act, 1890, this Act shall not come into operation until His Majesty's pleasure thereon 5 has been publicly signified in Canada.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 118.

An Act to amend the Militia Pension Act.

First reading, April 20, 1923.

The Minister of National Defence.

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 118.

An Act to amend the Militia Pension Act.

R.S., c. 42; 1907, c. 28; 1910, c. 39; 1919, c. 61; 1920, c. 58. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection eleven of section four of the *Militia Pension* Act, chapter forty-two of the Revised Statutes of Canada, 1906, as amended by chapter twenty-eight of the statutes of 1907, is repealed and the following is substituted therefor:—

Pensions of retired officers who served in the War and are employed in public service, to be continued.

"(11). If an officer to whom a pension has been granted under this Act is employed in the public service of Canada and is in receipt of a salary therefor, such pension shall 10 be discontinued during the time such officer is in receipt of such salary unless the officer, prior to his retirement from the Force, served as an officer, non-commissioned officer, or man on active service outside of Canada or the United States during the war between Great Britain and 15 Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen, in which case unless, prior to the coming into force of this Act, or subsequent to the coming into force thereof, it has been or, is otherwise ordered by the Governor in Council the 20 pension shall not be discontinued. Provided, however, that in the event of the gross annual pension granted to such last mentioned officer under the provisions of this Act, together with the annual rate of salary which such officer is receiving in the public service of Canada, making 25 an annual amount greater than the annual rate of pay and allowances upon which such officer's pension was computed the payments of pension to such officer during the time he is in receipt of a salary in the public service of Canada shall be reduced so that the annual rate of emolument 30 received by such officer by way of salary and pension shall not exceed the annual rate of pay and allowances upon which his pension was computed."

Adjustment to provide that annual emolument shall not exceed annual rate of pay and allowances upon which pension was computed.

Punctons gatel to such officers not recoverable

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2. Augresquents of pension which, muor to the coming into force of this Act, have been made to an officer who, at the time, was in receipt of a salary in the public service of Canada, shall not be recoverable from such chara if under section one of this Act has a climble to receive the pension granted to bim under the Albhar Pansion state of a portion of such pension at the same time as he is received a portion of such pension at the same time as he is received a persion of such pension at the same time as he is received a persion of such pension at the same time as he is received a persion of such pension at the same time as he is received a persion of such pension at the same time as he is received a pension of such pension of such pension of such pension at the same time as he is the same time.

8. This Act shall be decided to have come into lones and operation on the first day of January, one thousand It line lundred and twenty-three.

## BILL 118.

An Act to amend the Militia Dension Act,

AS PASSED BY THE HOURS OF COMMENTS

T. K. Miller ber

Pensions paid to such officers not recoverable. 2. Any payments of pension which, prior to the coming into force of this Act, have been made to an officer who, at the time, was in receipt of a salary in the public service of Canada, shall not be recoverable from such officer if under section one of this Act he is eligible to receive the pension granted to him under the *Militia Pension Act* or a portion of such pension at the same time as he is in receipt of a salary in the public service of Canada.

When Act comes into force.

3. This Act shall be deemed to have come into force and operation on the first day of January, one thousand 10 nine hundred and twenty-three.

2nd Seedon, 14th Parliament, 13-14 Course V, 1913

#### THE HOUSE OF COMMONS OF CANADA

# BILL 118.

An Act to amend the Militia Pension Act.

#### AS PASSED BY THE HOUSE OF COMMONS, 23rd APRIL, 1923.

pension shall not be discontinued. Provided, however,

such hast mentioned officer under the provisions of this

officer is receiving in the public service of Canada, making 25

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#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 118.

An Act to amend the Militia Pension Act.

R.S., c. 42; 1907, c. 28; 1910, c. 39; 1919, c. 61; 1920, c. 58. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

61; f 58.

1. Subsection eleven of section four of the Militia Pension Act, chapter forty-two of the Revised Statutes of Canada, 1906, as amended by chapter twenty-eight of the statutes of 1907, is repealed and the following is substituted therefor:—

Pensions of retired officers who served in the War and are employed in public service, to be continued.

"(11). If an officer to whom a pension has been granted under this Act is employed in the public service of Canada and is in receipt of a salary therefor, such pension shall 10 be discontinued during the time such officer is in receipt of such salary unless the officer, prior to his retirement from the Force, served as an officer, non-commissioned officer, or man on active service outside of Canada or the United States during the war between Great Britain and 15 Germany which commenced on the fourth day of August. one thousand nine hundred and fourteen, in which case unless, prior to the coming into force of this Act, or subsequent to the coming into force thereof, it has been or, is otherwise ordered by the Governor in Council the 20 pension shall not be discontinued. Provided, however, that in the event of the gross annual pension granted to such last mentioned officer under the provisions of this Act, together with the annual rate of salary which such officer is receiving in the public service of Canada, making 25 an annual amount greater than the annual rate of pay and allowances upon which such officer's pension was computed the payments of pension to such officer during the time he is in receipt of a salary in the public service of Canada shall be reduced so that the annual rate of emolument 30 received by such officer by way of salary and pension shall not exceed the annual rate of pay and allowances upon which his pension was computed."

Adjustment to provide that annual emolument shall not exceed annual rate of pay and allowances upon which pension was computed.

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25. Any pasturents of pension which, pater to the coming safe force of this Act, have been reads to an officer who, at the time, was in recipit of a salary in the public studies of Canada, shall not be recoverable from such officer if ancer section one of this Act he is eligible to receive the pension granted to him under the Militia Pension Act or a portion of such pension at the same time as he is in receipt of a salary in the public service of Canada.

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2. This Act, shall be deemed to have coron into force and speration on the first day of January, one thousand 10 rime bunkied and twenty-times.

## BILL 136.

An Act to amend The Immigration Act.

First reading, April 20, 1923.

The Acres Minister of Immenation

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TO YOU RESIDE MOST EXCELLENT WASHING

Pensions paid to such officers not recoverable. 2. Any payments of pension which, prior to the coming into force of this Act, have been made to an officer who, at the time, was in receipt of a salary in the public service of Canada, shall not be recoverable from such officer if under section one of this Act he is eligible to receive the pension granted to him under the *Militia Pension Act* or a portion of such pension at the same time as he is in receipt of a salary in the public service of Canada.

When Act comes into force.

3. This Act shall be deemed to have come into force and operation on the first day of January, one thousand 10 nine hundred and twenty-three.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

# THE HOUSE OF COMMONS OF CANADA

# BILL 136.

An Act to amend The Immigration Act.

First reading, April 26, 1923.

The Acting Minister of Immigration and Colonization.

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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

### THE HOUSE OF COMMONS OF CANADA.

# BILL 136.

1910, c. 27; 1911, c. 12; 1914 (2 Sess.),

An Act to amend The Immigration Act.

1919, cc. 25, 1919 (2 Sess.), c. 19; 1921, c. 32.

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

Enemy aliens.

**1.** Paragraph (p) of section three of The Immigration Act, chapter twenty-seven of the statutes of 1910, as enacted 5 by chapter twenty-five of the statutes of 1919, is repealed.

Deported conspirators.

2. Paragraph (s) of section three of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is amended by striking out the following words at the end of said paragraph:— "or because such persons were or may be regarded as

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hostile or dangerous to the allied cause during the war;"

3. Section forty-one of the said Act, 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 prohibited or undesirable classes.

"Whenever any person other than a Canadian citizen 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 20 authority, or the assassination of any official of the Government of Great Britain or Canada or other British dominion, colony, possession or dependency, or of any foreign government, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common 25 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 30 as an undesirable immigrant, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the

elers, secretary or other official of any numericality in Canada wherein such person may be, to terthwish rend a written complaint thereof to the Minister of Immigration, giving full particulars.

Deputy Machaer Busy order Processor a. Subsection one of section fortestive of the said Act, 5 as timended by section brouts-are of chapter overly-fee of the statutes of 1949, is accorded by actions out the following words to the second and timed the whereof is whether chapter or shrangly the Daputy, Minister, and by meeting the words for the Daputy Minister, after 10 and by meeting the words for the Daputy Minister, after 10 the word "Minister" in the 18th line thereof.

se american point or section intra-two of the said ton, as american by section sixteen of chapter (wenty-live of the statutes of 1919, as farther amended by striking nulturer the world "celly" in the first line thereof the following 16 words:—

Proceeding or departed "by reason of inability to comply with the money qualification prescribed by any order in council passed under the authority of section that y-seven of this Act and substitution therefor the following

"by resson of inability to comply with the provisions of any Order in Council which has been resemded"

Fine theresage for suc. graph three of these on board ship. it. humsetton one of siction ally-two of the said Act, as chacted by chapter twenty-five of the statutes of 1919; is amended by striking out the world ten "in the amenty- 25 sevents line thereof and substituting therefor the world "twenty".

7. Subsection two of section fifty-two of the said Act, as enacted by chapter twenty-five of the statute of 1919, it repealed and the following a substituted the plane.

Titled trains

"(3) If the master of any vessel arriving of any port of any in Carada shall pay off or discharge any offect, ascanan or other member at the crew or other person camployed on such vessel without such person having first been expanded by an immigration officer as required under at section thursy-three of this Act, such master shall, if required by the agent or upperform-charge, with the approval of the Minister, pay to the agent or officer-in-charge the sum of the crew or other person employed on such vessel who to the result of the crew or other person employed on such vessel who to have been paid off ar discharged without that baying been have been paid off ar discharged without that baying been examined by an immigration officer, and no such resent shall be granted elearnness pending the determination of the question of the liability to the payment of such inc. and, so the result the event such fine is mijored, while it remains urpoid: 45 per shall such this be remitted or relunded; Brovided, that

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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.

4. Subsection one of section forty-two of the said Act. as amended by section twenty-six of chapter twenty-five of the statutes of 1919, is amended by striking out the following words in the second and third line thereof: "whether directly or through the Deputy Minister," and by inserting the words "or the Deputy Minister" after 10 investigation. the word "Minister" in the fifth line thereof.

Deputy Minister may order

> 5. Subsection four of section forty-two of the said Act. as amended by section sixteen of chapter twenty-five of the statutes of 1919, is further amended by striking out after the word "only" in the first line thereof the following 15 words:-

Arrest or prosecution of rejected or deported person.

"by reason of inability to comply with the money qualification prescribed by any order in council passed under the authority of section thirty-seven of this Act" and substituting therefor the following: 20 "by reason of inability to comply with the provisions of any Order in Council which has been rescinded"

Fine increased for not giving lists of those on board ship.

6. Subsection one of section fifty-two of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is amended by striking out the word "ten" in the twenty- 25 seventh line thereof and substituting therefor the word "twenty".

7. Subsection two of section fifty-two of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is repealed and the following is substituted therefor:—

Discharging crew without examination.

"(2) If the master of any vessel arriving at any port of entry in Canada shall pay off or discharge any officer, seaman or other member of the crew or other person employed on such vessel without such person having first been examined by an immigration officer as required under 35 section thirty-three of this Act, such master shall, if required by the agent or inspector-in-charge, with the approval of the Minister, pay to the agent or officer-in-charge the sum of twenty dollars for such officer, seaman, or other member of the crew or other person employed on such vessel who 40 has been paid off or discharged without first having been examined by an immigration officer, and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; 45 nor shall such fine be remitted or refunded: Provided, that clearance may be granted prior to the determination of

No clearance until fine paid or deposit made.

such question apon deposit of a sum as house to cover such suc, the division different that, the distribution officer inchange may also any officer of committee any also have been of sociated to cake Committee and the property of the prop

S. Section Unrawa of the said Act, as ensered by the property wenty-tive of the statutos of 1919, is innertable by

Dobout you pourly's too crew, or other person employed on any vessel diseases at the crew, or other person employed on any vessel diseases the 1d vessel while in easy Canadian part, such vessel shall not be retained elearnoce until the unset has deposited with the attent of either deposit shall be held as security for the retain of such describe to the large transfer of the personance whichever 1d event shall have kappen! "In case then describe the help makes the first shall be returned to the mater the amount of such deposit shall be returned to the mater less any expenses for detention, amintenance, praysportation, embessional, interloading have hose each mater of otherwise 20 which the Covernment shall have matered on account of material the top Covernment shall have matered on account of anythick the Covernment shall have matered on account of

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Temporary entry.

such question upon deposit of a sum sufficient to cover such fine; Provided further that the immigration officer-in-charge may allow any officer or seaman to enter Canada temporarily for the purpose of reshipping under such regulations as the Minister may prescribe."

S. Section fifty-two of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is amended by adding thereto the following subsection:—

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Deposit as security for return of deserters. "(6) In case any officer, seaman or other member of the crew, or other person employed on any vessel deserts the 10 vessel while in any Canadian port, such vessel shall not be granted clearance until the master has deposited with the officer-in-charge such sum as may be prescribed by him, which deposit shall be held as security for the return of such deserter to the vessel or for his deportation, whichever 15 event shall first happen. In case such deserter returns to the vessel, or is deported under the provisions of this Act, the amount of such deposit shall be returned to the master less any expenses for detention, maintenance, transportation, subsistence, medical or hospital treatment or otherwise 20 which the Government shall have incurred on account of such deserter."

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 136.

An Act to amend The Immigration Act.

AS PASSED BY THE HOUSE OF COMMONS, 11th MAY, 1923.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 136.

1910, c. 27; 1911, c. 12; 1914 (2 Sess.), c. 2; 1919, cc. 25, 26; 1919 (2 Sess.),

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:—

Enemy aliens.

c. 19; 1921, c. 32.

1. Paragraph (p) of section three of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as enacted by chapter twenty-five of the statutes of 1919, is repealed.

Deported conspirators.

2. Paragraph (s) of section three of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is amended by striking out the following words at the end of said paragraph:—

"or because such persons were or may be regarded as hostile or dangerous to the allied cause during the war:"

3. Section forty-one of the said Act, as enacted by chapter twenty-six of the statutes of 1919, is repealed and

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the following is substituted therefor:—

Certain persons to be deemed to belong to the prohibited or undesirable classes.

"41. throw by or Canad depender constitute."

"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 20 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 25 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 30 Canada wherein such person may be, to forthwith send a

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written complaint thereof to the Minister of Immigration, giving full particulars.

4. Subsection one of section forty-two of the said Act, as amended by section twenty-six of chapter twenty-five of the statutes of 1919, is amended by striking out the following words in the second and third line thereof:—
"whether directly or through the Deputy Minister," and by inserting the words "or the Deputy Minister" after the word "Minister" in the fifth line thereof.

Deputy Minister may order investigation.

5. Subsection four of section forty-two of the said Act, 10 as amended by section sixteen of chapter twenty-five of the statutes of 1919, is further amended by striking out after the word "only" in the first line thereof the following words:—

Arrest or prosecution of rejected or deported person. "by reason of inability to comply with the money qualifi- 15 cation prescribed by any order in council passed under the authority of section thirty-seven of this Act" and substituting therefor the following:—
"by reason of inability to comply with the provisions of any Order in Council which has been rescinded"

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6. Subsection one of section fifty-two of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is amended by striking out all that portion of said section preceding the word "such" in the ninth line thereof and

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substituting therefor the following:-

"52. (1) Upon arrival of any vessel in Canada from any port or place outside of Canada, it shall be the duty of the transportation company, owner, agent, consignee, or master of a vessel, to deliver to the agent or inspector in charge at the port of entry such lists as may be required 30 by the Minister containing the names of all officers, seamen or other persons employed on such vessel which lists shall contain whatever information the Minister shall prescribe, and before the departure of any such vessel, the Minister may also require"

Lists of seamen, employees, men discharged and deserters, must be delivered.

7. Subsection two of section fifty-two of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is repealed and the following is substituted therefor:—

Discharging crew without examination.

"(2) If the master of any vessel arriving at any port of entry in Canada shall pay off or discharge any officer, 40 seaman or other member of the crew or other person employed on such vessel without such person having first been examined by an immigration officer as required under section thirty-three of this Act, such master shall, if required by the agent or inspector-in-charge, with the approval of 45 the Minister, pay to the agent or officer-in-charge the sum of twenty dollars for such officer, seaman, or other member

temporarily on the purpose of resigning under paint

No clearance until fine paid or deposit made.

of the crew or other person employed on such vessel who has been paid off or discharged without first having been examined by an immigration officer, and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, 5 in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: Provided, that clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine; Provided further that the immigration officer-in- 10 charge may allow any officer or seaman to enter Canada temporarily for the purpose of reshipping under such regulations as the Minister may prescribe."

Temporary entry.

S. Section fifty-two of the said Act, as enacted by chapter twenty-five of the statutes of 1919, is amended by 15

adding thereto the following subsection:-

Deposit as security for return of deserters.

"(6) In case any officer, seaman or other member of the crew, or other person employed on any vessel deserts the vessel while in any Canadian port, such vessel shall not be granted clearance until the master has deposited with the 20 officer-in-charge such sum as may be prescribed by him, which deposit shall be held as security for the return of such deserter to the vessel or for his deportation, whichever event shall first happen. In case such deserter returns to the vessel, or is deported under the provisions of this Act, 25 the amount of such deposit shall be returned to the master less any expenses for detention, maintenance, transportation, subsistence, medical or hospital treatment or otherwise which the Government shall have incurred on account of such deserter."

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 139.

An Act to amend The Bankruptcy Act.

First reading, April 27, 1923.

The MINISTER OF JUSTICE.

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#### THE HOUSE OF COMMONS OF CANADA.

# BILL 139.

An Act to amend The Bankruptcy Act.

1919, c. 36; 1920, c. 34; 1921, c. 17; 1922, c. 8. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as The Bankruptcy Act Amendment Act, 1923.

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"Authorized assignment."

2. (1) Paragraph (f) of section two of The Bankruptcy Act, 1919, is repealed and the following substituted therefor:—
"(f) 'Authorized assignment' means an assignment

accepted and filed by the Official Receiver."

(2) Section two is further amended by adding the follow- 10

ing paragraph after paragraph (m):-

"Custodian."

"(mm) 'Custodian' means the creditor duly authorized to exercise the functions of custodian for the time being."

(3) Paragraph (x) of the said section, as enacted by 15 chapter thirty-four of the statutes of 1920, is repealed and

the following substituted therefor:—

"Locality of a debtor."

"(x) 'Locality of a debtor' (whether a bankrupt or assignor) means (a) the principal place where the debtor has carried on business during the year immed-20 iately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment; or (b) the place where the debtor has resided during the year immediately preceding the date of the presentation against him of 25 a bankruptcy petition or the making by him of an authorized assignment; or (c), in cases not coming within (a) or (b), the place where the greater portion of the property of such debtor is situate;"

(4) The said section is further amended by adding the 30

following paragraph after paragraph (y):—

"Official Receiver." "(yy) 'Official Receiver' means the person in the locality of the debtor authorized to exercise the functions of the official receiver for the time being." 3. Subsection than of section four of the said art is 10

(5) Paragraph (jj) of the said section is repealed and

the following substituted therefor:—

"Trustee or authorized trustee." "(jj) 'trustee' or 'authorized trustee' means, dependent upon the context, any person, who is authorized by the creditors, pursuant to the provisions of this Act, 5 to act as a trustee in bankruptcy or under an authorized assignment or in connection with a proposal by a debtor for a composition extension or scheme of arrangement to or with his creditors."

3. Subsection four of section four of the said Act is 10

repealed and the following substituted therefor:—

If petitioning creditor is a secured creditor.

"(4) (a) If the petitioning creditor is a secured creditor he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, 15 or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same manner as if he were an unsecured creditor."

"(b) The petition shall be presented to the court having

jurisdiction in the locality of the debtor."

(2) Subsection five of the said section is amended by adding at the end thereof the following words: "and appoint as custodian one of the most interested creditors, having regard, as 25 far as the court deems just, to the wishes of the creditors."

Interim receiver.

Where

petition may be

presented.

Proof of

debt, etc.

4. Subsection one of section five of the said Act is amended by striking out the words "authorized trustee as" in the fourth line thereof.

Regarding vestment of property in trustee.
Selection of trustee.

5. (1) Subsection one of section six of the said Act is 30 repealed.

(2) Subsection two of the said section is repealed (3) Subsection three of the said section is repealed and

the following substituted therefor:—

Vesting of property in trustee.

"(3) On a receiving order being made against a debtor, 35 such debtor shall cease to have any capacity to dispose of or otherwise deal with his property affected by the receiving order, which shall be deemed to be in the custody of the court, and upon the appointment of a trustee as hereinafter provided, such property shall, 40 subject to the rights of secured creditors, forthwith pass to and vest in such trustee, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever."

(4) Subsection four of the said section is amended by striking out all the words therein after the words "therein commenced" in the tenth and eleventh lines thereof.

Transfer of proceedings to another division.

Staylof proceedings.

6. Section seven of the said Act is repealed.

Application of Part I.

- 7. Section eight of the said Act is amended by striking out the words "this Part" in the first line thereof and substituting the words "section four."
- S. The said Act is further amended by inserting immediately after section eight, the following section:—

## "GENERAL.

When possession to be taken by custodian.

"SA. The custodian whether appointed by the court pursuant to a receiving order, or by the Official Receiver pursuant to an authorized assignment, shall take immediate possession of all the property of the debtor liable to seizure, 10 and he may under the direction of the Official Receiver take conservatory measures and dispose of any perishable goods; he shall remain in possession until a trustee is appointed by the creditors."

9. The said Act is further amended by inserting imme- 15 diately after section 8A the following section:—

Limitation regardings remedy of creditor against property or person of debtor. "SB. On the making of a receiving order or authorized assignment, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor or shall 20 commence or continue any action, execution or other proceedings for the recovery of a debt provable in bankruptcy unless with the leave of the court and on such terms as the court may impose; provided that, subject to the provisions of section forty-six, any secured creditor or person 25 holding security on the property of the debtor may realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed, unless the court otherwise orders."

Regarding assignment for general benefit of creditor. 10. (1) Section nine of the said Act is amended by striking out the words "to an authorized trustee appointed pursuant to section fourteen with authority in the locality of the debtor" in the fourth, fifth and sixth lines.

(2) Section nine is further amended by adding thereto 35

the following subsections:—

"(2) Such authorized assignment shall be accompanied by the statement of affairs required by section fifty-four."

Filing of such authorized assignment.

Authorized

assignment.

"(3) The authorized assignment shall be offered to the Official Receiver in the locality of the debtor to be filed 40 and it shall be inoperative until accepted and filed by such Official Receiver, who shall refuse to accept the same unless it is in the form prescribed by the General Rules or

words to the like effect, and accompanied by the sworn statement of affairs required by the preceding subsection. If the Official Receiver accepts the assignment, he shall file the same whereupon the property of the debtor shall be deemed to be in the custody of the court and the 5 debtor shall cease to have any capacity to dispose of or otherwise deal with such property."

Appointment of custodian.

"(4) Immediately after the acceptance of the authorized assignment, the Official Receiver shall appoint a custodian whom he shall, as far as possible, select from the most 10 interested creditors."

Procedure at first meeting of creditors. "(5) The Official Receiver shall preside at the first meeting of creditors and upon the appointment of the trustee by the creditors, he shall complete the authorized assignment by certifying thereon the name of such trustee, 15 and such assignment shall thereupon, subject to the rights of secured creditors, vest as of the date of the acceptance and filing of the said assignment in the trustee all the property of the debtor.

11. Section ten of the said Act is repealed, and the 20

following substituted therefor:-

Form of assignment.

"10. Every Official Receiver with whom an assignment is filed, shall, when the same is completed as hereinbefore provided, deposit the same in the court having jurisdiction in the locality of the debtor, and if subsequently the trustee 25 is displaced by a new trustee, such new trustee shall within four days of his appointment give notice thereof to the said court."

Publication of notice.

12. Subsection four of section eleven of the said Act is amended by inserting the words "by the custodian" after 30 the word "gazetted" in the twelfth line thereof.

Registration of assignment.

(2) Subsection eight of section eleven is amended by substituting the words "Official Receiver" for the word "trustee" in the fourth line thereof and by inserting the words "custodian or" before the word "trustee" in the 35 sixth line thereof.

Affidavit upon registration.

Composition, extension or

arrangement.

scheme of

(3) Subsection eleven of section eleven is amended by inserting the words "custodian or" after the word "any" in the second line thereof.

13. Subsection one of section thirteen is repealed and 40 the following is substituted therefor:—

"13. (1) Where an insolvent debtor intends to make a proposal for,—

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(a) a composition in satisfaction of his debts; or, (b) an extension of time for payment thereof, or,

(c) a scheme of arrangement of his affairs; he may, after the making of a receiving order against him or the making of an authorized assignment by him, require

in writing the trustee duly appointed to convene at the office of such trustee a meeting of such debtor's creditors for the consideration of such proposal.

(2) Subsection two of section thirteen is amended by

striking out of the second and third lines the words:

"within such time as the trustee may then fix" and 5 substituting the word "before".

Proceedings by trustee.

Proceedings by debtor.

Repeal.

(3) Subsection three of section thirteen, as enacted by chapter eight of the statutes of 1922, is amended by striking out the words "two-thirds" in the thirty-third and thirtyseventh lines and substituting the words "three-fourths".

(4) Subsections 3a, 3b, 3c, 3d, 3e, 3f of section thirteen. as enacted by chapter seventeen of the statutes of 1921,

are repealed.

(5) Subsections eight and nine of section thirteen, as enacted by chapter eight of the statutes of 1922, are re-15

pealed and the following are substituted therefor:—

"(8) If the court is of the opinion that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the court shall refuse to approve the proposal, and the court shall 20 refuse to approve the proposal whenever it is established that the debtor has committed any one of the offences mentioned in section eighty-nine of this Act."

(9) If any of the facts mentioned in section fifty-nine of the present Act are proved against the debtor, the 25 court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than fifty cents in the dollar on all the unsecured debts provable against the debtor's estate."

(6) Subsection eighteen of section thirteen is repealed 30

and the following substituted therefor:—

"(18) If the court approves the composition, extension or scheme, it may make an order annulling the bankruptcy or authorized assignment and vesting the property of the debtor in him or in such other person 35 as the court may appoint on such terms and subject to such conditions, if any, as the court may declare.'

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

40

"14. Every trustee appointed by the creditors as hereinafter provided shall within seven days give security to

the satisfaction of the creditors by bond or in cash for due accounting and for payment over and transfer of all moneys and property received by him as such trustee."

Depositing of security.

"(2) Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the court".

Reasonable

security.

Court may

approve the proposal.

refuse to

Court may make order annulling bankruptcy or assign-

be furnished by trustee.

Security to

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Powers of trustee.

"(3) Every trustee duly appointed shall for the purpose of obtaining possession of and realizing upon the assets of the bankrupt or authorized assignor have power to act as such anywhere."

When trustee continued in trust.

"Provided that any person authorized as trustee and acting under a receiving order or authorized assignment or in connection with a proposal for a composition, extension or scheme at the date this Act comes into force, shall continue to act as such trustee unless replaced, pursuant to the provisions of this Act: 10

Continuance of security given.

"And provided further that nothing in this section shall have the effect to terminate the security heretofore given by any authorized trustee."

**15.** (1) Subsection one of section fifteen as enacted by chapter seventeen of the statutes of 1921, and subsection 15 two of the said Act are repealed and the following substituted therefor:-

Appointment of trustee.

"15. (1) The creditors shall at their first meeting appoint by ordinary resolution any person but the Official Receiver as trustee for the administration of the estate.

20

Removal of trustee.

(2) A trustee may be removed and another trustee appointed or substituted by creditors by ordinary resolution at any meeting of creditors or for cause by the court."

Obligations of trustee.

(2) Subsection five of the said section is amended by striking out the words "accept an authorized assignment 25 or to act as trustee" in the first and second lines, and substituting therefor the words "assume the duties of trustee" and by striking out all the words after the word "debtors" in the fourth line thereof.

Right of

- 16. Subsection two of section nineteen is amended by 30 manufacturer. striking out the words "the receiving order or authorized assignment," in the fifth line thereof, and substituting therefor the words "his appointment."
  - 17. Section twenty is amended by repealing paragraph (b) of subsection three, and by inserting therein after 35 subsection 3 (a) the following subsection:—

Sales in the province of

Sales of hypothecated immoveable property.

Quebec.

"(4) (a) The following paragraphs shall apply only to the province of Quebec:—

(b) No immoveable property whereon exists a hypothec or a privilege shall be sold by the trustee unless he has 40 obtained the authorization of the judge pursuant to the permission in writing of the inspectors and after notice has been given to each hypothecary or privileged creditor, whose name is entered in the register of addresses which the registrars of the registration divi- 45 sion are obliged to keep according to the laws of the province:

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written consent to the contrary is obtained from bath hypothecary or privileged cuedlor whose claim has been duly registered, shall be made at public section as the place prescribed, and give advistmental as the place prescribed, and give advistmental as the place prescribed, and give advistmental as sheris in the allested of immovemble property by the sherist of the allested as place, when such man overlais property as sheris, and a shell have the same effect as the same that the same the time same the time same that the same the same the same the same and the same and the same the same the tradition while a time content as the same that the the same that the same the same the same the same the same the same that the same the same the same that the same the same that the same the same that the same tha

d) When an immovesible property alleaded by a hyperbling or privilege is sold by the shorth, the moneyar residued from the sale remeits to his hands to he could by him to the privileged and approblemately mediates in secondange with the report of distribution which staff, he made by the prothenouser of the following that the the the passed way and the streplan whall be remained to the greates open an arms of the jurke by its distribution arrang the conservations execution by means of a dividend above proposed in accordance with the pre-

Con when sales the bruster shall field all the duties imposed and the shariff by avoider two throughd one marketed and extreme to the avoider two throughd one made introduced and extreme at the avoiders and the different all extreme of Quebec. The regulates of the different all extremes divisions of the regulates of the shall also arriches, they are appointed efficient of the fact he was a few the fact of the sale arriches the fact are the carrying out set the provision of the scheetion. The emission to countly at with any of the provisions of the sale articles and inches and provisions of the sale last the oblices which in dentally and proceedings of the sale last the oblices which in dentally shall be responsible for all daragrees which may result pleasafter.

Method of sale of hypothecated property.

(c) The sale of such immoveable property, unless a written consent to the contrary is obtained from each hypothecary or privileged creditor whose claim has been duly registered, shall be made at public auction at the place prescribed and after advertisement as 5 required for the sale of immoveable property by the sheriff in the district or place where such immoveable property is situate, and it shall have the same effect as to mortgages, hypothecs, privileges, or other real rights then existing thereon, as if the same had been made by 10 the sheriff in the said province under a writ of execution issued in the ordinary course, and the title conveyed by such sale in the said province shall have equal validity with a title created by sheriff's sale and the conveyance of the trustee shall have the same effect as 15 the sheriff's deed in the said province, such sale shall be subject to the contribution of the building and jury fund provided for in the case of sheriff's sale. In case of false bidding, the same recourse as in case of sheriff's sale may be exercised against the false bidder in the 20 manner prescribed by the laws of the province; the present paragraph shall not be interpreted as affecting the right of a secured creditor to realize or otherwise deal with his security as provided by this Act;

Disposal of property so sold by sheriff. (d) When an immoveable property affected by a hypo-25 thec or privilege is sold by the sheriff, the moneys realized from the sale remain in his hands to be paid by him to the privileged and hypothecary creditors in accordance with the report of distribution which shall be made by the prothonotary of the Superior Court in 30 the usual way and the surplus shall be remitted to the trustee upon an order of the judge for its distribution among the chirographony creditors by means of a dividend sheet prepared in accordance with the provisions of this Act:

Duties imposed by civil code.

(e) On such sales, the trustee shall fulfil all the duties imposed on the sheriff by articles two thousand one hundred and sixty-one d to two thousand one hundred and sixty-one k inclusive of the civil code of the province of Quebec. The registrars of the different 40 registration divisions of the said province shall also fulfil all the duties imposed upon them by the said articles; they are appointed officers of the court having jurisdiction in bankruptcy for the carrying out of the provision of this subsection. The omission to comply 45 with any of the provisions of the said articles shall not invalidate any proceedings of the sale but the officer in default shall be responsible for all damages which may result therefrom."

Description of debtor's property.

18. Section twenty-five is amended by striking out the words "in the case of a bankrupt," where they occur in the fifteenth and sixteenth lines thereof.

Abstract of receipts and disbursements.

19. (1) Subsection two of section thirty-seven of the said Act is amended by inserting the words "and notice that he will apply to the court on a day named therein for his discharge" after the word "therefor" in the eighth line thereof.

Final dividends.

(2) Subsection seven of the said section, as enacted by chapter seventeen of the statutes of 1921, is amended by 10 striking out all the words therein before the word "realized" in the fourth line thereof, and substituting therefor the words "When subsection four of section eleven and subsection two of section forty-two have been complied with as to gazetting, publishing and mailing notices to creditors, 15 the trustee having"

Remuneration of trustee. 20. Subsection three of section forty of the said Act is amended by adding at the end thereof the following words: "except with the approval in writing of the inspectors and of the court."

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21. Section forty-one of the said Act, as enacted by chapter seventeen of the statutes of 1921, is amended by adding thereto the following subsection:—

Application of trustee for discharge.

"(7) The trustee shall apply to the court for the discharge hereinbefore referred to within fifteen days of the payment 25 of the final dividend and unless such discharge is obtained the trustee shall be ineligible to act in the future as trustee under this Act. There shall be no fee on this application unless it is contested."

Meetings of creditors.

22. (1) Subsection one of section forty-two of the said 30 Act is amended by inserting the words "a trustee and" after the word "appoint" in the sixth line thereof.

Notice of meeting.

(2) Subsection two of the said section, as amended by chapter eight of the statutes of 1922, is further amended by substituting the word "custodian" for the word "trustee" 35 wherever it occurs therein.

Right of creditor to vote.

(3) Subsection nine of the said section is amended by inserting the words "custodian or" before the word "trustee" in the fifth line thereof.

Voting by proxy.

(4) Subsection thirteen of the said section is amended 40 by inserting the words "custodian or" before the word "trustee" in the second line thereof.

Proof of debts.

23. Subsection two of section forty-five is amended by inserting the words "custodian or" before the word "trustee" in the third line thereof.

24. Subsection three of section forty-six se enacted by chapter seventeen of the statutes of 1921, is repealed and the following substituted therefor:—

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"(3) If a secured creditor does not either realize or enurender his security he may if he wishes to rank for dividend and he shall within thirty days after demand made upon him by the trustee, or within such further time as may he allowed by the inspectors or the court file with the trustee a statutory declaration stating therein full particulars of his security, or securities, the date when each to security was given and the value at winch he assesses each thereof. A creditor shall he estitled to receive a dividend in respect only of the balance due to him after deducting in respect only of the balance due to him after deducting

the assessed value of his accurity."

(2) Subsection five of section forty-siz is repealed and 15

"(5) If the trusteed dissufficed with the value at which a security is assessed, or if a section who has neither

security within the period above mentioned, the trustee 2 may require that the property comprised in the security be offered for sale at such time and on such terms and conditions, as may be agreed on between the creditor and the trustee, or as, in default of such agreement the court

may direct. If the sale he by public auction the creditor up or the tructee on behalf of the estate may hid or purchase. In the previous of Quebec if the security consists of a hypothes or privilege upon immovable property, the sale, when directed by the court, shall be made in accordance with the previous of subsection four of section twenty no

with the providing of subsection four of section twenty as of tide Act, and said sale shall have the exact mantioned in said subsection.

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subsqueatity realizes it, or if it is realized the provisions of subsection and the net amount realized shall be substituted for the amount of any unitation proviously made by the created in all requests as an encoded valuation made by the creation. The costs of

and expenses of any sale made up be in the discretion of the court."

(4) Subsection eight of section forty-six is amended (b) by striking out the words "within two months sites filling big claim? in large two and three of the said subsection.

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25. Subsection two of section forty-eight is amended by

"claim any dividend as a creditor in respect of any

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24. Subsection three of section forty-six as enacted by chapter seventeen of the statutes of 1921, is repealed

and the following substituted therefor:—

Secured creditor to value securities.

"(3) If a secured creditor does not either realize or surrender his security he may if he wishes to rank for 5 dividend and he shall within thirty days after demand made upon him by the trustee, or within such further time as may be allowed by the inspectors or the court, file with the trustee a statutory declaration stating therein full particulars of his security, or securities, the date when each 10 security was given and the value at which he assesses each thereof. A creditor shall be entitled to receive a dividend in respect only of the balance due to him after deducting the assessed value of his security."

(2) Subsection five of section forty-six is repealed and 15

the following substituted therefor:—

May order security to be sold.

"(5) If the trustee is dissatisfied with the value at which a security is assessed, or if a secured creditor who has neither realized nor surrendered his security, fails to assess said security within the period above mentioned, the trustee 20 may require that the property comprised in the security be offered for sale at such time and on such terms and conditions, as may be agreed on between the creditor and the trustee, or as, in default of such agreement the court may direct. If the sale be by public auction the creditor 25 or the trustee on behalf of the estate may bid or purchase. In the province of Quebec if the security consists of a hypothec or privilege upon immovable property, the sale, when directed by the court, shall be made in accordance with the provisions of subsection four of section twenty 30 of this Act, and said sale shall have the effect mentioned in said subsection."

(3) Subsection seven of section forty-six is repealed and

the following substituted therefor:—

Amended valuation by creditor.

"(7) If a creditor after having valued his security, 35 subequently realizes it, or if it is realized under the provisions of subsection five the net amount realized shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor. The costs 40 and expenses of any sale made under subsection five shall be in the discretion of the court."

Secured creditor may amend.

(4) Subsection eight of section forty-six is amended by striking out the words "within two months after filing his claim" in lines two and three of the said subsection.

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Wife's claim.

25. Subsection two of section forty-eight is amended by striking out the words,—

"claim any dividend as a creditor in respect of any money or other estate hereafter lent or entrusted by her to her husband, for the purpose of his trade or

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26. Subsection one of section filty-one is amended by inscribing the word "two" before the word "succeeding" if the first line thereof and by inscribing after the word "firstly" in the fifth line thereof, the words "costs and expenses of the custodian and"

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27. The said Act is amended by inserting the following section immediately before section fifty-two, under the heading "Hights of Landlords":—

"51A. The law in force in each province immediately before the first day of July, one thousand nine hundred and twenty, regulating the rights and privileges of lessors in the event of the inscipency of or the voluntary escentiant for the benefit of creditors by lessors shall be applicable 15 to determine such rights and privileges in the case of any assignment by, or receiving order made against any lesses; provided that any such provincial law applicable only in case of lenses to traders shall apply to lesses to all bandrupts or assignors; and provided further that if there 20 was no such provincial law in force immediately prior to the first day of July, one thousand nine hundred and twenty, the provisions evaluated in the next following section shall be applicable."

Examination of Institute of Institute.

By Official.

Receiver.

ehapter eight of the statutes of 1922, is further amended by inserting the following words after the word "made," in the second line thereof:—"the basicupt or assigner shall present himself before the Official Receiver who shall examine him as to the causes of his insolvency and the 30

examine him as to the causes of his insolvency and the 30 disposition of his assets, and shall put to him the questions provided by the General Rules, or questions to the like effect. The Official Receiver shall make notes of such examination, and shall communicate them to the creditors

at their first meeting. If the bankrupt or assignor fails 35 to present himself for such examination within three days from the making of the receiving order, or the filing of the assignment, the court may, by warrant cause him to be apprehended and brought up for examination, and

may order him to be committed to the common gool of 40 the judicial district in which he resides for any term not exceeding twelve months. Furthermore," and by inserting the words "In case of a receiving order," before the word "such" in the tenth line thereof.

Instrument of delegers,

29. Subsection one of section fifty-six is amended by 45 discreting the words "any person reasonably thought to have knowledge of the affairs of the debtor" after the word

her to her husband, for the purpose of his trade or business, or"

Priority of claim.

26. Subsection one of section fifty-one is amended by inserting the word "two" before the word "succeeding" in the first line thereof and by inserting after the word "firstly" in the fifth line thereof, the words "costs and expenses of the custodian and"

27. The said Act is amended by inserting the following section immediately before section fifty-two, under the heading "Rights of Landlords":-

Application of provincial law prior to July, 1920.

10 "51A. The law in force in each province immediately before the first day of July, one thousand nine hundred and twenty, regulating the rights and privileges of lessors in the event of the insolvency of, or the voluntary assignment for the benefit of creditors by lessees shall be applicable 15 to determine such rights and privileges in the case of any assignment by, or receiving order made against any lessee; provided that any such provincial law applicable only in case of leases to traders shall apply to leases to all bankrupts or assignors; and provided further that if there 20 was no such provincial law in force immediately prior to the first day of July, one thousand nine hundred and twenty, the provisions contained in the next following section shall be applicable."

Examination of bankrupt by Official Receiver.

28. Subsection one of section fifty-four, as amended by 25 chapter eight of the statutes of 1922, is further amended by inserting the following words after the word "made," in the second line thereof:—"the bankrupt or assignor shall present himself before the Official Receiver who shall examine him as to the causes of his insolvency and the 30 disposition of his assets, and shall put to him the questions provided by the General Rules, or questions to the like effect. The Official Receiver shall make notes of such examination, and shall communicate them to the creditors at their first meeting. If the bankrupt or assignor fails 35 to present himself for such examination within three days from the making of the receiving order, or the filing of the assignment, the court may, by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of 40 the judicial district in which he resides for any term not exceeding twelve months. Furthermore," and by inserting the words "In case of a receiving order" before the word "such" in the tenth line thereof.

Examination of debtors, etc.

29. Subsection one of section fifty-six is amended by 45 inserting the words "any person reasonably thought to have knowledge of the affairs of the debtor" after the word

\$ 3. Section ninely four is amended by additing the feto: - 45

"debtor" in the seventh line, and by striking out all the words in the said subsection after the word "property" in the tenth line.

Powers of court regarding conditional discharge.

- 30. Subsection five of section fifty-eight of the said Act is amended by striking out the words "unless for special reasons the court otherwise determines" in the fifth line thereof.
  - 31. The following section is added after section sixtyfive:-

Officer to be assigned to duty by chief justice.

Officers to be Official

Receivers.

"65A. There shall be one Official Receiver in each 10 locality, who shall have and perform only such responsibilities and duties as are prescribed by this Act, and rules, and who shall be such officer of the court as the chief justice shall from time to time assign to perform such duties and such officer shall have authority as such Official Receiver 15 coterminous with his authority as such officer of the court;

"(2) The following officers, or the persons for the time being exercising the functions of such officers, shall be Official Receivers until the chief justice assigns other officers to perform the duties of such Official Receivers;

"(a) in the province of Quebec, the prothonotaries of the Superior Court:

"(b) in the province of Nova Scotia, the prothonotaries of the Supreme Court;

"(c) in the province of New Brunswick, the Circuit Court 25

"(d) in the province of Prince Edward Island, the deputy prothonotaries of the Supreme Court;

"(e) in the province of Ontario, the registrar, or the local registrars of the Supreme Court, as the case may be;

"(f) in the province of Manitoba, the registrar or the deputy registrars of the Court of King's Bench, as the case may be;

"(g) in the province of Saskatchewan, the local registrars of the Court of King's Bench;

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"(h) in the province of Alberta, the clerks of the Supreme Court:

"(i) in the province of British Columbia, the district registrars of the Supreme Court;

Tariff of

32. Section sixty-seven of the said Act, as amended by 40 costs and fees. chapter seventeen of the statutes of 1921, is further amended by inserting the words "except with the approval in writing of the inspectors and of the court," after the word "proceeds" in the ninth line thereof.

> 33. Section ninety-four is amended by adding thereto: 45 "Any composition, extension or scheme of arrangement, although accepted or approved, may be annulled at the request of the trustee or of any creditor whenever the

Criminal liability after composition.

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soction eighty-nine of this Act.".

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THE HOUSE OF COMMONS OF CANADA

BILL 139.

An Act to amend The Banketpley Act.

AS PASSED BY THE HOUSE OF COMMONS.

OTTOMS.

debtor is afterwards convicted of any offence mentioned in section eighty-nine of this Act."

Commencement of Act. **34.** This Act shall come into force by proclamation of His Excellency the Governor General.

deputy registrary of the Court of King's Bench, as the

of the its arran and of the court, after the word "pro-

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 139.

An Act to amend The Bankruptcy Act.

AS PASSED BY THE HOUSE OF COMMONS, 29th MAY, 1923.

## THE HOUSE OF COMMONS OF CANADA.

# BILL 139.

An Act to amend The Bankruptcy Act.

1919, c. 36; 1920, c. 34; 1921, c. 17; 1922, c. 8. HIS M: Sen as follow

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 Bankruptcy Act Amendment Act, 1923.

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"Authorized assignment."

2. (1) Paragraph (f) of section two of The Bankruptcy Act, 1919, is repealed and the following substituted therefor:— "(f) 'Authorized assignment' means an assignment accepted and filed by the Official Receiver."

(2) Section two is further amended by adding the follow- 10

ing paragraph after paragraph (m):

"Custodian."

'(mm) 'Custodian' means the person duly authorized to exercise the functions of custodian for the time being."

(3) Paragraph (x) of the said section, as enacted by 15 chapter thirty-four of the statutes of 1920, is repealed and

the following substituted therefor:-

"Locality of a debtor."

"(x) 'Locality of a debtor' (whether a bankrupt or assignor) means (a) the principal place where the debtor has carried on business during the year immed-20 iately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment; or (b) the place where the debtor has resided during the year immediately preceding the date of the presentation against him of 25 a bankruptcy petition or the making by him of an authorized assignment; or (c), in cases not coming within (a) or (b), the place where the greater portion of the property of such debtor is situate;"

(4) The said section is further amended by adding the 30

following paragraph after paragraph (y):—

"(yy) 'Official Receiver' means the person having authority in the locality of the debtor to exercise the functions of the official receiver for the time being."

"Official Receiver." and the series of the later of the later of the said Act is amount to the

(5) Paragraph (jj) of the said section is repealed and

the following is substituted therefor:—

"Trustee or authorized trustee.'

"(jj) 'trustee' or 'authorized trustee' means, dependent upon the context, any person, who is appointed by the creditors, pursuant to the provisions of this Act, 5 to act as a trustee in bankruptcy or under an authorized assignment or in connection with a proposal by a debtor for a composition extension or scheme of arrangement to or with his creditors."

Ceasing to liabilities.

3. Section three of the said Act is amended by inserting 10 the word "generally" after the word "liabilities" in paragraph (j) thereof.

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

If petitioning creditor is a secured creditor.

"(4) (a) If the petitioning creditor is a secured creditor 15 he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt, or give an estimate of the value of his security. In the latter case he may be admitted as a petitioning 20 creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same manner as if he were an unsecured creditor."

"(b) The petition shall be presented to the court having jurisdiction in the locality of the debtor."

petition may be presented. Proof of debt, etc.

Where

(2) Subsection five of the said section is amended by adding at the end thereof the following words: "and appoint as custodian a qualified person, having regard, as far as the court deems just, to the wishes of the creditors."

Interim receiver.

5. Subsection one of section five of the said Act is amend- 30 ed by striking out the words "authorized trustee as" in the fourth line thereof.

Regarding vestment of property in trustee. Selection of trustee.

6. (1) Subsection one of section six of the said Act is repealed.

(2) Subsection two of the said section is repealed. (3) Subsection three of the said section is repealed and

the following substituted therefor:

Vesting of property in trustee.

"(3) On a receiving order being made against a debtor, such debtor shall cease to have any capacity to dispose of or otherwise deal with his property affected by the 40 receiving order, which shall be deemed to be in the custody of the court, and upon the appointment of a trustee as hereinafter provided, such property shall, subject to the rights of secured creditors, forthwith pass to and vest in such trustee, and in any case of change 45 of trustee, the property shall pass from trustee to

trustee without any convermed and entered or transfer or transfer or transfer or transfer or transfer or transfer of the words thereon after the words thereon after the words thereon of the said dot is reposited.

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9. The said Act is further sunceded by inserting imms- 10 diately after earlier eight, the following section;—

#### Canana ...

The rustodists whether appointed by the court pursuant to a receiving order, or by the Official Receiver pursuant to an authorized sespondent, shall take immediate possession of the books and all the property of the debter liable to seizure, and he may pader the direction of the Calcial Receiver take enservatory measures and dispose of any peri-hable goods to the tradiin in possession and a treater is appointed by the credit pr

100. The said het is burder entended by inserting maner 20 distely after seckers, for the resking of a possessing order or sutherized assignments, no entitles to whom the debter is indebted in respect of any sight provided in brunkrupter shall have any respect of any sight provided in brunkrupter shall have any restance or common any action, expertion or other reperty enders with the brave of the central and action or other reperty enders with the leave of the central and brave provided that seems to the property of the debter may resting or otherway death and the property of the debter may resting or otherway death has seemily in the same manner as he would have been entitled to realize or dest with it if this section had not here passed, unless the court otherwise order.

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FF. (1) steet on nine of the said Act is stockist by striking out the weeds "to an authorized trustee appointed pursuant to section fourteen with authority in the locality of the debtor" in the fourth, fifth and sixth lines.

(2) Scotikis vine to further amended by adding thereto 40

the following supportion add

Transfer of proceedings to another division.

trustee without any conveyance, assignment or transfer whatever"

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(4) Subsection four of the said section is amended by striking out all the words therein after the words "therein commenced" in the tenth and eleventh lines thereof.

Stay of proceedings.

7. Section seven of the said Act is repealed.

Application of Part I.

- S. Section eight of the said Act is amended by striking out the words "this Part" in the first line thereof and substituting the words "section four."
- 9. The said Act is further amended by inserting imme- 10 diately after section eight, the following section:—

### "GENERAL.

When possession to be taken by custodian.

"Sa. The custodian whether appointed by the court pursuant to a receiving order, or by the Official Receiver pursuant to an authorized assignment, shall take immediate possession of the books and all the property of the debtor 15 liable to seizure, and he may under the direction of the Official Receiver take conservatory measures and dispose of any perishable goods; he shall remain in possession until a trustee is appointed by the creditors."

10. The said Act is further amended by inserting imme- 20

diately after section 8A the following section:

Stay of proceedings.

"SB. On the making of a receiving order or authorized assignment, no creditor to whom the debtor is indebted in respect of any debt provable in bankruptcy shall have any remedy against the property or person of the debtor or shall 25 commence or continue any action, execution or other proceedings for the recovery of a debt provable in bankruptcy unless with the leave of the court and on such terms as the court may impose; provided that, subject to the provisions of section forty-six, any secured creditor or person 30 holding security on the property of the debtor may realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed, unless the court otherwise orders."

Regarding assignment for general benefit of creditors. 11. (1) Section nine of the said Act is amended by striking out the words "to an authorized trustee appointed pursuant to section fourteen with authority in the locality of the debtor" in the fourth, fifth and sixth lines.

(2) Section nine is further amended by adding thereto 40

the following subsections:—

Authorized assignment.

"(2) Such authorized assignment shall be accompanied by a sworn statement in the prescribed form showing the property of the debtor divisible among his creditors, the names and addresses of all his creditors and the amounts of their respective claims and the nature of each, whether 5 privileged, secured or otherwise.

Filing of such authorized assignment.

"(3) The authorized assignment shall be offered to the Official Receiver in the locality of the debtor to be filed and it shall be inoperative until accepted and filed by such Official Receiver, who shall refuse to accept the same unless 10 it is in the form prescribed by the General Rules or words to the like effect, and accompanied by the sworn statement of affairs required by the preceding subsection. If the Official Receiver accepts the assignment, he shall file the same whereupon the property of the debtor shall 15 be deemed to be in the custody of the court and the debtor shall cease to have any capacity to dispose of or otherwise deal with such property."

Appointment of custodian.

"(4) Immediately after the acceptance of the authorized assignment, the Official Receiver shall appoint a custodian 20 whom he shall, as far as possible, select from the most interested creditors."

Procedure at first meeting of creditors. "(5) The Official Receiver or his nominee shall preside at the first meeting of creditors and shall decide any questions arising in connection with the appointment of the 25 trustee by the creditors, and any creditor may appeal from his decision to the court. Upon the appointment of the trustee by the creditors, he shall complete the authorized assignment by certifying thereon the name of such trustee, and such assignment shall thereupon, subject to the rights 30 of secured creditors, vest, as of the date of the acceptance and filing of the said assignment, in the trustee all the property of the debtor."

12. Section ten of the said Act is repealed, and the

following is substituted therefor:-

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"10. Every Official Receiver with whom an assignment is filed, shall, when the same is completed as hereinbefore provided, deposit the same in the court having jurisdiction in the locality of the debtor, and if subsequently the trustee is displaced by a new trustee, such new trustee shall within 40 four days of his appointment give notice thereof to the

said court."

Filing of assignment.

Form of

assignment.

13. Section 10A of the said Act, as enacted by chapter seventeen of the statutes of 1921, is repealed.

Publication of notice.

14. Subsection four of section eleven of the said Act is 45 amended by inserting the words "by the custodian" after the word "gazetted" in the twelfth line thereof.

Consecution three of section thirteen, as enacted by 25

Registration of assignment.

(2) Subsection eight of section eleven is amended by substituting the words "Official Receiver" for the word "trustee" in the fourth line thereof and by inserting the words "custodian or" before the word "trustee" in the sixth line thereof.

Affidavit upon registration.

(3) Subsection eleven of section eleven is amended by inserting the words "custodian or" after the word "any" in the second line thereof.

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15. Subsection one of section thirteen is repealed and the following is substituted therefor:-10

"13. (1) Where an insolvent debtor intends to make a proposal for,-

(a) a composition in satisfaction of his debts: or. (b) an extension of time for payment thereof, or,

(c) a scheme of arrangement of his affairs: he may, after the making of a receiving order against him or the making of an authorized assignment by him, require in writing the trustee duly appointed to convene at the office of such trustee a meeting of such debtor's creditors for the consideration of such proposal.

(2) Subsection two of section thirteen is amended by

striking out of the second and third lines the words:

"within such time as the trustee may then fix" and substituting the word "before".

(3) Subsection three of section thirteen, as enacted by 25 chapter eight of the statutes of 1922, is amended by striking out the words "two-thirds" in the thirty-third and thirtyseventh lines and substituting the words "three-fourths".

(4) Subsections 3a, 3b, 3c, 3d, 3e, 3f of section thirteen, as enacted by chapter seventeen of the statutes of 1921, 30 are repealed.

(5) Subsections eight and nine of section thirteen, as

enacted by chapter eight of the statutes of 1922, are repealed and the following are substituted therefor:— "(8) If the court is of the opinion that the terms of the 35

proposal are not reasonable or are not calculated to benefit the general body of creditors, the court shall refuse to approve the proposal, and the court shall refuse to approve the proposal whenever it is established that the debtor has committed any one of the offences 40 mentioned in section eighty-nine of this Act."

"(9) If any of the facts mentioned in section fifty-nine of the present Act are proved against the debtor, the court shall refuse to approve the proposal unless it provides reasonable security for payment of not less 45 than fifty cents in the dollar on all the unsecured debts provable against the debtor's estate."

(6) Subsection eighteen of section thirteen is repealed and the following is substituted therefor:-

Composition, extension or scheme of

arrangement.

Proceedings by debtor.

Proceedings by trustee.

Repeal.

Court may refuse to approve the proposal.

Reasonable security.

Court may make order annulling bankruptcy or assignment. "(18) If the court approves the composition, extension or scheme, it may make an order annulling the bank-ruptcy or authorized assignment and vesting the property of the debtor in him or in such other person as the court may appoint on such terms and subject to such conditions, if any, as the court may declare."

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Stay of proceedings.

**16.** Section 13A of the said Act, as enacted by chapter seventeen of the statutes of 1921, is repealed.

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

Security to be furnished by trustee.

"14. Every trustee appointed by the creditors as hereinafter provided shall within seven days give security in cash or by bond of an approved guarantee company, satisfactory to the Official Receiver, conditioned for the due accounting and for the payment over and transfer of all 15 moneys and property received by him as such trustee.

Depositing of security.

"(2) Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the court.

Powers of trustee.

"(3) Every trustee duly appointed shall for the purpose of obtaining possession of and realizing upon the assets of the bankrupt or authorized assignor have power to act as such anywhere.

When trustee continued in trust.

Provided that any person authorized as trustee and acting 25 under a receiving order or authorized assignment or in connection with a proposal for a composition, extension or scheme at the date this Act comes into force, shall continue to act as such trustee unless replaced, pursuant to the provisions of this Act:

Continuance of security given.

And provided further that nothing in this section shall have the effect of terminating the security heretofore given by any such person; such security shall be kept in force until such time as the Governor in Council is satisfied that all moneys and properties received by the trustee 35 have been duly accounted for and paid over to the parties entitled thereto."

18. (1) Subsection one of section fifteen as enacted by chapter seventeen of the statutes of 1921, and subsection two of the said section are repealed and the following is 40 substituted therefor:—

Appointment of trustee.

"15. (1) The creditors shall at their first meeting appoint by ordinary resolution any person but the Official Receiver as trustee for the administration of the estate.

Removal of trustee.

"(2) A trustee may be removed and another trustee 45 appointed or substituted by creditors by ordinary resolution at any meeting of creditors or for cause by the court."

Obligations of trustee.

(2) Subsection five of the said section is amended by striking out the words "accept an authorized assignment or to act as trustee" in the first and second lines, and substituting therefor the words "assume the duties of trustee" and by striking out all the words after the word "debtors" in the fourth line thereof.

Right of manufacturer.

19. Subsection two of section nineteen is amended by striking out the words "the receiving order or authorized assignment," in the fifth line thereof, and substituting therefor the words "his appointment."

20. Section twenty is amended by repealing paragraph (b) of subsection three, and by inserting therein after subsection 3 (a) the following subsection:

"(4) (a) The following paragraphs shall apply only to

the province of Quebec:-

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Quebec. Sales of hypothecated immoveable property.

Sales in the

province of

(b) No immoveable property whereon exists a hypothec or a privilege shall be sold by the trustee unless he has obtained the authorization of the judge pursuant to the permission in writing of the inspectors and after notice has been given to each hypothecary or privileged 20 creditor, whose name is entered in the register of addresses which the registrars of the registration division are obliged to keep according to the laws of the province:

Method of sale of hypothecated property.

(c) The sale of such immoveable property, unless a 25 written consent to the contrary is obtained from each hypothecary or privileged creditor whose claim has been duly registered, shall be made at public auction at the place prescribed and after advertisement as required for the sale of immoveable property by the 30 sheriff in the district or place where such immoveable property is situate, and it shall have the same effect as to mortgages, hypothecs, privileges, or other real rights then existing thereon, as if the same had been made by the sheriff in the said province under a writ of execution 35 issued in the ordinary course, and the title conveyed by such sale in the said province shall have equal validity with a title created by sheriff's sale and the conveyance of the trustee shall have the same effect as the sheriff's deed in the said province, such sale shall 40 be subject to the contribution of the building and jury fund provided for in the case of sheriff's sale. In case of false bidding, the same recourse as in case of sheriff's sale may be exercised against the false bidder in the manner prescribed by the laws of the province; the 45 present paragraph shall not be interpreted as affecting the right of a secured creditor to realize or otherwise deal with his security as provided by this Act:

word. The line rate of a feminers, where they occur in the

Disposal of property so sold by sheriff. (d) When an immoveable property affected by a hypothec or privilege is sold by the sheriff, the moneys realized from the sale remain in his hands to be paid by him to the privileged and hypothecary creditors in accordance with the report of distribution which shall be made by the prothonotary of the Superior Court in the usual way and the surplus shall be remitted to the trustee upon an order of the judge for its distribution among the chirographony creditors by means of a dividend sheet prepared in accordance with the pro- 10 visions of this Act:

Duties imposed by civil code.

(e) On such sales, the trustee shall fulfil all the duties imposed on the sheriff by articles two thousand one hundred and sixty-one d to two thousand one hundred and sixty-one k inclusive of the civil code of the 15 province of Quebec. The registrars of the different registration divisions of the said province shall also fulfil all the duties imposed upon them by the said articles; they are appointed officers of the court having jurisdiction in bankruptcy for the carrying out of the 20 provision of this subsection. The omission to comply with any of the provisions of the said articles shall not invalidate any proceedings of the sale but the officer in default shall be responsible for all damages which may result therefrom."

Description of debtor's property.

21. Section twenty-five is amended by striking out the words "in the case of a bankrupt," where they occur in the fifteenth and sixteenth lines thereof.

Abstract of receipts and disbursements.

22. (1) Subsection two of section thirty-seven of the said Act is amended by inserting the words "and notice that he 30 will apply to the court on a day named therein for his discharge" after the word "therefor" in the eighth line thereof.

Final dividends.

(2) Subsection seven of the said section, as enacted by chapter seventeen of the statutes of 1921, is amended by 35 striking out all the words therein before the word "realized" in the fourth line thereof, and substituting therefor the words "When subsection four of section eleven and subsection two of section forty-two have been complied with as to gazetting, publishing and mailing notices to creditors, 40 the trustee having"

Remuneration of trustee. 23. Subsection three of section forty of the said Act is amended by adding at the end thereof the following words: "except with the approval in writing of the inspectors and of the court."

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Security released.

24. Subsection four of section forty-one of the said Act, as enacted by chapter seventeen of the statutes of 1921,

is amended by striking out the word "special" in the second line thereof, and substituting the word "one" for the word "eight" in the third line thereof.

25. Section forty-one of the said Act, as enacted by chapter seventeen of the statutes of 1921, is amended by 5

adding thereto the following subsection:

Application of trustee for discharge.

"(7) The trustee shall apply to the court for the discharge hereinbefore referred to within thirty days of the payment of the final dividend and if such discharge be refused the trustee shall be ineligible to be appointed in the future as 10 trustee under this Act. There shall be no fee on this application unless it is contested."

Meetings of creditors.

**26.** (1) Subsection one of section forty-two of the said Act is amended by inserting the words "a trustee and" after the word "appoint" in the sixth line thereof.

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Notice of meeting.

(2) Subsection two of the said section, as amended by chapter eight of the statutes of 1922, is further amended by substituting the word "custodian" for the word "trustee" wherever it occurs therein, and by striking out the words "at his office or some other convenient place" and substituting therefor the words "at the office of the Official Receiver in the locality of the debtor."

Right of creditor to vote.

(3) Subsection nine of the said section is amended by inserting the words "custodian or" before the word "trustee" in the fifth line thereof.

Voting by proxy.

(4) Subsection thirteen of the said section is amended by inserting the words "custodian or" before the word "trustee" in the second line thereof, and by substituting the word "custodian" for the word "trustee" in the third line thereof.

Proof of debts.

27. Subsection two of section forty-five is amended by inserting the words "custodian or" before the word "trustee" in the third line thereof.

28. Subsection three of section forty-six as enacted by chapter seventeen of the statutes of 1921, is repealed 35

and the following is substituted therefor:-

Secured creditor to value securities.

"(3) If a secured creditor does not either realize or surrender his security he may if he wishes to rank for dividend and he shall within thirty days after demand made upon him by the trustee, or within such further time 40 as may be allowed by the inspectors or the court, file with the trustee a statutory declaration stating therein full particulars of his security, or securities, the date when each security was given and the value at which he assesses each thereof. A creditor shall be entitled to receive a dividend 45 in respect only of the balance due to him after deducting the assessed value of his security."

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relains any divident as a creditor in respect of any money or other estate hereafter lent 6v entracted by 35 hm to her husband, for the purpose of his trade or business or

20. Subsection one of section fifty one is smeaded by insecting sites the word "finelly" in the first line thereof, the words "costs and expenses of the entrodism and"

St. Section disjeted of the soid Art. as smended by chapter seventeen of the sixtures of 1921, is reposled, and the following is attainated chapters:

against or by any lease under this Act, the same course discourse shall engue as to the sichts and provides of the lightless is which the debter has he locality for the purposes

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(2) Subsection five of section forty-six is repealed and

the following is substituted therefor:-

May order security to be sold.

"(5) If the trustee is dissatisfied with the value at which a security is assessed, or if a secured creditor who has neither realized nor surrendered his security, fails to assess said security within the period above mentioned, the trustee may require that the property comprised in the security be offered for sale at such time and on such terms and conditions, as may be agreed on between the creditor and the trustee, or as, in default of such agreement the court 10 may direct. If the sale be by public auction the creditor or the trustee on behalf of the estate may bid or purchase. In the province of Quebec if the security consists of a hypothec or privilege upon immovable property, the sale, when directed by the court, shall be made in accordance 15 with the provisions of subsection four of section twenty of this Act, and said sale shall have the effect mentioned in said subsection."

(3) Subsection seven of section forty-six is repealed and

the following is substituted therefor:-

Amended valuation by creditor.

"(7) If a creditor after having valued his security, subequently realizes it, or if it is realized under the provisions of subsection five the net amount realized shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects 25 as an amended valuation made by the creditor. The costs and expenses of any sale made under subsection five shall be in the discretion of the court."

Secured creditor may amend.

(4) Subsection eight of section forty-six is amended by striking out the words "within two months after filing 30 his claim" in lines two and three of the said subsection.

Wife's claim.

29. Subsection two of section forty-eight is amended by

striking out the words,—

"claim any dividend as a creditor in respect of any money or other estate hereafter lent or entrusted by 35 her to her husband, for the purpose of his trade or business, or"

Priority of claim.

of provincial

law .

**30.** Subsection one of section fifty-one is amended by inserting after the word "firstly" in the fifth line thereof, the words "costs and expenses of the custodian and"

**31.** Section fifty-two of the said Act, as amended by chapter seventeen of the statutes of 1921, is repealed, and the following is substituted therefor:

the following is substituted therefor:

Application "52. When a receiving order or a

"52. When a receiving order or an assignment is made against or by any lessee under this Act, the same conse-45 quences shall ensue as to the rights and priorities of his landlord as would have ensued under the laws of the province in which the debtor has his locality for the purposes

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of this Act is the lesses of the time of butch receiving order or assignment and been a person rentitled to make and had needed an abandonment of his residency assignment of his property for the heacht of his residency outsides ourseast to the laws of the province; and nothing in this let shall be a desired to suspend, limit as affect the leading he or regulating the rights and priorities of landlords an acqueent upon any any distributions of voluntary assignments nor shall the sand any start or voluntary assignments nor shall the the expension of any such or voluntary assignments or regulation in exact an appropriate with the rights sand priorities of tandlords in such an order.

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25. (1) Subsection one of section Sity ex is subjected by secretary the words subspection mesonably throughly to have most whelen of the affairs of the debter sites the word debter in the seventh line, and by striking out all the

of this Act if the lessee at the time of such receiving order or assignment had been a person entitled to make and had made an abandonment or a voluntary assignment of his property for the benefit of his creditors pursuant to the laws of the province; and nothing in this Act shall be 5 deemed to suspend, limit or affect the legislative authority of any province to enact any law providing for or regulating the rights and priorities of landlords consequent upon any such abandonment or voluntary assignment; nor shall anything in this Act be deemed to interfere or conflict with 10 the operation of any such provincial law heretofore or hereafter enacted insofar as it provides for or regulates the rights and priorities of landlords in such an event."

Examination of bankrupt by Official Receiver.

**32.** Subsection one of section fifty-four, as amended by chapter eight of the statutes of 1922, is repealed, and the 15

following is substituted therefor:—

"54. (1) Where a receiving order or an authorized assignment is made, the bankrupt or assignor shall present himself before the Official Receiver who shall examine him as to the causes of his insolvency and the disposition of 20 his assets, and shall put to him the questions provided by the General Rules or questions to the like effect. The Official Receiver shall make notes of such examination and shall communicate them to the creditors at their first meeting. If the bankrupt or assignor fails to present 25 himself for such examination within three days from the making of the receiving order or the filing of the assignment, the court may by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial 30 district in which he resides for a term not exceeding twelve months. Furthermore, the bankrupt or assignor shall make out and submit to the Official Receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit and showing the particulars of the 35 debtor's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed by the Court. Such statement 40 shall be submitted within seven days from the date of the receiving order or assignment, but the court may for special reasons extend the time. It shall be the duty of the Custodian to verify the debtor's statement of affairs and to make an inventory of his assets." 45

Examination of debtors, etc.

**33.** (1) Subsection one of section fifty-six is amended by inserting the words "any person reasonably thought to have knowledge of the affairs of the debtor" after the word "debtor" in the seventh line, and by striking out all the

words in the said subsection after the word "property" in the tenth line.

(2) The said section fifty-six is further amended by

adding thereto the following subsection:

Questions must be answered.

"(9) Any person liable to be examined under the provisions of this section or of section fifty-four, shall be bound to answer all questions relating to the business or property of the debtor, and as to the causes of his insolvency and the disposition of his assets, and shall not be excused from answering any question on the ground that the answer 10 may tend to criminate the person so examined or to establish his liability in any civil action, and all or any of the questions and answers upon any examination under this section may be given in evidence against the person so examined on any charge of an offence against this Act and 15 in any civil action or proceeding brought by, or on behalf of, the trustee or of any creditor or creditors entitled to take such action or proceedings."

Liability to civil action or charge of offence.

Powers of court regarding conditional discharge.

- **34.** Subsection five of section fifty-eight of the said Act is amended by striking out the words "unless for special 20 reasons the court otherwise determines" in the fifth line thereof.
- 35. The following section is added after section sixty-five:—

#### General.

Official Receivers. "65A. There shall be one Official Receiver in each 35 Bankruptcy District or Division who shall have and perform only such duties and responsibilities as are prescribed by this Act and Rules, and who shall be appointed by the Governor in Council".

Tariff of costs and fees.

**36.** Section sixty-seven of the said Act, as amended by 30 chapter seventeen of the statutes of 1921, is further amended by inserting the words "except with the approval of the court," after the word "proceeds" in the ninth line thereof.

Criminal liability after composition.

37. Section ninety-four is amended by adding thereto:—
"Any composition, extension or scheme of arrangement, 35 although accepted or approved, may be annulled at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence mentioned in section eighty-nine of this Act."

Commencement of Act. 38. This Act shall come into force by proclamation of 40 His Excellency the Governor General.

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THE ROUSE OF COMMUNES OF CANADA

# BILL 144.

An Art to amend The Radiotelegraph Act

Kirst punding, April 27, 1923

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 144.

An Act to amend The Radiotelegraph Act.

First reading, April 27, 1923.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

2nd Session, 14th Parliament, 13-14 George V, 1923

# THE HOUSE OF COMMONS OF CANADA

# BILL 144.

An Act to amend The Radiotelegraph Act.

1913, c. 43.

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

1. Paragraph (a) of section ten of The Radiotelegraph Act, chapter forty-three of the statutes of 1913, is repealed, and the following is substituted therefor:—

"(a) i. prescribe the tariff of fees to be paid for licenses and for examination for certificates of proficiency held and issued under the provisions of this Act;

Council may authorize payment of portion of license fees to provincial government, private company or other parties, for services rendered.

Governor in

ii. authorize the payment of a portion of the license 10 fees collected in respect of certain prescribed licenses to a provincial government, private company, or other prescribed party, and, notwithstanding anything to the contrary in any Act, to any Department or employee thereof, for services given in connection 15 with the operation of broadcasting stations and for services performed for the Minister in connection with the licensing and inspection of stations."

The Minister of Marine and Fisherics.

F. A. ACLAND PRINTER TO THE BING'S MOST EXCE

Second Session, Fourteenth Parliament, 13-14 George V, 1923

## THE HOUSE OF COMMONS OF CANADA

# BILL 144.

An Act to amend The Radiotelegraph Act.

AS PASSED BY THE HOUSE OF COMMONS, 3rd MAY, 1923.

## THE HOUSE OF COMMONS OF CANADA

# BILL 144.

An Act to amend The Radiotelegraph Act.

1913, c. 43.

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

1. Paragraph (a) of section ten of The Radiotelegraph Act, chapter forty-three of the statutes of 1913, is repealed, and the following is substituted therefor:—

"(a) i. prescribe the tariff of fees to be paid for licenses and for examination for certificates of proficiency held and issued under the provisions of this Act;

ii. authorize the payment of a portion of the license 10 fees collected in respect of certain prescribed licenses to a provincial government, private company, or other prescribed party, and, notwithstanding anything to the contrary in any Act, to any Department or employee thereof, for services given in connection 15 with the operation of broadcasting stations and for services performed for the Minister in connection with the licensing and inspection of stations."

Governor in Council may authorize payment of portion of license fees to provincial government, private company or other parties, for services rendered.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

## THE HOUSE OF COMMONS OF CANADA

# BILL 151.

An Act to extend the period of The Canada Highways Act.

First reading, April 30, 1923.

The MINISTER OF RAILWAYS AND CANALS.

## THE HOUSE OF COMMONS OF CANADA

# BILL 151.

An Act to extend the period of The Canada Highways Act.

1919, c. 54.

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

Time extended for payment of grant allotted.

1. The time within which the various provinces of Canada may earn and be paid the sums allotted to the said 5 provinces under the provisions of The Canada Highways Act, chapter fifty-four of the statutes of Canada, 1919, is hereby extended for a further period of two years.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 151.

An Act to extend the period of The Canada Highways Act.

AS PASSED BY THE HOUSE OF COMMONS, 4th MAY, 1923.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 151.

An Act to extend the period of The Canada Highways Act.

1919, c. 54.

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

Time extended for payment of grant allotted.

1. The time within which the various provinces of Canada may earn and be paid the sums allotted to the said 5 provinces under the provisions of The Canada Highways Act, chapter fifty-four of the statutes of Canada, 1919, is hereby extended for a further period of two years.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 152.

An Act respecting the Canadian National Railways.

First reading, May 2, 1923.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

## THE HOUSE OF COMMONS OF CANADA.

# BILL 152.

An Act respecting the Canadian National Railways.

1919, c. 13.

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

Canadian National Ry. Co. authorized to carry on express company business.

1. The Canadian National Railway Company may carry on all business which is customarily carried on by express companies, including, without restricting the generality of the foregoing, the handling of express money orders or other methods of transmitting or handling money, securities, or other articles of value. All express traffic handled by the Company shall move or be dealt with by 10 the Company on the same terms and conditions as to the liability of the Company or otherwise as are from time to time approved by the Board of Railway Commissioners for Canada with respect to similar traffic when handled by express companies, subject to such variations therein as 15 may be necessary in view of the handling of the traffic by a railway company instead of an express company.

Agreements with other companies or municipalities.

2. Section twenty-one of The Canadian National Railways Act, 1919, is hereby amended by inserting the words "or municipality "immediately after the word "company" 20 in the ninth line thereof.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 152.

An Act respecting the Canadian National Railways.

AS PASSED BY THE HOUSE OF COMMONS, 4th MAY, 1923.

### THE HOUSE OF COMMONS OF CANADA.

# BILL 152.

An Act respecting the Canadian National Railways.

1919, c. 13. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Canadian National Ry. Co. authorized to carry on express company business. 1. The Canadian National Railway Company may carry on all business which is customarily carried on by express companies, including, without restricting the generality of the foregoing, the handling of express money orders or other methods of transmitting or handling money, securities, or other articles of value. All express traffic handled by the Company shall move or be dealt with by 10 the Company on the same terms and conditions as to the liability of the Company or otherwise as are from time to time approved by the Board of Railway Commissioners for Canada with respect to similar traffic when handled by express companies, subject to such variations therein as 15 may be necessary in view of the handling of the traffic by a railway company instead of an express company.

Agreements with other companies or municipalities. 2. Section twenty-one of *The Canadian National Railways Act*, 1919, is hereby amended by inserting the words "or municipality "immediately after the word "company" 20 in the ninth line thereof.

### THE HOUSE OF COMMONS OF CANADA

# BILL 153.

An Act respecting a certain Trade Convention between His Majesty and the King of Italy

First reading, May 2, 1923.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

# THE HOUSE OF COMMONS OF CANADA

### BILL 153.

An Act respecting a certain Trade Convention between His Majesty and the King of Italy.

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 Italian Convention Act, 1923.

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Convention approved.

2. The convention of the fourth day of January, one thousand nine hundred and twenty-three, entered into at London by plenipotentiaries appointed by His Majesty and by His Majesty the King of Italy, copy of which is set forth in the schedule of this Act, is hereby 10 approved.

Extension of advantages to Italy and Italian possessions. 3. After the said convention is brought into force, and so long as it remains in force, articles the produce or manufacture of Italy, or the colonies or possessions of Italy, which are imported into Canada shall be admitted into 15 Canada on the most favourable terms granted to any foreign power.

Orders in Council authorized.

4. 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 convention.

Suspension of inconsistent laws.

5. The operation of all laws inconsistent with the giving to the provisions of the said convention and of this Act their full effect shall from time to time be suspended to the extent of such inconsistency.

#### SCHEDULE

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond

of the Participant of Canada, Minister of Marino and Fisherias of Charles in Pipe of Italy:

the Seas, Emperor of India, and His Majesty the King of Italy, being desirous of improving and extending the commercial relations between Italy and Canada, have resolved to conclude a Convention with that object and have named as their respective Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond

the Seas, Emperor of India:

The most Honourable the Marquess Curzon of Kedleston, K.G., His Majesty's Principal Secretary of State for

Foreign Affairs;

The Honourable William Stevens Fielding, a Member of His Majesty's Honourable Privy Council for Canada, a Member of the Parliament of Canada, Minister of Finance and Receiver-General of Canada;

The Honourable Ernest Lapointe, a Member of His Majesty's Honourable Privy Council for Canada, a Member of the Parliament of Canada, Minister of Marine and

Fisheries of Canada;

And His Majesty the King of Italy:

Signor Gabriele Preziosi, Chevalier of the Order of St. Maurice and St. Lazarus and of the Crown of Italy, Chargé d'Affaires of His Majesty the King of Italy at London;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed

upon the following Articles:—

#### ARTICLE 1.

Articles the produce or manufacture of Canada imported into Italy and articles the produce or manufacture of Italy imported into Canada shall not be subjected to other or higher duties or charges than those paid on the like articles the produce or manufacture of any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article the produce or manufacture of Canada into Italy, or of any articles the produce or manufacture of Italy into Canada which shall not equally extend to the importation of like articles being the produce or manufacture of any other foreign country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons or of cattle, or of plants useful to agriculture.

#### ARTICLE 2.

Articles the produce or manufacture of Canada exported to Italy and articles the produce or manufacture of Italy exported to Canada shall not be subjected to other or higher The state of

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duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from Canada to Italy or from Italy to Canada which shall not equally extend to the exportation of the like articles to any other foreign country.

#### ARTICLE 3.

Articles the produce or manufacture of Canada passing in transit through Italy and articles the produce or manufacture of Italy passing in transit through Canada shall be reciprocally free from all transit duties whether they pass through direct or whether during transit they are unloaded, warehoused or reloaded.

#### ARTICLE 4.

It is understood that in all matters governing the import, export and transit of merchandise Italy grants to Canada and Canada grants to Italy the treatment of the most favoured nation.

#### ARTICLE 5.

The name "Italy" wherever used in this Convention shall be held to include the Colonies and Possessions of Italy.

The present Convention, after being approved by the Parliament of Canada and by the competent authority on the part of Italy shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force immediately upon ratification and shall be binding upon the Contracting Parties during four years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of four years of its intention to terminate the present Convention it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have given to the other notice of its intention to terminate it.

In witness whereof the respective Plenipotentiaries have signed this Convention in the English and the Italian languages and have affixed thereto their seals.

Done at London, this 4th day of January in the year 1923.

[L.S.] CURZON OF KEDLESTON.

[L.S.] W. S. FIELDING.

[L.S.] ERNEST LAPOINTE.
[L.S.] GABRIELE PREZIOSI.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 153.

An Act respecting a certain Trade Convention between His Majesty and the King of Italy

AS PASSED BY THE HOUSE OF COMMONS, 14th MAY, 1923.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 153.

An Act respecting a certain Trade Convention between His Majesty and the King of Italy.

TIS 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 Italian Convention Act, 1923.

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Convention approved.

2. The convention of the fourth day of January, one thousand nine hundred and twenty-three, entered into at London by plenipotentiaries appointed by His Majesty and by His Majesty the King of Italy, copy of which is set forth in the schedule of this Act, is hereby 10 approved.

Extension of advantages to Italy and Italian possessions.

3. After the said convention is brought into force, and so long as it remains in force, articles the produce or manufacture of Italy, or the colonies or possessions of Italy, which are imported into Canada shall be admitted into 15 Canada on the most favourable terms granted to any foreign power.

Orders in Council authorized.

4. 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 convention.

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Suspension of inconsistent laws.

5. The operation of all laws inconsistent with the giving to the provisions of the said convention and of this Act their full effect shall from time to time be suspended to the extent of such inconsistency.

#### SCHEDULE

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond

the Seas, Emperor of India, and His Majesty the King of Italy, being desirous of improving and extending the commercial relations between Italy and Canada, have resolved to conclude a Convention with that object and have named as their respective Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond

the Seas, Emperor of India:

The most Honourable the Marquess Curzon of Kedleston, K.G., His Majesty's Principal Secretary of State for

Foreign Affairs;

The Honourable William Stevens Fielding, a Member of His Majesty's Honourable Privy Council for Canada, a Member of the Parliament of Canada, Minister of Finance and Receiver-General of Canada;

The Honourable Ernest Lapointe, a Member of His Majesty's Honourable Privy Council for Canada, a Member of the Parliament of Canada, Minister of Marine and

Fisheries of Canada;

And His Majesty the King of Italy:

Signor Gabriele Preziosi, Chevalier of the Order of St. Maurice and St. Lazarus and of the Crown of Italy, Chargé d'Affaires of His Majesty the King of Italy at London;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

#### ARTICLE 1.

Articles the produce or manufacture of Canada imported into Italy and articles the produce or manufacture of Italy imported into Canada shall not be subjected to other or higher duties or charges than those paid on the like articles the produce or manufacture of any other foreign country. Nor shall any prohibition or restriction be maintained or imposed on the importation of any article the produce or manufacture of Canada into Italy, or of any articles the produce or manufacture of Italy into Canada which shall not equally extend to the importation of like articles being the produce or manufacture of any other foreign country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons or of cattle, or of plants useful to agriculture.

### ARTICLE 2.

Articles the produce or manufacture of Canada exported to Italy and articles the produce or manufacture of Italy exported to Canada shall not be subjected to other or higher resident out out his files word neutrosente to residente to residente.

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duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from Canada to Italy or from Italy to Canada which shall not equally extend to the exportation of the like articles to any other foreign country.

#### ARTICLE 3.

Articles the produce or manufacture of Canada passing in transit through Italy and articles the produce or manufacture of Italy passing in transit through Canada shall be reciprocally free from all transit duties whether they pass through direct or whether during transit they are unloaded, warehoused or reloaded.

#### ARTICLE 4.

It is understood that in all matters governing the import, export and transit of merchandise Italy grants to Canada and Canada grants to Italy the treatment of the most favoured nation.

#### ARTICLE 5.

The name "Italy" wherever used in this Convention shall be held to include the Colonies and Possessions of Italy.

The present Convention, after being approved by the Parliament of Canada and by the competent authority on the part of Italy shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force immediately upon ratification and shall be binding upon the Contracting Parties during four years from the date of its coming into force. In case neither of the Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of four years of its intention to terminate the present Convention it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have given to the other notice of its intention to terminate it.

In witness whereof the respective Plenipotentiaries have signed this Convention in the English and the Italian languages and have affixed thereto their seals.

Done at London, this 4th day of January in the year 1923.

[L.S.] CURZON OF KEDLESTON.

[L.S.] W. S. FIELDING.

[L.S.] ERNEST LAPOINTE.
[L.S.] GABRIELE PREZIOSI.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 166.

An Act to amend the Canada Shipping Act.

First reading, May 11, 1923.

The MINISTER OF MARINE AND FISHERIES.

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### THE HOUSE OF COMMONS OF CANADA.

## BILL 166.

An Act to amend the Canada Shipping Act.

R.S. c. 113; 1908, c. 65, 1916, c. 13, 1919, c. 41, 1919 (2nd Sess.), c. 7, 1920, c. 23, 1922, c. 9.

Master or mate, if application approved, may be examined, and, if passed, may receive pilotage certificate. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section four hundred and eighty-seven of the Canada Shipping Act, Revised Statutes of Canada, 1906, chapter one hundred and thirteen, is repealed and the following is substituted therefor:—

"487. A master or mate of any ship registered in Canada may, upon giving due notice and consenting to pay the usual expenses, apply to any pilotage authority 10 other than the pilotage authority of either of the pilotage districts of Quebec, Montreal, Halifax or St. John to be examined as to his capacity to pilot the ship of which he is master or mate within any part of the district over which such pilotage authority has jurisdiction; and such master 15 or mate may, if his application be approved by the pilotage authority, thereupon be examined, and if found competent, a pilotage certificate may be granted to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within 20 such jurisdiction within which he is to pilot the same."

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#### THE HOUSE OF COMMONS OF CANADA

# BILL 166.

An Act to amend the Canada Shipping Act.

AS PASSED BY THE HOUSE OF COMMONS, 28th MAY, 1923.

#### THE HOUSE OF COMMONS OF CANADA.

# BILL 166.

An Act to amend the Canada Shipping Act.

R.S. c. 113; 1908, c. 65, 1916, c. 13, 1919, c. 41, 1919 (2nd Sess.), c. 7, 1920, c. 23, 1922, c. 9.

Master or mate, if application approved, may be examined, and, if passed, may receive pilotage certificate. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section four hundred and eighty-seven of the Canada Shipping Act, Revised Statutes of Canada, 1906, chapter one hundred and thirteen, is repealed and the following is substituted therefor:—

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#### THE HOUSE OF COMMONS OF CANADA

# BILL 175.

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An Act to repeal The Lake of the Woods Regulation Act, 1921.

First reading, May 18, 1923.

The MINISTER OF JUSTICE.

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#### THE HOUSE OF COMMONS OF CANADA

## BILL 175.

An Act to repeal The Lake of the Woods Regulation Act,

1921, c. 38; 1921, c. 10.

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

Act repealed, and property rights and authority over works revoked.

1. The Lake of the Woods Regulation Act, 1921, chapter thirty-eight of the statutes of 1921, is hereby repealed, and 5 the works mentioned or described in the said Act shall no longer be or be deemed to be works for the general advantage of Canada,

Commencement of Act.

2. This Act shall come into operation on such day as may be prescribed by the Governor General by proclama- 10 tion.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 175.

An Act to repeal The Lake of the Woods Regulation Act, 1921.

AS PASSED BY THE HOUSE OF COMMONS, 21st JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 175.

An Act to repeal The Lake of the Woods Regulation Act, 1921.

1921, c. 38; 1921, c. 10. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act repealed, and property rights and authority over works revoked. 1. The Lake of the Woods Regulation Act, 1921, chapter thirty-eight of the statutes of 1921, is hereby repealed, and the works mentioned or described in the said Act shall no longer be or be deemed to be works for the general advantage of Canada.

Commencement of Act. 2. This Act shall come into operation on such day as may be prescribed by the Governor General by proclama- 10 tion.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 180.

An Act to amend the Civil Service Superannuation and Retirement Act.

First reading, May 21, 1923.

The MINISTER OF FINANCE.

#### THE HOUSE OF COMMONS OF CANADA.

# BILL 180.

An Act to amend the Civil Service Superannuation and Retirement Act.

R.S., c. 17, 1920, c. 8. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Provision for adding ten years to service, repealed. 1. Section twelve of the Civil Service Superannuation and Retirement Act, chapter seventeen of the Revised 5 Statutes of Canada, 1906, is repealed.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 180.

An Act to amend the Civil Service Superannuation and Retirement Act.

AS PASSED BY THE HOUSE OF COMMONS, 28th MAY, 1923.

OTTAWA

### THE HOUSE OF COMMONS OF CANADA.

### BILL 180.

An Act to amend the Civil Service Superannuation and Retirement Act.

R.S., c. 17, 1920, c. 8.

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

Provision for adding ten years to service, repealed. 1. Section twelve of the Civil Service Superannuation and Retirement Act, chapter seventeen of the Revised 5 Statutes of Canada, 1906, is repealed.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 184.

An Act to amend The Insurance Act, 1917.

First reading, May 23, 1923.

The MINISTER OF FINANCE.

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### THE HOUSE OF COMMONS OF CANADA.

### BILL 184.

An Act to amend The Insurance Act, 1917.

1917, c. 29; 1919, c. 57; 1922, c. 28. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section one hundred and twenty-nine of *The Insurance Act*, 1917, is amended by adding thereto the following 5 subsection:—

Returns of British or foreign unlicensed insurance. "(5) If under the provisions of any other Act of the Parliament of Canada the said person is required to make a return to the Minister containing substantially the same information as that required by subsection two of this 10 section, the Minister may, on the recommendation of the Superintendent, waive compliance with the requirements of the said subsection."

French version amended.

2. Paragraph (b) of subsection two of section one hundred and thirty-four of the said Act, French version, is amended 15 by striking out the words "a l'appui d'une" in the fourth and fifth lines thereof, and substituting therefor the words "contre une".

3. The said Act is further amended by inserting immediately after section one hundred and thirty-four thereof 20

the following section:

Conditions of license for automobile insurance. "134A. (1) It shall be a condition of the license of every company licensed under this Act to carry on the business of automobile insurance or licensed to carry on any other class or classes of insurance which include the 25 insurance of automobiles whether such condition be expressed in the license or not, and for the breach of which the license may be cancelled or withdrawn by the Minister, that no policy of automobile insurance other than an interim receipt or temporary binder covering a risk for a 30 period not exceeding fourteen days shall be delivered in Canada by any such company unless the company has received an application for the policy in writing signed by the insured or by his agent authorized in writing signed by the insured, such application to contain the information and 35 endorsements hereinafter specified; that no such policy

Applications for policies.

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shall be delivered in Canada by any such company until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent; and that every such policy shall contain in substance the following terms, provisions or conditions:—

Name and address of company; of the insured; premiums, and other particulars. (a) the name and address of the company, the name and address of the insured, the name of the person or persons to whom the insurance money is payable if other than the insured, the premium for the insurance, the perils or risks insured against, the indemnity for 10 which the company may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance:

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Construction and effect of statements in application. (b) that all statements made by the insured upon the application for the policy shall, in the absence of 15 fraud, be deemed representations and not warranties, and that no such statement shall be used in defence of a claim under the policy unless it is contained in the written application for the policy and unless a copy of the application or such part thereof as is material to the 20 contract is endorsed upon or attached to the policy when issued:

False description, misrepresentation, or omission in application.

(c) that if any person applying for insurance falsely describes the property to the prejudice of the company or knowingly misrepresents or conceals or omits to 25 communicate any circumstance which is required by the terms of the written application to be made known to the company, the contract shall be void as to the property or risk undertaken in respect to which the misrepresentation or omission is made;

Material change in risk will void policy unless notice given. (d) that any change material to the risk and within the control and knowledge of the insured, shall void the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified 35 may return the unearned portion, if any, of the premium paid and cancel the policy, or may notify the insured in writing that, if he desires the policy to continue in force, he must, within fifteen days of the receipt of the notice pay to the company an additional 40 premium, and in default of such payment the policy shall no longer be in force and the company shall return the unearned portion, if any, of the premium paid;

Company may cancel policy or require additional premium.

(e) that after a written application for insurance is received by the company, it shall be deemed that any 45 policy sent to the insured is intended to be in accordance with the terms of the application, unless the company points out by registered letter addressed to the insured the particulars wherein it differs from the application, in which case the insured may, within one week 50 from the receipt of the notification, reject the policy;

Policy must conform with application, or it may be rejected.

No liability if drivers under age limit, under 16 years, or intoxicated.

No liability unless stated in policy, for— Loss or damage by earthquake,

If insured's interest is not sole ownership.
If auto

etc.

encumbered. If material change in insurable interest.

If there is other insurance.

Liability for rateable proportion only.

Inspection.

Accidents to other persons or property. Notice to company with full particulars.

Assured not to assume liability or settle claim or interfere, but must assist company in all proceedings.

(f) that the company shall not be liable under the policy while the automobile, with the knowledge, consent or connivance of the insured, is being driven by a person under the age limit fixed by law, or, in any event, under the age of sixteen years, or by an intoxicated person;

(g) that unless otherwise specifically stated in the policy, or endorsed thereon, the company shall not be liable:—

(i) for loss or damage caused by earthquake, invasion, insurrection, riot, civil commotion, military or usurped 10 power;

(ii) if the interest of the insured in the automobile

is other than unconditional and sole ownership;

(iii) if the automobile is or becomes encumbered by

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any lien or mortgage;

(iv) if there is any material change in the nature of the insurable interest of the insured in the automobile, by sale, assignment or otherwise, except through change of title by succession, or by death, or by an authorized assignment under *The Bankruptcy Act*:

(v) If at the time a loss, damage or accident occurs there is any other insurance, of the same interest, whether valid or not, covering said loss or damage, or any portion thereof, which would have been in force if the insurance had not been effected.

force if the insurance had not been effected.

(h) that if permission has been given for other insurance under subparagraph (v) of paragraph (g) of this subsection the company will be liable only for its rateable proportion of such loss or damage:

(i) that the company shall be permitted at all reasonable 30 times to inspect the automobile and its equipment:

(j) if the policy insures against accident to persons or damage to property of others than the insured:—

(i) that upon the occurrence of an accident involving bodily injuries or death, or damage to property of 35 others, the insured shall promptly give written notice thereof to the company, with the fullest information obtainable at the time; that the insured shall give like notice, with full particulars of any claim made on account of such accident, and that every writ, letter, 40 document or advice received by the insured from or on behalf of any claimant shall be immediately forwarded to the company;

(ii) that the insured shall not voluntarily assume any liability or settle any claim except at his own cost; 45 that the insured shall not interfere in any negotiations for settlement or in any legal proceeding, but, whenever requested by the company, shall aid in securing information and evidence and the attendance of any witnesses, and shall co-operate with the company, 50 except in a pecuniary way, in all matters which the

No action against company unless these conditions are complied with.

Loss or damage to insured automobile.

Notice to company with fullest information.

Duty of insured to protect auto from further loss or damage. Repairs.

Statutory declaration with particulars.

Right of access for examinacion

Insured to be examined under oath, and is to produce books and vouchers.

company deems necessary in the defence of any action or proceeding or in the prosecution of any appeal.

(iii) that no action to recover the amount of a claim under the policy shall lie against the company unless the foregoing requirements are complied with, and such action is brought after the amount of the loss has been ascertained either by a judgment against the insured after trial of the issue or by agreement between the parties with the written consent of the company, and no such action shall lie in either event 10 unless brought within one year thereafter.

(k) if the policy insures against loss or damage to an

insured automobile:-

(i) that upon the occurrence of any loss of or damage to the insured automobile, the insured shall, if such 15

loss or damage is covered by the policy:

(a) forthwith give notice thereof, in writing, to the company, with fullest information obtainable at the time, and shall, at the expense of the company, and as far as reasonably possible, protect the auto- 20 mobile from further loss or damage, and any such further loss or damage accruing directly or indirectly from a failure to protect shall not be recoverable thereunder:—that no repairs shall be undertaken or any physical evidence of the loss or damage removed 25 without the written consent of the company, except such repairs as are immediately necessary for the protection of the automobile from further loss or damage; or until the company has had a reasonable time to make the examination provided for in sub- 30 paragraph (ii) of this paragraph;

(b) deliver to the company within ninety days of the date of the loss or damage a statutory declaration stating the place, time and cause of the loss or damage, so far as the insured knows or believes, the 35 interest of the assured and of all others in the automobile, the sound value thereof, the amount of loss or damage thereto, all encumbrances thereon, and all other insurance, whether valid or not, covering the automobile and that the loss or damage did 40 not occur through any wilful act or neglect, procure-

ment, means or connivance of the insured.

(ii) that after any loss or damage to an insured automobile, the company shall have right of access to and examination of such automobile by accredited 45 agents of the company sufficient to enable such agents to ascertain the amount of the damage sustained;

(iii) that the insured shall submit to examination under oath, and shall produce for examination, at such reasonable place as is designated by the company 50 or its representative all books of account, bills, invoices

and other vouchers, in its possession or control which relate to the matters in question, and shall permit

extracts and copies thereof to be made;

(iv) that the company shall not be liable beyond the actual cash value of the automobile at the time 5 any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event exceed what it would cost to repair or replace the automobile 10 or any part thereof with material of like kind and quality; provided, that in the event of any part of the automobile being obsolete and out of stock the liability of the company in respect thereof shall be limited to the value of such part at the time of loss or damage 15 not exceeding the maker's last list price: the ascertainment or estimate of such loss or damage shall be made by the insured and the company, or if they disagree, then by appraisers, as hereunder provided:

(v) that except where an appraisal has been had, 20 the company, instead of making payment, may within a reasonable time repair, rebuild or replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within seven days after receipt of the proofs of loss; but that 25 there can be no abandonment of the automobile to the company without its consent. In the event of the

company exercising such option, the salvage, if any,

shall revert to it:

(vi) that in the event of disagreement as to the 30 nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, such questions shall be determined by appraisers before recovery can be had under the policy, whether 35 the right to recover on the policy is disputed or not and independently of all other questions; that the insured and the company shall each select one appraiser, and the two so chosen shall then select a disinterested umpire; and that thereafter the two appraisers together 40 shall estimate or appraise the loss or damage, stating separately sound value and damage, or determine the adequacy of such repairs or replacements, and failing to agree, shall submit their differences to the umpire;

(vii) that in case either party fails to name an 45 appraiser within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting, or dies, a judge 50 of a superior, county or district court having juris-

Company not liable beyond actual cash value, allowing for depreciation.

Not to exceed replacement value.

Appraisers to adjust disagreements.

Company may repair or replace property, on notice

No abandonment without consent.

Disagreements submitted to appraisers and umpire.

Judge to appoint appraisers or umpire if not named by parties.

Awards.

diction in the county or district in which the appraisal is to be made may appoint such appraiser or umpire on the application of the insured or of the company;

(viii) that an award in writing of the two appraisers, or of one appraiser and the umpire, shall determine 5 the nature and extent or adequacy of the repairs and replacements, or the amount of such loss or damage;

(ix) that each party shall pay the appraiser selected by him, and shall bear equally the other expenses of

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the appraisal and of the umpire;

(x) that neither the company nor the insured shall be deemed to have waived any provision or condition of this policy by any act relating to the appraisal, or to the delivery and completion of proofs of loss, or to the investigation or adjustment of the claim:

(xi) that the sum for which the company is liable under the policy for loss or damage shall be payable within sixty days after the proof of loss herein required has been received by the company, but if appraisal is demanded, then within fifteen days after the award 20 has been made by the appraisers; and that no suit or action whatever may be brought for the recovery of any claim unless the insured has complied with the foregoing requirements, nor unless such action is commenced within one year after the happening of the 25 loss.

(1) that notice of claim may be given and proofs of claim may be made by the agent of the insured, in case of the absence of the insured or in case of inability of the insured to give the notice or make the proof, such 30 absence or inability being satisfactorily accounted for, or in the like case or if the insured refuses to do so by a person to whom any part of the insurance money is payable;

(m) that any fraud or wilfully false statement made 35 under oath or in a declaration in relation to any of the above particulars shall vitiate the claim of the person making the declaration in any matter affected

by such fraud or false statement:

(n) that the company on paying the loss shall be subro- 40 gated to the extent of such payment to all right of recovery against any third party, and on such payment, or on assuming liability therefor may require from the insured a transfer of his rights against such third party, and the insured shall execute all documents 45 properly required by the company to secure to it such rights:

(o) that the policy may be cancelled at any time at the request of the insured, and the company shall, upon surrender of the policy, refund the excess of paid premium 50

Costs.

No rights deemed to be waived.

Time when loss payable and for taking action.

Notice of claim and proofs by agents.

Fraud or false statement vitiates claim.

Subrogation and transfer of rights.

Cancellation by insured and refund.

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(p) that the policy may be exacelled at any time by the company giving in the company giving in the remained liftcon days notice of the days' notice of cancellation paramelly delivered and days' notice of cancellation paramelly delivered and remaining the excess, of paid premium beyond the product the expense of the cancellation of the exact expense of the case that expense order, postal note or changes; and that make repayment of the exact of the notice, and that much case, the fifteen days' notice above nontioned shall commence this commence whiteen days' notice above nontioned shall commence

tilteen days' notice above nentioned slmit commence to run from the day following the receipt of the registered letter at the points to which it is addressed.

It is a considered or provision of the policy, either to the policy of the borness to the policy of the borness to t

in whole or in part, shall be deemed to have been waived or allered by the company unless the waiver is clearly expressed in artistic agreed by the manager of the company or its build agent for Canada or for the

delivered as or sent by recretered post to the object of the object of the object of the object of the province in which the policy is issued; and getter province in which the policy is issued; and getter wester notion may be given to the meaned by letter personally delivered to him at his last post office address to him at his last post office address is not fine at his last post office address is not known, address is notified and the address is not known, address is not the gent office of the agency, if any, from which the nugli-entire was retained.

(2) A copy of the application for the policy stall be attached to and form part of she policy when issued and such application, that set forth the natural's description of 35 business, the description of the automobile married, its purchase price to the insured worther tally field for or second-hand, particle to which it is and will principally be put, the place the second-hand, particle to which it is and will principally maintained and garaged, the locality where it is and will be principally maintained and garaged, the hy the insured it which an automobile owned or operated by the insured has been involved, the particulate of any satisficulates of any countries and the test and by the insured was been involved, the particulates of any countries or offerstion of any sutemobile, whether any company mayed, or refused to save sutemobile insurence to the company mayed and much further information as the company may require

above the customary short rate premium for the time

the policy has been in force:

Cancellation by company on notice and repayment of excess premiums. (p) that the policy may be cancelled at any time by the company giving to the insured fifteen days' notice in writing of cancellation by registered mail, or five 5 days' notice of cancellation personally delivered, and refunding the excess of paid premium beyond the pro rata premium for the expired time; that repayment of excess premiums may be made by money, post office order, postal note or cheque; and that such repayment 10 shall accompany the notice, and in such case, the fifteen days' notice above mentioned shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed;

No waiver by company unless in writing.

(q) that no condition or provision of the policy, either in whole or in part, shall be deemed to have been waived or altered by the company unless the waiver is clearly expressed in writing signed by the manager of the company or its chief agent for Canada or for the 20

province in which the policy is issued;

Service of notice.

(r) that any written notice to the company may be delivered at or sent by registered post to the chief agency or head office of the company in Canada or in the province in which the policy is issued; and 25 that written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his last post office address, notified to the company, or where no address is notified and the address is not known, addressed to him at the 30 post office of the agency, if any, from which the application was received.

Particulars required to be set forth in applications.

(2) A copy of the application for the policy shall be attached to and form part of the policy when issued and such application shall set forth the insured's occupation or 35 business, the description of the automobile insured, its purchase price to the insured, whether fully paid for or otherwise, whether purchased new or second-hand, particulars of any mortgage, lien or other encumbrance, the use to which it is and will principally be put, the place where it 40 is and will be principally maintained and garaged, the locality where it is and will be principally used, the fact of any accident in which an automobile owned or operated by the insured has been involved, the particulars of any claims made against and by the insured in respect of the 45 ownership or operation of any automobile, whether any company has cancelled any automobile policy of the insured, or refused to issue automobile insurance to the insured and such further information as the company 50 may require.

Policy may be renewed.

(3) Notwithstanding anything in this section contained, the policy may be renewed by the delivery of a renewal receipt or a new premium note.

Statement to be printed on every application. (4) Upon every such application there shall be printed or stamped in conspicuous type, not less in size than ten point, the following words:—

"If the applicant knowingly misrepresents or conceals any fact or circumstance required by this application to be made known, the contract of insurance shall be void as to the property or risk undertaken in respect of 10 which the misrepresentation or omission is made."

(5) Any such policy may provide for the exclusion from the risks insured against, of losses arising from any hazard

or class of hazard expressly stated in the policy.

(6) This section shall come into force on the first day of 15 January, 1924."

Risks or hazards excluded.

Commencement of section. Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 184.

An Act to amend The Insurance Act, 1917.

AS PASSED BY THE HOUSE OF COMMONS, 25th JUNE, 1923.

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2nd Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

## BILL 184.

An Act to amend The Insurance Act, 1917.

1917, c. 29; 1919, c. 57; 1922, c. 28. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section one hundred and twenty-nine of *The Insurance Act*, 1917, is amended by adding thereto the following 5 subsection:—

Returns of British or foreign unlicensed insurance. "(5) If under the provisions of any other Act of the Parliament of Canada the said person is required to make a return to the Minister containing substantially the same information as that required by subsection two of this 10 section, the Minister may, on the recommendation of the Superintendent, waive compliance with the requirements of the said subsection."

French version amended.

2. Paragraph (b) of subsection two of section one hundred and thirty-four of the said Act, French version, is amended 15 by striking out the words "a l'appui d'une" in the fourth and fifth lines thereof, and substituting therefor the words "contre une."

3. The said Act is further amended by inserting immediately after section one hundred and thirty-four thereof 20 the following section:—

Conditions of license for automobile insurance. "134A. (1) It shall be a condition of the license of every company licensed under this Act to carry on the business of automobile insurance or licensed to carry on any other class or classes of insurance which include the 25 insurance of automobiles whether such condition be expressed in the license or not, and for the breach of which the license may be cancelled or withdrawn by the Minister, that no policy of automobile insurance other than an interim receipt or temporary binder covering a risk for a 30 period not exceeding fourteen days shall be delivered in Canada by any such company unless the company has received an application for the policy in writing signed by the insured or by his agent authorized in writing signed by the insured, such application to contain the information and 35 endorsements hereinafter specified; that no such policy

Applications for policies.

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shall be delivered in Canada by any such company until a copy of the form of such policy has been mailed by prepaid registered letter to the Superintendent; and that every such policy shall contain in substance the following terms, provisions or conditions:—

Name and address of company; of the insured; premiums, and other particulars. (a) the name and address of the company, the name and address of the insured, the name of the person or persons to whom the insurance money is payable if other than the insured, the premium for the insurance, the perils or risks insured against, the indemnity for 10 which the company may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance:

Construction and effect of statements in application. (b) that all statements made by the insured upon the application for the policy shall, in the absence of 15 fraud, be deemed representations and not warranties, and that no such statement shall be used in defence of a claim under the policy unless it is contained in the written application for the policy and unless a copy of the application or such part thereof as is material to the 20 contract is endorsed upon or attached to the policy when issued:

False description, misrepresentation, or omission in application.

(c) that if any person applying for insurance falsely describes the property to the prejudice of the company or knowingly misrepresents or conceals or omits to 25 communicate any circumstance which is required by the terms of the written application to be made known to the company, the contract shall be void as to the property or risk undertaken in respect to which the misrepresentation or omission is made;

Material change in risk will void policy unless notice given. (d) that any change material to the risk and within the control and knowledge of the insured, shall void the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified 35 may return the unearned portion, if any, of the premium paid and cancel the policy, or may notify the insured in writing that, if he desires the policy to continue in force, he must, within fifteen days of the receipt of the notice pay to the company an additional 40 premium, and in default of such payment the policy shall no longer be in force and the company shall return the unearned portion, if any, of the premium paid;

Company may cancel policy or require additional premium.

(e) that after a written application for insurance is received by the company, it shall be deemed that any 45 policy sent to the insured is intended to be in accordance with the terms of the application, unless the company points out by registered letter addressed to the insured the particulars wherein it differs from the application, in which case the insured may, within one week 50 from the receipt of the notification, reject the policy;

Policy must conform with application, or it may be rejected. mains the age lings freed by law, on, in any event,

No liability if drivers under age limit, under 16 years, or intoxicated.

No liability unless stated in policy, for— Loss or damage by earthquake, etc.

If insured's interest is not sole ownership. If auto encumbered. If material change in insurable interest.

If there is other insurance.

Liability for rateable proportion only.

Inspection.

Accidents to other persons or property. Notice to company with full particulars.

Assured not to assume liability or settle claim or interfere, but must assist company in all proceedings,

(f) that the company shall not be liable under the policy while the automobile, with the knowledge, consent or connivance of the insured, is being driven by a person under the age limit fixed by law, or, in any event, under the age of sixteen years, or by an intoxicated person:

(g) that unless otherwise specifically stated in the policy, or endorsed thereon, the company shall not be liable:—

(i) for loss or damage caused by earthquake, invasion, insurrection, riot, civil commotion, military or usurped 10 power:

(ii) if the interest of the insured in the automobile

is other than unconditional and sole ownership;

(iii) if the automobile is or becomes encumbered by any lien or mortgage;

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(iv) if there is any material change in the nature of the insurable interest of the insured in the automobile, by sale, assignment or otherwise, except through change of title by succession, or by death, or by an authorized assignment under *The Bankruptcy Act*;

(v) If at the time a loss, damage or accident occurs there is any other insurance, of the same interest, whether valid or not, covering said loss or damage, or any portion thereof, which would have been in force if the insurance had not been effected.

(h) that if permission has been given for other insurance under subparagraph (v) of paragraph (g) of this subsection the company will be liable only for its rateable proportion of such loss or damage;

(i) that the company shall be permitted at all reasonable 30 times to inspect the automobile and its equipment;

(j) if the policy insures against accident to persons or damage to property of others than the insured:—

(i) that upon the occurrence of an accident involving bodily injuries or death, or damage to property of 35 others, the insured shall promptly give written notice thereof to the company, with the fullest information obtainable at the time; that the insured shall give like notice, with full particulars of any claim made on account of such accident, and that every writ, letter, 40 document or advice received by the insured from or on behalf of any claimant shall be immediately forwarded to the company;

(ii) that the insured shall not voluntarily assume any liability or settle any claim except at his own cost; 45 that the insured shall not interfere in any negotiations for settlement or in any legal proceeding, but, whenever requested by the company, shall aid in securing information and evidence and the attendance of any witnesses, and shall co-operate with the company, 50 except in a pecuniary way, in all matters which the

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No action against company unless these conditions are complied with.

Loss or damage to insured automobile.

Notice to company with fullest information.

Duty of insured to protect auto from further loss or damage. Repairs.

Statutory declaration particulars.

Right of access for examination.

Insured to be examined under oath, and is to produce books and vouchers.

company deems necessary in the defence of any action or proceeding or in the prosecution of any appeal.

(iii) that no action to recover the amount of a claim under the policy shall lie against the company unless the foregoing requirements are complied with, 5 and such action is brought after the amount of the loss has been ascertained either by a judgment against the insured after trial of the issue or by agreement between the parties with the written consent of the company, and no such action shall lie in either event 10 unless brought within one year thereafter.

(k) if the policy insures against loss or damage to an

insured automobile:-

(i) that upon the occurrence of any loss of or damage to the insured automobile, the insured shall, if such 15

loss or damage is covered by the policy:

(a) forthwith give notice thereof, in writing, to the company, with fullest information obtainable at the time, and shall, at the expense of the company, and as far as reasonably possible, protect the auto- 20 mobile from further loss or damage, and any such further loss or damage accruing directly or indirectly from a failure to protect shall not be recoverable thereunder:—that no repairs shall be undertaken or any physical evidence of the loss or damage removed 25 without the written consent of the company, except such repairs as are immediately necessary for the protection of the automobile from further loss or damage; or until the company has had a reasonable time to make the examination provided for in sub- 30 paragraph (ii) of this paragraph;

(b) deliver to the company within ninety days of the date of the loss or damage a statutory declaration stating the place, time and cause of the loss or damage, so far as the insured knows or believes, the 35 interest of the assured and of all others in the automobile, the sound value thereof, the amount of loss or damage thereto, all encumbrances thereon, and all other insurance, whether valid or not, covering the automobile and that the loss or damage did 40 not occur through any wilful act or neglect, procure-

ment, means or connivance of the insured.

(ii) that after any loss or damage to an insured automobile, the company shall have right of access to and examination of such automobile by accredited 45 agents of the company sufficient to enable such agents to ascertain the amount of the damage sustained;

(iii) that the insured shall submit to examination under oath, and shall produce for examination, at such reasonable place as is designated by the company 50 or its representative all books of account, bills, invoices

and other vouchers in its possession or control which relate to the matters in question; and shall permit extracts and copies thereof to be made;

the armal easily value of the automobile, at the time any loss or damage occurs, and the loss or damage actual by assertained or estimated according to such actual cash value with proper deduction for demociation bewever caused, and shall in me quent exceed what it would cost to repair or replace the automobile

what it would cost to remain or replace the automobile if or any part thereof with material of like kind and quality; provided, that in the event of any part of the automobile being obsolete and out 24 stock the liability of the company in respect thereof shall be limited to

the value of such part at the time of loss or damage to not exceeding the maker's last his price; the accertainment or estimate of such loss or damage shall be saide by the insured and the company, or if they disagree, then by appraisance as hereunder provided:

(v) that except where an appraisal has been had, 20 the company, instead of making payment, may within a reasonable time repair, rebuild on replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within

seven days after receipt of the proofs of loss; but that the there can be no absolutional of the automobile of the competit williout its content. In the creat of the company exercising such option, the calvage, if any,

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cather and extent of the repeles and confidence of the EC required or as to the required or as to the respect of any confidence or as to return of a such questions shall be determined by the or datests, before recovery can be had under the policy, whether he independently of all other questions; that the and independently of all other questions; that the shall be outpassed and the company shall each calcot an authorized and the company shall each calcot a disministrated of the first that the release of the shall each calcot a disministrated of the stance that the representative of any day and days as or days and mating a separately sound value and days are or days and mating a step and of such replaces or days and animal adequacy of such replaces or replacements, and sailing a step care, shall submit their differences to the unpine.

(vii) vest in case either parry (alle to mame an 45 expresser within seven clear days after being served with written notice so to do, or in case the appraisers last to agree upon an ampire within fifteen days after their appointment, or in case an appraiser, or entries wither or does, a judge 50 of a series or does, a judge 50 of a series court having impression of a suverior, county or district court having impression of a suverior, county or district court having impression.

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ot a glade tringga to trialle par Tongles tongles and other vouchers, in its possession or control which relate to the matters in question, and shall permit extracts and copies thereof to be made;

(iv) that the company shall not be liable beyond the actual cash value of the automobile at the time 5 any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event exceed what it would cost to repair or replace the automobile 10 or any part thereof with material of like kind and quality; provided, that in the event of any part of the automobile being obsolete and out of stock the liability of the company in respect thereof shall be limited to the value of such part at the time of loss or damage 15 not exceeding the maker's last list price; the ascertainment or estimate of such loss or damage shall be made by the insured and the company, or if they disagree,

(v) that except where an appraisal has been had, 20 the company, instead of making payment, may within a reasonable time repair, rebuild or replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within seven days after receipt of the proofs of loss; but that 25 there can be no abandonment of the automobile to the company without its consent. In the event of the company exercising such option, the salvage, if any,

then by appraisers, as hereunder provided:

shall revert to it;

(vi) that in the event of disagreement as to the 30 nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, such questions shall be determined by appraisers before recovery can be had under the policy, whether 35 the right to recover on the policy is disputed or not and independently of all other questions; that the insured and the company shall each select one appraiser, and the two so chosen shall then select a disinterested umpire; and that thereafter the two appraisers together 40 shall estimate or appraise the loss or damage, stating separately sound value and damage, or determine the adequacy of such repairs or replacements, and failing to agree, shall submit their differences to the umpire;

(vii) that in case either party fails to name an 45 appraiser within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting, or dies, a judge 50 of a superior, county or district court having juris-

Company not liable beyond actual cash value, allowing for depreciation.

Not to exceed replacement value.

Appraisers to adjust disagreements.

Company may repair or replace property, on notice.

No abandonment without consent.

Disagreements submitted to appraisers and umpire.

Judge to appoint appraisers or umpire if not named by parties.

Awards.

Costs.

No rights deemed to be waived.

Time when loss payable and for taking action.

Notice of claim and proofs by agents.

Fraud or false statement vitiates claim.

Subrogation and transfer of rights.

Cancellation by insured and refund.

diction in the county or district in which the appraisal is to be made may appoint such appraiser or umpire on the application of the insured or of the company;

(viii) that an award in writing of the two appraisers, or of one appraiser and the umpire, shall determine the nature and extent or adequacy of the repairs and replacements, or the amount of such loss or damage:

(ix) that each party shall pay the appraiser selected by him, and shall bear equally the other expenses of 10

the appraisal and of the umpire;

(x) that neither the company nor the insured shall be deemed to have waived any provision or condition of this policy by any act relating to the appraisal, or to the delivery and completion of proofs of loss, or to the investigation or adjustment of the claim;

(xi) that the sum for which the company is liable under the policy for loss or damage shall be payable within sixty days after the proof of loss herein required has been received by the company, but if appraisal is demanded, then within fifteen days after the award 20 has been made by the appraisers; and that no suit or action whatever may be brought for the recovery of any claim unless the insured has complied with the foregoing requirements, nor unless such action is commenced within one year after the happening of the 25 loss.

(1) that notice of claim may be given and proofs of claim may be made by the agent of the insured, in case of the absence of the insured or in case of inability of the insured to give the notice or make the proof, such 30 absence or inability being satisfactorily accounted for, or in the like case or if the insured refuses to do so by a person to whom any part of the insurance money is payable:

(m) that any fraud or wilfully false statement made 35 under oath or in a declaration in relation to any of the above particulars shall vitiate the claim of the person making the declaration in any matter affected

by such fraud or false statement:

(n) that the company on paying the loss shall be subro- 40 gated to the extent of such payment to all right of recovery against any third party, and on such payment, or on assuming liability therefor may require from the insured a transfer of his rights against such third party, and the insured shall execute all documents 45 properly required by the company to secure to it such rights:

(o) that the policy may be cancelled at any time at the request of the insured, and the company shall, upon surrender of the policy, refund the excess of paid premium 50

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above the customary short rate premium for the time

the policy has been in force:

Cancellation by company on notice and repayment of excess premiums.

No waiver

unless in writing.

Service of

notice.

by company

(p) that the policy may be cancelled at any time by the company giving to the insured fifteen days' notice in writing of cancellation by registered mail, or five 5 days' notice of cancellation personally delivered, and refunding the excess of paid premium beyond the pro rata premium for the expired time; that repayment of excess premiums may be made by money, post office order, postal note or cheque; and that such repayment 10 shall accompany the notice, and in such case, the fifteen days' notice above mentioned shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed: 15

(q) that no condition or provision of the policy, either in whole or in part, shall be deemed to have been waived or altered by the company unless the waiver is clearly expressed in writing signed by the manager of the company or its chief agent for Canada or for the 20

province in which the policy is issued;

(r) that any written notice to the company may be delivered at or sent by registered post to the chief agency or head office of the company in Canada or in the province in which the policy is issued; and 25 that written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his last post office address, notified to the company, or where no address is notified and the address is not known, addressed to him at the 30 post office of the agency, if any, from which the appli-

cation was received.

Particulars required to be set forth in applications.

(2) A copy of the application for the policy shall be attached to and form part of the policy when issued and such application shall set forth the insured's occupation or 35 business, the description of the automobile insured, its purchase price to the insured, whether fully paid for or otherwise, whether purchased new or second-hand, particulars of any mortgage, lien or other encumbrance, the use to which it is and will principally be put, the place where it 40 is and will be principally maintained and garaged, the locality where it is and will be principally used, the fact of any accident in which an automobile owned or operated by the insured has been involved, the particulars of any claims made against and by the insured in respect of the 45 ownership or operation of any automobile, whether any company has cancelled any automobile policy of the insured, or refused to issue automobile insurance to the insured and such further information as the company 50 may require.

of the given to the inagred, or as to any real of or thing to beligion of amount of which are within a second of the purchase price to the financed whether fully paid for or Policy may be renewed.

(3) Notwithstanding anything in this section contained, the policy may be renewed by the delivery of a renewal receipt or a new premium note.

Statement to be printed on every application.

(4) Upon every such application there shall be printed or stamped in conspicuous type, not less in size than ten

point, the following words:-

"If the applicant knowingly misrepresents or conceals any fact or circumstance required by this application to be made known, the contract of insurance shall be void as to the property or risk undertaken in respect of 10 which the misrepresentation or omission is made."

(5) Any such policy may provide for the exclusion from the risks insured against, of losses arising from any hazard

or class of hazard expressly stated in the policy.

Relief against forfeiture or avoidance.

Risks or hazards

excluded.

(6) In any case where there has been imperfect compli- 15 ance with a statutory condition as to the proof of the loss to be given to the insured, or as to any matter or thing to be done or omitted by the insured after the maturity of the contract, and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it 20 inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on any such terms as it may deem just.

(7) No such company shall issue in Canada a valued

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policy of automobile insurance.

(8) This section shall come into force on the first day of January, 1924."

No valued policy to be issued.

Commencement of section.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 185.

An Act respecting National Parks and Reservations.

First reading, May 28, 1923.

The Minister of the Interior.

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#### THE HOUSE OF COMMONS OF CANADA

### BILL 185.

An Act respecting National Parks and Reservations.

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 National Parks Act.

#### INTERPRETATION.

Definitions.

2. In this Act unless the context otherwise requires—

(a) The expression "this Act" includes any regulations made under the authority of this Act;

"Park."

(b) "Park" means any reserve or area of land that may be set apart as a Canadian National Park by or under

,

this Act;
(c) "Lands" means any lands the title to which is vested in His Majesty and any interest therein, and includes the natural resources of the land and the water thereon;

"Minister."

"Lands."

(d) "Minister" means the Minister of the Interior;(e) "Railway company" includes any person construct- 15

"Railway company." (e) "Railway company."

ing or operating any railway;
(f) "Regulations" means the regulations made under the provisions of this Act.

"Regulations."

# PART I. CANADIAN NATIONAL PARKS. ESTABLISHMENT OF PARKS.

Existing parks continued.

3. (1) The reserves or areas heretofore set apart and designated as Dominion Parks and now existing as such 20 parks are hereby dedicated to the people of Canada and shall hereafter be designated as Canadian National Parks as provided by this Act.

Banff National Park. (2) The Rocky Mountains Park in the Province of Alberta shall hereafter be known as the Banff National 25 Park.

within the blooduries of a park a waiver in writing of the

Establishment of Canadian Parks

(3) The Governor in Council may, by proclamation, designate such areas as he sees fit, the title to which is vested in the Crown in the right of Canada, to be, and to be known as, Canadian National Parks, which areas shall be dedicated to the people of Canada and shall continue as such parks unless and until Parliament shall otherwise determine.

#### GENERAL PURPOSES.

Parks to be pleasure grounds.

4. (1) Parks may be established for the following purposes:-

(a) as national recreation areas and pleasure grounds 10

and as natural museums.

(b) as animal sanctuaries for the preservation of wild animals as near as possible in their natural state:

(c) as historic sites and monuments to commemorate historic events and to preserve historic landmarks, prehistoric structures and other objects of historic, 15 prehistoric or scientific interest.

All parks shall be maintained and made use of for the advantage, enjoyment, education and benefit of the people

of Canada.

#### PARK LANDS.

Lands and waters inalienable.

5. (1) Lands within the parks or the use of the waters 20 thereon shall not be disposed of or acquired except as

provided by this Act.

Lands not open to entry except for railways.

(2) No lands within a park shall be open for entry or conveyed in fee, provided, however, that the Governor in Council may grant land within a park when such land is 25 required for the right of way or station grounds of any railway, but land so granted shall be subject to this Act and the regulations made thereunder in so far as they do not interfere with the operation and maintenance of such railway.

Existing leases.

(3) All existing leases, licenses or permits affecting park lands, shall be subject to this Act with respect to all matters in regard to which no special exemptions are contained in such leases, licenses or permits.

Acquisition of lands for parks.

(4) The Governor in Council may authorize the Minister 35 to purchase, expropriate or otherwise acquire any lands or interests therein, including the lands of Indians or of any other persons, for the purposes of a park.

Expropriation Act to apply.

(5) The Expropriation Act shall apply to any expropriation

proceedings taken under this section.

(6) The Governor in Council may authorize the Minister to secure from the holder of any title or interest in any land within the boundaries of a park a waiver in writing of the exemption of such land from any of the provisions of this

Waiver of exemption.

Act, and where necessary, to make compensation therefor, and such land shall thereupon be subject to such provision or provisions.

#### PARK ADMINISTRATION.

Control and management.

6. (1) There shall be a Commissioner of Canadian National Parks who, subject to the direction of the Minister, shall control, manage, administer and supervise the parks and all matters arising under this Act.

Powers of Justice.

(2) The Commissioner, all superintendents and any other officer designated by the Minister shall, for the purpose of this Act, have all the powers of a justice of the peace.

Powers of constable.

(3) Every warden appointed under the authority of this Act and any other park officer designated by the Minister shall have all the powers of a police constable.

Governor in Council may appoint stipendiary magistrates. (4) The Governor in Council may appoint by Commission under the Great Seal, one or more fit and proper persons 15 to be stipendiary magistrates within the Canadian National Parks.

Powers of stipendiary magistrates.

Every such stipendiary magistrate shall have and exercise within the limits of the Canadian National Parks all the powers and authority, rights and privileges by law 20 appertaining to stipendiary magistrates including the powers and authority of a police magistrate or two justices of the peace.

Investigation of irregularities.

(5) When the Minister is of the opinion or has reason to believe that there has been any irregularity in the adminis- 25 tration of any park, or any misconduct whatsoever on the part of any officer or employee appointed or acting in pursuance of this Act, he may authorize any officer or other person to hold an investigation in regard to such irregularity or misconduct, and such officer or person shall, for 30 the purposes of such investigation, have the powers of a commissioner appointed under part two of the *Inquiries Act*.

#### REGULATIONS.

Orders and regulations.

7. (1) The Governor in Council may make regulations for.—

Management of the parks.

(a) the preservation, protection, improvement, enjoyment and management of the parks;

Animal life.

(b) the protection and control of wild mammals and birds; the destruction of noxious, predatory or superabundant mammals or birds and the taking of speci-40 mens of wild mammals and birds for scientific purposes;

Fish life.

(c) the protection of all fish, including the prevention of obstruction or pollution of streams and the remedying of any obstruction or pollution of streams and the management and regulation of all fishing;

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Fire protection general.

(d) the prevention and extinguishment of fires upon or threatening park lands, and requiring persons residing or being in the vicinity to report any such fire or to assist in its extinguishment:

Fire protection railway companies.

(e) the fire protection measures to be observed and complied with by any company not under the jurisdiction of the Board of Railway Commissioners for Canada constructing or operating a railway upon or across any park lands and the payment by said company for

(i) the whole or any part of the expense of any fire protection carried on by the Minister in pursuance of this Act along or near such railway while under

construction;

(ii) all expense incurred by the Crown in fighting any 15 fire which originated by reason of the construction, operation or maintenance of such railway or by reason of the action of the company's employees;

Natural resources.

(f) the granting of leases or licenses of lands for the accommodation and entertainment of persons resorting 20 to the parks; and for no other purpose except as follows.—

(i) for the grazing of cattle and horses on park land, providing that there shall be no grazing of domestic

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sheep within a park;

(ii) for the removal of sand, stone and gravel for con-

struction purposes within a park;

(iii) for the cutting and removal of dead and diseased timber and such green timber as may be necessary for thinning or forest protection;

(iv) for such portion of the surface of mineral claims in the parks in British Columbia as in the opinion of the Minister may be necessary for the effective and

economical operation of said mines.

Utilities.

(g) the establishment, operation, maintenance and man-35 agement by the Department of the Interior of public works, improvements and utility services and the use of same within the parks, such works and services to include domestic water supply, sewage, telephone, streets, street-lighting, sidewalks, fire protection, gar-40 bage removal and any other works, improvements or services of a public character; the levying of contributions upon any properties benefited thereby and upon the owners or other persons holding interests therein; the sale or forfeiture of the said properties or interests 45 when such contributions are not paid;

(h) the establishment, maintenance, management and use of roads, streets, sidewalks, trails, wharves, docks, bridges, and other ways within the parks, and the circumstances under which such ways shall be open or 50 may be closed to public traffic or use; provided that

Roads and ways.

the establishment or use of any such road or way shall in no case operate to withdraw the same from the park within which it is situated;

Building and properties.

(i) regulating the character of buildings and other structures that may be erected, and the use to be made thereof; the character of signs, placards or announcements and the manner and place in which they shall be put up and maintained; and prescribing building and fire areas; and generally the maintenance and improvement of all properties within a park;

Business, amusements and other 4 activities. (j) regulating trade, traffic, business, amusements, sports, occupations and other activities or undertakings carried on within a park, the places where any such activities or undertakings are carried on, and the levying of license fees in respect thereof;

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Conduct.

(k) controlling the conduct of persons residing in or making use of any park, including the summary removal from a park and the preventing of the return thereto of persons who fail to comply with any regulation or who are otherwise undesirable;

Sanitary measures. (l) the preservation of health and the prevention of disease within a park;

Nuisances.

(m) the prevention of nuisances within a park;

Confiscation.

(n) the disposal of things seized or confiscated under this Act;
(o) providing for the dissemination of information and

Re tourists.

(o) providing for the dissemination of information and literature respecting the scenic and other attractions of the Dominion and for the taking of such other steps as may be designated to attract tourists to Canada.

Publication.

(2) All regulations made hereunder shall be published in the *Canada Gazette*, and shall thereupon have the same force and effect as if herein enacted and shall be laid before Parliament within fifteen days after the opening of the session next following the making thereof.

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Laid before Parliament.

# PENALTIES AND PROCEDURE.

Penalties.

**S.** (1) (a) Any person who violates any of the provisions of this Act for which no other penalty is provided, or of any regulation, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six 40 months.

Second offence.

(b) Upon conviction for a subsequent offence against any provision of this Act the offender shall be liable on summary conviction to a penalty not exceeding five hundred dollars and, in the discretion of the convicting magistrate or 45 justice of the peace, to imprisonment with or without hard labour for any term not exceeding six months.

any parts thereof or any linearms held in emissivention American Services Arrest, search, and seizure.

(2) Any constable or any person having the powers of a constable under the provisions of this Act may,-

(a) on view, arrest any person found committing an offence against this Act or found committing within a

park any unlawful act;

(b) without warrant or other legal process at any time enter and search any building, premises, structure, camp, vessel, boat, vehicle, conveyance, or other place, and open and examine any trunk, box, barrel, parcel or other package or receptacle, whether within 10 or without the boundaries of any park, where he has reason to believe there is any fish, mammal or bird or any parts thereof, or any firearms held in contravention of the provisions of this Act or any regulations thereunder: 15

(c) on view, seize, whether within or without the boundaries of any park, any timber, trees, hay, mineral, animals, arms, ammunition, explosives, traps, nets, rods, vessels, boats, vehicles, horses, dogs, equipment, outfits, appliances or other articles which he has 20 reason to believe are or have been possessed or used contrary to the provisions of this Act or which have been used in connection with the commission of any offence under this Act or with respect to which any such offence has been committed.

Justice may declare forfeiture.

(3) Where the justice of the peace, before whom an offence is tried, finds that any chattels seized have been used or held for an unlawful purpose or have been in the possession of a person committing an unlawful act, he may order that the said chattels,

(a) be forfeited to His Majesty; or

(b) be held for such time as he may deem proper pending

payment of any penalty.

Liability of offender.

(4) An arrest, removal, seizure or confiscation shall not relieve the offender from any other penalty to which 35 he may be liable under this Act or otherwise.

**9.** Section eighteen of The Dominion Forest Reserves and Repeal clause. Parks Act is hereby repealed.

#### PART II.

#### GAME RESOURCES.

#### INTERPRETATION.

Definitions. Dominion.'

"Lands of the

10. In this Part—

(a) "Lands of the Dominion" means any lands the title to which is vested in His Majesty, provided this 40 shall not include the Northwest Territories of Canada;

(b) the breeding, care, protection and disposal of game

"Game."

(b) "Game" means and includes all wild mammals and birds;

Establishment of sanctuaries and shooting grounds.

11. The Governor in Council may by order set apart and dedicate any lands to be, and to be administered as, a game sanctuary, or as a public shooting ground under this Act, and such lands shall continue to be game sanctuaries or public shooting grounds as the case may be until or unless it shall be otherwise determined by Parliament.

Orders and regulations.

12. (1) The Governor in Council may make orders and regulations governing.—

(a) the control and management of such reserves;

(b) the breeding, care, protection and disposal of game on lands of the Dominion.

(c) any other matters relating to game resources on lands of the Dominion.

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Co-operation with Provincial authorities.

(2) The Governor in Council may authorize the Minister to co-operate with the authorities of any province with respect to any matters arising out of the administration of this Part, and to enter into agreements for the purpose of such co-operation.

#### PART III.

# RECREATION AREAS.

Recreation and summer resort areas. 13. (1) The Governor in Council may, by order, set aside any waters and any lands the title to which is vested in the Crown in the right of the Dominion of Canada to be administered as recreational and summer resort areas and they shall be made available for the use of the public 25 for building sites and recreational grounds for the benefit and enjoyment of the people of Canada.

Application of Part I.

(2) The provisions of Part I of this Act shall apply to these areas so far as the Governor in Council may from time to time direct.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 186.

An Act to amend the Dairy Industry Act, 1914.

First reading, May 28, 1923.

The MINISTER OF AGRICULTURE.

OTTAWA

F. A. ACLAND
PRINTER TO THE\_KING'S MOST EXCELLENT MAJESTY
1923

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### BILL 186.

An Act to amend the Dairy Industry Act, 1914.

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

1. Section three of the Dairy Industry Act, 1914, is amended by adding thereto the following paragraphs:—

"(m) 'inspector' means any person duly authorized by the Minister for the purpose of enforcing the provisions of this Act and the regulations made thereunder;

"(n) 'milk fat' or 'butter fat' is the fat of milk and has a Reichert Meissal number not less than twenty-four 10 and a specific gravity not less than 0.905 at forty degrees centigrade and a Polenski number not to exceed 3.5;

"(o) 'provincial analyst' means any analyst appointed by the government of any province and having authority to make analysis for any public purpose."

Butter substitute and remanufacture of butter

Interpreta-

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

"5. No person shall—

"(a) manufacture, import into Canada, or offer, sell or have in his possession for sale, any oleomargarine, 20 margarine, butterine, or other substitute for butter, manufactured wholly or in part from any fat other than that of milk or cream;

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"(b) mix with or incorporate with butter, by any process of heating, soaking, rechurning, reworking, or other-25 wise, any cream, milk, skim milk, butter milk or water to cause such butter when so treated to contain over sixteen per centum of water, or less than eighty per centum of milk fat;

"(c) melt, clarify, refine, rechurn, or otherwise treat 30 butter to produce "process" or "renovated" butter.

econd line thereof, and subsection one of the word rection

Butter character and weight. 3. Section six of the said Act is repealed, and the following is substituted therefor:—

"6. (1) No person shall import into Canada, or offer,

sell or have in his possession for sale—

"(a) any butter containing over sixteen per centum of water, or less than eighty per centum of milk fat;

"(b) any process or renovated butter.

"(2) No person shall manufacture any butter containing over sixteen per centum of water, or less than eighty per centum of milk fat.

"(3) No person shall sell, offer or have in his possession

for sale-

"(a) any butter moulded or cut into prints, blocks, squares or pats, unless such prints, blocks, squares or pats are of the full net weight of one-quarter pound, 15 one-half pound, one pound or two pounds. Nothing in this paragraph shall be held to apply to butter in rolls or lumps, of indiscriminate weight, as sold by farmers: or

"(b) any butter packed in tins or other packages alleged 20 to contain any definite weight of butter unless such package contains the full net weight of butter as alleged exclusive of the weight of the package and of

any paper, brine or other filling."

Regulations.

4. Section sixteen of the said Act is amended by striking 25 out in paragraph (g) thereof the word "thirty", in the second line thereof, and substituting the word "fifty" therefor; and by adding to subsection one of the said section the following paragraph:—

"(h) the keeping of records by manufacturers of and 30 dealers in butter and cheese, and the examination of such

records by inspectors".

5. Section twenty of the said Act is amended by repealing subsections one and two thereof, and substituting the following subsections therefor:—

"20. (1) For the purpose of establishing the guilt of any person charged with the violation of any of the

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provisions of this Act,—

(a) butter shall be deemed to be manufactured when it is packed or placed in any package as defined in this Act; 40

(b) butter, which contains over sixteen per centum of water or less than eighty per centum milk fat, and which has been rechurned, reworked or otherwise treated as described in paragraph (b) of section five shall be deemed to have been so treated to cause such butter to contain 45 over sixteen per centum of water or less than eighty per centum of milk fat:

(c) the having in possession by any manufacturer of or dealer in dairy products of any article the manufacture or sale of which is prohibited by this Act shall be deemed

Establishment of guilt for violation of Act.

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"(2) For the law
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to be prima facie evidence of intent to sell or use the same in violation of the law.

Procedure to be followed; samples, analysis and certificates. "(2) For the purpose of establishing proof as to the composition of any suspected product or material an inspector may submit a sample or samples of the same to 5 a Dominion or provincial analyst, who shall issue a certificate stating the result of his examination of such sample or samples, and the certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act or regulations made thereunder, 10 subject to the right of such person to require the attendance of the analyst for the purpose of cross examination."

#### THE HOUSE OF COMMONS OF CANADA

## BILL 187.

An Act to amend the Inland Revenue Act.

First reading, May 29, 1923.

M. (1) Section three handred and seventy-early of the

The MINISTER OF FINANCE.

### BILL 187.

R.S. c. 51; 1908, c. 34; 1910, c. 30; 1914 (2 Sess.), c. 6;

An Act to amend the Inland Revenue Act.

1915, c. 17; 1918, c. 28; 1920, c. 52; 1921, c. 34; 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. (1) Paragraphs (g) and (h) of section two hundred and seventy-nine of the *Inland Revenue Act*, chapter fifty-one of the Revised Statutes of Canada, 1906, as enacted by section one of chapter twenty-seven of the statutes of 1922, are repealed, and the following paragraphs are substituted therefor:—

Excise duty on cigarettes decreased from \$7.50 to \$6.

From \$12.50 to \$11.

"(g) On cigarettes made from raw leaf tobacco or any 10 substitute therefor, weighing not more than three pounds per thousand, six dollars per thousand;

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(h) On cigarettes made from raw leaf tobacco or any substitute therefor, weighing more than three pounds per thousand, eleven dollars per thousand."

In operation from 12th May, 1923.

(2) This section shall be deemed to have come into force on the twelfth day of May, one thousand nine hundred and twenty-three.

Excise duties from sugar made from sugar beets.

In operation from 1st January, 1923. 2. (1) Section three hundred and seventy-eight of the said *Inland Revenue Act*, as enacted by chapter twenty-seven 20 of the statutes of 1922, is repealed.

(2) This section shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty-three.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 187.

An Act to amend the Inland Revenue Act.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

### BILL 187.

R.S. c. 51; 1908, c. 34; 1910, c. 30; 1914 (2 Sess.),

An Act to amend the Inland Revenue Act.

c. 6; 1915, c. 17; 1918, c. 28; 1920, c. 52; 1921, c. 34; 1922, c. 27.

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From \$12.50 to \$11.

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(2) This section shall be deemed to have come into force on the first day of January, one thousand nine hundred and twenty-three.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 188.

An Act to repeal the Acts respecting Bounties on manufactures from Manila Fibre in Canada.

First reading, May 29, 1923.

The MINISTER OF FINANCE.

## BILL 188.

An Act to repeal the Acts respecting Bounties on manufactures from Manila Fibre in Canada.

1903, c. 5; 1907, c. 5. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Bounties on binder twine and cordage repealed.

1. Chapter five of the statutes of 1903, entitled An Act respecting Bounties on manufactures from Manila Fibre in 5 Canada, and chapter five of the statutes of 1907, entitled An Act to amend the Act respecting the manufacture of Binder Twine in Canada, and the regulations made thereunder, are repealed.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 188.

An Act to repeal the Acts respecting Bounties on manufactures from Manila Fibre in Canada.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

## BILL 188.

An Act to repeal the Acts respecting Bounties on manufactures from Manila Fibre in Canada.

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#### THE HOUSE OF COMMONS OF CANADA

## BILL 189.

An Act respecting the payment of Bounties on Copper Bars or Rods.

First reading, May 29, 1923.

The MINISTER OF FINANCE.

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

### BILL 189.

An Act respecting the payment of Bounties on Copper Bars or Rods.

IIS 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 Copper Bounties Act, 1923.

Bounties on Canadian produced copper bars or rods sold in Canada for consumption.

2. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of the following bounties on copper bars or rods manufactured in Canada and sold for consumption therein, from copper produced in Canada from ore mined in Canada, during the periods 10 and at the rates following, that is to say:—

From the twelfth day of May, 1923, to the thirtieth day of June, 1924, both inclusive. one and one-half cents per pound;

From the first day of July, 1924, to the thirtieth day of 15 June, 1925, both inclusive. one and one-fourth cents per pound;

From the first day of July, 1925, to the thirtieth day of June, 1926, both inclusive.....one cent per pound; From the first day of July, 1926, to the thirtieth day of 20 June, 1927, both inclusive. three fourths of one cent

per pound; From the first day of July, 1927, to the thirtieth day of June, 1928, both inclusive. one-half of one cent per pound.

Limitation

3. The sum to be paid as such bounty shall not exceed two hundred thousand dollars in any one of the said periods.

No bounty on exports.

4. The said bounty shall not be paid on copper bars or rods exported from Canada, nor on copper rods made from copper bars on which a bounty has already been paid.

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Regulations.

5. The Governor in Council may make regulations to carry out the intention of this Act.

Administra-

6. The Minister of Trade and Commerce shall be charged with the administration of the provisions of this Act.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 189.

An Act respecting the payment of Bounties on Copper Bars or Rods.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

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From the twelfth day of May, 1923, to the thirtieth day of June, 1924, both inclusive. one and one-half cents

per pound;

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From the first day of July, 1924, to the thirtieth day of 15 June, 1925, both inclusive, one and one-fourth cents per pound:

From the first day of July, 1925, to the thirtieth day of June, 1926, both inclusive.....one cent per pound; From the first day of July, 1926, to the thirtieth day of 20

June, 1927, both inclusive. three fourths of one cent per pound;

From the first day of July, 1927, to the thirtieth day of June, 1928, both inclusive one-half of one cent per pound.

Limitation.

3. The sum to be paid as such bounty shall not exceed two hundred thousand dollars in any one of the said periods.

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Regulations.

5. The Governor in Council may make regulations to carry out the intention of this Act.

Administra-

**6.** The Minister of Trade and Commerce shall be charged with the administration of the provisions of this Act.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 190.

An Act to amend the Companies Act.

First reading, May 30, 1923.

The SECRETARY OF STATE.

### BILL 190.

An Act to amend the Companies Act.

R.S. c. 79; 1908, c. 16; 1914, c. 23; 1917, c. 25; 1918, cc. 13, 14. 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 Companies Act Amending Act, 1923.

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2. Section five of the *Companies Act*, hereinafter referred to as the principal Act, is amended by adding thereto the following:—

When company may be created a private company.

"(3) A company may be created a private company by providing in its letters patent or supplementary letters 10 patent (a) restrictions upon the right to transfer its shares, (b) limitation of the number of its members (exclusive of persons who are in the employment of the company and of persons who having been formerly in the employment of the company were, while in such employment, and have 15 continued after the termination of such employment, to be members of the company) to fifty, and (c) the prohibition of any invitation to the public to subscribe for any shares or debentures of the company.

When several considered as single shareholder.

"(4) Where two or more persons hold one or more shares 20 in a company jointly, they shall, for the purposes of this section, be treated as a single shareholder."

Applicants.

**3.** Subsection (f) of section seven of the principal Act is repealed, and the following is substituted therefor:—

"(f) The names in full and the address and calling of 25 each of the applicants, with special mention of the names of not less than three of their number, who are to be the first or provisional directors of the company."

4. Section 7A of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is amended by repealing 30 paragraph (d) of subsection one, and subsections five and

#### EXPLANATORY NOTES

This Bill, with the exception of sections 5, 7, 8, 9, 13, 17, 20 and 29, makes verbal changes only in the Act. These are found necessary in its administration. The sections referred to will be specially explained.

Section 2—

Section 43, subsection 3, defined a private company, but there was no express provision in the Act for the creation of such a company. This section is merely to cure this anomly. The corresponding amendment of section 43c is shown in section 15.

Section 3-

Section 72, as amended by the amending Act of 1917, provides no maximum number of directors. This amendment is to make paragraph (f) of section 7 providing for the number of directors cornform to section 72.

Section 4-

Some doubt arose in the administration of section 7a, subsection 5, whether a company with share capital could take advantage of this section. The object of this amendment is to make it quite clear that only companies without share capital may be brought within the provisions of this section.

six, of said section, and substituting therefor the following:-

Applicants.

"(d) The name in full and the address and calling of each of the applicants with special mention of the names of not less than three of their members who are to be the first or provisional directors or trustees of the corporation.

Existing corporations.

(5) Any existing corporation without share capital created by or under any Act of the Parliament of Canada for any of the objects mentioned in subsection one of this section may apply under this section for the issue of letters 10 patent creating it a corporation under those provisions of Part I of this Act which apply to corporations created under this section, and upon the issue of such letters patent the said provisions shall apply to the corporation created 15

Application of R.S., c. 79.

(6) The following provisions of Part I of this Act shall not apply to corporations created under this section, namely, sections 7, 7B, 8, 9, 26, 33, 38 to 43, both inclusive, 43p, 45 to 54, both inclusive, 54A to 54F, both inclusive, 55 to 68, both inclusive, 68A, 70 to 78, 20 both inclusive, 80 to 84, both inclusive, 86 to 88, both inclusive, paragraphs (d) and (e) of section 89, section 90, 94A to 94c, both inclusive, 101 to 104, both inclusive, paragraphs (j) and (k) of subsection 3 of section 105, and sections 114 and 115." 25

5. Section 7B of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the

following is substituted therefor:—

"7B. (1) The letters patent or any supplementary letters patent of any company may provide for the issue of the 30 shares of the capital stock of such company without any nominal or par value, except in the case of preferred stock having a preference as to principal; and if such preferred stock or any part thereof has a preference as to principal, the letters patent shall state the amount of such preferred 35 stock having such preference, the particular character of such preference, and the amount of each share thereof, which shall be five dollars or some multiple of five dollars,

Statement as to preferred stock.

Issue of

without nominal or

par value.

shares

Equality of shares. but not more than one hundred dollars. (2) Each share of the capital stock without nominal 40 or par value shall be equal to every other share of such capital stock, subject to the preferences, restrictions or other conditions attached to any other class of shares, if any, authorized to be issued. Every certificate of shares without nominal or par value shall have plainly 45 written or printed upon its face the number of such shares which it represents and the number of such shares which the company is authorized to issue, and no such certificate shall express any nominal or par value of such shares. The certificates of preferred shares having a preference 50

The amendment of paragraph (d) is for the same purpose as that of section 3 of the Bill.

The amendment of subsection 6 is to correct a clerical error.

Section 7B was taken, with verbal alterations, from the legislation of the State of New York for the year 1912. This was the first legislation in the United States with respect to companies having shares without par value. The New York legislation has been amended to meet difficulties which have arisen in the administration of the Act, and this amendment is for a similar purpose. The original legislation provides that the company may not do business until the amount set out in the charter as the amount with which it may do business until the amount set out in the charter as the amount with which it may do business has been fully subscribed and paid for. This amount was fixed at the amount of the preferred shares and five dollars on each common share. When an existing company was taken over or reorganized, this created no difficulty, but in new enterprises it was found that in many cases the total subscription of preferred shares was not required. The amount with which the company may commence business will still be controlled by section 26. as to principal shall state briefly the amount which the holder of any of such preferred shares shall be entitled to receive on account of principal from the surplus assets of the company in preference to the holders of other shares, and shall state briefly any other rights or preferences given to the holders of such shares.

Shares to be allotted at price fixed by Board or Letters Patent.

(3) The issue and allotment of shares authorized by this section, other than shares of preferred stock having a preference as to principal, may be made from time to time for such consideration as may be prescribed in the letters 10 patent, or as may be fixed by the board of directors pursuant to authority conferred in the letters patent or if the letters patent do not so provide, then by the consent of the holders of two-thirds of each class of shares then outstanding given at a meeting called for that purpose in such manner as is 15 prescribed by the by-law. Any and all shares issued as permitted by this section shall be deemed fully paid and non-assessable and the holder of such shares shall not be liable to the company or to its creditors in respect thereof.

Amount of capital required.

(4) (a) The amount of capital with which the company 20 shall carry on business shall be not less than the aggregate amount received as consideration for the issue and allotment of the shares without nominal or par value from time to time outstanding, and in addition thereto an amount equal to the total par value of all other issued and out- 25 standing shares of the capital stock of the company.

Ten per cent of authorized capital defined.

(b) For the purposes of section twenty-six of this Part, ten percentum of the authorized capital of a company under this section shall mean ten percentum of the amount of capital with which the company shall carry on business 30 computed in the manner herein prescribed."

6. Section twenty-two of the principal Act is repealed

and the following is substituted therefor:-

Company may obtain change of name.

"22. When a company is desirous of adopting another name it may, subject to confirmation by supplementary 35 letters patent, change its corporate name by a resolution passed by the vote of at least two-thirds in value of the shares represented at a special general meeting of shareholders called for the purpose. The Secretary of State upon application of the company and upon being satis- 40 fied that the change desired is not for any improper purpose, may direct the issue of supplementary letters patent, reciting the former letters patent and changing the name of the company to some other name, which shall be set forth in the supplementary letters patent." 45

7. The principal Act is amended by inserting the following section immediately after section twenty-seven:—

"27A. (I) The charter of a company incorporated under this Part may be surrendered if the company proves to the satisfaction of the Secretary of State of Canada:—

When company may surrender charter.

Section 6-

Several sections of the Act provide for resolutions of shareholders approving of by-laws passed by the directors for the purpose of obtaining supplementary letters patent and other similar transactions. The wording of these sections is not uniform. Moreover, it is not certain in many of the sections whether two-thirds' vote means two-thirds of all the issued capital of the company or two-thirds of those present at the meeting of shareholders. Sections 6, 11, 12, 16, 18, 19, ss. 2, 21 and 22 are inserted in this Bill for the purpose of amending the sections of the Act referred to in each of these sections, making them uniform so that the vote will be that of two-thirds of those present at the meeting either in person or by proxy and entitled to vote thereat. There appears to be no good reason why any of these transactions should be approved of by a vote of two-thirds of all the shareholders. On many occasions such a provision would render a transaction under these sections impossible, as it might be impossible to have two-thirds of all the shareholders present or represented. On all occasions every shareholder is entitled to notice of the meeting, and if he objects to the transaction, it is his duty to be present.

Section 7-

There is no provision in the Dominion Companies Act for the surrender of a charter. It is the practice of the Department to accept the return of charters in order to avoid repeated correspondence respecting annual returns. The charter is then filed and marked "returned" on the record books of the Department. There appears to be no legal effect of this transaction. There are many cases where companies have never been organized, have merely evaporated or otherwise ceased business, and the ordinary proceedings of a winding up for the purpose of terminating the existence of the company would be expensive. It is for the purpose of ending the life of such companies that this section is inserted.

(a) That it has no debts or obligations; or

(b) That it has parted with its property, divided its assets rateably amongst its shareholders or members and has no debts or liabilities, or

(c) That the debts and obligations of the company have been duly provided for or protected or that the creditors of the company or other persons holding them consent; and

(d) That the company has given notice of the application for leave to surrender by publishing the same once in the Canada Gazette and once in a newspaper published at or as 10 near as may be to the place where the company has its head office.

Acceptance of surrender and dissolving of company. (2) The Secretary of State, upon a due compliance with the provisions of this section, may accept a surrender of the charter and direct its cancellation and fix a date upon 15 and from which the company shall be dissolved, and the company shall thereby and thereupon become dissolved accordingly."

8. The principal Act is amended by inserting the following

section immediately after section twenty-nine:—

Commission for procuring subscriptions. "29A. (1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for 25 any shares in the company, if the payment of the commission is authorized by the letters patent or supplementary letters patent, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized, and if the amount or rate per cent of the commission paid 30 or agreed to be paid is.—

(a) In the case of shares offered to the public for sub-

scription, disclosed in the prospectus; or

(b) In the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, 35 and, where a circular or notice, not being a prospectus, inviting subscription for the shares is issued, also disclosed in that circular or notice.

Limitation regarding payment of commissions.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in 40 payment of any commission, discount, or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any 45 shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money

Section 8—

This section is taken wholly from a corresponding section of the English Act and allows a company to pay a commission on the sale of its shares. It is a universal practice to pay such a commission. There is considerable doubt respecting the legality of it, and this section is suggested merely for the purpose of permitting and regulating such payments.

be paid out of the nominal purchase money or contract

price, or otherwise.

Payment of brokerage.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay, and a vendor to, promoter 5 of, or other person who receives payment in money or shares from a company, shall have and shall be deemed always to have had power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, 10 would have been legal under this section."

Repeal.

**9.** Subsection two of section thirty of the principal Act is repealed.

10. Section thirty-four of the principal Act, as enacted by chapter twenty-three of the statutes of 1914, is repealed 15

and the following substituted therefor:—

Company may authorize directors to apply to extend or reduce powers.

"34. The company may, from time to time by a resolution passed by the votes of at least two-thirds in value of the shares represented at a special general meeting of shareholders called for the purpose, authorize the directors 20 to apply for supplementary letters patent, extending the powers of the company to such further or other purposes or objects for which a company may be incorporated under this Part, or reducing, limiting, amending or varying such powers, or any provisions of the letters patent or supple-25 mentary letters patent issued to the company, as are defined in such resolution."

11. The principal Act is amended by inserting the following section immediately after section thirty-four:—

How private company may become public company.

"34A. A private company may, subject to anything 30 contained in letters patent and supplementary letters patent, by a resolution passed by the vote of at least two-thirds in value of the shares represented at a special general meeting of the company called for that purpose and by filing with the Secretary of State of Canada such a state-35 ment in lieu of prospectus as the company, if a public company, would have had to file before allotting any of its shares or debentures and by obtaining supplementary letters patent confirming the resolution, turn itself into a public company."

12. Subsections one and two of section thirty-seven of the principal Act are repealed, and the following are substituted therefor:—

"37. (1) Upon the due passing of such resolution being so established, the Secretary of State may grant supple-45 mentary letters patent extending the powers of the company to all or any of the objects, or reducing, limiting, amending

Supplementary letters patent granted.

Section 9—
This subsection appears to be unnecessary and for that reason it is eliminated.

Section 10— See note to section 6.

Section 11— See note to section 2.

Section 12-

This section is required because of the amendment provided by section 12.

Notice of issue.

Effect of letters.

or varying such powers or any provisions of the letters patent or supplementary letters patent issued to the company as are defined in the resolution; and notice thereof shall be forthwith given by the Secretary of State in the Canada Gazette, in the form D in the schedule to this Act.

(2) From the date of the supplementary letters patent. the undertaking of the company shall extend to and include the further or other purposes or objects set out in the supplementary letters patent as fully as if such further or other purposes or objects were mentioned in the original 10 letters patent."

**13.** Paragraph (a) of subsection one of section 43B of the principal Act as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following are substituted therefor:—

Requirements as to particulars in prospectus.

15 "(a) A summary of the main objects of the company as set forth in the letters patent and of the capital stock provisions of such letters patent and of any special clauses therein, with the names, descriptions, and addresses of the signatories to the petition for incorporation, and the 20 number of shares subscribed for by them respectively; and the number of founders' or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and." 25

14. Section 43c of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed

and the following is substituted therefor:—

"43c. (1) A company shall not allot any of its shares or debentures unless before the first allotment of either shares 30 or debentures there has been filed with the Secretary of State of Canada either a prospectus or a statement in lieu of prospectus, in the form and containing the particulars set out in Form F in the schedule to this Act, signed by every person who is named therein as a director or a proposed 35 director of the company or by his agent authorized in writing.

(2) This section shall not apply to a private company or to a company which has allotted any shares or debentures

before the first day of January, 1918.

15. Section forty-four of the principal Act is repealed

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and the following is substituted therefor:—

"44. The company shall not under any circumstances use any of its funds in the purchase of stock in any other corporation, unless nor until the directors have been 45 expressly authorized by a by-law passed by them for the purpose and sanctioned by a vote of not less than twothirds in value of the shares represented at a special general

Filing of prospectus or statement.

Conditions on which company may purchase stock of other companies.

Section 13—
The Act, as it stands, requires the total contents of the letters patent to be included in the prospectus. This is never observed and is quite unnecessary. The amendment shows the full requirements of the prospectus in this respect.

Section 14—
This amendment merely provides for a verbal change covering doubts which arose in regard to the section as it stood.

Section 15-See note to section 6. meeting of the shareholders of the company duly called for considering the subject of the by-law: Provided, that if the letters patent authorize such purchase it shall not be necessary to pass such by-law."

16. Section forty-seven of the principal Act is repealed 5

and the following is substituted therefor:—

Preference stock.

"47. (1) The directors of the company, when no provision is made by letters patent or supplementary letters patent for the creation of either preferred stock or deferred stock, may make by-laws (a) for creating and issuing any 10 part of the capital stock as preferred stock or deferred stock. giving the same such preference and priority as respects dividends and in any other respect over ordinary stock or other classes of preferred stock or deferred stock, and also prescribing such restrictions as respects voting rights 15 and in any other respect as is by such by-law declared, and (b) for the conversion of preference shares into common shares or any class of shares into any other class.

Provisions as to control of affairs.

(2) Such by-laws may provide that the holders of shares of such preferred or deferred stock shall have the right 20 to select certain stated proportion of the Board of Directors or may give them such other control or may so limit their control over the affairs of the company as is considered expedient or may provide for the purchase or redemption of such shares by the company as therein set out: Provided, 25 however, that any term or provision of such by-laws, whereby the rights of holders of such shares are limited or restricted, shall be fully set out in the certificate of such shares, and in the event of any such limitations and restrictions not being so set out, they shall not be deemed to 30 qualify the rights of the holders thereof.

Consent of holders.

(3) Unless preference shares or deferred shares are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof.

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Confirmation by supplementary

(4) No such by-law which has the effect of increasing or decreasing the capital of the company, or otherwise letters patent. varying any term or provision of letters patent or supplementary letters of the company, shall be valid or acted upon until confirmed by supplementary letters patent."

17. Section forty-eight of the principal Act is repealed

and the following is substituted therefor:—

By-law to be sanctioned.

"48. No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of at least two-thirds in value of the shares represented 45 at a special general meeting of the shareholders of the company duly called for considering the same, or until the same shall be unanimously sanctioned in writing by the shareholders of the company."

Section 16-

The flotation of public companies now demands a provision for redeemable preference shares. A few years ago this purpose was accomplished by issuing debentures which were, of course, redeemable. Many companies were ruined by this nethod of financing, and a demand for redeemable preference shares arose. This was done under the provision of the Act authorizing a reduction of capital. Doubts have arisen respecting this method, and the proposed section is merely for the purpose of making this transaction quite clear.

Section 17— See note to section 6. 18. Section fifty-two of the principal Act is repealed

and the following is substituted therefor:-

Increase of capital.

"52. (1) The directors of the company may, at any time after ninety per centum of the authorized capital stock of the company has been subscribed and fifty per 5 centum of such subscribed stock has been paid in, make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

By-law to be approved and confirmed.

(2) No by-law for increasing or reducing the capital 10 stock of the company, or for subdividing the shares, shall have any force or effect whatsoever, until it is approved by the vote of at least two-thirds in value of the shares represented at a special general meeting of the shareholders of the company duly called for considering the 15 same, and afterwards confirmed by supplementary letters patent."

19. Subsection one of section sixty-nine of the principal Act, as enacted by chapter twenty-three of the statutes of 1914, is repealed and the following is substituted there- 20 for: -

Borrowing powers.

"If authorized by by-law, sanctioned by a vote of at least two-thirds in value of the shares represented at a special general meeting of the shareholders duly called for considering the by-law, the directors may from time to 25 time, (a) borrow money upon the credit of the company; (b) limit or increase the amount to be borrowed: (c) issue bonds, debentures, debenture stock or other securities of the company, and pledge or sell the same for such sums and at such prices as may be deemed expedient; (d) hopothe-30 cate, mortgage or pledge the real or personal property of the company, or both, to secure any such bonds, debentures, debenture stock or other securities, and any money borrowed for the purposes of the company."

Issue of bonds or other securities.

Hypothecation, mortgages or pledges.

> 20. Section seventy of the principal Act is amended 35 by adding thereto the following subsection:

Dividends payable out of funds when assets of a wasting character.

"(2) Nothing in this section shall prevent a mining company or a company whose assets are of a wasting character from declaring or paying dividends out of its funds derived from the operations of the company, notwithstanding that 40 the value of the net assets of the company may be thereby reduced to less than the par value of the issued capital stock of the company, or in the case of companies having shares without par value, to less than the aggregate amount of the par value of the preferred stock having a preference 45 as to principal and in addition thereto the amount received by the company as consideration for the issuance of its shares without nominal or par value if such payment does not reduce the value of its remaining assets so that they

Section 18-See note to section 6.

Section 19-See note to section 6.

Section 20—
This section is suggested for the purpose of settling doubts which have arisen in decisions of the courts in the case of mining and other similar companies which have wasting assets, and provides that dividends may be paid in the working of a mine without setting aside a fund to maintain the capital unimpaired.

will be insufficient to meet all the liabilities of the company then existing, exclusive of its nominal paid up capital.'

21. Section seventy-five of the principal Act is repealed

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and the following is substituted therefor:—

Qualifications of directors elected.

"75. (1) No person shall be elected as a director or appointed as a director to fill any vacancy unless he is a shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the company,

and not in arrear in respect of any call thereon.

Requirements on part of person to be named director.

(2) A person named as a director or proposed director in any prospectus or in any statement in lieu of prospectus, issued by or on behalf of the company, shall not be capable of being appointed director of the company, unless, at the time of the publication of the prospectus or statement in 15 lieu of prospectus, he has by himself or by his agent authorized in writing,-

(i) Signed and filed with the Secretary of State of Canada

a consent in writing to act as such director; and

(ii) Either signed the petition for incorporation and 20 memorandum of agreement and stock book for a number of shares not less than his qualification or signed and filed with the Secretary of State of Canada a contract in writing to take from the company and pay for his qualification shares."

22. Section seventy-six of the principal Act, as enacted by chapter thirteen of the statutes of 1918, is repealed and

the following is substituted therefor:—

By-laws for increase or decrease of number.

"76. The company may, by by-law, increase or decrease to not less than three the number of its directors, or may 30 change the company's chief place of business in Canada: Provided that no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two-thirds in value of the shares represented at a special general meeting of the shareholders of the 35 company duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company, has been deposited in the Department of the Secretary of State of Canada and published in the Canada Gazette."

23. Section eighty-two of the principal Act is amended 40

by adding thereto the following subsection:—

"(2) Nothing in this section shall be deemed to create any liability upon the directors of a mining company or a company whose assets are of a wasting character by reason of payment of dividends out of funds derived from the 45 operations of such company, if such payment does not reduce the value of the remaining assets of the company so that they will be insufficient to meet the liabilities of 59372 - 2

Exemption as to directors of mining company, etc. Section 21-

This section is merely for the purpose of settling doubts respecting the interpretation of the section as it stood.

Section 22— See note to section 6.

Section 23—
This is rendered necessary by the amendment in section 20.

the company then existing, exclusive of its nominal paid up capital."

24. Subsection one of section one hundred and five of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following is substituted therefor:

Annual meeting.

- "105. (1) An annual meeting of the company shall be held at such time and place in each year as the special Act, letters patent or by-laws of the company provide, and in default of such provisions in that behalf an annual meeting 10 shall be held at the head office of the company, on the fourth Wednesday in January in every year."
- 25. Paragraph (i) of subsection one of section one hundred and six of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the 15 following is substituted therefor:—

Amounts in

"(i) The total amount paid on shares otherwise than annual return. in cash, since the last annual return, showing severally the amounts paid by services, commissions or assets acquired."

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**26.** Paragraph (n) of subsection one of section one hundred and six of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following is substituted therefor:—

Subscriptions in return.

"(n) The total amount of subscriptions paid on such 25 shares."

27. Subsection two of section one hundred and six of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following is

substituted therefor:—

Summary to be filed, signed and verified.

"(2) The said summary must be completed and filed in duplicate in the Department of the Secretary of State of Canada on or before the first day of June aforesaid. Each of the said duplicates shall be signed by the president and the manager, or, if these are the same person, by the 35 president and by the secretary of the company, and shall be duly verified by their affidavits. Provided that if one or both of such officers be unable to sign the said summary on account of absence or any other cause, the summary shall be signed instead by such other director or directors 40 as shall be authorized thereto by the company and the affidavit of verification of the signature of each such substitute director shall include an explanation of the reason for failure of the absent or incapable officer to sign and of the authority of such substitute so to act. The said affidavits 45 shall also verify that the copies of the said summary are duplicates."

Sections 24, 25, 26 and 27— These sections provide merely verbal changes. 28. The principal Act is amended by inserting the following section immediately after section one hundred and twelve:—

Meeting of creditors ordered by Secretary of State. "112A. (1) Where a compromise or arrangement is proposed between a company subject to proceedings 5 under the Winding Up Act, chapter one hundred and forty-four of the Revised Statutes of Canada, 1906, or The Bankruptcy Act, chapter thirty-six of the statutes of 1919, and its creditors or any class of them, or between the company and its shareholders or any class 10 of them, the Secretary of State may, on application in a summary way of the company or of any creditor or shareholder of the company or in the case of a company being wound up, of the liquidator, order a meeting of the creditors or class of creditors, or of the shareholders of the company 15 or class of shareholders, as the case may be, to be summoned in such manner as the Secretary of State directs.

When compromise binding on all creditors. (2) If a majority in number representing three-fourths in value of the creditors or class of creditors, or shareholders or class of shareholders, as the case may be, present either in 20 person or by proxy at the meeting, agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the Secretary of State, be confirmed by supplementary letters patent which shall be binding on all the creditors or the class of creditors, or on the shareholders 25 or class of shareholders, as the case may be, and also on the company or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company."

Section 28-

There is no provision in the Act, as it stands, for the reorganization of a company except by the increase or reduction of capital. It is sometimes necessary to arrange a redistrubution of rights of all the shareholders for the purpose of obtaining further capital and otherwise advancing the interests of the company. The creation of a new company is sometimes required for this purpose, but there is no provision under which the existing shareholders may be bound to take securities of a slightly different nature in a new company. Often this may be advantageous. It sometimes results from arrangements in winding-up or bankruptcy proceedings.

The proposed section is a reproduction, with verbal changes, of section 120 of the English Act. This section of the English Act was originally adopted in 1870 and has been part of the English company legislation since that time. Its usefulness has been demonstrated on many occasions in reorganizations in England.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 190.

An Act to amend the Companies Act.

AS PASSED BY THE HOUSE OF COMMONS, 21st JUNE, 1923.

## THE HOUSE OF COMMONS OF CANADA.

## BILL 190.

An Act to amend the Companies Act.

R.S. c. 79; 1908, c. 16; 1914, c. 23; 1917, c. 25; 1918, cc. 13, 14.

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 Companies Act Amending Act, 1923.

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2. Section five of the Companies Act, hereinafter referred to as the principal Act, is amended by adding thereto the following:—

When company may be created a private company.

"(3) A company may be created a private company by providing in its letters patent or supplementary letters 10 patent (a) restrictions upon the right to transfer its shares, (b) limitation of the number of its members (exclusive of persons who are in the employment of the company and of persons who having been formerly in the employment of the company were, while in such employment, and have 15 continued after the termination of such employment, to be members of the company) to fifty, and (c) the prohibition of any invitation to the public to subscribe for any shares or debentures of the company.

When several considered as single shareholder.

"(4) Where two or more persons hold one or more shares 20 in a company jointly, they shall, for the purposes of this section, be treated as a single shareholder."

Applicants.

- **3.** Subsection (f) of section seven of the principal Act is repealed, and the following is substituted therefor:

  "(f) The parties in full and the address and calling of
- "(f) The names in full and the address and calling of 25 each of the applicants, with special mention of the names of not less than three of their number, who are to be the first or provisional directors of the company."
- 4. Section 7A of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is amended by repealing 30 paragraph (d) of subsection one, and subsections five and

#### EXPLANATORY NOTES

This Bill, with the exception of sections 5,7,8,9,13,17,21,29 and 30, makes verbal changes only in the Act. These are found necessary in its administration. The sections referred to will be specially explained.

Section 43, subsection 3, defined a private company, but there was no express provision in the Act for the creation of such a company. This section is merely to cure this anomly. The corresponding amendment of section 43c is shown in section 45.

Section 72, as amended by the amending Act of 1917, provides no maximum number of directors. This amendment is to make paragraph (f) of section 7 providing for the number of directors comform to section 72.

Section 4-

Some doubt arose in the administration of section 7A, subsection 5, whether company with share capital could take advantage of this section. The object of this amendment is to make it quite clear that only companies without share capital may be brought within the provisions of this section.

of said section, and substituting therefor the

following:-

Applicants.

"(d) The name in full and the address and calling of each of the applicants with special mention of the names of not less than three of their members who are to be the 5 first or provisional directors or trustees of the corporation.

Existing corporations.

(5) Any existing corporation without share capital created by or under any Act of the Parliament of Canada for any of the objects mentioned in subsection one of this section may apply under this section for the issue of letters 10 patent creating it a corporation under those provisions of Part I of this Act which apply to corporations created under this section, and upon the issue of such letters patent the said provisions shall apply to the corporation created 15 thereby.

Application of R.S., c. 79.

The following provisions of Part I of this Act shall not apply to corporations created under this section, namely, sections 7, 7B, 8, 9, 26, 33, 38 to 43, both inclusive, 43p, 45 to 54, both inclusive, 54A to 54F, both inclusive, 55 to 68, both inclusive, 68A, 70 to 78, 20 both inclusive, 80 to 84, both inclusive, 86 to 88, both inclusive, paragraphs (d) and (e) of section 89, section 90, 94A to 94c, both inclusive, 101 to 104, both inclusive, paragraphs (j) and (k) of subsection 3 of section 105, and sections 114 and 115." 25

5. Section 7B of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the

following is substituted therefor:

"7B. (1) The letters patent or any supplementary letters patent of any company may provide for the issue of the 30 shares of the capital stock of such company without any nominal or par value, except in the case of preferred stock having a preference as to principal; and if such preferred stock or any part thereof has a preference as to principal, the letters patent shall state the amount of such preferred 35 stock having such preference, the particular character of such preference, and the amount of each share thereof, which shall be five dollars or some multiple of five dollars. but not more than one hundred dollars.

Equality of shares.

Issue of shares

without nominal or

stock.

par value.

Statement as to preferred

> (2) Each share of the capital stock without nominal 40 or par value shall be equal to every other share of such capital stock, subject to the preferences, restrictions or other conditions attached to any other class of shares, if any, authorized to be issued. Every certificate of shares without nominal or par value shall have plainly 45 written or printed upon its face the number of such shares which it represents and the number of such shares which the company is authorized to issue, and no such certificate shall express any nominal or par value of such shares. The certificates of preferred shares having a preference 50

The amendment of paragraph (d) is for the same purpose as that of section 3 of the Bill.

The amendment of subsection 6 is to correct a clerical error.

Section 5-

Section 5— Section 7s was taken, with verbal alterations, from the legislation of the State of New York for the year 1912. This was the first legislation in the United States with respect to companies having shares without par value. The New York legislation has been amended to meet difficulties which have arisen in the administration of the Act, and this amendment is for a similar purpose. The original legislation provides that the company may not do business until the amount set out in the charter as the amount with which it may do business has been fully subscribed and paid for. This amount was fixed at the amount of the preferred shares and five dollars on each common share. When an existing company was taken over or reorganized, this created no difficulty, but in new enterprises it was found that in many cases the total subscription of preferred shares was not required. The amount with which the company may commence business will still be controlled by section 26.

as to principal shall state briefly the amount which the holder of any of such preferred shares shall be entitled to receive on account of principal from the surplus assets of the company in preference to the holders of other shares, and shall state briefly any other rights or preferences given to the holders of such shares.

Shares to be allotted at price fixed by Board or Letters Patent. (3) The issue and allotment of shares authorized by this section, other than shares of preferred stock having a preference as to principal, may be made from time to time for such consideration as may be prescribed in the letters 10 patent, or as may be fixed by the board of directors pursuant to authority conferred in the letters patent or if the letters patent do not so provide, then by the consent of the holders of two-thirds of each class of shares then outstanding given at a meeting called for that purpose in such manner as is 15 prescribed by the by-law. Any and all shares issued as permitted by this section shall be deemed fully paid and non-assessable and the holder of such shares shall not be liable to the company or to its creditors in respect thereof.

Amount of capital required.

(4) (a) The amount of capital with which the company 20 shall carry on business shall be not less than the aggregate amount of the consideration for the issue and allotment of the shares without nominal or par value from time to time outstanding, and in addition thereto an amount equal to the total par value of all other issued and out- 25 standing shares of the capital stock of the company.

Ten per cent of authorized capital defined.

(b) For the purposes of section twenty-six of this Part, ten percentum of the authorized capital of a company under this section shall mean ten percentum of the amount of capital with which the company shall carry on business 30 computed in the manner herein prescribed."

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

Company may obtain change of name. "22. When a company is desirous of adopting another name it may, subject to confirmation by supplementary 35 letters patent, change its corporate name by a resolution passed by at least two-thirds of the shares represented at a special general meeting of shareholders called for the purpose. The Secretary of State upon application of the company and upon being satisfied that the change 40 desired is not for any improper purpose, may direct the issue of supplementary letters patent, reciting the former letters patent and changing the name of the company to some other name, which shall be set forth in the supplementary letters patent."

7. The principal Act is amended by inserting the following section immediately after section twenty-seven:—

"27A. (1) The charter of a company incorporated under this Part may be surrendered if the company proves to the satisfaction of the Secretary of State of Canada:—

When company may surrender charter.

Section 6-

Several sections of the Act provide for resolutions of shareholders approving of by-laws passed by the directors for the purpose of obtaining supplementary letters patent and other similar transactions. The wording of these sections is not uniform. Moreover, it is not certain in many of the sections whether two-thirds' vote means two-thirds of all the issued capital of the company or two-thirds of those present at the meeting of shareholders. Sections 6, 11, 12, 16, 18, 20, ss. 2, 22 and 23 are inserted in this Bill for the purpose of amending the sections of the Act referred to in each of these sections, making them uniform so that the vote will be that of two-thirds of those present at the meeting either in person or by proxy and entitled to vote thereat. There appears to be no good reason why any of these transactions should be approved of by a vote of two-thirds of all the shareholders. On many occasions such a provision would render a transaction under these sections impossible, as it might be impossible to have two-thirds of all the shareholders present or represented. On all occasions every shareholder is entitled to notice of the meeting, and if he objects to the transaction, it is his duty to be present.

Section 7-

There is no provision in the Dominion Companies Act for the surrender of a charter. It is the practice of the Department to accept the return of charters in order to avoid repeated correspondence respecting annual returns. The charter is then filed and marked "returned" on the record books of the Department. There appears to be no legal effect of this transaction. There are many cases where companies have never been organized, have merely evaporated or otherwise ceased business, and the ordinary proceedings of a winding up for the purpose of terminating the existence of the company would be expensive. It is for the purpose of ending the life of such companies that this section is inserted.

(a) That it has no debts or obligations; or

(b) That it has parted with its property, divided its assets rateably amongst its shareholders or members and has no debts or liabilities, or

(c) That the debts and obligations of the company have 5 been duly provided for or protected or that the creditors of the company or other persons holding them consent; and

(d) That the company has given notice of the application for leave to surrender by publishing the same once in the Canada Gazette and once in a newspaper published at or as 10 near as may be to the place where the company has its head office.

Acceptance of surrender and dissolving of company.

(2) The Secretary of State, upon a due compliance with the provisions of this section, may accept a surrender of the charter and direct its cancellation and fix a date upon 15 and from which the company shall be dissolved, and the company shall thereby and thereupon become dissolved accordingly."

8. The principal Act is amended by inserting the following 20

section immediately after section twenty-nine:—

Commission for procuring subscriptions.

"29A. (1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for 25 any shares in the company, if the payment of the commission is authorized by the letters patent or supplementary letters patent, and the commission paid or agreed to be paid does not exceed the amount or rate so authorized, and if the amount or rate per cent of the commission paid 30 or agreed to be paid is,-

(a) In the case of shares offered to the public for sub-

scription, disclosed in the prospectus; or

(b) In the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, 35 and, where a circular or notice, not being a prospectus, inviting subscription for the shares is issued, also disclosed in that circular or notice.

Limitation regarding payment of commissions.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in 40 payment of any commission, discount, or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any 45 shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money

Section 8-

This section is taken wholly from a corresponding section of the English Act and allows a company to pay a commission on the sale of its shares. It is a universal practice to pay such a commission. There is considerable doubt respecting the legality of it, and this section is suggested merely for the purpose of permitting and regulating such payments.

personaln consideration of his subsembling or agreeing to

entre grains i reaction releases to be entre or party although to the

be paid out of the nominal purchase money or contract

price, or otherwise.

Payment of brokerage.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay, and a vendor to, promoter 5 of, or other person who receives payment in money or shares from a company, shall have and shall be deemed always to have had power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, 10 would have been legal under this section."

Repeal.

9. Subsection two of section thirty of the principal Act is repealed.

10. Section thirty-four of the principal Act, as enacted by chapter twenty-three of the statutes of 1914, is repealed 15

and the following substituted therefor:—

Company may authorize directors to apply to extend or reduce powers. "34. The company may, from time to time by a resolution passed by the votes of at least two-thirds of the shares represented at a special general meeting of shareholders called for the purpose, authorize the directors 20 to apply for supplementary letters patent, extending the powers of the company to such further or other purposes or objects for which a company may be incorporated under this Part, or reducing, limiting, amending or varying such powers, or any provisions of the letters patent or supple-25 mentary letters patent issued to the company, as are defined in such resolution."

**11.** The principal Act is amended by inserting the following section immediately after section thirty-four:—

How private company may become public company.

"34A. A private company may, subject to anything 30 contained in letters patent and supplementary letters patent, by a resolution passed by the vote of at least two-thirds of the shares represented at a special general meeting of the company called for that purpose and by filing with the Secretary of State of Canada such a statement in 35 lieu of prospectus as the company, if a public company, would have had to file before allotting any of its shares or debentures and by obtaining supplementary letters patent confirming the resolution, turn itself into a public company."

12. Subsections one and two of section thirty-seven of the principal Act are repealed, and the following are substituted therefor:—

"37. (1) Upon the due passing of such resolution being so established, the Secretary of State may grant supple-45 mentary letters patent extending the powers of the company to all or any of the objects, or reducing, limiting, amending

Supplementary letters patent granted.

Section 9—
This subsection appears to be unnecessary and for that reason it is eliminated.

Section 10— See note to section 6.

Section 11— See note to section 2.

Section 12—
This section is required because of the amendment provided by section 12.

Notice of issue.

Effect of letters.

or varying such powers or any provisions of the letters patent or supplementary letters patent issued to the company as are defined in the resolution; and notice thereof shall be forthwith given by the Secretary of State in the Canada Gazette, in the form D in the schedule to this Act.

(2) From the date of the supplementary letters patent, the undertaking of the company shall extend to and include the further or other purposes or objects set out in the supplementary letters patent as fully as if such further or other purposes or objects were mentioned in the original 10 letters patent."

**13.** Paragraph (a) of subsection one of section 43B of the principal Act as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following are substituted therefor:

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Requirements as to particulars in prospectus.

"(a) A summary of the main objects of the company as set forth in the letters patent and of the capital stock provisions of such letters patent and of any special clauses therein, with the names, descriptions, and addresses of the signatories to the petition for incorporation, and the 20 number of shares subscribed for by them respectively; and the number of founders' or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and,"

14. Section 43c of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed

and the following is substituted therefor:-

"43c. (1) A company shall not allot any of its shares or debentures unless before the first allotment of either shares 30 or debentures there has been filed with the Secretary of State of Canada either a prospectus or a statement in lieu of prospectus, in the form and containing the particulars set out in Form F in the schedule to this Act, signed by every person who is named therein as a director or a proposed 35 director of the company or by his agent authorized in writing.

(2) This section shall not apply to a private company or to a company which has allotted any shares or debentures

before the first day of January, 1918.

15. Section forty-four of the principal Act is repealed

and the following is substituted therefor:—

"44. The company shall not under any circumstances use any of its funds in the purchase of stock in any other corporation, unless nor until the directors have been 45 expressly authorized by a by-law passed by them for the purpose and sanctioned by a vote of not less than twothirds of the shares represented at a special general meeting

Filing of prospectus or statement.

Conditions on which company may purchase stock of other companies.

The Act, as it stands, requires the total contents of the letters patent to be included in the prospectus. This is never observed and is quite unnecessary. The amendment shows the full requirements of the prospectus in this respect.

Section 14—

This amendment merely provides for a verbal change covering doubts which arose in regard to the section as it stood.

Section 15— Section 16— Sectio

See note to section 6.

of the shareholders of the company duly called for considering the subject of the by-law: Provided, that if the letters patent authorize such purchase it shall not be necessary to pass such by-law."

16. Section forty-seven of the principal Act is repealed 5

and the following is substituted therefor:-

Preference stock.

"47. (1) The directors of the company, when no provision is made by letters patent or supplementary letters patent for the creation of either preferred stock or deferred stock, may make by-laws (a) for creating and issuing any 10 part of the capital stock as preferred stock or deferred stock. giving the same such preference and priority as respects dividends and in any other respect over ordinary stock or other classes of preferred stock or deferred stock, and also prescribing such restrictions as respects voting rights 15 and in any other respect as is by such by-law declared. and (b) for the conversion of preference shares into common shares or any class of shares into any other class.

Provisions as to control of affairs.

(2) Such by-laws may provide that the holders of shares of such preferred or deferred stock shall have the right 20 to select certain stated proportion of the Board of Directors or may give them such other control or may so limit their control over the affairs of the company as is considered expedient or may provide for the purchase or redemption of such shares by the company as therein set out: Provided. 25 however, that any term or provision of such by-laws, whereby the rights of holders of such shares are limited or restricted, shall be fully set out in the certificate of such shares, and in the event of any such limitations and restrictions not being so set out, they shall not be deemed to 30 qualify the rights of the holders thereof.

Consent of holders.

(3) Unless preference shares or deferred shares are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof.

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Confirmation by supplementary

By-law to be

sanctioned.

(4) No such by-law which has the effect of increasing or decreasing the capital of the company, or otherwise letters patent. varying any term or provision of letters patent or supplementary letters of the company, shall be valid or acted upon until confirmed by supplementary letters patent."

17. Section forty-eight of the principal Act is repealed

and the following is substituted therefor:-

"48. No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of at least two-thirds of the shares represented at a special 45 general meeting of the shareholders of the company duly called for considering the same."

The flotation of public companies now demands a provision for redeemable preference shares. A few years ago this purpose was accomplished by issuing debentures which were, of course, redeemable. Many companies were ruined by this nethod of financing, and a demand for redeemable preference shares arose. This was done under the provision of the Act authorizing a reduction of capital. Doubts have arisen respecting this method, and the proposed section is merely for the purpose of making this transaction quite clear.

Section 17-See note to section 6. 18. Section fifty-two of the principal Act is repealed

and the following is substituted therefor:—

Increase of capital.

"52. (1) The directors of the company may, at any time after fifty per centum of the authorized capital stock of the company has been subscribed and fifty per centum of such subscribed stock has been paid in, make a by-law for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

By-law to be approved and confirmed.

(2) No by-law for increasing or reducing the capital 10 stock of the company, or for subdividing the shares, shall have any force or effect whatsoever, until it is approved by the vote of at least two-thirds of the shares represented at a special general meeting of the shareholders of the company duly called for considering the same, 15 and afterwards confirmed by supplementary letters patent."

By-law to be approved and confirmed. Act is repealed and the following is substituted therefor:—
"(2) No by-law for reducing the capital stock of the company shall have any force or effect whatsoever until 20 it is approved by at least two-thirds of the shares represented at a special general meeting of the company duly called for considering the same, and afterwards confirmed by supplementary letters patent."

19. Subsection two of section fifty-four of the principal

20. Subsection one of section sixty-nine of the principal 25 Act, as enacted by chapter twenty-three of the statutes of 1914, is repealed and the following is substituted therefor:

Borrowing powers.

"69. (1) If authorized by by-law, sanctioned by a vote of at least two-thirds of the shares represented at a 30 special general meeting of the shareholders duly called for considering the by-law, the directors may from time to time, (a) borrow money upon the credit of the company; (b) limit or increase the amount to be borrowed; (c) issue bonds, debentures, debenture stock or other securities of 35 the company, and pledge or sell the same for such sums and at such prices as may be deemed expedient; (d) hopothecate, mortgage or pledge the real or personal property of the company, or both, to secure any such bonds, debentures, debenture stock or other securities, and any money borrowed 40 for the purposes of the company."

Issue of bonds or other securities.

Hypothecation, mortgages or pledges.

21. Section seventy of the principal Act is amended

by adding thereto the following subsection:

"(2) Nothing in this section shall prevent a mining company or a company whose assets are of a wasting character 45 from declaring or paying dividends out of its funds derived from the operations of the company, notwithstanding that the value of the net assets of the company may be thereby

Dividends payable out of funds when assets of a wasting character. Section 18— See note to section 6.

Section 20— See note to section 6.

Section 21-

This section is suggested for the purpose of settling doubts which have arisen in decisions of the courts in the case of mining and other similar companies which have wasting assets, and provides that dividends may be paid in the working of a mine without setting aside a fund to maintain the capital unimpaired.

reduced to less than the par value of the issued capital stock of the company, or in the case of companies having shares without par value, to less than the aggregate amount of the par value of the preferred stock having a preference as to principal and in addition thereto the amount received 5 by the company as consideration for the issuance of its shares without nominal or par value if such payment does not reduce the value of its remaining assets so that they will be insufficient to meet all the liabilities of the company then existing, exclusive of its nominal paid up 10 capital."

22. Section seventy-five of the principal Act is repealed

and the following is substituted therefor:-

Qualifications of directors elected.

"75. (1) No person shall be elected as a director or appointed as a director to fill any vacancy unless he is a 15 shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the company, and not in arrear in respect of any call thereon.

Requirements on part of person to be named

director.

(2) A person named as a director or proposed director in any prospectus or in any statement in lieu of prospectus, 20 issued by or on behalf of the company, shall not be capable of being appointed director of the company, unless, at the time of the publication of the prospectus or statement in lieu of prospectus, he has by himself or by his agent authorized in writing,—

(i) Signed and filed with the Secretary of State of Canada

a consent in writing to act as such director; and

(ii) Either signed the petition for incorporation and memorandum of agreement and stock book for a number of shares not less than his qualification or signed and filed 30 with the Secretary of State of Canada a contract in writing to take from the company and pay for his qualification shares."

23. Section seventy-six of the principal Act, as enacted by chapter thirteen of the statutes of 1918, is repealed and 35

the following is substituted therefor:—

"76. The company may, by by-law, increase or decrease to not less than three the number of its directors, or may change the company's chief place of business in Canada: Provided that no by-law for either of the said purposes 40 shall be valid or acted upon unless it is approved by a vote of at least two-thirds of the shares represented at a special general meeting of the shareholders of the company duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company, 45 has been deposited in the Department of the Secretary of State of Canada and published in the Canada Gazette."

By-laws for increase or decrease of number. Section 22—
This section is merely for the purpose of settling doubts respecting the interpretation of the section as it stood.

26. Faragraphe (1) of subsection one of section one modes and six of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repeated and the following is substituted therefor:—

(i) The total ansatin paid on alares otherwise than a cash, since the last annual return, showing severally

Section 23—
See note to section 6.

Subsection two of section one hundred and six

substituted therefor:
"(2) The said summary must be completed and file
in duplicate-in the Department of the Sewetary of Sta

Hach of the said duplicates shall be signed by the president and the manager, or, if these are the same person, by the president and by the secretary of the company, and shall

or both of such officers he unable to sign the said summary on account of absence or any other cause, the summary

24. Section eighty-two of the principal Act is amended

by adding thereto the following subsection:—

Exemption as to directors of mining company, etc.

"(2) Nothing in this section shall be deemed to create any liability upon the directors of a mining company or a company whose assets are of a wasting character by reason of payment of dividends out of funds derived from the operations of such company, if such payment does not reduce the value of the remaining assets of the company so that they will be insufficient to meet the liabilities of the company then existing, exclusive of its nominal paid up 10 capital."

25. Subsection one of section one hundred and five of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following is substituted therefor:

Annual meeting.

15 "105. (1) An annual meeting of the company shall be held at such time and place in each year as the special Act, letters patent or by-laws of the company provide, and in default of such provisions in that behalf an annual meeting shall be held at the head office of the company, on the fourth 20 Wednesday in January in every year."

26. Paragraph (i) of subsection one of section one hundred and six of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following is substituted therefor:-25

Amounts in

- "(i) The total amount paid on shares otherwise than annual return. in cash, since the last annual return, showing severally paid by services, commissions or assets the amounts acquired."
  - **27.** Paragraph (n) of subsection one of section one 30 hundred and six of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following is substituted therefor:—

Subscriptions in return.

"(n) The total amount paid on such subscribed shares."

28. Subsection two of section one hundred and six 35 of the principal Act, as enacted by chapter twenty-five of the statutes of 1917, is repealed and the following is substituted therefor:-

Summary to be filed.

signed and

verified.

"(2) The said summary must be completed and filed in duplicate in the Department of the Secretary of State 40 of Canada on or before the first day of June aforesaid. Each of the said duplicates shall be signed by the president and the manager, or, if these are the same person, by the president and by the secretary of the company, and shall be duly verified by their affidavits. Provided that if one 45 or both of such officers be unable to sign the said summary on account of absence or any other cause, the summary

Section 24-

This is rendered necessary by the amendment in section 21.

Sections 25, 26, 27 and 28—
These sections provide merely verbal changes.

shall be signed instead by such other director or directors as shall be authorized thereto by the company and the affidavit of verification of the signature of each such substitute director shall include an explanation of the reason for failure of the absent or incapable officer to sign and of the authority of such substitute so to act. The said affidavits shall also verify that the copies of the said summary are duplicates."

29. The principal Act is amended by inserting the following section immediately after section one hundred and 10 twelve:—

Meeting of shareholders ordered by Judge to consider compromise. "112A. (1) Where a compromise or arrangement is proposed between a company and its shareholders or any class of them affecting the rights of shareholders or any class of them, under the company's letters patent or sup-15 plementary letters patent or by-laws, a judge of a supreme or superior court of the province in which the head office of the company is situated may on application in a summary way of the company or of any shareholder order a meeting of the shareholders of the company or of any 20 class of shareholders, as the case may be, to be summoned in such manner as the said judge directs.

When compromise binding on shareholders.

"(2) If the shareholders, or class of shareholders, as the case may be, present in person or by proxy at the meeting, by three-fourths of the shares represented agree 25 to the compromise or arrangement either as proposed or as altered or modified at such meeting, such compromise or arrangement may be sanctioned by a judge as aforesaid, and if so sanctioned such compromise or arrangement and any reduction or increase of share capital and any provisions for the allotment or disposition thereof by sale or otherwise as therein set forth, shall be confirmed by supplementary letters patent, which shall be binding on the company, and the shareholders or class of shareholders, as the case may be."

Meeting of shareholders ordered by Court if company is subject to proceedings under Winding-up Act. between a company which is subject to any pending proceedings under the Winding-up Act, chapter one hundred and forty-four of the Revised Statutes of Canada, 1906, and its creditors or any class of them or its shareholders 40 or any class of them, affecting or cancelling conditionally or otherwise, the rights of shareholders or any class of them under the company's letters patent or supplementary letters patent, or by-laws, the court having jurisdiction in such pending proceedings as aforesaid may on application in a summary way of the company or any shareholder or liquidator, order a meeting of the shareholders or class of shareholders to be summoned in such manner as the court directs.

Sections 29 and 30-

There is no provision in the Act, as it stands, for the reorganization of a company except by the increase or reduction of capital. It is sometimes necessary to arrange a redistrubution of rights of all the shareholders for the purpose of obtaining further a redistrubution of rights of all the shareholders for the purpose of obtaining further capital and otherwise advancing the interests of the company. The creation of a new company is sometimes required for this purpose, but there is no provision under which the existing shareholders may be bound to take securities of a slightly different nature in a new company. Often this may be advantageous. It sometimes results from arrangements in winding-up or bankruptcy proceedings.

The proposed sections are a reproduction, with verbal changes, of section 120 of the English Act. This section of the English Act was originally adopted in 1870 and has been part of the English company legislation since that time. Its usefulness has been demonstrated on many occasions in reorganizations in England.

Compromise agreed to, and sanctioned by Court, to be confirmed by letters patent.

(2) If the shareholders or class of shareholders, as the case may be, present in person or by proxy at the meeting, by three-fourths of the shares represented agree to a compromise or arrangement, either as proposed or as altered or modified at such meeting, and if the requisite majority of the creditors or class of creditors under any relative provisions of the Winding-up Act also agree to such compromise or arrangement, the court having jurisdiction in such pending proceedings as aforesaid may sanction such compromise or arrangement, and if so sanctioned by the 10 court, a certified copy of such compromise or arrangement as so sanctioned and of the order or judgment of the court sanctioning the same shall be deposited in the office of the Secretary of State, and such compromise or arrangement and any reduction or cancellation of share capital and 15 any increase or creation of new share capital and any provisions for the allotment of disposition thereof by sale or otherwise as therein set forth, shall be confirmed by supplementary letters patent, which shall be binding upon all the creditors or class of creditors and shareholders 20 or class of shareholders, and on any liquidator or contributories concerned.

Compromise where company subject to proceedings under Bankruptcy Act.

To be approved by Court and confirmed by letters patent.

(3) Where a compromise or arrangement proposed between a company which is subject to any pending proceedings under The Bankruptcy Act, chapter thirty-six of 25 the statutes of 1919, and its creditors or any class of them or its shareholders or any class of them, affecting or cancelling conditionally or otherwise the rights of shareholders or any class of them under the company's letters patent or supplementary letters patent or by-laws, has been approved 30 by the court having jurisdiction in such pending proceedings under The Bankruptcy Act, a certified copy of such compromise or arrangement as so approved and of the order or judgment of the court approving the same shall be deposited in the office of the Secretary of State, 35 and such compromise or arrangement and any reduction or cancellation of share capital and any increase or creation of new share capital and any provisions for the allotment or disposition thereof by sale or otherwise as therein set forth shall be confirmed by supplementary letters patent, 40 which shall be binding upon all the creditors or class of creditors and shareholders or class of shareholders and on any custodian or trustee concerned.

Second Survey, Personal Participate, 13-14 Carry V, 1913

THE HOUSE OF COMMONS OF CANADA

# BILL 191.

An Act to amend The Public Service Referenced Act

First rending Julis 1: 1923

The Minister at Pourfer.

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#### THE HOUSE OF COMMONS OF CANADA

# BILL 191.

An Act to amend The Public Service Retirement Act.

First reading, June 1, 1923.

The MINISTER OF FINANCE.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1923

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#### THE HOUSE OF COMMONS OF CANADA.

## BILL 191.

An Act to amend The Public Service Retirement Act.

1920, c. 67; 1921, c. 49; 1922, c. 39. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section eight of *The Public Service Retirement Act*, chapter sixty-seven of the statutes of 1920, as amended 5 by chapter forty-nine of the statutes of 1921, and by chapter thirty-nine of the statutes of 1922, is repealed, and the following is substituted therefor:—

Operation of Act extended for one year.

"S. No person shall be retired under the provisions of this Act after the first day of July, one thousand nine 10 hundred and twenty-four".

#### THE HOUSE OF COMMONS OF CANADA

# BILL 191.

An Act to amend The Public Service Retirement Act.

AS PASSED BY THE HOUSE OF COMMONS, 15th JUNE, 1923.

OTTAWA

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 191.

An Act to amend The Public Service Retirement Act.

1920, c. 67; 1921, c. 49; 1922, c. 39. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section eight of *The Public Service Retirement Act*, chapter sixty-seven of the statutes of 1920, as amended 5 by chapter forty-nine of the statutes of 1921, and by chapter thirty-nine of the statutes of 1922, is repealed, and the following is substituted therefor:—

Operation of Act extended for one year. "S. No person shall be retired under the provisions of this Act after the first day of July, one thousand nine 10 hundred and twenty-four".

#### THE HOUSE OF COMMONS OF CANADA

# BILL 192.

An Act to authorize an extension of time for the completion of the Saint John and Quebec railway between Centreville, in the County of Carleton, and Andover, in the County of Victoria, N.B.

First reading, June 1, 1923.

The MINISTER OF RAILWAYS AND CANALS.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 192.

An Act to authorize an extension of time for the completion of the Saint John and Quebec railway between Centreville, in the County of Carleton, and Andover. in the County of Victoria, N.B.

HIS Majesty, by and with the advice and consent of the 1919, c. 31; Senate and House of Commons of Canada, enacts as follows:-

Time for completion of line extended.

1. Section one of chapter thirty-one of the statutes of 1919, as amended by chapter twelve of the statutes of 5 1921, is further amended by striking out the figures "1923" in the seventh line thereof and substituting therefor the figures "1925".

#### THE HOUSE OF COMMONS OF CANADA

## BILL 201.

An Act to amend the Judges Act.

AS PASSED BY THE HOUSE OF COMMONS, 7th JUNE, 1923.

OTTAWA

F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

#### THE HOUSE OF COMMONS OF CANADA

### BILL 201.

An Act to amend the Judges Act.

R.S. c. 138; 1914, c. 38; 1919, c. 59; 1920, c. 56; 1921, c. 36.

TIS 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 six of the Judges Act. Revised Statutes of Canada, 1906, chapter one hundred and thirty- 5 eight, as enacted by section four of chapter fifty-six of the statutes of 1920, is repealed, and the following is substituted therefor:-

"PROVINCIAL SUPERIOR COURTS.

#### "Ontario.

Salaries of judges of Supreme Court of Ontario.

"6. (1) The salaries of the judges of the Supreme Court of Ontario shall be as follows: 10

per annum "(a) The Chief Justice of Ontario...... \$10,000.00 "(b) The Chief Justice of the Second Divisional Court..... 10,000.00 "(c) Eight Justices of Appeal, each...... 9,000.00 15 "(d) Nine judges of the High Court Divi-

sion, each..... Provided that the judge who at present holds the office of Chief Justice of the Exchequer, and the judge who at present holds the office of Chief Justice of the Common 20 Pleas, shall, each respectively, and irrespective of the Division, Appellate or High Court, to which he may be assigned, continue to receive the salary of \$10,000.00 which he is now receiving instead of the salary which he would otherwise receive; but that upon a vacancy occurring in 25 the office of Chief Justice of the Exchequer, or in the office of Chief Justice of the Common Pleas, the salary of such Chief Justice shall cease; and provided moreover that, when the two last mentioned offices shall have been

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abolished, the Chief Justice who may be appointed to preside over the High Court Division shall receive a salary of \$10,000 per annum, and the number of salaries hereby authorized for the judges of the High Court Division shall

thereupon be reduced to eight.

"Provided further that any judge who enjoys immunity from taxes or deductions by reason of the provisions of section eleven of chapter fifty-six of the statutes of 1920, entitled An Act to amend the Judges Act, shall continue to enjoy that immunity, but shall not, either in respect 10 of the judicial office which he now holds, or in respect of any judicial office to which he may hereafter be appointed, the salary of which is provided for by this section, receive any salary in addition to that which he is receiving at the time of the passing of this Act, unless he elect, as he may 15 effectively do, at or within three months after his appointment to any such latter office, wholly to waive or forego such immunity from taxes or deductions."

2. Section seventeen of the said Act, as enacted by section four of chapter thirty-eight of the statutes of 1914, 20 is repealed, and the following is substituted therefor:—

"CIRCUIT COURT, MONTREAL.

Salaries of judges of Circuit Court Montreal.

"17. The salaries of the judges of the Circuit Court of the District of Montreal shall be as follows:—

The Senior judge of the said court, \$8,000 per annum; and three other judges of the said court, each \$7,000 per 25 annum".

3. Section thirty-five of the said Act, as enacted by section four of chapter thirty-six of the statutes of 1921, is amended by adding thereto the following:—

Judges may act as arbitrators or assessors under Railway Act or public

"Neither shall it extend nor be deemed to have extended 30 to judges acting as arbitrators or assessors of compensation or damages under The Railway Act, 1919, or any public Act, whether of general or local application, of the Dominion or of any Province, whereby a judge is required or authorized, without authority from the Executive, to assess 35 or ascertain compensation or damages."

4. Section ten of chapter fifty-six of the statutes of 1920, entitled An Act to amend the Judges Act, is amended by striking out the word "Circuit" in the first line thereof.

Local

Additional \$1.000 to

judges of

Circuit Court.

5. Section two of chapter fifty-nine of the statutes of 40 in Admiralty. 1919, entitled An Act to amend the Judges Act, is repealed.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 202.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1924.

AS PASSED BY THE HOUSE OF COMMONS, 11th JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 202.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1924.

Most Gracious Sovereign,

Preamble.

WHEREAS it appears by messages 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 messages, that the sums hereinafter mentioned are required to defray 5 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-four, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, 10 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, 1923.

\$44,725,058.25 granted for 1923-24. 2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-four million, seven hundred and twenty-five thousand, fifty-eight dollars and twenty-five cents towards defraying the several charges and expenses of the 20 public service, from the first day of April, one thousand nine hundred and twenty-three, to the thirty-first day March, one thousand nine hundred and twenty-four, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the 30 Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and twenty-four, as laid before the House of Commons at the present session of Parliament, excepting therefrom the second item of

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Resolution No. 141, "Ottawa, New Departmental Building, \$500,000".

\$1,833,333.33 granted for 1923-24. 3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one million, eight hundred and thirty-three thousand, 5 three hundred and thirty-three dollars and thirty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-three, to the thirty-first day of March, one thousand nine hundred and 10 twenty-four, not otherwise provided for, and being one-third of the amount of the item for a provisional bonus allowance for the inside and outside services of the Civil Service set forth in the Supplementary Estimates for the fiscal year ending the thirty-first day of March, one 15 thousand nine hundred and twenty-four, as laid before the House of Commons at the present session of Parliament.

Account to be rendered

4. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the 20 then next session of Parliament.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 203.

An Act in respect of The Returned Soldiers' Insurance Act.

First reading, June 11, 1923.

The Minister of Soldiers' Civil Re-establishment.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 203.

1920, c. 54; 1921, c. 52; 1922, c. 42.

An Act in respect of The Returned Soldiers' Insurance Act.

Preamble.

THEREAS in and by The Returned Soldiers' Insurance Act, chapter fifty-four of the statutes of 1920, it is enacted that life insurance contracts may be entered into by the Government of Canada, on the terms and conditions therein set forth, with any returned soldier or widow as therein defined:

And whereas by the issue of certain regulations the scope of the said Act has been limited and certain persons have been refused the benefits of the said Act by reason of the

said regulations:

And whereas it is expedient that the applications of those persons who were refused the benefits of insurance owing to such regulations be reviewed and be dealt with as though the said regulations had not been issued or put into effect, whether the applicant is now living or dead: Therefore 15 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Where applicant died prior to delivery of policy, the insurance is payable if application approved and premium paid.

1. In any case where an application for insurance under the provisions of The Returned Soldiers' Insurance Act 20 has been received and the applicant has died prior to the delivery to him of the policy of insurance, the approval of the application by the proper officer and the receipt of the initial premium shall be deemed to have been sufficient, unless it can be shown that the application was fraudulent, 25 to put the insurance into force, and any insurance moneys which would have been payable had the policy been delivered to the applicant shall now be made payable, subject to a deduction of the amount of premium due from the date of application to the date of death.

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AS PASSED BY THE HOUSE OF CHISCKESS

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Right to insurance of applicants rejected prior to 1st July, 1922.

2. Any applications which were rejected prior to the first day of July, one thousand nine hundred and twentytwo, under any of the conditions set forth in section two of An Act to amend The Returned Soldiers' Insurance Act, chapter forty-two of the statutes of 1922, or the schedule to the said Act, shall be reviewed, except in cases where the applicant is suffering or has become impaired as a result of self-inflicted wounds or immoral conduct, or where the application was fraudulent, and on such review any applicants who are now living shall be given the right to 10 insure, whether they would be now barred by the amendments to the Act contained in chapter forty-two of the statutes of 1922 or not; and in the case of any such applicant who has died, the amount of insurance for which he applied shall now be made payable, less the amount which would 15 have been due as premium from the date of application to the date of death, notwithstanding that no effective insurance contract was completed; provided that such applicant lived for a sufficient period of time to admit of the approval of his application by the proper officer of the 20 Department in the ordinary course of procedure.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 203.

An Act in respect of The Returned Soldiers' Insurance Act.

AS PASSED BY THE HOUSE OF COMMONS, 14th JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 203.

1920, c. 54; 1921, c. 52; 1922, c. 42.

An Act in respect of The Returned Soldiers' Insurance

Preamble.

MHEREAS in and by The Returned Soldiers' Insurance Act, chapter fifty-four of the statutes of 1920, it is enacted that life insurance contracts may be entered into by the Government of Canada, on the terms and conditions therein set forth, with any returned soldier or widow as therein defined:

And whereas by the issue of certain regulations the scope of the said Act has been limited and certain persons have been refused the benefits of the said Act by reason of the

said regulations;

And whereas it is expedient that the applications of those persons who were refused the benefits of insurance owing to such regulations be reviewed and be dealt with as though the said regulations had not been issued or put into effect, whether the applicant is now living or dead: Therefore 15 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Where applicant died prior to delivery of policy, the insurance is payable if application approved and premium paid.

**1.** In any case where an application for insurance under the provisions of The Returned Soldiers' Insurance Act 20 has been received and the applicant has died prior to the delivery to him of the policy of insurance, the approval of the application by the proper officer and the receipt of the initial premium shall be deemed to have been sufficient, unless it can be shown that the application was fraudulent, 25 to put the insurance into force, and any insurance moneys which would have been payable had the policy been delivered to the applicant shall now be made payable, subject to a deduction of the amount of premium due from the date of application to the date of death.

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Right to insurance of applicants rejected prior to 1st July, 1922.

2. Any applications which were rejected prior to the first day of July, one thousand nine hundred and twentytwo, under any of the conditions set forth in section two of An Act to amend The Returned Soldiers' Insurance Act, chapter forty-two of the statutes of 1922, or the schedule to the said Act, shall be reviewed, except in cases where the applicant is suffering or has become impaired as a result of self-inflicted wounds or immoral conduct, or where the application was fraudulent, and on such review any applicants who are now living shall be given the right to 10 insure, whether they would be now barred by the amendments to the Act contained in chapter forty-two of the statutes of 1922 or not; and in the case of any such applicant who has died, the amount of insurance for which he applied shall now be made payable, less the amount which would 15 have been due as premium from the date of application to the date of death, notwithstanding that no effective insurance contract was completed; provided that such applicant lived for a sufficient period of time to admit of the approval of his application by the proper officer of the 20 Department in the ordinary course of procedure.

#### THE HOUSE OF COMMONS OF CANADA

## BILL 204.

An Act to amend The Department of Soldiers' Civil Re-establishment Act.

First reading, June 11, 1923.

The Minister of Soldiers' Civil Re-establishment.

#### THE HOUSE OF COMMONS OF CANADA

### BILL 204.

1918, c. 42; 1919 (2nd Sess.), c. 29; 1922, c. 45. An Act to amend The Department of Soldiers' Civil Re-establishment Act.

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

Regulations respecting Medical, and Appeal Boards.

- 1. Paragraph (g1) of subsection two of section five of The Department of Soldiers' Civil Re-establishment Act, as 5 enacted by chapter forty-five of the statutes of 1922, is amended by striking out the words "the constitution of Medical Boards, including Appeal Boards, with such powers as may be deemed expedient" in the first, second and third lines thereof.
- 2. Subsection two of section five of the said Act, as enacted by chapter twenty-nine of the statutes of 1919 (second session), is amended by inserting the following paragraph immediately after paragraph (g1) thereof as enacted by chapter forty-five of the statutes of 1922:—

Appeals, and Review and Appeal Tribunals. "(g2) To provide for appeals from decisions as to the right of ex-members of the Forces to treatment with pay and allowances, and to designate for that purpose the Review and Appeal Tribunals constituted under the Pension Act, and to vest in such Tribunals all powers 20 which may be deemed necessary or expedient for the effectual hearing and disposal of such appeals, and to prescribe or adapt procedure therefor;"

**3.** The said Act is amended by inserting the following sections immediately after section seven thereof:—

"S. The Governor in Council may, on the recommendation of the Minister, appoint at such salary or remuneration as may be decided in each case, in each unit or district of the Department, an ex-member of the Forces, to be known as the Official Soldiers' Adviser, whose duties shall be generally 30 to advise and assist ex-members of the Forces in matters

Official Soldiers' Adviser. percalcing to to establishment, treatment and pendon, and to perform with other dirties as may be prescribed by the Ministel.

The Minister shall have power to appelle a person or persons to hear and moving evidence with request to any martes pertaining to the Department or the procedure of the Department of the procedure of antionity to administer outles and to hear and receive evidence under outle and to take administration of aparts.

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pertaining to re-establishment, treatment and pension, and to perform such other duties as may be prescribed by the Minister.

Power to take evidence on oath. "9. The Minister shall have power to appoint a person or persons to hear and receive evidence with respect to any matter pertaining to the Department or the procedure of the Department, and such person or persons shall have authority to administer oaths and to hear and receive evidence under oath and to take affidavits in any part of Canada."

#### THE HOUSE OF COMMONS OF CANADA

## BILL 204.

An Act to amend The Department of Soldiers' Civil Re-establishment Act.

AS PASSED BY THE HOUSE OF COMMONS, 14th JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA

### BILL 204.

1918, c. --1919 (2nd Sess.), c. 2 1922, c. 45. An Act to amend The Department of Soldiers' Civil Re-establishment Act.

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

Regulations respecting Medical and Appeal Boards.

1. Paragraph (g1) of subsection two of section five of The Department of Soldiers' Civil Re-establishment Act, as enacted by chapter forty-five of the statutes of 1922, is amended by striking out the words "the constitution of Medical Boards, including Appeal Boards, with such powers as may be deemed expedient" in the first, second and third lines thereof.

2. Subsection two of section five of the said Act, as enacted by chapter twenty-nine of the statutes of 1919 (second session), is amended by inserting the following paragraph immediately after paragraph (g1) thereof as enacted by chapter forty-five of the statutes of 1922:—

10

Appeals, and Review and Appea' Tribunals. "(g2) To provide for appeals from decisions as to the right of ex-members of the Forces to treatment with pay and allowances, and to designate for that purpose the Review and Appeal Tribunals constituted under the Pension Act, and to vest in such Tribunals all powers 20 which may be deemed necessary or expedient for the effectual hearing and disposal of such appeals, and to prescribe or adapt procedure therefor;"

3. The said Act is amended by inserting the following sections immediately after section seven thereof:—

"S. The Governor in Council may, on the recommendation of the Minister, appoint at such salary or remuneration as may be decided in each case, in each unit or district of the Department, an ex-member of the Forces, to be known as the Official Soldiers' Adviser, whose duties shall be generally 30 to advise and assist ex-members of the Forces in matters

Official Soldiers' Adviser. the persons of distinct the property and the persons of persons of persons of the persons of the

pertaining to re-establishment, treatment and pension, and to perform such other duties as may be prescribed by the Minister.

Power to take evidence on oath. "9. The Minister shall have power to appoint a person or persons to hear and receive evidence with respect to any matter pertaining to the Department or the procedure of the Department, and such person or persons shall have authority to administer oaths and to hear and receive evidence under oath and to take affidavits in any part of Canada."

#### THE HOUSE OF COMMONS OF CANADA

## BILL 205.

An Act to amend the Pension Act.

First reading, June 11, 1923.

The Minister of Soldiers Civil Re-establishment.

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

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 205.

#### An Act to amend the Pension Act.

1919, c. 43; 1920, c. 62; 1921, c. 45; 1922, c. 38.

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

Definitions.

1. Section two of The Pension Act, chapter forty-three of the statutes of 1919, is amended by inserting the following 5 paragraph immediately after paragraph (k) thereof:

"Obvious".

"(kk) 'obvious' means that which would be apparent, clear, plain, evident or manifest to the eye, ear or mind of an unskilled observer on examination."

2. Paragraph (o) of section two of the said Act is 10 repealed, and the following paragraph is substituted therefor:

"The war"

- "(o) 'war' means the Great War waged by the German Emperor and His Allies against His Majesty and His Majesty's Allies; and the period denoted by the term 15 'the war' is the period between the fourth day of August, nineteen hundred and fourteen, and the thirty-first day of August, nineteen hundred and twenty-one, both dates inclusive."
- 3. Section eleven of the said Act, as enacted by chapter 20 sixty-two of the statutes of 1920, and amended by chapter forty-five of the statutes of 1921, and by chapter thirtyeight of the statutes of 1922, is repealed, and the following section is substituted therefor:

"(11). (1) In respect of military service rendered during 25

the war,-

"(a) Pensions shall be awarded to or in respect of members of the forces who have suffered disability resulting from injury or disease or an aggravation thereof, in accordance with the rates set out in Schedule A 30 of this Act, and in respect of members of the forces who have died, in accordance with the rates set out

"War".

Disabilities in respect of which pensions claimed.

in Schedule B of this Act, when the disability resulting from injury or disease or the aggravation thereof in respect of which the application for pension is made or the injury or disease or the aggravation thereof resulting in the death in respect of which the application for pension is made, was attributable to or was incurred during such military service;

Pre-enlistment disabilities. "(b) No deduction shall be made from the degree of actual disability of any member of the forces who has served in a theatre of actual war on account of any 10 disability or disabling condition which existed in him at the time at which he became a member of the forces; provided that no pension shall be paid for a disability or disabling condition which at such time was wilfully concealed, was obvious, was not of a 15 nature to cause rejection from service, or was a congenital defect:

"(c) An applicant shall not be deprived of pension in respect of disability resulting from injury or disease or the aggravation thereof incurred during military 20 service or in respect of the death of a member of the forces resulting from such injury or disease or the aggravation thereof solely on the ground that no substantial disability or disabling condition is considered to have existed at the time of discharge of 25

such member of the forces;

"(d) When a member of the forces is, upon retirement or discharge from military service, passed directly to the Department of Soldiers' Civil Re-establishment for treatment, a pension shall be paid to or in respect of 30 him for disability or death incurred by him during such

treatment;

"(e) When a member of the forces has during leave of absence from military service undertaken an occupation which is unconnected with military service no pension 35 shall be paid for disability or death incurred by him during such leave unless his disability or death was

attributable to his military service;

Disappearance of aggravation.

"(f) Subject to the proviso in paragraph (b) of this subsection, when a pension has been awarded to a 40 member of the forces who has served in a theatre of actual war, it shall be continued, increased, decreased or discontinued, as if the entire disability had been incurred on service.

Post war disabilities.

"(2) In respect of military service rendered after the war, 45 pensions shall be awarded to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died, in accordance with the rates set out in Schedule B of this Act, when the injury 50 or disease or aggravation thereof resulting in disability

supported and realistical by him and in the eyens of

or death in respect of which the application for pension is made was attributable to military service as such.

Periodical certificate.

"(3) The Commission may require a pensioner to submit periodically in such form as may in the opinion of the Commission be necessary or advisable, a statutory or other declaration that he is the person to whom the pension is payable, and that his dependents in respect of whom he is in receipt of additional pension are living and are being supported and maintained by him, and in the event of his refusing or neglecting to submit such certificate, the 10 Commission may suspend future payments of pension until the same is received."

4. Section twenty-five of the said Act, as amended by chapter sixty-two of the statutes of 1920, is repealed, and 15

the following section is substituted therefor:—

Pension in accord with extent of disability.

How extent

of disability

estimated.

"25. (1) Subject to the provisions of section eleven, pensions for disabilities shall be awarded or continued in accordance with the extent of the disability resulting from injury or disease or aggravation thereof as the case may be, of the applicant or pensioner. 20

"(2) The estimate of the extent of a disability shall be based on the Instructions and a Table of Disabilities to be made by the Commission for the guidance of physicians and surgeons making medical examinations for pension purposes.

When no deduction of pension.

"(3) No deduction shall be made from the pension of any 25 member of the forces owing to his having undertaken work or perfected himself in some form of industry."

Date of coming into force.

5. (1) Sections one to four of this Act shall be deemed to have come into force and operation on the first day of September, one thousand nine hundred and 30 nineteen, subject however to the provisions hereinafter contained.

Review.

(2) All cases in which pension has been refused, reduced. discontinued or underrated by reason of the fact that sections one to four of this Act were not included in The 35 Pension Act, shall be subject to review by the Board of Pension Commissioners.

Pensions to be granted under present legislation.

(3) On such review pension shall be granted, increased or continued in accordance with the schedules of rates in force from time to time, as from the date or dates it would 40 have been granted, increased or continued had sections one to four of this Act been in force when such refusal, reduction, underrating or discontinuance was made effective.

Effect upon payment of insurance benefits.

(4) In any case where pension has been refused, if payment or part payment of insurance benefits under the pro- 45 visions of The Returned Soldiers' Insurance Act has been made to a widow or other beneficiary of a deceased member of the forces, and if, after review of such case, it is found that pension would have been awarded had sections one to

tour of they declared in lorse at the daily of the death of the said member of the forces, the provisions of I've helevard forther a forces, the provisions of I've helevard form any measures of the each the each member of the forces and any measures money paid to such widow or other boundelong that be deathful from the enters of position which on the training of the each widow of the said arrears, one had of the pension only shall be paid until the amount us the stidow of the member of the lorses and the heavilond exercise has been also that of the heavilond of the forces and the heavilond of the payment of pension would be her than the payment of manname money, no pension to be the than the payment of insurance money, no pension the her than the payment of insurance money, no pension the her than the payment of insurance money, no pension the her than the payment of insurance money, no pension that he cavarded.

question.

"(7). (1) Subject to the inevisions of this Act and of any regulations made under the provisions of this Act, the Commission shall have full power and authority to 90 deal with all matters pertaining to pensions, consider all applications for pension, and to award, refuse, cancel, pay and educations for pension. There shall be an appeal from and education pensions. There shall be an appeal from

Hourds or to the Federal Appeal Board as involuntier 25 provided, pursuant to the rules and regulations established. by the Covernor in Cortical under the authority of this And.

(2) The Coundsion shall also have power to pay pensions, allowances and gratuities or other grants awarded in 30 virtue of the Makin Franco Art Hevrsed Statutes of Canada, 1995, chapter for years, or any amendment to that Art, or awarded to or in respect of members of those forces who served in councilian with the Fensen Raids or the Northwest Rebellion."

7. Section thirty of the said Am, as amended by chapter sixty-was of the statutes of 1920, is repealed, and the followme section is especiated therefore—

"EGs When a pensioner commopods treatment under a the inristiction of the Department of Soldiers' Civil Ro-40 establishment, and his pension, including the pension, if any for he dependents is greater than the pay and allowances used by that Department, there shall be deducted from such pension tawards the cost of maintenmes in hospital as amount equal to the difference between 15 such pension and such pay and allowances."

teact set "S. Bootlon eighteen of the said Act is repealed."

four of this Act been in force at the date of the death of the said member of the forces, the provisions of The Returned Soldiers' Insurance Act shall become operative as from the date of death of the said member of the forces, and any insurance money paid to such widow or other beneficiary shall be deducted from the arrears of pension which on review of the case may become due to them; or, if the insurance money paid is in excess of the said arrears, onehalf of the pension only shall be paid until the amount in excess has been absorbed. If, however, the beneficiary was 10 the widow of the member of the forces and she has remarried or died since the commencement of payments of insurance money, and an award of pension would be less beneficial to her than the payment of insurance money, no pension shall be awarded.

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6. Section seven of the said Act is repealed, and the

following section is substituted therefor:

"(7). (1) Subject to the provisions of this Act and of Jurisdiction of Board of any regulations made under the provisions of this Act, Pension Comthe Commission shall have full power and authority to 20 missioners. deal with all matters pertaining to pensions, consider all applications for pension, and to award, refuse, cancel, pay and administer pensions. There shall be an appeal from any decision of the Commission to the District Review Boards or to the Federal Appeal Board as hereinafter 25 provided, pursuant to the rules and regulations established

> by the Governor in Council under the authority of this Act.

(2) The Commission shall also have power to pay pensions, allowances and gratuities or other grants awarded in 30 virtue of the Militia Pension Act, Revised Statutes of Canada, 1906, chapter forty-two, or any amendment to that Act, or awarded to or in respect of members of those forces who served in connection with the Fenian Raids or the Northwest Rebellion." 35

7. Section thirty of the said Act, as amended by chapter sixty-two of the statutes of 1920, is repealed, and the follow-

ing section is substituted therefor:—

30. When a pensioner commences treatment under the jurisdiction of the Department of Soldiers' Civil Re- 40 establishment, and his pension, including the pension, if any, for his dependents, is greater than the pay and allowances issued by that Department, there shall be deducted from such pension towards the cost of maintenance in hospital an amount equal to the difference between 45 such pension and such pay and allowances."

Differences between pay and allowances and pension to be applied for hospital maintenance.

8. Section eighteen of the said Act is repealed.

Appeals and re-hearing.

This recommendation shall be forwarded, as directed by

District Review Boards. 9. (1) The Governor in Council may, on the recommendation of the Minister of Justice, appoint a District Review Board for each of the nine districts of the Department of Soldiers' Civil Re-establishment, which shall consist of three members, one of whom shall be appointed 5 chairman of the Board.

Tenure of office.

Qualifica-

tions.

(2) Each member shall hold office for one year, and shall be removable at any time by the Governor in Council.

(3) One member of the said Board shall be of the medical profession, one of the legal profession, and one a layman, 10 and two of such members shall be ex-members of the Forces.

Remunera-

(4) The remuneration of the members of the Board shall be as fixed by the Governor in Council, and such remuneration shall be paid monthly out of any unappropriated moneys of the Consolidated Revenue Fund of Canada.

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Federal Appeal Board. 10. (1) The Governor in Council may, on the recommendation of the Minister of Justice, appoint a Board to be known as "The Federal Appeal Board", which shall consist of three members with qualifications similar to those of the members of the District Review Boards, and 20 one of such members shall be appointed Chairman of the Board.

Tenure of office.

(2) Each member shall hold office during good behaviour for a period of five years from the date of his appointment, but shall be removable at any time for cause by the Governor 25 in Council. He shall cease to hold office upon reaching the age of seventy years. On the expiration of his term of office he shall, if not disqualified by age, be eligible for reappointment.

Reappointment.

(3) Each member shall devote the whole of his time 30 to the performance of his duties under this Act, and shall not accept or hold any office or employment inconsistent therewith.

No other occupation.

Salaries.

(4) The Chairman shall be paid a salary of seven thousand dollars per annum, and each of the other members shall 35 be paid a salary of six thousand dollars per annum. Such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Appeals to District Review Board.

11. (1) An appeal shall lie from any decision as to 40 pension, whether heretofore or hereafter pronounced, to the District Review Board, which shall, after hearing the case, make such recommendation as is warranted. This recommendation shall be forwarded, as directed by the rules and regulations, to the Board of Pension Commis-45

Recommendations.

(2) In case a recommendation more favourable to the applicant than the decision appealed against is not carried into effect within a time specified by regulations made

Transmitted to Federal Appeal Board in certain cases. threen, the explicant, or some one authorized by him in

under the powers hereinafter conferred, or in case of a recommendation not more favourable to the applicant than the decision appealed against, the recommendation and fyle containing all papers in regard to the case shall be forthwith transmitted by the Board of Pension Commissioners to the Federal Appeal Board, and the Board of Pension Commissioners may at the same time submit for the information of the Federal Appeal Board a statement of their reasons for not carrying into effect the recommendations of the District Review Board.

Decision of Federal Appeal Board. (3) The Federal Appeal Board may approve or disapprove the recommendation of the District Review Board, and the Board of Pension Commissioners shall be bound by and shall act upon the decision of the Federal Appeal Board.

In certain cases applicant is to be heard personally.

(4) In cases where the recommendation of the District 15 Review Board is more favourable to the applicant than the decision appealed against, the Federal Appeal Board may not disapprove the recommendation without giving the applicant an opportunity to appear personally, or be represented before it, at a hearing in the district in which the 20 applicant resides, or at the seat of the Federal Appeal Board as may be deemed more convenient. On this hearing, the Federal Appeal Board shall make such final decision as may appear just.

Final decision.

(5) The right of appeal shall be open for three months 25 after the appointment of the District Review Board by the Governor in Council, or for a like period after the decision complained of, whichever may be the later.

Time for appeals.

complained of, whichever may be the later.

One appeal on connection of disability with service. (6) The applicant shall be entitled to only one appeal on the question of the connection of his disability with 30 service, but if he subsequently submits evidence sufficiently convincing in the opinion of the District Review Board, the latter may, on special application, grant the right to another appeal.

One appeal on any one decision as to disability.

(7) The applicant shall be entitled to only one appeal 35 as to any one decision fixing the degree of disability, but assessment on each periodic re-examination shall be considered a decision for this purpose. On an appeal as to degree of disability, the whole case, including service connection, shall be reviewed and the assessment increased, 40 diminished or pension discontinued as the circumstances warrant.

Applicant may appear personally or by counsel.

(8) The applicant shall have the right to appear personally, and if he so desires, but at his own expense, to be assisted by counsel or representative other than the official 45 Soldier Adviser, appointed under *The Department of Soldiers'* Civil Re-establishment Act.

Access to file.

(9) For the purpose of preparing the case, the Soldier Adviser, the applicant, or some one authorized by him in writing, shall have reasonable access to the applicant's 50

personal file in the presence of an official of the Department of Soldiers' Civil Re-establishment.

Payment of expenses.

(10) The expenses of the successful applicant in appearing before the District Review Board shall be paid on the scale now allowed applicants brought in for periodical medical examination, and the expenses of the applicant or his representative in appearing before the Federal Appeal Board shall, if the attendance of either be required by that Board, also be paid on the same scale.

Judicial powers on enquiries.

12. (1) Each District Review Board and the Federal 10 Appeal Board shall have all the powers and authority of a Commissioner appointed under Part I of the *Inquiries Act*, Revised Statutes of Canada, 1906, chapter one hundred and four.

Power to take evidence on oath.

(2) Each of said Boards shall have power to appoint a 15 person or persons to hear and receive evidence with respect of any matter pertaining to pensions, and such person or persons shall have authority to administer oaths and to hear and receive evidence under oath and to take affidavits in any part of Canada.

Rules and regulations.

**13.** The Governor in Council may make such rules and regulations as are deemed necessary; respecting,—

(a) The sittings, practice and procedure of the District Review Boards and of the Federal Appeal Board, and appeals thereto:

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(b) The procedure for appellants to submit appeals

thereto and to withdraw appeals therefrom;

(c) The reduction in the number of the District Review Boards or the increase of their territorial limits, as the volume of appeal may from time to time warrant; and 30

(d) To provide that pending the decision of the Federal Appeal Board upon any appeal, the recommendation of the District Review Board shall be effective, after such period or delay as may be deemed expedient to prescribe; and,

(e) Generally to carry out and enforce the provisions of

this Act.

Inconsistent provisions repealed.

14. All provisions in any Act, Order in Council, or regulations, which are inconsistent with the provisions of this Act, are repealed.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

## THE HOUSE OF COMMONS OF CANADA

# BILL 205.

An Act to Amend the Pension Act.

Amended as reported by the Special Committee to which the Bill was referred by the Senate. 2nd Session, 14th Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA.

## BILL 205.

An Act to amend the Pension Act.

1919, c. 43; 1920, c. 62; 1921, c. 45; 1922, c. 38. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

1. Section two of *The Pension Act*, chapter forty-three of the statutes of 1919, is amended by inserting the following 5 paragraph immediately after paragraph (k) thereof:—

"(kk) 'obvious' means that which would be apparent

"Obvious".

"(kk) 'obvious' means that which would be apparent, clear, plain, evident or manifest to the eye, ear or mind of an unskilled observer on examination."

2. (1) Paragraph (o) of section two of the said Act is 10 repealed, and the following paragraph is substituted therefor:—

"War".

"The war"

3. Section eleven of the said Act, as enacted by chapter 25 sixty-two of the statutes of 1920, and amended by chapter forty-five of the statutes of 1921, and by chapter thirty-eight of the statutes of 1922, is repealed, and the following section is substituted therefor:—

Disabilities in respect of which pensions claimed. "IL. (1) The Commission shall award pensions to or in 30 respect of members of the forces who have suffered disability in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died in accordance with the rates set out in Schedule B of this Act, when the disability or death in respect of which 35 the application for pension is made, was attributable to military service as such. Any disability from which a member of the forces who served in an actual theatre of

Subs. (2) of clause 2 has been struck out. It read as follows:—
(2) Paragraph (p) of section two of the said Act, as enacted by chapter thirty-eight of the statutes of 1922, is amended by adding the following thereto:—"and also a mother whose husband is in a helpless and dependent condition".

The original 11 (1) read as follows:—

"(11). (1) In respect of military service rendered during the war,—
"(a) Pensions shall be awarded to or in respect of members of the forces
who have suffered disability resulting from injury or disease or an
aggravation thereof, in accordance with the rates set out in Schedule
A of this Act, and in respect of members of the forces who have died,
in accordance with the rates set out in Schedule B of this Act, when
the disability resulting from injury or disease or the aggravation
thereof in respect of which the application for pension is made
or the injury or disease or the aggravation thereof resulting in the
death in respect of which the application for pension is made, was
attributable to or was incurred during such military service;

the Great War was suffering at the time of his discharge, shall for pension purposes be deemed to be attributable to or to have been incurred or aggravated during his military service, unless and until it be established by the Commission that the disability was not attributable to or incurred or aggravated during such service."

(1920, c. 62, s. 3, as amended by 1921, c. 45, s. 1 and 1922

c. 38, s. 5).

Pre-enlist-]
ment
disabilities.

"(2) No deduction shall be made from the degree of actual disability of any member of the forces who has 10 served in a theatre of actual war on account of any disability or disabling condition which existed in him at the time at which he became a member of the forces; provided that no pension shall be paid for a disability or disabling condition which at such time 15 was wilfully concealed, was obvious, was not of a nature to cause rejection from service, or was a congenital defect:

"(3) An applicant shall not be denied a pension in respect of disability resulting from injury or disease 20 or the aggravation thereof incurred during military service or in respect of the death of a member of the forces resulting from such injury or disease or the aggravation thereof solely on the ground that no substantial disability or disabling condition is con-25 sidered to have existed at the time of discharge of

such member of the forces;

(e) \* \* \* \* \* \* \* \*

Disappearance of aggravation.

"(4) Subject to the proviso in subsection (2) of this 30 section, when a pension has been awarded to a member of the forces who has served in a theatre of actual war, it shall be continued, increased, decreased or discontinued, as if the entire disability had been incurred on service.

Periodical certificate.

"(5) The Commission may require a pensioner to submit periodically in such form as may in the opinion of the Commission be necessary or advisable, a statutory or other declaration that he is the person to whom the pension is 40 Subs. (2) is the same as para. (b) in the original Bill.

Subs. (3) is the same as para (c) in the original Bill.

Paragraphs (d) and (e) have been struck out. They read as follows:—

(d) When a member of the forces is, upon retirement or discharge from military service, passed directly to the Department of Soldiers' Civil Re-establishment for treatment, a pension shall be paid to or in respect of him for disability or death incurred by him during such

treatment;

(e) When a member of the forces has during leave of absence from military service undertaken an occupation which is unconnected with military service no pension shall be paid for disability or death incurred by him during such leave unless his disability or death was attributable to his military service;

Subs. (2) in the original Bill has been struck out. It read as follows:—
(2) In respect of military service rendered after the war, pensions shall be awarded to or in respect of members of the forces who have suffered disability in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died, in accordance with the rates set out in Schedule B of this Act, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made was attributable to military service as such.

payable, and that his dependents in respect of whom he is in receipt of additional pension are living and are being supported and maintained by him, and in the event of his refusing or neglecting to submit such certificate, the Commission may suspend future payments of pension until the same is received."

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Pension or compassionate allowance in specially meritorious individual cases. **3**A. Section 12 of *The Pension Act*, as amended by section 4 of chapter 62 of the statutes of 1920, and by section 2 of chapter 45 of the statutes of 1921, is further amended by adding thereto as subsection (2) the following:— 10

"(2) Any individual case which, in the opinion of the majority of the members of the Pension Board and the Appeal Board acting jointly, appears to be especially meritorious and for which in said opinion no provision has been made in this Act, because such case did not form 15 part of any class of case, such meritorious case may be made the subject of an investigation and adjudication by way of compassionate pension or allowance irrespective of any schedule to this Act."

4. Section twenty-five of the said Act, as amended by 20 chapter sixty-two of the statutes of 1920, is repealed, and the following section is substituted therefor:—

"25. (1) Subject to the provisions of section eleven, pensions for disabilities shall be awarded or continued in accordance with the extent of the disability resulting 25 from injury or disease or aggravation thereof as the case

may be, of the applicant or pensioner.

"(2) The estimate of the extent of a disability shall be based on the Instructions and a Table of Disabilities to be made by the Commission for the guidance of physicians and 30 surgeons making medical examinations for pension purposes.

"(3) No deduction shall be made from the pension of any member of the forces owing to his having undertaken work or perfected himself in some form of industry."

Pension in accord with extent of disability.

How extent of disability estimated.

When no deduction of pension.

5.

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Clause 3A is wholly new.

Clause 5 of the original Bill has been struck out. It read as follows:—5. (1) Sections one to four of this Act shall be deemed to have come into force and operation on the first day of September, one thousand nine hundred and nineteen, subject however to the provisions hereinafter contained.

(2) All cases in which pension has been refused, reduced, discontinued or underrated by reason of the fact that sections one to four of this Act were not included in *The Pension Act*, shall be subject to review by the Board of

Pension Commissioners.

(3) On such review pension shall be granted, increased or continued in accordance with the schedules of rates in force from time to time, as from the date or dates it would have been granted, increased or continued had sections one to four of this Act been in force when such refusal, reduction, underrating

or discontinuance was made effective.

(4) In any case where pension has been refused, if payment or part payment of insurance benefits under the provisions of *The Returned Soldiers'* Insurance Act has been made to a widow or other beneficiary of a deceased member of the forces, and if, after review of such case, it is found that pension would have been awarded had sections one to four of this Act been in force at

6. Section seven of the said Act is repealed, and the

following section is substituted therefor:-

Jurisdiction of Board of missioners.

"(7). (1) Subject to the provisions of this Act and of Pension Com- any regulations made under the provisions of this Act, the Commission shall have full power and authority to deal with all matters pertaining to pensions, consider all applications for pension, and to award, refuse, cancel, pay and administer pensions. There shall be an appeal from any decision of the Commission to the Federal Appeal Board as hereinafter provided, pursuant to the rules and 10 regulations established by the Governor in Council under the authority of this Act.

(2) The Commission shall also have power to pay pensions, allowances and gratuities or other grants awarded in virtue of the Militia Pension Act, Revised Statutes of 15 Canada, 1906, chapter forty-two, or any amendment to that Act, or awarded to or in respect of members of those forces who served in connection with the Fenian Raids or

the Northwest Rebellion."

7. Section thirty of the said Act, as amended by chapter 20 sixty-two of the statutes of 1920, is repealed, and the follow-

ing section is substituted therefor:—

Differences between pay allowances and pension to be applied for hospital maintenance.

"30. When a pensioner commences treatment under the jurisdiction of the Department of Soldiers' Civil Reestablishment, and his pension, including the pension, 25 if any, for his dependents, is greater than the pay and allowances issued by that Department, there shall be deducted from such pension towards the cost of maintenance in hospital an amount equal to the difference between such pension and such pay and allowances."

30

Appeals and re-hearing.

S. Section eighteen of the said Act is repealed.

\* \* \* \* \* \* \* \* \*

the date of the death of the said member of the forces, the provisions of *The Returned Soldiers' Insurance Act* shall become operative as from the date of death of the said member of the forces, and any insurance money paid to such widow or other beneficiary shall be deducted from the arrears of pension which on review of the case may become due to them; or, if the insurance money paid is in excess of the said arrears, one-half of the pension only shall be paid until the amount in excess has been absorbed. If, however,the beneficiary was the widow of the member of the forces and she has remarried or died since the commencement of payments of insurance money, and an award of pension would be less beneficial to her than the payment of insurance money, no pension shall be awarded.

7. (1) The only change is the striking out of the words "to the District Review Board or".

Clause 9 of the original Bill has been struck out. It read as follows:—
9. (1) The Governor in Council may, on the recommendation of the Minister of Justice, appoint a District Review Board for each of the nine districts of the Department of Soldiers' Civil Re-establishment, which shall consist of three members, one of whom shall be appointed chairman of the Board.

(2) Each member shall hold office for one year, and shall be removable

at any time by the Governor in Council.

(3) One member of the said Board shall be of the medical profession, one of the legal profession, and one a layman, and two of such members shall be ex-members of the Forces.

(4) The remuneration of the members of the Board shall be as fixed by the Governor in Council, and such remuneration shall be paid monthly out of any unappropriated moneys of the Consolidated Revenue Fund of Canada. Federal Appeal Board. 10. (1) There shall be a Board, to be known as "The Federal Appeal Board", consisting of not less than five nor more than seven members appointed by the Governor in Council on the recommendation of the Minister of Justice.

Chairman.

(2) One of the members shall be appointed by the Governor in Council chairman of the Board, and shall hold that office during pleasure. Any member may be removed for cause, at any time, by the Governor in Council.

Tenure of office.
War veterans.

(3) The majority of the members shall be persons who served in the Naval, Military or Air forces of Canada during 10 the war

Term of office.

(4) Of the members first appointed to the Board, other than the chairman, one half shall be appointed for a term of two years and the others for a term of three years.

Quorum.

(5) During the first two years after the appointment of 15 the Board three members shall constitute a quorum thereof. Thereafter a majority of the members shall constitute a quorum.

Obligations of members.

(6) Each member shall devote the whole of his time to the performance of his duties under this Act, and shall not 20 accept or hold any office or employment inconsistent therewith.

Acting members.

(7) In case of the illness, absence or inability to act of any member, the Governor in Council may appoint a person to act in his stead.

Ditto.

(8) No member shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board, but in such case the Governor in Council may, either upon the application of such member or otherwise, appoint some disinterested person to act in 30 his stead.

Salaries.

(9) The Chairman shall be paid a salary of seven thousand dollars per annum, and each of the other members shall be paid a salary of six thousand dollars per annum. Such salaries shall be paid monthly out of any unappropriated 35 moneys forming part of the Consolidated Revenue Fund of Canada.

Appeals.

11. (1) An appeal shall lie to the Federal Appeal Board from any decision by the Board of Pension Commissioners refusing a pension on any of the following grounds:—

Grounds.

(a) that the disability in respect of which the application for pension was made was not attributable to or was not incurred or aggravated during military service;

(b) that the death in respect of which the application for pension was made was not attributable to military 45

service as such.

Individual members may hear and decide appeals.

(2) Every member of the Board shall also have the right to hear such appeals at such times and places as are fixed by regulations made and approved by the Board, and to give decisions thereon. The member giving any such 50 Subclauses (1) to (9) of clause 10 replace subclauses (1) to (3) of the

original Bill which read as follows:-

10. (1) The Governor in Council may, on the recommendation of the Minister of Justice, appoint a Board to be known as "The Federal Appeal Board", which shall consist of three members with qualifications similar to those of the members of the District Review Boards, and one of such members shall be appointed Chairman of the Board.

(2) Each member shall hold office during good behaviour for a period of five years from the date of his appointment, but shall be removable at any time for cause by the Governor in Council. He shall cease to hold office upon reaching the age of seventy years. On the expiration of his term of office he shall, if not disqualified by age, be eligible for reappointment.

(3) Each member shall devote the whole of his time to the performance

of his duties under this Act, and shall not accept or hold any office or employ-

ment inconsistent therewith.

Subclause (9) of clause 10 is subclause (4) of the original Bill without any change.

Subclauses (1) to (8) of clause 11 in the original Bill read as follows:-11. (1) An Appeal shall lie from any decision as to pension, whether heretofore, or hereafter pronounced, to the District Review Board, which shall, after hearing the case, make such recommendation as is warranted. This recommendation shall be forwarded, as directed by the rules and regulations, to the Board of Pension Commissioners.

(2) In case a recommendation more favourable to the applicant than the decision appealed against is not carried into effect within a time specified by regulations made under the powers hereinafter conferred, or in case of a recommendation not more favourable to the applicant than the decision appealed against, the recommendation and fyle containing all papers in regard to the case shall be forthwith transmitted by the Board of Pension Commissioners to the Federal Appeal Board, and the Board of Pension Commissioners may at the same time submit for the information of the Federal Appeal Board a statement of their reasons for not carrying into effect the recommendations of the District Review Board.

Further appeal to Board.

decision shall notify the applicant who has so appealed and the Board of Pension Commissioners for Canada, by registered letter mailed within five days after such decision; and if such applicant is not satisfied with such decision an appeal therefrom may be lodged within thirty days 5 from such decision with the Federal Appeal Board, a quorum of whom, not including the member of the Board who originally gave the decision, shall hear the appeal and the decision of the Board thereon shall be final.

Duration of right to appeal.

(3) The right of appeal shall be open for one year after 10 the appointment of the Federal Appeal Board by the Governor in Council, or for a like period after the decision complained of, whichever may be the later.

One appeal only.

(4) An applicant shall be entitled to only one appeal upon the grounds or any of them set forth in section 11 15 of this Act. The decision of the Federal Appeal Board thereon shall be final and shall be binding upon the applicant and upon the Board of Pension Commissioners for Canada.

Right to appear in person.

(5) Every appellant shall have the right to attend in person, at any and all sittings for the purpose of hearing 20 his appeal held by the Board or by a member thereof, under such conditions as to the payment of his expenses thereby incurred as may be fixed by regulation of the Governor in Council, and may if he so desires, but at his own expense, to be assisted thereat by counsel or repre-25 sentative other than the official Soldier Adviser appointed under The Department of Soldiers' Civil Re-establishment Act.

Access to

Counsel, etc.

(6) For the purpose of preparing the case, the Soldier Adviser, the applicant, or some one authorized by him in 30 writing, shall have reasonable access to the applicant's personal file in the presence of an official of the Department of Soldiers' Civil Re-establishment.

Payment of expenses.

(7) The expenses of the successful applicant in appearing before the District Review Board shall be paid on the scale 35 now allowed applicants brought in for periodical medical examination, and the expenses of the applicant or his representative in appearing before the Federal Appeal Board shall, if the attendance of either be required by that Board, also be paid on the same scale.

Judicial powers on enquiries.

12. (1) The Federal Appeal Board shall have all the powers and authority of a Commissioner appointed under Part I of the *Inquiries Act*, Revised Statutes of Canada, 1906, chapter one hundred and four.

Power to take evidence on oath.

(2) The Federal Appeal Board shall have power to 45 appoint a person or persons to hear and receive evidence with respect of any matter pertaining to pensions, and such person or persons shall have authority to administer oaths and to hear and receive evidence under oath and to take affidavits in any part of Canada.

(3) The Federal Appeal Board may approve or disapprove the recommendation of the District Review Board, and the Board of Pension Commissioners shall be bound by and shall act upon the decision of the Federal

Appeal Board.

(4) In cases where the recommendation of the District Review Board is more favourable to the applicant than the decision appealed against, the Federal Appeal Board may not disapprove the recommendation without giving the applicant an opportunity to appear personally, or be represented before it, at a hearing in the district in which the applicant resides, or at the seat of the Federal Appeal Board as may be deemed more convenient. On this hearing, the Federal Appeal Board shall make such final decision as may appear just.

appear just.

(5) The right of appeal shall be open for one year after the appointment of the District Review Board by the Governor in Council, or for a like period

after the decision complained of, whichever may be the later.

(6) The applicant shall be entitled to only one appeal on the question of the connection of his disability with service, but if he subsequently submits evidence sufficiently convincing in the opinion of the District Review Board, the latter may, on special application, grant the right to another appeal.

(7) The applicant shall be entitled to only one appeal as to any one decision fixing the degree of disability, but assessment on each periodic recovering the degree of disability, but assessment on each periodic recovering the degree of disability.

(7) The applicant shall be entitled to only one appeal as to any one decision fixing the degree of disability, but assessment on each periodic re-examination shall be considered a decision for this purpose. On an appeal as to degree of disability, the whole case, including service connection, shall be reviewed and the assessment increased, diminished or pension discontinued as the circumstances warrant.

(8) The applicant shall have the right to appear personally, and if he so desires, but at his own expense, to be assisted by counsel or representative other than the official Soldier Adviser, appointed under *The Department* 

of Soldiers' Civil Re-establishment Act.

Subclause (6) is subclause (9) in the original Bill.

Subclause (7) is subclause (10) in the original Bill.

The only alteration consists in striking out references to the District Review Boards which were created by the original Bill.

Rules and regulations.

"13. The Governor in Council may make such rules and regulations as he deems necessary:—

(a) respecting the sittings, practice and procedure

of the Federal Appeal Board; and,

(b) generally, to carry out in all respects and to enforce 5 the provisions of this Act."

Inconsistent provisions repealed.

14. All provisions in any Act, Order in Council, or regulations, which are inconsistent with the provisions of this Act, are repealed.

 Clause 13 is practically the same as in the original Bill with references to District Boards eliminated.

Clause 15 of the original Bill has been struck out. It read as follows:—
15. Subsection one of section thirty-three of the said Act, as amended by chapter sixty-two of the statutes of 1920, is further amended by inserting after the words "married to him" in the second line thereof, the words "within one year after date of discharge from the forces or".

Clause 16 of the original Bill has been struck out. It read as follows:—
16. Subsection two of section thirty-three of the said Act is amended by striking out the words "provided that the death occurs within five years after the date of retirement or discharge or the date of commencement of pension".

Clause 17 of the original Bill has been struck out. It read as follows:—
17. Subsection two of section twenty-six of the said Act, as enacted by chapter sixty-two of the statutes of 1920, is amended by adding the following proviso thereto:—

"Provided, however, that the Board of Pension Commissioners shall have discretion to pay the pension to any person who was being, or was entitled to be, supported by the pensioner at the time of his last examination".

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 205. immediately after paragraph (k) thereof-obvisus' means that which would be apparent

An Act to amend the Pension Act.

AS PASSED BY THE HOUSE OF COMMONS, 13th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

## BILL 205.

#### An Act to amend the Pension Act.

1919, c. 43; 1920, c. 62; 1921, c. 45; 1922, c. 38. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

**1.** Section two of *The Pension Act*, chapter forty-three of the statutes of 1919, is amended by inserting the following paragraph immediately after paragraph (k) thereof:—

"Obvious".

"(kk) 'obvious' means that which would be apparent, clear, plain, evident or manifest to the eye, ear or mind of an unskilled observer on examination."

2. (1) Paragraph (o) of section two of the said Act is 10 repealed, and the following paragraph is substituted therefor:—

"War".

"(o) 'war' means the Great War waged by the German Emperor and His Allies against His Majesty and His Majesty's Allies; and the period denoted by the term 15 'the war' is the period between the fourth day of August, nineteen hundred and fourteen, and the thirty-first day of August, nineteen hundred and twenty-one, both dates inclusive."

"The war"

(2) Paragraph (p) of section two of the said Act, as 20 enacted by chapter thirty-eight of the statutes of 1922, is amended by adding the following thereto:—"and also a mother whose husband is in a helpless and dependent

condition".

3. Section eleven of the said Act, as enacted by chapter 25 sixty-two of the statutes of 1920, and amended by chapter forty-five of the statutes of 1921, and by chapter thirty-eight of the statutes of 1922, is repealed, and the following section is substituted therefor:—

"(11). (1) In respect of military service rendered during 30

the war,-

"(a) Pensions shall be awarded to or in respect of members of the forces who have suffered disability resulting from injury or disease or an aggravation thereof, in accordance with the rates set out in Schedule A 35 of this Act, and in respect of members of the forces who have died, in accordance with the rates set out

"Widowed mother."

Disabilities in respect of which pensions claimed.

in Schedule B of this Act, when the disability resulting from injury or disease or the aggravation thereof in respect of which the application for pension is made or the injury or disease or the aggravation thereof resulting in the death in respect of which the application for pension is made, was attributable to or was incurred during such military service;

Pre-enlistment disabilities. "(b) No deduction shall be made from the degree of actual disability of any member of the forces who has served in a theatre of actual war on account of any 10 disability or disabling condition which existed in him at the time at which he became a member of the forces; provided that no pension shall be paid for a disability or disabling condition which at such time was wilfully concealed, was obvious, was not of a 15 nature to cause rejection from service, or was a congenital defect;

"(c) An applicant shall not be denied a pension in respect of disability resulting from injury or disease or the aggravation thereof incurred during military 20 service or in respect of the death of a member of the forces resulting from such injury or disease or the aggravation thereof solely on the ground that no substantial disability or disabling condition is considered to have existed at the time of discharge of 25

such member of the forces;

"(d) When a member of the forces is, upon retirement or discharge from military service, passed directly to the Department of Soldiers' Civil Re-establishment for treatment, a pension shall be paid to or in respect of 30 him for disability or death incurred by him during such

treatment:

"(e) When a member of the forces has during leave of absence from military service undertaken an occupation which is unconnected with military service no pension 35 shall be paid for disability or death incurred by him during such leave unless his disability or death was

attributable to his military service;

"(f) Subject to the proviso in paragraph (b) of this subsection, when a pension has been awarded to a 40 member of the forces who has served in a theatre of actual war, it shall be continued, increased, decreased or discontinued, as if the entire disability had been incurred on service.

Post war disabilities.

Disappear-

aggravation.

"(2) In respect of military service rendered after the war, 45 pensions shall be awarded to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died, in accordance with the rates set out in Schedule B of this Act, when the injury 50 or disease or aggravation thereof resulting in disability

reflection, endeanding or directionsance was made effective.

or death in respect of which the application for pension

is made was attributable to military service as such.

Periodical certificate.

"(3) The Commission may require a pensioner to submit periodically in such form as may in the opinion of the Commission be necessary or advisable, a statutory or other 5 declaration that he is the person to whom the pension is payable, and that his dependents in respect of whom he is in receipt of additional pension are living and are being supported and maintained by him, and in the event of his refusing or neglecting to submit such certificate, the 10 Commission may suspend future payments of pension until the same is received."

4. Section twenty-five of the said Act, as amended by chapter sixty-two of the statutes of 1920, is repealed, and

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the following section is substituted therefor:—

Pension in accord with extent of disability.

"25. (1) Subject to the provisions of section eleven, pensions for disabilities shall be awarded or continued in accordance with the extent of the disability resulting from injury or disease or aggravation thereof as the case may be, of the applicant or pensioner.

"(2) The estimate of the extent of a disability shall be based on the Instructions and a Table of Disabilities to be made by the Commission for the guidance of physicians and surgeons making medical examinations for pension purposes.

"(3) No deduction shall be made from the pension of any 25 member of the forces owing to his having undertaken work or perfected himself in some form of industry."

Date of coming into force.

How extent

of disability

estimated.

When no

deduction

of pension.

5. (1) Sections one to four of this Act shall be deemed to have come into force and operation on the first day of September, one thousand nine hundred and 30 nineteen, subject however to the provisions hereinafter contained.

Review.

(2) All cases in which pension has been refused, reduced, discontinued or underrated by reason of the fact that sections one to four of this Act were not included in *The* 35 *Pension Act*, shall be subject to review by the Board of Pension Commissioners.

Pensions to be granted under present legislation. (3) On such review pension shall be granted, increased or continued in accordance with the schedules of rates in force from time to time, as from the date or dates it would 40 have been granted, increased or continued had sections one to four of this Act been in force when such refusal, reduction, underrating or discontinuance was made effective.

Effect upon payment of insurance benefits.

(4) In any case where pension has been refused, if payment or part payment of insurance benefits under the pro- 45 visions of *The Returned Soldiers' Insurance Act* has been made to a widow or other beneficiary of a deceased member of the forces, and if, after review of such case, it is found that pension would have been awarded had sections one to

". Section there of the end Act, as amended by chapter

four of this Act been in force at the date of the death of the said member of the forces, the provisions of The Returned Soldiers' Insurance Act shall become operative as from the date of death of the said member of the forces, and any insurance money paid to such widow or other beneficiary shall be deducted from the arrears of pension which on review of the case may become due to them; or, if the insurance money paid is in excess of the said arrears, onehalf of the pension only shall be paid until the amount in excess has been absorbed. If, however, the beneficiary was 10 the widow of the member of the forces and she has remarried or died since the commencement of payments of insurance money, and an award of pension would be less beneficial to her than the payment of insurance money, no pension shall be awarded.

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6. Section seven of the said Act is repealed, and the

following section is substituted therefor:—

Jurisdiction of Board of Pension Commissioners.

- "(7). (1) Subject to the provisions of this Act and of any regulations made under the provisions of this Act, the Commission shall have full power and authority to 20 deal with all matters pertaining to pensions, consider all applications for pension, and to award, refuse, cancel, pay and administer pensions. There shall be an appeal from any decision of the Commission to the District Review Boards or to the Federal Appeal Board as hereinafter 25 provided, pursuant to the rules and regulations established by the Governor in Council under the authority of this Act.
- (2) The Commission shall also have power to pay pensions, allowances and gratuities or other grants awarded in 30 virtue of the Militia Pension Act, Revised Statutes of Canada, 1906, chapter forty-two, or any amendment to that Act, or awarded to or in respect of members of those forces who served in connection with the Fenian Raids or the Northwest Rebellion." 35

7. Section thirty of the said Act, as amended by chapter sixty-two of the statutes of 1920, is repealed, and the follow-

ing section is substituted therefor:—

"30. When a pensioner commences treatment under the jurisdiction of the Department of Soldiers' Civil Re- 40 establishment, and his pension, including the pension, if any, for his dependents, is greater than the pay and allowances issued by that Department, there shall be deducted from such pension towards the cost of maintenance in hospital an amount equal to the difference between 45 such pension and such pay and allowances."

Differences between pay allowances and pension to be applied for hospital maintenance.

8. Section eighteen of the said Act is repealed.

Appeals and re-hearing.

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District Review Boards. 9. (1) The Governor in Council may, on the recommendation of the Minister of Justice, appoint a District Review Board for each of the nine districts of the Department of Soldiers' Civil Re-establishment, which shall consist of three members, one of whom shall be appointed 5 chairman of the Board.

Tenure of office.

Qualifica-

Remunera-

(2) Each member shall hold office for one year, and shall be removable at any time by the Governor in Council.

(3) One member of the said Board shall be of the medical profession, one of the legal profession, and one a layman, 10 and two of such members shall be ex-members of the Forces.

(4) The remuneration of the members of the Board shall be as fixed by the Governor in Council, and such remuneration shall be paid monthly out of any unappropriated moneys of the Consolidated Revenue Fund of Canada.

Federal Appeal Board. 10. (1) The Governor in Council may, on the recommendation of the Minister of Justice, appoint a Board to be known as "The Federal Appeal Board", which shall consist of three members with qualifications similar to those of the members of the District Review Boards, and 20 one of such members shall be appointed Chairman of the Board.

(2) Each member shall hold office during good behaviour

for a period of five years from the date of his appointment,

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Tenure of office.

Reappointment.

No other occupation.

reappointment.

but shall be removable at any time for cause by the Governor 25 in Council. He shall cease to hold office upon reaching the age of seventy years. On the expiration of his term of office he shall, if not disqualified by age, be eligible for

(3) Each member shall devote the whole of his time 30 to the performance of his duties under this Act, and shall not accept or hold any office or employment inconsistent therewith.

Salaries.

(4) The Chairman shall be paid a salary of seven thousand dollars per annum, and each of the other members shall 35 be paid a salary of six thousand dollars per annum. Such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Appeals to District Review Board.

Recommendations.

11. (1) An appeal shall lie from any decision as to 40 pension, whether heretofore or hereafter pronounced, to the District Review Board, which shall, after hearing the case, make such recommendation as is warranted. This recommendation shall be forwarded, as directed by the rules and regulations, to the Board of Pension Commis- 45 sioners.

Transmitted to Federal Appeal Board in certain cases. (2) In case a recommendation more favourable to the applicant than the decision appealed against is not carried into effect within a time specified by regulations made

under the powers hereinafter conferred, or in case of a recommendation not more favourable to the applicant than the decision appealed against, the recommendation and fyle containing all papers in regard to the case shall be forthwith transmitted by the Board of Pension Commissioners to the Federal Appeal Board, and the Board of Pension Commissioners may at the same time submit for the information of the Federal Appeal Board a statement of their reasons for not carrying into effect the recommendations of the District Review Board.

Decision of Federal Appeal Board. (3) The Federal Appeal Board may approve or disapprove the recommendation of the District Review Board, and the Board of Pension Commissioners shall be bound by and shall act upon the decision of the Federal Appeal Board.

In certain cases applicant is to be heard personally.

(4) In cases where the recommendation of the District 15 Review Board is more favourable to the applicant than the decision appealed against, the Federal Appeal Board may not disapprove the recommendation without giving the applicant an opportunity to appear personally, or be represented before it, at a hearing in the district in which the 20 applicant resides, or at the seat of the Federal Appeal Board as may be deemed more convenient. On this hearing, the Federal Appeal Board shall make such final decision as may appear just.

Final decision.

Time for appeals.

(5) The right of appeal shall be open for one year 25 after the appointment of the District Review Board by the Governor in Council, or for a like period after the decision complained of, whichever may be the later.

One appeal on connection of disability with service.

(6) The applicant shall be entitled to only one appeal on the question of the connection of his disability with 30 service, but if he subsequently submits evidence sufficiently convincing in the opinion of the District Review Board, the latter may, on special application, grant the right to another appeal.

One appeal on any one decision as to disability.

(7) The applicant shall be entitled to only one appeal 35 as to any one decision fixing the degree of disability, but assessment on each periodic re-examination shall be considered a decision for this purpose. On an appeal as to degree of disability, the whole case, including service connection, shall be reviewed and the assessment increased, 40 diminished or pension discontinued as the circumstances warrant.

Applicant may appear personally or by counsel. (8) The applicant shall have the right to appear personally, and if he so desires, but at his own expense, to be assisted by counsel or representative other than the official 45 Soldier Adviser, appointed under *The Department of Soldiers'* Civil Re-establishment Act.

Access to file.

(9) For the purpose of preparing the case, the Soldier Adviser, the applicant, or some one authorized by him in writing, shall have reasonable access to the applicant's 50

personal file in the presence of an official of the Department

(10) The expenses of the anotes that applicant in appearing before the District Review Board shell be paid as the scale now allowed applicants brought in for pariodical medical examination, and the expenses of the applicant or his representative in appearing before the Frederick Appeal is out aball, if the extendence of either be required by that Board, also be read on the range scale.

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Appeal Hoard shall have all the powers and authority of a Commissioner appointed under Part I of the fuquires details lievised Stabutes of Canada, 1996, chapter one bundred and four

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(A) Each of said Boards shall have power to append a 15 person or persons to hear and receive evidence with respect of any matter pertaining to pensions, and such person or persons shall have authority to administer ouths and to be been exidence upder outh and to take affidavits in any part of Canada.

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A. The Covernor in Council may make such rules and regulations as are desmed necessary; respecting.

(a) The attings, practice and presenting of the District Review Boards and of the Federal Appeal Board, and appeals therefor.

(6) The procedure for appellants—to submit appeal thereform:

(c) The poduction in the number of the District Review Boards or the mercase of their territorial limits, as the volume of appeal may from time to time warrant; and (a) To provide that pending the decision of the ireleval Appeal Board upon any appeal, the recommendation of the District Review Board shall be effective, after each paried or delay as may be desimed expedient to prescriber and.

er Generally to carry out and enteres the provisions of this Act.

14. dli provisione in any Art, Order in Council, or regulations, which are encousistent with the provisions of this Art, are repealed.

15. Subsection one of section thirty-three of the said. Act, as accorded by chapter sixty-two of the statutes of 1920, is further amended by inscring after the words married to him, in the second the thereof, the words within one year after date of discharge from the forces.

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personal file in the presence of an official of the Department of Soldiers' Civil Re-establishment.

Payment of expenses.

(10) The expenses of the successful applicant in appearing before the District Review Board shall be paid on the scale now allowed applicants brought in for periodical medical 5 examination, and the expenses of the applicant or his representative in appearing before the Federal Appeal Board shall, if the attendance of either be required by that Board, also be paid on the same scale.

Judicial powers on enquiries.

12. (1) Each District Review Board and the Federal 10 Appeal Board shall have all the powers and authority of a Commissioner appointed under Part I of the *Inquiries Act*, Revised Statutes of Canada, 1906, chapter one hundred and four.

Power to take evidence on oath.

(2) Each of said Boards shall have power to appoint a 15 person or persons to hear and receive evidence with respect of any matter pertaining to pensions, and such person or persons shall have authority to administer oaths and to hear and receive evidence under oath and to take affidavits in any part of Canada.

Rules and regulations.

**13.** The Governor in Council may make such rules and regulations as are deemed necessary; respecting,—

(a) The sittings, practice and procedure of the District Review Boards and of the Federal Appeal Board, and appeals thereto:

(b) The procedure for appellants to submit appeals

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thereto and to withdraw appeals therefrom;

(c) The reduction in the number of the District Review Boards or the increase of their territorial limits, as the volume of appeal may from time to time warrant; and 30

(d) To provide that pending the decision of the Federal Appeal Board upon any appeal, the recommendation of the District Review Board shall be effective, after such period or delay as may be deemed expedient to prescribe; and,

(e) Generally to carry out and enforce the provisions of

this Act.

Inconsistent provisions repealed.

14. All provisions in any Act, Order in Council, or regulations, which are inconsistent with the provisions of this Act, are repealed.

Pension to widow.

15. Subsection one of section thirty-three of the said Act, as amended by chapter sixty-two of the statutes of 1920, is further amended by inserting after the words "married to him" in the second line thereof, the words "within one year after date of discharge from the forces 45 or".

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13. Subscribes two of section twenty-in of the said for a consist by shapter sixty-two of the matrice of 1920, is seconded by adding the following province therefore 1920, is seconded by adding the following province the province Communications with who will have inscretion to pay the proson to say person who was feing, or was faithful to be supported by the province that

BILL 206.

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Widow's pensions.

16. Subsection two of section thirty-three of the said Act is amended by striking out the words "provided that the death occurs within five years after the date of retirement or discharge or the date of commencement of pension".

Medical re-examination. 17. Subsection two of section twenty-six of the said Act, as enacted by chapter sixty-two of the statutes of 1920, is amended by adding the following proviso thereto:—

"Provided, however, that the Board of Pension Commissioners shall have discretion to pay the pension to any 10 person who was being, or was entitled to be, supported by the pensioner at the time of his last examination."

### THE HOUSE OF COMMONS OF CANADA

# BILL 206.

An Act to amend The Biological Board Act.

First reading, June 13, 1923.

The MINISTER OF MARINE AND FISHERIES.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 206.

1912, c. 6.

An Act to amend The Biological Board Act.

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

1. Section four of The Biological Board Act, chapter six of the statutes of 1912, is repealed and the following is 5 substituted therefor:

Constitution of Board.

"4. The Board shall consist of five members appointed by the Minister, and one additional member appointed by such Universities (to be named by the Minister) as may engage in the work of biological research."

#### THE HOUSE OF COMMONS OF CANADA

# BILL 206.

An Act to amend The Biological Board Act.

AS PASSED BY THE HOUSE OF COMMONS, 15th JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 206.

1912, c. 6.

An Act to amend The Biological Board Act.

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

1. Section four of *The Biological Board Act*, chapter six of the statutes of 1912, is repealed and the following is substituted therefor:—

Constitution of Board.

"4. The Board shall consist of five members appointed by the Minister, and one additional member appointed by such Universities (to be named by the Minister) as may engage in the work of biological research."

#### THE HOUSE OF COMMONS OF CANADA

# BILL 214.

An Act respecting the payment of Bounties on Petroleum.

First reading, June 15, 1923.

The MINISTER OF FINANCE.

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 214.

An Act respecting the payment of Bounties on Petroleum.

1910, c. 46. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Bounty on petroleum.

1. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of Canada of a 5 bounty payable only on crude petroleum having a specific gravity not less than ·8235 at 60 degrees by Fahrenheit's thermometer produced from wells in Canada or from shales or other substances mined in Canada which have actually produced crude petroleum before the date of the coming 10 into force of this Act-the said bounty to be paid to or divided amongst the producers of the petroleum, the owner or occupier of the soil through which it is mined or won, or such other person interested or injuriously affected by the mining operations or works, as the Governor in Council 15 approves.

Periods and rates of payment.

2. The said bounty shall be paid during the periods and at the rates following, that is to say:—

On such crude petroleum produced on or before the thirtieth day of June, one thousand nine hundred and 20 twenty-four, a bounty of one and one-half cents per

imperial gallon shall be paid;

On such crude petroleum produced on or after the first day of July, one thousand nine hundred and twenty-four, and not later than the thirtieth day of June, one 25 thousand nine hundred and twenty-five, a bounty of three-quarters of one cent per imperial gallon shall be paid;

On such crude petroleum produced on and after the first day of July, one thousand nine hundred and twenty- 30

five, no bounty shall be paid.

Administration and regulations. 3. The Minister of Trade and Commerce shall be charged with the administration of this Act, and may, subject to the approval of the Governor in Council, make such regulations as he deems necessary respecting the payment of the said bounties.

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Repeal.

4. The Petroleum Bounty Act, 1909, chapter forty-six of the statutes of 1909-10, is repealed.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 214.

An Act respecting the payment of Bounties on Petroleum.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

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#### THE HOUSE OF COMMONS OF CANADA.

### BILL 214.

An Act respecting the payment of Bounties on Petroleum.

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

Bounty on petroleum.

1. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of Canada of a 5 bounty payable only on crude petroleum having a specific gravity not less than ·8235 at 60 degrees by Fahrenheit's thermometer produced from wells in Canada or from shales or other substances mined in Canada which have actually produced crude petroleum before the date of the coming 10 into force of this Act-the said bounty to be paid to or divided amongst the producers of the petroleum, the owner or occupier of the soil through which it is mined or won, or such other person interested or injuriously affected by the mining operations or works, as the Governor in Council 15 approves.

Periods and rates of rayment.

2. The said bounty shall be paid during the periods and at the rates following, that is to say:—

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On such crude petroleum produced on and after the first day of July, one thousand nine hundred and twenty- 30 five, no bounty shall be paid.

with the administration of this 305, and unor shall be charged with the administration of this 305, and unor subject to the approval of the Clovernor in Coincil, make such regulations as he demand a consequent respective the paragent of the main boundles.

4. The Peroleum Bounty Act, 1800; chapter forty-in of the statutes of 1800-10, is repealed.

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BILL 215

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Administration and regulations. 3. The Minister of Trade and Commerce shall be charged with the administration of this Act, and may, subject to the approval of the Governor in Council, make such regulations as he deems necessary respecting the payment of the said bounties.

5

Repeal.

4. The Petroleum Bounty Act, 1909, chapter forty-six of the statutes of 1909-10, is repealed.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 215.

An Act respecting the payment of Bounties on certain manufactures of Hemp.

First reading, June 15, 1923.

The MINISTER OF FINANCE.

### THE HOUSE OF COMMONS OF CANADA

### BILL 215.

An Act respecting the payment of Bounties on certain manufactures of Hemp.

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 Hemp Bounties Act, 1923.

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Bounties on Canadian hemp used in manufacture of yarn or twine or further advanced, sold in Canada for consumption.

2. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of the following bounties on hemp grown in Canada and used in the manufacture of yarn or twine, or in the manufacture of hemp further advanced than yarn or twine, manufactured in 10 Canada and sold for consumption therein, during the periods and at the rates following, that is to say:—

During the calendar year:—

1926, one and one-half cents per pound; 1927, one and three-eighths cents per pound; 1928, one and one-fourth cents per pound; 1929, one and one-eighth cents per pound; 1930, one cent per pound; 1931, seven-eighths of one cent per pound;

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1932, three-fourths of one cent per pound; 1933, one-half of one cent per pound:

Weight, how computed. Provided that the said bounty shall be paid on the weight of carded hemp used in such manufacture and that the weight of the carded hemp shall be computed on the absolutely dry weight thereof plus a moisture regain of not 25 more than twelve per cent, and exclusive of lubricating or other extraneous material.

Limitation.

3. The sum to be paid as such bounty shall not exceed one hundred and twenty-five thousand dollars in any one of the said periods.

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No bounty on exports.

4. The said bounty shall not be paid on hemp yarn or twine, or manufactures of hemp further advanced than yarn or twine, exported from Canada.

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Regulations.

5. The Governor in Council may make regulations to carry out the intention of this Act.

Administra-

6. The Minister of Trade and Commerce shall be charged with the administration of the provisions of this Act.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 215.

An Act respecting the payment of Bounties on certain manufactures of Hemp.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA

### BILL 215.

An Act respecting the payment of Bounties on certain manufactures of Hemp.

TIS 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 Hemp Bounties Act,

Bounties on Canadian hemp used in manufacture of yarn or twine or further advanced, sold in Canada for consumption.

2. The Governor in Council may authorize the payment out of the Consolidated Revenue Fund of the following bounties on hemp grown in Canada and used in the manufacture of varn or twine, or in the manufacture of hemp further advanced than yarn or twine, manufactured in 10 Canada and sold for consumption therein, during the periods and at the rates following, that is to say:—

During the calendar year:

1926, one and one-half cents per pound;

1927, one and three-eighths cents per pound;

1928, one and one-fourth cents per pound;

1929, one and one-eighth cents per pound;

1930, one cent per pound;

1931, seven-eighths of one cent per pound;

1932, three-fourths of one cent per pound;

20

15

1933, one-half of one cent per pound:

Weight, how computed.

Provided that the said bounty shall be paid on the weight of carded hemp used in such manufacture and that the weight of the carded hemp shall be computed on the absolutely dry weight thereof plus a moisture regain of not 25 more than twelve per cent, and exclusive of lubricating or other extraneous material.

Limitation.

3. The sum to be paid as such bounty shall not exceed one hundred and twenty-five thousand dollars in any one of the said periods.

30

No bounty on exports.

4. The said bounty shall not be paid on hemp yarn or twine, or manufactures of hemp further advanced than yarn or twine, exported from Canada.

4. The Governor in Council may made togulations to carry out the intention of shift Act.

Regulations.

5. The Governor in Council may make regulations to carry out the intention of this Act.

Administra-

6. The Minister of Trade and Commerce shall be charged with the administration of the provisions of this Act.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 216.

An Act to amend The Customs Tariff, 1907.

First reading, June 15, 1923.

The MINISTER OF FINANCE.

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

#### THE HOUSE OF COMMONS OF CANADA.

#### 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; 1919, c. 47; 1920, c. 44; 1921, c. 21;

1922, c. 19.

## BILL 216.

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:—

Discount on importations under British preference into Canadian

ports.

1. Section five of *The Customs Tariff*, 1907, is repealed, and the following section is substituted therefor:—

"5. The importer of goods entitled to the benefits of the British Preferential Tariff shall be entitled to a discount of ten per centum on the amount of duty computed under such Tariff, when such goods are conveyed without transhipment from a port of a country enjoying the benefits of the 10 British Preferential Tariff into a sea or river port of Canada:

Provided that goods entitled to the benefits of the British Preferential Tariff shall be entitled to the discount authorized by this section, when such goods are 15 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 20 river port of Canada.

river port of Canada.

Exceptions. Provided, however,

Provided, however, that this discount shall not apply to duties on any of the following articles, viz., wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol; sugar, tobacco, cigars and 25

cigarettes.

Provided further that this discount shall not apply in the case in which the duty does not exceed fifteen per centum ad valorem, or, in the case of a specific duty or a specific and ad valorem duty combined in which the computed 30 rate does not exceed fifteen per centum ad valorem, or to goods admitted into Canada which have the benefit of statutes of the Coverior in Council may authorize any

reductions provided for in the Canada-West Indies Trade Agreement, 1920."

2. The Customs Tariff, 1907, is amended by inserting the following sections immediately after section eight A thereof. as enacted by section two of chapter twenty-seven of the 5 statutes of 1921:-

Commercial agreement with United States.

"SB. The Governor in Council may authorize any Minister of the Crown to enter into negotiations with any authorized representative of the Government of the United States with a view to the making of a commercial agreement 10 between the two countries on terms that may be deemed mutually beneficial. Any agreement so made shall be subject to the approval of the Parliament of Canada.

Reciprocal reductions on certain articles.

"Sc. If the President of the United States, under authority of the United States Tariff Act of 1922, determines 15 to reduce the duties imposed by such Act on the following

articles, that is to say:

Cattle: wheat: wheat flour: oats: barley: potatoes: onions; turnips; hay; fish as enumerated in paragraphs 717, 718, 719 and 720 of the said Tariff Act of 1922, the Governor 20 in Council may by Order in Council make such reductions of duties on such articles imported into Canada from the United States as may be deemed reasonable by way of compensation for such reductions on Canadian products imported into the United States." 25

Schedule A amended.

3. Schedule A to The Customs Tariff, 1907, as amended by chapter sixteen of the statutes of 1910, by chapter twenty-six of the statutes of 1914, by chapter five of the statutes of 1914 (second session), by chapter forty-seven of the statutes of 1919, by chapter twenty-seven of the 30 statutes of 1921, by chapter nineteen of the statutes of 1922, and by Order in Council, is further amended by striking thereout tariff items:—83a, 99, 134, 135, 143a, 168, 235, 281, 328, 348b, 365, 374, 386, 441a, 442, 469, 581, 581a, 586, 638a, 670, 690a, 710b, the several enumera- 35 tions of goods respectively, and the several rates of duties of Customs, if any, set opposite each of said items, and by repealing section 1 (i) of Order in Council, P.C. 16/1556, dated fifth day of June, 1912, designated as item 760 of The Customs Tariff, and the following items, enumerations 40 and rates of duty are inserted in Schedule A:-

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	the at meanthele tool, wholly touch us a supply	

Tariff Items	A March Control Contro	British Preferential Tariff	Inter- mediate Tariff	General Tariff
	Hemp seed for agricultural purposes Potatoes when imported from a country which imposes a customs duty on potatoes grown in		Free	Free
00	Canada, per one hundred pounds	20 cents	35 cents	35 cents
99 99b	Prunes and dried plums, unpitted, per pound. Raisins and dried currants, per pound  The Governor in Council may by Order in Council direct that there be substituted for tariff item 99b in Schedule A of The Customs Tariff, 1907, the enumeration of goods and the rates of duties of Customs set opposite said item in Schedule A the following:—	ericular So Paulan	dent dent	₹ cent ₹ cent
99c	Raisins and dried currants, per pound	Free	3 cents	3 cents
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, when not exceeding eighty-eight degrees of polarization, per one		che streb e o Cembros succebie by	Suctions Issue the way of
	hundred pounds	83 cents	\$1.50	\$1.50
	hundred pounds	85 cents	\$1.53	\$1.53
	when exceeding ninety degrees but not ex-	87 cents	\$1.55	\$1.55
	ceeding ninety-one degrees, per one hundred pounds	89 cents	\$1.58	\$1.58
	exceeding ninety-two degrees, per one hundred pounds. when exceeding ninety-two degrees but not	91 cents	\$1.62	\$1.62
	exceeding ninety-three degrees, per one hundred pounds	93 cents	\$1.65	\$1.65
	exceeding ninety-four degrees, per one hundred pounds. when exceeding ninety-four degrees but not	95 cents	\$1.68	\$1.68
	exceeding ninety-five degrees, per one hundred pounds. when exceeding ninety-five degrees but not		\$1.70	\$1.70
	exceeding ninety-six degrees, per one hundred pounds	99 cents	\$1.74	\$1.74
	exceeding ninety-seven degrees, per one hundred pounds	\$1.01	\$1.77	\$1.77
	exceeding ninety-eight degrees, per one hundred pounds	\$1.05	\$1.80	\$1.80
	exceeding ninety-nine degrees, per one hundred pounds, proceeding ninety-nine degrees, per one	\$1.09	\$1.89	\$1.89
	when exceeding ninety-nine dgrees, 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 nd not otherwise.			

Tariff Items	_ '	British Preferential Tariff	Inter- mediate Tariff	General Tariff
	Provided further that sugar imported under this item shall not be subject to special duty in excess of three-fourths of one cent per	CARL H SHE	7	
135	pound. Sugar above number sixteen Dutch standard in colour when imported 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. when exceeding seventy-six degrees but not exceeding seventy-seven degrees, per one	35.00 cents	81.08 cents	81.08 cents
	hundred pounds	35.50 cents	83.116 cents	83·116 cents
	hundred pounds.  when exceeding seventy-eight degrees but not exceeding seventy-nine degrees, per one	36.00 cents	85·152 cents	85·152 cents
	hundred pounds		87·188 cents	87·188 cents
	pounds.  when exceeding eighty degrees but not exceeding eighty-one degrees per one hundred pounds.	37.00 cents	89·224 cents 91·260 cents	89·224 cents 91·260 cents
	when exceeding eighty-one degrees but not exceeding eighty-two degrees, per one hundred pounds.	38.00 cents	93·296 cents	93·296 cents
	when exceeding eighty-two degrees but not exceeding eighty-three degrees, per one hundred pounds	38.50 cents	95.332 cents	95·332 cents
	when exceeding eighty-three degrees but not exceeding eighty-four degrees, per one hundred pounds.	39.00 cents	97.560 cents	97.560 cents
	when exceeding eighty-four degrees but not exceeding eighty-five degrees, per one hundred pounds	39.50 cents	99·788 cents	99.788 cents
	exceeding eighty-six degrees, per one hundred pounds.  when exceeding eighty-six degrees but not	40.00 cents	\$1.02016	\$1.02016
	exceeding eighty-seven degrees, per one hundred pounds.  when exceeding eighty-seven degrees but not when exceeding eighty-seven degrees but not	40.50 cents	\$1.04244	\$1.04244
	exceeding eighty-eight degrees, per one hundred pounds. when exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one	41.00 cents	\$1.06664	\$1.06664
	hundred pounds	41.50 cents	\$1.09084	\$1.09084
	when exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred	42.00 cents	\$1·11888 \$1·14692	\$1.11888
	pounds. when exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred rounds		\$1.14092	\$1·14692 \$1·17496
	hundred pounds.  when exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds.		\$1.20300	\$1.20300
	when exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds	Collect Street	\$1.23104	\$1.23104

Tariff Items		British Preferential Tariff	Inter- mediate Tariff	General Tariff
	when exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds	44.50 cents	\$1.25908	\$1.25908
	pounds. when exceeding ninety-six degrees but not exceeding nunety-seven degrees, per one		\$1.28712	\$1·28712 \$1·31516
	hundred pounds.  when exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one		\$1·31516 \$1·34320	\$1.34320
	hundred poundsover ninety-eight degrees, per one hundred pounds	46.00 cents 46.50 cents	\$1.4250	\$1.4250
	Provided that all raw sugar, including sugar specified in this item, the produce of any British Colony or possession, shall be entitled to entry under the British Preferential Tariff, when imported direct into Canada from any British country.  Provided that sugar imported under this		1910 (1.19 1910 (1.19 1910 (1.15)	estis
143a	item shall not be subject to special duty.  Cigarettes, the weight of the paper covering to		e4 10	e4 10
168	be included in the weight for duty, per pound and Malt flour containing less than fifty per cent in weight of malt; also extract of malt, fluid or not, including grain molasses—all articles in this item upon valuation without British or Foreign excise duties, under regulations by the Minister of Customs and Excise, per	\$4.10 25 p.c.	\$4.10 25 p.c.	\$4.10 25 p.c.
208b	pound	2 cents 35 p.c. Free	2 cents 35 p.c. Free	2 cents 35 p.c. Free
208c 235 235a 267b	Dehydrated sulphate of copper for agricultural or spraying purposes. Liquorice paste not sweetened. Liquorice in rolls and sticks, not sweetened Crude petroleum not in its natural state '7900 specific gravity or heavier at 60 degrees	Free 10 p.c. 15 p.c.	Free 15 p.c. 20 p.c.	Free 17½ p.c. 22½ p.c.
281	temperature, when imported by oil refiners to be refined in their own factories, per gallon Fire brick containing not less than ninety per cent of silica; magnesite fire brick or chrome fire brick; other fire brick valued at not less than one hundred dollars per one thousand, rectangular shaped, the dimensions of each not to exceed one hundred and twenty-five cubic inches, for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establish-	3-10 cent	4-10 cent	½ cent
281a	ment.  Fire brick, n.o.p., for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing estab-	Free	Free	Free
328	lishment	10 p.c.	12½ p.c.	15 p.c.
328a	thereof, n.o.p	15 p.c.	17⅓ p.c.	20 p.c.
348b	spectacle and eyeglass frames	Free Free	5 p.c. Free	5 p.c. Free
365	Composition metal and plated metal, in bars, ingots or cores, for the manufacture of watch cases, jewellery, filled gold and silver seamless wire and for dental purposes.	5 p.c.	7½ p.c.	10 p.c.

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Cariff tems		British Preferential Tariff	Inter- mediate Tariff	General Tariff
374	Iron or steel scrap, wrought, being waste or refuse, including punchings, cuttings or clippings of iron or steel plates or sheets having been in actual use; crop ends of tin plate bars, or of blooms, or of rails, the same not having been in actual use, per ton	25 cents	45 cents	50 cents
384b	Rolled iron or steel hoop, band, scroll or strip, in the coil, number twelve gauge and thinner, when imported by manufacturers for use in their own factories in the manufacture of cold			
386	rolled iron or steel, and cast steel, in bars, bands, hoop, scroll, strip, sheet or plate of any size, thickness or width, and steel blanks for the manufacture of milling cutters, when of greater value than three and one-half	Free	Free	Free
441a	cents per pound	5 p.c 17½ p.c.	12½ p.c. 22½ p.c.	12½ p.c. 25 p.c.
442	Printing presses, lithographic presses, and type making accessories therefor, also machines specially designed for ruling, folding, binding, embossing, creasing, or cutting paper or cardboard, sheet feeding machines, when for use exclusively by printers, bookbinders and by manufacturers of articles made from paper or cardboard—including parts thereof composed wholly or in part of iron, steel, brass or wood; machinery and complete parts thereof for printing by photographic methods on plates for use on lithographic			
448c 467a	and offset presses.  Stumping machines and complete parts thereof Machinery, of a class or kind not made in Canada, and parts thereof, for the manufacture of fish meal, stock and poultry food and	5 p.c. 10 p.c.	10 p.c. 15 p.c.	10 p.c. 15 p.c.
469	fertilizers, from fish and the waste thereof. Well-drilling machinery and apparatus, and parts thereof, of a class or kind not made in Canada, drawn or seamless iron or steel tub- ing over four inches in diameter, for drilling for water, natural gas and oil, and for pros- pecting for minerals, not to include motive	Free	Free	Free
502a	power. Staves of wood, n.o.p., not less than five- eighths of an inch in thickness, further manufactured than sawn or split but not	Free	Free	Free
524b	further manufactured than listed. Fabrics of cotton or other fibre including cord fabric, weighing over eight ounces per square yard, for use in the manufacture of pneu-	10 p.c.	12½ p.c.	15 p.c.
581	matic tires	15 p.c.	17½ p.c.	20 p.c.
581a	silk fabries.  Silk cloth woven in the gum, not boiled or bleached, measuring not less than twenty inches in width, when imported for the	17½ p.c.	32½ p.c.	35 p.c.
583a	purpose of being dyed and finished in Can- ada, under regulations prescribed by the Minister of Customs and Excise	12½ p.c.	22½ p.c.	35 p.c.
	silk tops and waste produced from a form of cellulose obtained by chemical processes.	5 p.c.	7½ p.c.	10 p.c.

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Cariff tems		British Preferential Tariff	Inter- mediate Tariff	General Tariff
583aa	Artificial silk yarns or filaments or artificial fibre silk yarns or filaments produced from a form of cellulose obtained by chemical		San Marie Transit	Page
583b	processes, not more advanced than singles, not coloured	12½ p.c.	17½ p.c.	20 p.c.
583c	not. Artificial silk fabrics or artificial fibre silk fabrics produced from a form of cellulose obtained by chemical processes or of which artificial	17½ p.c.	22½ p.c.	25 p.c.
583d	silk or artificial fibre silk is the component part of chief value, n.o.p	17½ p.c.	32½ p.c.	35 p.c.
586	artificial silk or artificial fibre silk is the component part of chief value, n.o.p	30 p.c.	35 p.c.	37½ p.c.
	lignite coal dust; coke	Free	Free	Free
638a	to order for a person having a crippled or deformed foot or ankle	Free	Free	Free
663a	use exclusively in the manufacture of hats and caps in their own factories	Free Free	Free Free	Free Free
670	Emery wheels; carborundum wheels and stones, n.o.p.; manufactures of emery or of			
670a	carborundum	17½ p.c.	22½ p.c.	25 p.c.
	manufactured than moulded and burned Sticks or canes cut into suitable lengths for umbrella, parasol or sunshade or walking sticks, further manufactured than in tariff item 672 but not further finished than bent, when imported by manufacturers of um- brellas, parasols, sunshades or walking sticks for use exclusively in the manufacture of such	10 p.c.	12½ p.c.	15 p.c.
690a	articles in their own factories	10 p.c.	12½ p.c.	15 p.c.
710	case, under regulations by the Minister of Customs and Excise	Free	Free	Free
	duty, when not included in the invoice value of the goods they contain  (bb) Usual coverings containing machinery subject to any ad valorem duty, when not	15 p.c.	20 p.c.	20 p.c.
	included in the invoice value of the goods they contain	7½ p.c.	15 p.c.	20 p.c.

Schedule B amended.

4. Schedule B to *The Customs Tariff*, 1907, as amended by chapter twenty-six of the statutes of 1914, by chapter forty-seven of the statutes of 1919, chapter nineteen of the statutes of 1922, and by Orders in Council, is further amended by striking thereout tariff items 1029, 1030, the enumerations 5 of goods, and the rates of drawback of customs duties set opposite to each of the said items, and by repealing Orders in Council, P.C. 19/656, dated the twenty-fifth day of March, 1920, and P.C. 17/846, dated the twenty-first day of April, 1922, and the following items, enumerations and rates of draw-10 back of customs duties are inserted in said Schedule B:—

Tariff Items		When Subject to Drawback	Portion of Duty (Not including Special Duty or Dumping Duty) Payable as Drawback
1029	Materials	When imported by manufacturers of hat sweats and hatters' tips and sides and used in the manufacture of such articles in	
1030	Materials	their own factories When used in the manufacture of articles enumerated in tariff	99 p.c.
1031	Artificial silk tops and waste or artificial fibre silk, artificial silk yarns or filaments, enumerated in Tariff items 583a and 583aa.	turers to be further manufactured in their own fac- tories before the first day	50 p.c.
1032	Oil	of July, 1924. When used in the manufacture of manila rope, not exceeding one and one-half inches in circumference, when used exclusively	60 p.c.
1033	Glass tubing	in the fisheries. When used for the manufacture of glassware and other scientific apparatus for laboratory work	99 p.c.
1034	Barilla or soda ash	in public hospitals	99 p.c.
1035	Machinery, and parts thereof, and dies valued at more than five hundred dollars each, of a class or kind not made in Canada.	sal soda	99 p.c.
1036	Materials, including all parts not finished	twelfth day of May, 1923 When used in the manufacture of goods enumerated in tariff	60 p.c.
1037	Copper in blocks, ingots, pigs or bars	item 448c When used in the manufacture of rods for use only in the manufacture of trolley, telegraph and telephone wires, electric	40 p.c.
13 13		wires and electric cables	99 p.c.

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the twelfth dity of hist, one historeand ness hundred and twenty-three did to historeand ness hundred and twenty-three did to historeand to all cools mentioned in the invoceding exploits unproched or taken out of warehouse the consequence of mod after that day, and to have also appared for chick no goods previously theycare for which no consequence use made before that day.

THE DOUGH OF COMMONS OF EMPLE

BELL 216

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AS PASSED BY THE HOUSE OF COMPARING

PRINCIPLE IN THE INDICE NAME OF STREET, STREET,

Commencement of Act. 5. This Act shall be deemed to have come into force on the twelfth day of May, one thousand nine hundred and twenty-three, and to have applied to all goods mentioned in the preceding sections imported or taken out of warehouse for consumption on and after that day, and to have also applied to goods previously imported for which no entry for consumption was made before that day.

60219—2

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 216.

An Act to amend The Customs Tariff, 1907.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

1907, c. 11; 1909, c. 10; 1910, c. 16; 1911, c. 7; 1913, c. 15; 1914, c. 26; 1914, c. 26; 1915, c. 3; 1916, c. 7; 1918, c. 17; 1919, c. 47; 1920, c. 44; 1921, c. 21; 1922, c. 19.

## BILL 216.

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. Section five of *The Customs Tariff*, 1907, is repealed, and the following section is substituted therefor:—

"5. The importer of goods entitled to the benefits of the British Preferential Tariff shall be entitled to a discount of ten per centum on the amount of duty computed under such Tariff, when such goods are conveyed without transhipment from a port of a country enjoying the benefits of the 10 British Preferential Tariff into a sea or river port of Canada:

Provided that goods entitled to the benefits of the British Preferential Tariff shall be entitled to the discount authorized by this section, when such goods are 15 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 20 river port of Canada.

Provided, however, that this discount shall not apply to duties on any of the following articles, viz., wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol; sugar, tobacco, cigars and 25 cigarettes.

Provided further that this discount shall not apply in the case in which the duty does not exceed fifteen per centum ad valorem, or, in the case of a specific duty or a specific and ad valorem duty combined in which the computed 30 rate does not exceed fifteen per centum ad valorem, or to goods admitted into Canada which have the benefit of

into Canadian ports.

Discount on importations

under British preference

Exceptions.

Carde wheat wheat flows oats barley; potatoes; 1922, and by Civier in Compai, as fligher emended by 168, 285, 291, 828, 8485, 856, 874, 886, 444a, 442, 469, 881 584 580, 680, 690, 710b, the several enumera-85 reductions provided for in the Canada-West Indies Trade Agreement, 1920."

2. The Customs Tariff, 1907, is amended by inserting the following sections immediately after section eight A thereof, as enacted by section two of chapter twenty-seven of the 5 statutes of 1921:—

Commercial agreement with United States.

Reciprocal

reductions

on certain articles.

"SB. The Governor in Council may authorize any Minister of the Crown to enter into negotiations with any authorized representative of the Government of the United States with a view to the making of a commercial agreement 10 between the two countries on terms that may be deemed mutually beneficial. Any agreement so made shall be subject to the approval of the Parliament of Canada.

"Sc. If the President of the United States, under authority of the United States Tariff Act of 1922, determines 15 to reduce the duties imposed by such Act on the following

articles, that is to say:—

Cattle; wheat; wheat flour; oats; barley; potatoes; onions; turnips; hay; fish as enumerated in paragraphs 717, 718, 719 and 720 of the said Tariff Act of 1922, the Governor 20 in Council may by Order in Council make such reductions of duties on such articles imported into Canada from the United States as may be deemed reasonable by way of compensation for such reductions on Canadian products imported into the United States."

Schedule A amended.

3. Schedule A to The Customs Tariff, 1907, as amended by chapter sixteen of the statutes of 1910, by chapter twenty-six of the statutes of 1914, by chapter five of the statutes of 1914 (second session), by chapter forty-seven of the statutes of 1919, by chapter twenty-seven of the 30 statutes of 1921, by chapter nineteen of the statutes of 1922, and by Order in Council, is further amended by striking thereout tariff items:-83a, 99, 134, 135, 143a, 168, 235, 281, 328, 348b, 365, 374, 386, 441a, 442, 469, 581, 581a, 586, 638a, 670, 690a, 710b, the several enumera- 35 tions of goods respectively, and the several rates of duties of Customs, if any, set opposite each of said items, and by repealing section 1 (i) of Order in Council, P.C. 16/1556, dated fifth day of June, 1912, designated as item 760 of The Customs Tariff, and the following items, enumerations 40 and rates of duty are inserted in Schedule A:-

Tariff Items	S. The Course North, 1985.	British Preferential Tariff	Inter- mediate Tariff	General Tariff
72a	Hemp seed for agricultural purposes	Free	Free	Free
83a	Potatoes when imported from a country which imposes a customs duty on potatoes grown in			
99	Canada, per one hundred pounds Prunes and dried plums, unpitted, per pound	20 cents ½ cent	35 cents <sup>2</sup> / <sub>3</sub> cent	35 cents 2 cent
99b	Raisins and dried currants, per pound  The Governor in Council may by Order	½ cent	2 cent	2 cent
	in Council direct that there be substituted for tariff item 99b in Schedule A of The	the second	STEEDS REPORTED	America III
	Customs Tariff, 1907, the enumeration of goods and the rates of duties of Customs		mando sh	See 1
	set opposite said item in Schedule A the following:—	Parking and	ST THE R.	
99c	Raisins and dried currants, per pound	Free	3 cents	3 cents
	Order in Council in <i>The Canada Gazette</i> tariff item 99b as it appears in said Schedule at			
	the time of the passing of the Act founded on this Resolution shall be repealed and the			
	provisions of tariff item 99c shall be substituted therefor.		natoy i mai	A SOUTH A SE
134	All sugar above number sixteen Dutch standard in colour, and all refined sugars of what-	mowind to	phragrani	PARE
	ever kinds, grades or standards, not covered by tariff item No. 135, when not exceeding			COLUMN AND AND ADDRESS OF THE PARTY OF THE P
	eighty-eight degrees of polarization, per one hundred pounds		\$1.50	\$1.50
	when exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one		elile by a	Mark Mark 19
	hundred pounds	85 cents	\$1.53	\$1.53
	exceeding ninety degrees, per one hundred pounds	87 cents	\$1.55	\$1.55
	when exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred	o Party I		and the
	when exceeding ninety-one degrees but not	89 cents	\$1.58	\$1.58
	exceeding ninety-two degrees, per one hundred pounds	91 cents	\$1.62	\$1.62
	when exceeding ninety-two degrees but not exceeding ninety-three degrees, per one	again two	algebras wells	J. 156 SH
	hundred poundswhen exceeding ninety-three degrees but not	93 cents	\$1.65	\$1.65
	exceeding ninety-four degrees, per one hundred pounds	95 cents	\$1.68	\$1.68
	when exceeding ninety-four degrees but not exceeding ninety-five degrees, per one			
	hundred pounds when exceeding ninety-five degrees but not	97 cents	\$1.70	\$1.70
	exceeding ninety-six degrees, per one hundred pounds	99 cents	\$1.74	\$1.74
	when exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one		0.4 777	01 MM
	hundred pounds when exceeding ninety-seven degrees but not	\$1.01	\$1.77	\$1.77
	exceeding ninety-eight degrees, per one hundred pounds	\$1.03	\$1.80	\$1.80
	exceeding ninety-nine degrees, per one	21 00	e1 00	e1 90
	hundred pounds	\$1.09	\$1.89 \$1.89	\$1.89 \$1.89
	hundred pounds  Provided that refined sugar shall be entitled	\$1.09	91.09	Ø1.03
	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.			
	TO SULLE TI LIGHT	Mark Phase		

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	the this memph memphase allowance room	

Tariff Items	_	British Preferential Tariff	Inter- mediate Tariff	General Tariff
	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.	A TOWNS		
135	Sugar above number sixteen Dutch standard in colour when imported 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 bot- toms, 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 poundswhen exceeding seventy-six degrees but not	35.00 cents	81.08 cents	81-08 cents
	exceeding seventy-seven degrees, per one	05 50	00 110	00 110
	hundred pounds when exceeding seventy-seven degrees but	35.50 cents	83·116 cents	83·116 cents
	not exceeding seventy-eight degrees, per one hundred pounds	36.00 cents	85.152 cents	85·152 cents
	when exceeding seventy-eight degrees but not exceeding seventy-nine degrees, per one			
	hundred pounds	36.50 cents	87.188 cents	87-188 cents
	when exceeding seventy-nine degrees but not exceeding eighty degrees, per one hundred			
	when exceeding eighty degrees but not	37.00 cents	89.224 cents	89·224 cents
	exceeding eighty-one degrees, per one hun-		01 960 cents	91-260 cents
	when exceeding eighty-one degrees but not	37.50 cents	91.260 cents	91-200 cents
	exceeding eighty-two degrees, per one hundred pounds	38.00 cents	93.296 cents	93-296 cents
	when exceeding eighty-two degrees but not exceeding eighty-three degrees, per one			
	hundred pounds	38.50 cents	95.332 cents	95.332 cents
	when exceeding eighty-three degrees but not exceeding eighty-four degrees, per one			
	hundred pounds when exceeding eighty-four degrees but not	39-00 cents	97.560 cents	97.560 cents
	exceeding eighty-five degrees, per one hundred pounds	39.50 cents	99.788 cents	99.788 cents
	when exceeding eighty-five degrees but not	or or conto	00 100 00110	00 100 0000
	exceeding eighty-six degrees, per one hundred pounds.	40.00 cents	\$1.02016	\$1-02016
	when exceeding eighty-six degrees but not exceeding eighty-seven degrees, per one			
	hundred poundswhen exceeding eighty-seven degrees but not	40.50 cents	\$1.04244	\$1.04244
	exceeding eighty-eight degrees, per one hundred pounds	41.00 cents	\$1.06664	\$1.06664
	when exceeding eighty-eight degrees but not	41.00 cents	\$1-0000±	<b>41</b> 00001
	exceeding eighty-nine degrees, per one hundred pounds	41.50 cents	\$1.09084	\$1.09084
	when exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred			
	poundswhen exceeding ninety degrees but not ex-	42.00 cents	\$1.11888	\$1.11888
	ceeding ninety-one degrees, per one hundred	. 10-50	01.14000	¢1.14600
	when exceeding ninety-one degrees but not	42.50 cents	\$1.14692	\$1.14692
	exceeding ninety-two degrees, per one hundred pounds	43.00 cents	\$1.17496	\$1.17496
	when exceeding ninety-two degrees but not exceeding ninety-three degrees, per one	A CONTRACTOR		
	hundred pounds	43.50 cents	\$1.20300	\$1.20300
	when exceeding ninety-three degrees but not exceeding ninety-four degrees, per one		01 00101	81 00101
	hundred pounds	44.00 cents	\$1-23104	\$1.23104

	THE RESIDENCE OF THE PERSON NAMED IN COLUMN 2 IS NOT THE OWNER.			
Tariff Items		British Preferential Tariff	Inter- mediate Tariff	General Tariff
	when exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds. when exceeding ninety-five degrees but not	44.50 cents	\$1.25908	\$1.25908
	exceeding ninety-six degrees, per one hundred pounds	45.00 cents	\$1.28712	\$1.28712
	exceeding ninety-seven degrees, per one hundred poundswhen exceeding ninety-seven degrees but not	45.50 cents	\$1.31516	\$1.31516
	exceeding ninety-eight degrees, per one hundred poundsover ninety-eight degrees, per one hundred	46.00 cents	\$1.34320	\$1.34320
	pounds	46.50 cents	\$1.4250	\$1.4250
	Provided that all raw sugar, including sugar specified in this item, the produce of any British Colony or possession, shall be entitled to entry under the British Preferential Tariff, when imported direct into Canada from any British country.	Marries Otherson	at et resk	at on east
	Provided that sugar imported under this item shall not be subject to special duty.		The title and	
143a	Cigarettes, the weight of the paper covering to be included in the weight for duty, per pound and	\$4.10 25 p.c.	\$4.10 25 p.e.	\$4.10 25 p.c.
168	Malt flour containing less than fifty per cent in weight of malt; also extract of malt, fluid or not, including grain molasses—all articles in this item upon valuation without British or Foreign excise duties, under regulations by the Minister of Customs and Excise, per		Station on	e by 200 son or oth son
	poundand	2 cents	2 cents	2 cents
208b 208c	Bisulphate of soda or nitre cake Dehydrated sulphate of copper for agricultural	35 p.c. Free	35 p.c. Free	35 p.c. Free
235	or spraying purposes Liquorice paste not sweetened	Free 10 p.c.	Free 15 p.c.	Free 17½ p.c.
235a 267b	Liquorice in rolls and sticks, not sweetened Crude petroleum not in its natural state ·7900 specific gravity or heavier at 60 degrees temperature, when imported by oil refiners	15 p.c.	20 p.c.	22½ p.c.
281	to be refined in their own factories, per gallon Fire brick containing not less than ninety per cent of silica; magnesite fire brick or chrome fire brick; other fire brick valued at not less than one hundred dollars per one thousand, rectangular shaped, the dimensions of each not to exceed one hundred and twenty-five cubic inches, for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establish-	2 10 10 10 10	4-10 cent	₹ cent
281a	ment. Fire brick, n.o.p., for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing estab-	Free	Free	Free
328	lishment	10 p.c.	12½ p.c.	15 p.c.
328a	thereof, n.o.p Metal parts, unfinished, for the manufacture of	15 p.c.	17½ p.c.	20 p.c.
348b	spectacle and eyeglass frames	Free Free	5 p.c. Free	5 p.c. Free
365	fit only to be remanufactured in furnaces. Composition metal and plated metal, in bars, ingots or cores, for the manufacture of watch cases, jewellery, filled gold and silver seam-		31.552.00	
	less wire and for dental purposes	5 p.c.	7½ p.c.	10 p.c.

Tariff Items		British Preferential Tariff	Inter- mediate Tariff	General Tariff
374	Iron or steel scrap, wrought, being waste or refuse, including punchings, cuttings or clippings of iron or steel plates or sheets having been in actual use; crop ends of tin plate bars, or of blooms, or of rails, the same not having been in actual use, per ton	25 cents	45 cents	50 cents
384b 386	Rolled iron or steel hoop, band, scroll or strip, in the coil, number twelve gauge and thinner, when imported by manufacturers for use in their own factories in the manufacture of cold rolled iron or steel.  Rolled iron or steel, and cast steel, in bars, bands, hoop, scroll, strip, sheet or plate of any size, thickness or width, and steel	Free	Free	Free
441a 442	blanks for the manufacture of milling cutters, when of greater value than three and one-half cents per pound.  Typewriters and parts thereof.  Printing presses, lithographic presses, and type making accessories therefor, also machines	5 p.e 17} p.e.	12½ p.c. 22½ p.c.	12½ p.c. 25 p.c.
	specially designed for ruling, folding, binding, embossing, creasing, or cutting paper or cardboard, sheet feeding machines, when for use exclusively by printers, bookbinders and by manufacturers of articles made from paper or cardboard—including parts thereof composed wholly or in part of iron, steel, brass or wood; machinery and complete parts thereof for printing by photographic methods on plates for use on lithographic			
448c 467a	and offset presses. Stumping machines and complete parts thereof Machinery, of a class or kind not made in Canada, and parts thereof, for the manufac- ture of fish meal, stock and poultry food and	5 p.c. 10 p.c.	10 p.c. 15 p.e.	10 p.c. 15 p.c.
469	fertilizers, from fish and the waste thereof. Well-drilling machinery and apparatus, and parts thereof, of a class or kind not made in Canada, drawn or seamless iron or steel tubing over four inches in diameter, for drilling for water, natural gas and oil, and for prospecting for minerals, not to include motive	Free	Free	Free
502a	power Staves of wood, n.o.p., not less than five- eighths of an inch in thickness, further manufactured than sawn or split but not	Free	Free	Free
524b	further manufactured than listed	10 p.c.	12½ p.c.	15 p.c.
581	matic tires.  Velvets, velveteens, silk velvets, plush and	15 p.c.	17½ p.c.	20 p.c.
	silk fabrics. Silk cloth woven in the gum, not boiled or	17½ p.c.	32½ p.c.	35 p.c.
0014	bleached, measuring not less than twenty inches in width, when imported for the purpose of being dyed and finished in Canada, under regulations prescribed by the	191 -	991	25
583a	Minister of Customs and Excise	12½ p.c.	22½ p.c.	35 p.c.
	cellulose obtained by chemical processes	5 p.c.	7½ p.c.	10 p.c.

Tariff Items		British Preferential Tariff	Intermediate Tariff	General Tariff
583aa	Artificial silk yarns or filaments or artificial fibre silk yarns or filaments produced from a form of cellulose obtained by chemical processes, not more advanced than singles,			
583b	not coloured.  Artificial silk yarns, n.o.p., threads or twists or artificial fibre silk yarns, n.o.p., threads or twists, produced from a form of cellulose obtained by chemical processes, coloured or	12½ p.c.	17½ p.c.	20 p.c.
583c	not. Artificial silk fabrics or artificial fibre silk fabrics produced from a form of cellulose obtained by chemical processes or of which artificial silk or artificial fibre silk is the component	17½ p.e.	22½ p.c.	25 p.c.
583d	part of chief value, n.o.p  Manufactures of artificial silk or of artificial fibre silk produced from a form of cellulose obtained by chemical processes or of which artificial silk or artificial fibre silk is the	17½ p.c.	32½ p.c.	35 p.c.
500	component part of chief value, n.o.p	30 p.c.	35 p.c.	37½ p.c.
586 611b	Coal, anthracite and lignite; anthracite and lignite coal dust; coke	Free	Free	Free
638a	to order for a person having a crippled or deformed foot or ankle	Free	Free	Free
200	use exclusively in the manufacture of hats and caps in their own factories	Free	Free	Free
663a	Cyanamid or lime nitrogen	Free	Free	Free
670 670a	Emery wheels; carborundum wheels and stones, n.o.p.; manufactures of emery or of carborundum	17½ p.c.	22½ p.c.	25 p.c.
672a	manufactured than moulded and burned Sticks or canes cut into suitable lengths for	10 p.c.	12½ p.c.	15 p.c.
	umbrella, parasol or sunshade or walking sticks, further manufactured than in tariff item 672 but not further finished than bent, when imported by manufacturers of um- brellas, parasols, sunshades or walking sticks for use exclusively in the manufacture of such			
690a	Casual donations from abroad sent by friends, and not being advertising matter, tobacco, articles containing spirits or merchandise for sale—when the duty otherwise payable thereon does not exceed one dollar in any one	10 p.c.	12½ p.c.	15 p.c.
710	case, under regulations by the Minister of Customs and Excise	Free	Free	Free
	value of the goods they contain	15 p.c.	20 p.c.	20 p.c.
E E	included in the invoice value of the goods they contain	7½ p.c.	15 p.c.	20 p.c.

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4. Schedule, B. to The Creatests Trays, 1907, re-minuded by shapter twenty-six of the vacuities of 1914, by chapter forty-soven of the statutes of 1915 chapter there is no chapter statutes of 1925, and by straining therefore the Orders in Council is buttlest amended by straining therefore the State 1925, 1930, the murrousing of goods, and the rates of drawband of customs dutter by the Chapter F.C. 1945, dated the twenty-birth day of March 1920, and F.C. 174845, dated the twenty-birth day of March 1932, and the following them, customs and rates of draw-level and rates of draw-

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principal to provide the code of the code		

Schedule B amended.

4. Schedule B to *The Customs Tariff*, 1907, as amended by chapter twenty-six of the statutes of 1914, by chapter forty-seven of the statutes of 1919, chapter nineteen of the statutes of 1922, and by Orders in Council, is further amended by striking thereout tariff items 1029, 1030, the enumerations of goods, and the rates of drawback of customs duties set opposite to each of the said items, and by repealing Orders in Council, P.C. 19/656, dated the twenty-fifth day of March, 1920, and P.C. 17/846, dated the twenty-first day of April, 1922, and the following items, enumerations and rates of draw-10 back of customs duties are inserted in said Schedule B:—

Tariff Items		When Subject to Drawback	Portion of Duty (Not including Special Duty or Dumping Duty) Payable as Drawback
1029	Materials	When imported by manufacturers of hat sweats and hatters' tips and sides and used in the	
1030	Materials	manufacture of such articles in their own factories	99 p.c.
1031	Artificial silk tops and waste or artificial fibre silk, artificial silk yarns or filaments, enumerated in Tariff items 583a	turers to be further manufactured in their own fac-	50 p.c.
1032	and 583aa.	tories before the first day of July, 1924. When used in the manufacture of manila rope, not exceeding one and one-half inches in circum-	60 p.c.
1033	Glass tubing	ference, when used exclusively in the fisheries	99 p.c.
1034	Barilla or soda ash	apparatus for laboratory work in public hospitals	99 p.c.
1035	Machinery, and parts thereof, and dies valued at more than five hundred dollars each, of a class or kind not made in Canada.	sal soda	99 p.c.
1036	Materials, including all parts not finished	twelfth day of May. 1923 When used in the manufacture of	60 p.c.
1037	Copper in blocks, ingots, pigs or bars	goods enumerated in tariff item 448c. When used in the manufacture of rods for use only in the manu- facture of trolley, telegraph	40 p.c.
		and telephone wires, electric wires and electric cables	99 p.c.

REPORT OF

o. This Art shall be deemed to have come into into one the the twelfth day of May, one thousand nine bundred and twenty-three, and to have applied to all golds mentioned in the preceding sections imported or taken out of ware-house for sections an and after that day, and to have also applied to goods proviously imported for which use after low expression, was made before that day.

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THE HOUSE OF COMMONS OF LARKING

## BILL 217.

Asi Ast respecting the Three Private Harbour Conunsacalers.

Einst reading Jane 15 1101

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Commencement of Act. 5. This Act shall be deemed to have come into force on the twelfth day of May, one thousand nine hundred and twenty-three, and to have applied to all goods mentioned in the preceding sections imported or taken out of warehouse for consumption on and after that day, and to have also applied to goods previously imported for which no entry for consumption was made before that day.

60291-2

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 217.

An Act respecting the Three Rivers Harbour Commissioners.

First reading, June 15, 1923.

The Minister of Marine and Fisheries.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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## THE HOUSE OF COMMONS OF CANADA.

## BILL 217.

An Act respecting the Three Rivers 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 Three Rivers Harbour Commissioners' Act, 1923.

5

Incorporation.

2. The Commissioners from time to time appointed in accordance with this Act shall be and are hereby incorporated under the name of the "Three Rivers Harbour Commissioners", hereinafter called "the Corporation".

Name.

Interpretation. 3. In this Act and in any by-law or regulation made 10 hereunder, unless the context otherwise requires,—

"By-law".

(a) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act:

"Commissioner".
"Corpora-

(b) "commissioner" means a member of the corporation; 15(c) "corporation" means the Three Rivers Harbour

tion".
"Goods".

Commissioners;
(d) "goods" includes all personal property and moveables other than vessels;

"Minister".

(e) "minister" means the Minister of Marine and 20 Fisheries:

"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 25 imposed by the authority of this Act;

"The harbour".

(h) "the harbour" means the harbour of Three Rivers as defined by this Act;

"Vessel".

(i) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft.

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Harbour limits defined.

4. The harbour of Three Rivers shall for the purpose of this Act comprise that portion of the river St. Lawrence lying between the eastern and western boundaries hereinafter described and extending in the river St. Maurice to the northerly boundary of the city of Three Rivers where it crosses the river St. Maurice, and shall include all water and beach up to tidal highwater on both sides of the said rivers and on the shores of islands contained within the harbour limits. The westerly boundary of the harbour shall be a line drawn parallel to and one mile easterly 10 perpendicularly from the line joining the intersection with high water mark on the north shore of the river St. Lawrence of the boundary line of the parishes of Three Rivers and Pointe du Lac and the intersection with high water mark on the south shore of the river of the boundary line of the 15 parishes of St. Gregoire and Nicolet. The easterly limit shall be a line drawn through triangulation monument No. XII. situate on the north shore of the St. Lawrence river on Lottinville point in the parish of Cap Magdeleine, and triangulation monument No. XII-1 situate on the 20 south shore of the St. Lawrence river on the extremity of Becancour point on Ile Dorval or Montessen in the parish of Becancour.

Commissioners.

**5.** (1) The Corporation shall consist of three commissioners, who shall be appointed by the Governor in Council 25

and who shall hold office during pleasure.

Quorum.

Signature to

(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 30

bonds, etc.

the commissioners.

(3) The Governor in Council may from time to time

appoint one of the said commissioners to be president of the Corporation.

debenture, bond or other security that may be issued by

Payment of commissioners.

President.

(4) For their services, the president and the other commissioners may be paid out of the revenues of the harbour, such remuneration as the Governor in Council may determine.

Resignations.

(5) A commissioner may resign his office by notice in 40 writing to the Minister.

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(6) Before any commissioner enters upon the execution of his duties he shall take and subscribe the following oath:—

Oath of office.

"I,...., make oath and say that 45 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 Three Rivers Harbour Commissioners."

of the said nathran and shall discover have the admini-Wast 1840 star as his Anti-Aven stages repositionates The said oath shall be filed of record in the office of the

Corporation.

Evidence of presidency.

(7) 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, 10 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

Salaries.

Security.

#### GENERAL POWERS

respective duties as it thinks necessary.

Jurisdiction.

7. The Corporation shall, for the purpose of and as 15 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, including the property, both real and personal, heretofore under the administration and control of the 20 Three Rivers Harbour Commissioners appointed under the authority of chapter fifty-two of the statutes of 1882 and of any Acts in amendment thereof.

Powers as to property required for harbour. So The Corporation may, with the approval of the Governor in Council, acquire, expropriate, sell, lease, or 25 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 30 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 35 this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, **9.** The Corporation may own and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of 40 the harbour or facilitating traffic therein.

10 FOR

10. Whenever the Corporation desires to acquire any lands for any of the purposes of this Art. Should the Corporation be enable to agree with the owner of such lands as to the price to use paid therefor, the Corporation shall have the right to acquire such issues without the consent have the right to acquire such issues without the consent of the owner, and the provisions of The Realized Act, 1973, achieve to the taking of land by railway companies shall, andread metandis, he applicable to the acquiring of and lands by the Corporation and a such the powers of the heard of Railway Commissioners under the said Act shall be exercised by the Corporation of Corneil.

#### HY-LAWS.

\$1. (1) The Corporation may, by by-hass not contrary to law or unonsistent 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 cane of the same in every manner decined necessary and all

(b) The regulation and tentral of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and

(c) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease on allotment of any of the harbour property, plant or facilities:

(a) The compensation or salaries to be paid the officers, 30 assistants, engineers, clocks and servants appointed by

(c) The regulation of the construction of whatves, piers, buildings or any other structure within the harbour,

(f) The imposition and collection of rates and (oils on vessels entering, using and leaving the harbour and their cargoes; and on goods or orang, of any kind landed or shipped in the harbour; and for the use of any buildings, plant or facilities of the Corporation; and penalties for the infringement of any of the pro-

(a) The doing of anything necessary to earry out the provisions of this Act within their true intent and presume and for the regulation, good government 4

#### 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 5 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 10 the said Act shall be exercised by the Governor in Council.

#### 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:—

15

(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 20 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;

25

(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, 30 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;

35

(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; 40 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 45

b The regulation and mandried and and the imparted on the Corporations on each confirmation and publication e. The regulation of the consequence of wharve cost theve and 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 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 10 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

15 (i) 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, 20 control 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, 25 from and in 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 30 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 35 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, ETC.

Payment sea-going vessels.

12. (1) The rates on goods landed or shipped from 40 seagoing 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.

(2) The rates upon the cargoes of all other vessels shall 45 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

of rates, as to

Force and effect of

by-laws.

Rates upon cargoes of all other vessels.

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may demand and receiver the said rates from the bymans or consenses or segment or shippers of such cargoes if it sees fit to do so.

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13. (i) The Corporation may require the collector of unlosses at Three Rivers for collect on its behalf such pertions at the rates authorized by this Act to be levied in the harbour set thereon a collect through him.

(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 months all moneys collected for it, and shall make monthly returns in detail, specifying the date of each collection, the name and tompage of oach collection, the name and tompage of oach

#### SETWORROW POWERUS

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accidation of the Minesec, of the plans specifications of and estimates in detail for the work proposed, and the amount proposed to be berrowed; borrow money at such rates of interest, as it hads expedient, and may for the said purpose issue debentures for sums not less than one imprired dellars or twenty nounds starling, payable in not 30

inushed dollars or twenty pounds starling, payable in not 30 more than lorty years, which debendude has best be accured upon 48th versues or moperty receivable or controlled by 48th chighwailon, figels debentures may be sold at a 48th chighwailon, such terms as the Corporation, with the applicant of the Corporation, with

18. (1) The principal and interest of the sums of money which rion he harmoned by the Confunction moder this

Act, and the grincipal and interest of the debeutures to be issued under the authority of this Act, shall be regaid out of the revenue sirsing out of the rates and penalties to imposed by or under this Act for and on account of the barbour or out of any other revenue vested in an confing to the Corporation, and the lawful charges upon the said revenue stall be as follows, and in the following order.

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In payment of maneyhomewest. 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 Collector of Customs.

13. (1) The Corporation may require the collector of customs at Three Rivers to collect on its behalf such portions 5 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, 10 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 the Corporation to pay off and redeem the principal of the debentures issued to the Minister of 15 Finance and Receiver General under the authority of chapter seventy-six of the statutes of 1885, amounting to eighty-two thousand dollars; and the principal of the debentures amounting in all to two hundred and eighteen thousand dollars issued under the authority of chapter 20 ten of the statutes of 1892; and for the further purpose of repairing and improving the 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 25 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 30 more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable. 35

Debentures.

**15.** (1) The principal and interest of the sums of money In payment 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 40 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, 45 that is to say:-

of money borrowed.

The Publication of the section of the State the creat or under noter of their suppliers illiers. tellipatrais due aldaviensky orthograpide view as care ald linguis by the Corporations, Sugar dispersions, 1991 and 76 and in the and the month of the souther for the second date (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.

(2) After the payment of the charges above provided for. the surplus revenue shall be applied to the establishment of a 10 sinking fund for the repayment of the principal of the debentures issued under the authority of this Act. balance now at credit of the sinking fund provided for by section one of chapter ten of the statutes of 1892, shall be transferred to, and stand as a credit to, the sinking 15 fund herein authorized.

### ENFORCEMENT AND COLLECTION OF PENALTIES

16. All penalties incurred under this Act, or under any Recovery of penalties. by-law made in pursuance thereof, may be recovered in a summary manner under Part XV of the Criminal Code.

17. (1) The Corporation may in the following cases 20 detention of 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 25 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 30 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 35 acting as the crew, or under order of their superior officer.

(2) In a case coming within paragraphs (c) or (d) of subsection one of this section, the vessel may be seized and detained until the injury so done has been repaired by 40 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, 45 damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds

Sinking fund.

Transfer of halance.

Seizure and

vessels.

Effects of seizure.

Lien.

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.

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, 10 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.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or 15 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 20 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 25 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 30 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 35 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 40 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.

May be without action.

(2) The seizure and detention may take place either at 45 made with or 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;

Application for order.

(4) The said order may be made on the application of 10 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 15 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 20 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. 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.

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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 35 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 40 the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duty authorized to administer oaths.

Separate accounts.

23. The Corporation shall keep separate accounts of all moneys borrowed and expended by it under the 45 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.

24. In the case of any violation of this Act or of any 45 by-law in force under this Act no complaint or information 61135—2

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shall be analog or laid nuder Pare XV of the Ordanial Code after two years from the time when the matter of complaint or information areas.

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285. Chapter filty-two of the statutes of 1852, chapter forty-one of the statutes of 1883, chapter seventy-six of the statutes of 1893, chapter seventy-six of the statutes of 1893, and chapter twenty-six of the statutes of 1895, and learner repealed.

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An And respecting the Three Rivers Thirbour Chinamissioners.

AS PASSED BY THE BOCKS OF COSMONS

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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.

#### REPEAL.

Repeal.

25. Chapter fifty-two of the statutes of 1882, chapter forty-one of the statutes of 1883, chapter seventy-six of the statutes of 1885, chapter ten of the statutes of 1892 and chapter twenty-six of the statutes of 1895, are hereby repealed.

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 217.

An Act respecting the Three Rivers Harbour Commissioners.

AS PASSED BY THE HOUSE OF COMMONS, 21st JUNE, 1923.

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## THE HOUSE OF COMMONS OF CANADA.

# BILL 217.

An Act respecting the Three Rivers 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 Three Rivers Harbour Commissioners' Act, 1923.

Incorporation.

2. The Commissioners from time to time appointed in accordance with this Act shall be and are hereby incorporated under the name of the "Three Rivers Harbour Commissioners", hereinafter called "the Corporation".

Name.

Interpretation.

3. In this Act and in any by-law or regulation made 10 hereunder, unless the context otherwise requires,—

"By-law".

(a) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act:

"Commissioner".
"Corporation".

(b) "commissioner" means a member of the corporation; 15(c) "corporation" means the Three Rivers Harbour Commissioners;

"Goods".

(d) "goods" includes all personal property and moveables other than vessels;

"Minister".

(e) "minister" means the Minister of Marine and 20 Fisheries;

"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 25 imposed by the authority of this Act;

"The harbour".

(h) "the harbour" means the harbour of Three Rivers as defined by this Act;

"Vessel".

(i) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft.

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Harbour limits defined.

4. The harbour of Three Rivers shall for the purpose of this Act comprise that portion of the river St. Lawrence lying between the eastern and western boundaries hereinafter described and extending in the river St. Maurice to the northerly boundary of the city of Three Rivers where 5 it crosses the river St. Maurice, and shall include all water and beach up to tidal highwater on both sides of the said rivers and on the shores of islands contained within the harbour limits. The westerly boundary of the harbour shall be a line drawn parallel to and one mile easterly 10 perpendicularly from the line joining the intersection with high water mark on the north shore of the river St. Lawrence of the boundary line of the parishes of Three Rivers and Pointe du Lac and the intersection with high water mark on the south shore of the river of the boundary line of the 15 parishes of St. Gregoire and Nicolet. The easterly limit shall be a line drawn through triangulation monument No. XII, situate on the north shore of the St. Lawrence river on Lottinville point in the parish of Cap Magdeleine, and triangulation monument No. XII-1 situate on the 20 south shore of the St. Lawrence river on the extremity of Becancour point on Ile Dorval or Montessen in the parish of Becancour.

Commissioners. 5. (1) The Corporation shall consist of three commissioners, who shall be appointed by the Governor in Council 25 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 30 debenture, bond or other security that may be issued by the commissioners.

Signature to bonds, etc.

President.

(3) The Governor in Council may from time to time appoint one of the said commissioners to be president of the Corporation.

Payment of commissioners.

(4) For their services, the president and the other commissioners may be paid out of the revenues of the harbour, such remuneration as the Governor in Council may determine.

Resignations.

(5) A commissioner may resign his office by notice in 40 writing to the Minister.

Oath of office.

- (6) Before any commissioner enters upon the execution of his duties he shall take and subscribe the following oath:—
  - "I,....., make oath and say that 45 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 Three Rivers Harbour Commissioners."

The said oath shall be filed of record in the office of the

Corporation.

Evidence of presidency.

(7) 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 5 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, 10 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.

#### GENERAL POWERS

Jurisdiction.

7. The Corporation shall, for the purpose of and as 15 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, including the property, both real and personal, heretofore under the administration and control of the 20 Three Rivers Harbour Commissioners appointed under the authority of chapter fifty-two of the statutes of 1882 and of any Acts in amendment thereof.

Powers as to property required for Marbour.

S. The Corporation may, with the approval of the Governor in Council, acquire, expropriate, sell, lease, or 25 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 30 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 35 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 and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of 40 the harbour or facilitating traffic therein.

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Yo. Whenever the Corporation desires to acquire any leads for any of the purposes of this Art. should the Corporation be unable to some with the owner of each lands as to the price to be paid therefor, the Corporation shall have the right to sequire such lands without the consent have the right to sequire such lands without the consent of the owner, and the movisions of The Rudeau Act, 1819, relating to the 'taking of lead by rellway companies shall, relating to the 'taking of lead by rellway companies shall, itself by the Corporation and its any such proceedings lands' by the Corporation and its any such proceedings the powers of the Beard of Poliway Commissioners under the said Act, shall be exercised by the Corporation and Council.

#### BWALLEY.

II. (1) The Corporation may, by by-laws flot contrary to law or inconsistent with the provisions of this Act. make effective regulations for any of the following purposes, namely:—

c) The direction, conduct and government elithe Corporation, its efficies 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 20

(b) The regulation and control of each and every matter in connection, with vessels mavigating the barbour and their mooding, berthing, discharging or healing, and

anything indidental thereto:

'of The use of the herbour facilities by vessels and the agents, owners, masters or consiguees of the same and for the bracket of any of the barbour erosetty alant or facilities:

(d) The compensation of calaries to be paid the efficient St existants, engineers, elerks and servants appointed by

(a) The regulation of the sometruction of wharves, piers, buildings or any other structure within the harbour.

and advising imposition and collection of rates and toils off or vessels entering the insing and leaving the barbour and in-tiean cargoes, and on gapds or cargo of any kind landed or shipped in the harbour; and for the use of any buildings, plant or facilities of the Corporation; 40

visions of this Act of any by-law made increment;

(a) The idening of anything necessary to carry out the
provisions of this Act within their true entent and
committee and for the regulation, seed constructed of

#### 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 10 the said Act shall be exercised by the Governor in Council.

#### 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:—

15

(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 20 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;

25

(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, 30 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:

35

(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; 40 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 45

and 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 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 10 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 15

company;

(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, 20 control 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, 25 from and in 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 30 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 35 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, ETC.

Payment of rates, sea-going vessels.

12. (1) The rates on goods landed or shipped from 40 seagoing 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.

(2) The rates upon the cargoes of all other vessels shall 45 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

Force and effect of by-laws.

Rates upon cargoes of all other vessels.

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Collection through Collector of Customs. 13. (1) The Corporation may require the collector of customs at Three Rivers 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, 10 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 the Corporation to pay off and redeem the principal of the debentures issued to the Minister of 15 Finance and Receiver General under the authority of chapter seventy-six of the statutes of 1885, amounting to eighty-two thousand dollars; and the principal of the debentures amounting in all to two hundred and eighteen thousand dollars issued under the authority of chapter ten 20 of the statutes of 1892; and for the further purpose of constructing, repairing and improving 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 25 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 30 more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable. 35

Debentures.

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 40 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:—

In payment of money borrowed.

(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 5 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 10 sinking fund for the repayment of the principal of the debentures issued under the authority of this Act. The balance now at credit of the sinking fund provided for by section one of chapter ten of the statutes of 1892, shall be transferred to, and stand as a credit to, the sinking 15 fund herein authorized.

Transfer of balance.

#### 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*.

Seizure and detention of vessels.

17. (1) The Corporation may in the following cases 20 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 25 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 30 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 35 acting as the crew, or under order of their superior officer.

Effects of seizure.

(2) In a case coming within paragraphs (c) or (d) of subsection one of this section, the vessel may be seized and detained until the injury so done has been repaired by 40 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, 45 damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds

Lien.

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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 5 such injury and damages.

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, 10 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.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or 15 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 20 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 25 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 30 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 35 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 40 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.

May be without action.

(2) The seizure and detention may take place either at 45 made with or 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;

Application for order.

(4) The said order may be made on the application of 10 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 15 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 20 original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew.

(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.

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Penalties to be paid over.

Vessels of H.M.

excepted.

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 35 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 40 the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duty authorized to administer oaths.

Separate accounts.

23. The Corporation shall keep separate accounts of all moneys borrowed and expended by it under the 45 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.

24. In the case of any violation of this Act or of any 45 by-law in force under this Act no complaint or information 61142—2

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shall be made of faid unless Fair XX of any Grannal Code after two years from the time when the mother of compliant or information arose.

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26. Chapter Hity-two, of the statutes of 1832; chapter forty-one of the statutes of 1852, granter seventy-six of the statutes of the statutes of 1892, and chapter twenty-ox of the statutes of 1895, are basely repealed.

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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.

#### REPEAL.

Repeal.

25. Chapter fifty-two of the statutes of 1882, chapter forty-one of the statutes of 1883, chapter seventy-six of the statutes of 1885, chapter ten of the statutes of 1892 and chapter twenty-six of the statutes of 1895, are hereby repealed.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 218.

An Act to amend the Canada Shipping Act.

First reading, June 15, 1923.

The Minister of Marine and Fisheries.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 218.

An Act to amend the Canada Shipping Act.

R.S., c. 113; 1920, c. 38.

**II**IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows -

1. Section three of the Canada Shipping Act, chapter one hundred and thirteen of the Revised Statutes of Canada. 1906, is amended by inserting the following paragraph immediately after paragraph (b) thereof:—

"Ship" to

"(c) Any reference to a ship shall include a reference to a share in a ship."

include share in a ship.

2. Section thirty-one of the said Act is amended by adding 10

the following subsection thereto:

Annual returns by surveyors.

"(2) Every surveyor shall on or before the twentieth day of January in each year make and forward to the Minister a report in writing and in such form and containing such particulars as the Minister from time to time directs, of all 15 ships measured, distances travelled and fees and travelling expenses charged and collected by him during the year ended the thirty-first day of December then passed."

3. The said Act is amended by inserting the following sections immediately after section sixty-four thereof:—

"64A. No registrar shall register under the provisions of the Merchant Shipping Acts or of this Part any ship purchased or otherwise acquired from a foreign subject or corporation where any bill of sale or other document under or by virtue of which the ship became vested in the applicant 25 for registry contains any provision express, implied or constructive, restricting the use of the vessel or imputing any measure of continued control thereof by the Government of a foreign country.

"64B. Where in the opinion of the Minister any person 30 who applies to be registered as owner of a ship has not

Registration prohibited if ship purchased from foreign subject or corporation and subject to control of foreign government.

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repealed and the following a substituted therefore—

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S. Sequion five tondeed and sixty-nine Tare VII; of the said Act is ansended by adding thereto the following

"(a) The Covernor in Council may direct that this apply, to say passenger steamboat registered in Canada apply, to say passenger steamboat registered in Canada holding a valid passenger steamboat certificate assued by the Covernament of a failtish passenger, provided he is safetied that such certificate is the the big effect, and is gradied after a files inspection, and in such manner as to be equally as effective as the certificate granted for the same purpose under this Part."

e Section are handred and ninety-six of the raid Act is amended by adding thereto the following subsection

applicant if assets in Canada not sufficient sufficient assets in Canada, other than the ship itself, to reimburse His Majesty for any expenses His Majesty may subsequently incur in connection with such ship, her master or a member of her crew, the Minister may prohibit a registrar from registering such person as owner until 5 security for such expenses, in such form and such amount as the Minister may decide, shall have been furnished."

4. Section two hundred and seven of the said Act, as enacted by chapter thirty-eight of the statutes of 1920, is repealed, and the following is substituted therefor:—

Assistance to shipwrecked, destitute or distressed seamen.

10 "207. (1) The Minister may, whenever he deems it necessary, pay, out of any moneys applicable to the relief of distressed seamen and appropriated by the Parliament of Canada for that purpose, such sums as he deems requisite for the temporary relief, in such manner as he deems 15 advisable, of shipwrecked, destitute or otherwise distressed seamen not entitled to relief under any of the provisions of the Merchant Shipping Acts, and may also, on the production of the bills of the disbursements with the proper vouchers and such other evidence as the Minister requires, 20 pay out of such moneys any reasonable expenses incurred by the Board of Trade of the United Kingdom or by any officers of His Majesty in any British possession other than Canada or in any foreign country, on account of subsistence or transport back to Canada of any seamen or appren- 25 tices belonging to any ship registered in Canada who have been domiciled in Canada for twelve months and who have been found in distress either on account of shipwreck or otherwise in any place out of Canada.

Domicile.

"(2) Persons serving in ships registered in Canada shall 30 for the purpose of this section be deemed to be domiciled in Canada while so serving."

5. Section five hundred and sixty-nine, Part VII, of the said Act is amended by adding thereto the following subsection:—

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Passenger certificate issued by Government of Great Britain or of a British possession.

- "(2) The Governor in Council may direct that this Part or certain provisions thereof shall apply, or shall not apply, to any passenger steamboat registered in Canada holding a valid passenger steamboat certificate issued by the Government of Great Britain or by the Government 40 of a British possession, provided he is satisfied that such certificate is to the like effect, and is granted after a like inspection, and in such manner as to be equally as effective as the certificate granted for the same purpose under this Part."
- 6. Section five hundred and ninety-six of the said Act is amended by adding thereto the following subsection:—

Survey or inspection by tion society surveyor.

"(5) The Governor in Council may direct, subject to a classificat- regulations he may make, that survey or inspection by an exclusive surveyor to a society or association for the classification and registry of shipping approved by the Minister, if made at a port or place outside of Canada 5 other than along the Great Lakes and connecting waters in the United States and other than any port, place or territory that the Governor in Council may direct, may be deemed to have been made by an inspector appointed under this Part: Provided, however, that this subsection shall only 10 apply to sea-going freight boats as defined in this Act, and shall not exempt any such freight boat from the requirement of having a certificate issued by an inspector appointed under this Part, which certificate may be in a form to be approved by the Minister." 15

> 7. The said Act is amended by inserting the following section immediately after section seven hundred and sixteen:

Regulations as to loading of grain cargoes.

"716A. The Governor in Council may make regulations prescribing the manner in which grain cargoes shall be 20 loaded at ports in Canada on ships bound to ports outside of Canada not within the limits of inland navigation, and for the imposition of penalties for breach of any such regulations."

Regulations to prescribe duties of port warden.

8. Section nine hundred of the said Act is repealed and 25

the following is substituted therefor:

"900. (1) The Governor in Council may make regulations prescribing the manner in which the Port Warden shall perform his duties, and giving him such additional duties as he may from time to time see fit, and the Council 30 of the board of trade or chamber of commerce may, from time to time, make suggestions to the Governor in Council with respect to any such other duties, or any modification of the duties in this Part assigned to the Port Warden for the harbour; and such other duties may be assigned or such 35 modification made by the Governor in Council accordingly. (2) Every regulation made under this Part shall have the

Effect of regulations.

force of law."

Tonnage, how calculated.

9. Section nine hundred and twenty-two of the said Act is repealed, and the following is substituted therefor: 40 "922. Tonnage of a steamship shall be her registered tonnage with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage; and the tonnage of a sailing ship shall be her registered tonnage: Provided that there shall not be included in such tonnage 45 any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations scheduled to the Merchant Shipping Act, 1894, with regard thereto."

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 218.

An Act to amend the Canada Shipping Act.

AS PASSED BY THE HOUSE OF COMMONS, 21st JUNE, 1923.

## THE HOUSE OF COMMONS OF CANADA.

# BILL 218.

An Act to amend the Canada Shipping Act.

R.S., c. 113; 1920, c. 38. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section three of the Canada Shipping Act, chapter one hundred and thirteen of the Revised Statutes of Canada, 1906, is amended by inserting the following paragraph immediately after paragraph (b) thereof:—

"(c) Any reference to a ship shall include a reference to a share in a ship."

"Ship" to include share in a ship.

2. Section thirty-one of the said Act is amended by adding 10

the following subsection thereto:—

Annual returns by surveyors.

"(2) Every surveyor shall on or before the twentieth day of January in each year make and forward to the Minister a report in writing and in such form and containing such particulars as the Minister from time to time directs, of all 15 ships measured, distances travelled and fees and travelling expenses charged and collected by him during the year ended the thirty-first day of December then passed."

3. The said Act is amended by inserting the following sections immediately after section sixty-four thereof:—

"64A. No registrar shall register under the provisions of the Merchant Shipping Acts or of this Part any ship purchased or otherwise acquired from a foreign subject or corporation where any bill of sale or other document under or by virtue of which the ship became vested in the applicant 25 for registry contains any provision express, implied or constructive, restricting the use of the vessel or imputing any measure of continued control thereof by the Government of a foreign country.

"64B. Where in the opinion of the Minister any person 30 who applies to be registered as owner of a ship has not

Registration prohibited if ship purchased from foreign subject or corporation and subject to control of foreign government.

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evilinient exects in Canada, other finn the ship itself, to reimbersa His Majosty for any expenses His Majosty may subsequently mean in connection with such slip, her master or a member of her cew, the Minister may prohibit a registrar from registering such person as owner ugail security for such expenses, in such form and such amount as the Minister may decide, shall have been furnished."

enacted by chapter thurs-eight of the statutes of 1920, is repealed, and the following is substituted therefor:—
"207. (1) The Minister may, whenever he deems it necessary, pay, out of any utineys applicable to the raised of distressed seamen and appropriated by the Pathanent of distressed seamen and appropriated by the Pathanent of for the temporary relief, in such manner as he deems 13 advisable, of shipwrecked, destitute or otherwise distressed advisable, of shipwrecked, destitute or otherwise distressed of the Merchant Shipping Acts, and may also, on the production of the bills of the distressments with the proper youthers and such other evidence as the Minister requires. The Board of Trade of the Luiled Kingdom or by any the Board of Trade of the Luiled Kingdom or by any the Board of Trade of the Canada of any seamen or appear these beforging to any ship registered in Canada who have been dominised in Canada for twelve months and who have been dominised in Canada for twelve months and who have been dominised in Canada for twelve months and who have or otherwise in any place out of canada of shipwreek or otherwise in any place out of Canada.

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5. Section five hundred and sixty-mae, Part VII. of the said Act is smended by adding thereto the following, subsection:—

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"(2) The Governor in Council may direct that this part or certain provisions thereof shall apply, or shall not apply, to any passenger steamboat registered in Canada holding a valid passenger steamboat estiticate in Canada the Government of Great British de by the Government of a British possession, provided he is satisfied that such certificate is to the like effect, and is granted after a like in appearance, and in such manner as to be equally as effective as the certificate granted for the same purpose tasker this passes."

6. Section five humbest and ninety-six of the said Act

applicant if assets in Canada not sufficient sufficient assets in Canada, other than the ship itself, to reimburse His Majesty for any expenses His Majesty may subsequently incur in connection with such ship, her master or a member of her crew, the Minister may prohibit a registrar from registering such person as owner until 5 security for such expenses, in such form and such amount as the Minister may decide, shall have been furnished."

4. Section two hundred and seven of the said Act, as enacted by chapter thirty-eight of the statutes of 1920, is repealed, and the following is substituted therefor:—

Assistance to shipwrecked, destitute or distressed seamen.

"207. (1) The Minister may, whenever he deems it necessary, pay, out of any moneys applicable to the relief of distressed seamen and appropriated by the Parliament of Canada for that purpose, such sums as he deems requisite for the temporary relief, in such manner as he deems 15 advisable, of shipwrecked, destitute or otherwise distressed seamen not entitled to relief under any of the provisions of the Merchant Shipping Acts, and may also, on the production of the bills of the disbursements with the proper vouchers and such other evidence as the Minister requires, 20 pay out of such moneys any reasonable expenses incurred by the Board of Trade of the United Kingdom or by any officers of His Majesty in any British possession other than Canada or in any foreign country, on account of subsistence or transport back to Canada of any seamen or appren- 25 tices belonging to any ship registered in Canada who have been demiciled in Canada for twelve months and who have been found in distress either on account of shipwreck or otherwise in any place out of Canada.

Domicile.

"(2) Persons serving in ships registered in Canada shall 30 for the purpose of this section be deemed to be domiciled in Canada while so serving."

5. Section five hundred and sixty-nine, Part VII, of the said Act is amended by adding thereto the following subsection:—

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Passenger certificate issued by Government of Great Britain or of a British possession. "(2) The Governor in Council may direct that this Part or certain provisions thereof shall apply, or shall not apply, to any passenger steamboat registered in Canada holding a valid passenger steamboat certificate issued by the Government of Great Britain or by the Government 40 of a British possession, provided he is satisfied that such certificate is to the like effect, and is granted after a like inspection, and in such manner as to be equally as effective as the certificate granted for the same purpose under this Part."

6. Section five hundred and ninety-six of the said Act is amended by adding thereto the following subsection:—

dother as he may from time to time see he, and the Council 20 sectializer out report beather of risk a set right of fiction of the regulations and the regulations and of results with the regulations.

surveyor.

Survey or "(5) The Governor in Council may direct, inspection by a classificat regulations he may make, that survey or inspection by a classificat regulation surveyor to a society or association for the "(5) The Governor in Council may direct, subject to classification and registry of shipping approved by the Minister, if made at a port or place outside of Canada other than along the Great Lakes and connecting waters in the United States and other than any port, place or territory that the Governor in Council may direct, may be deemed to have been made by an inspector appointed under this Part: Provided, however, that this subsection shall only 10 apply to sea-going freight boats as defined in this Act, and shall not exempt any such freight boat from the requirement of having a certificate issued by an inspector appointed under this Part, which certificate may be in a form to be approved by the Minister." 15

> 7. The said Act is amended by inserting the following section immediately after section seven hundred and sixteen:-

Regulations as to loading of grain cargoes.

"716A. The Governor in Council may make regulations prescribing the manner in which grain cargoes shall be 20 loaded at ports in Canada on ships bound to ports outside of Canada not within the limits of inland navigation, and for the imposition of penalties for breach of any such regulations.'

Regulations to prescribe duties of port warden.

S. Section nine hundred of the said Act is repealed and 25 the following is substituted therefor:—

"900. (1) The Governor in Council may make regulations prescribing the manner in which the Port Warden shall perform his duties, and giving him such additional duties as he may from time to time see fit, and the Council 30 of the board of trade or chamber of commerce may, from time to time, make suggestions to the Governor in Council with respect to any such other duties, or any modification of the duties in this Part assigned to the Port Warden for the harbour; and such other duties may be assigned or such 35 modification made by the Governor in Council accordingly.

Effect of regulations.

(2) Every regulation made under this Part shall have the force of law."

9. Section nine hundred and twenty-two of the said Act is repealed, and the following is substituted therefor: — 40 "922. Tonnage of a steamship shall be her registered

Tonnage, how calculated.

tonnage with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage; and the tonnage of a sailing ship shall be her registered tonnage: Provided that there shall not be included in such tonnage 45 any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations scheduled to the Merchant Shipping Act, 1894, with regard thereto."

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 219.

An Act to amend the Militia Pension Act.

AS PASSED BY THE HOUSE OF COMMONS, 15th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 219.

An Act to amend the Militia Pension Act.

R.S., c. 42; 1907, c. 28; 1910, c. 39; 1919, c. 61; 1920, c. 58.

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

Period of service entitling officers to pension.

1. Subsection one of section four of the Militia Pension Act, chapter forty-two of the Revised Statutes of Canada, 1906, as amended by section two of chapter sixty-one of the statutes of 1919, is amended by substituting the word "twenty" for the word "ten" in the second line thereof, and by adding at the end thereof the following provision:

Proviso as to officers who served in War and have been on Force for not less than ten years since appointment.

"Provided, however, that any officer so retired who, 10 having served on active service during the war between Great Britain and Germany, which commenced on the fourth day of August, one thousand nine hundred and fourteen, was appointed to the Force on or after the first day of January, one thousand nine hundred and nineteen, 15 and prior to the thirty-first day of December, one thousand nine hundred and twenty-one, and since such appointment has served continuously in the Force for not less than ten complete years, shall be entitled to a pension as provided for in this section." 20

Period of service for militiamen.

2. Section eleven of the said Act, as amended by section five of chapter sixty-one of the statutes of 1919, is amended by substituting the word "twenty" for the word "ten" in paragraph (a) thereof, and by adding the word "or" at the end of said paragraph (a).

3. Section eleven of the said Act is further amended by inserting the following paragraph and subsection immediately after paragraph (a) thereof:—

(b) has completed not less than fifteen years service, and is incapacitated for the performance of his duty 30 by infirmity of mind or body.

Return to service.

Service and incapacity.

> "(2) Every militiaman who receives a pension under this section before he has completed twenty years service

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shall be subject to return to salvice, as provided by this

4. Subsection one of section twelve of the said Act, as an analysis of the satures of 1919, is amended by substituting the word "lifteen" for the word "feet" in paragraph (a) thereof."

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THE HOUSE OF COMMENS OF CANADA

BILL 220.

An Act to amond The Hry Dock Subsides Aug 1910

AS PARSED BY THE HOUSE OF COSAMONS

THE REAL PROPERTY AND PERSONS ASSESSED ASSESSED.

shall be subject to return to service, as provided by this Act if he ceases to be incapacitated."

Scales of pension.

4. Subsection one of section twelve of the said Act, as amended by section six of chapter sixty-one of the statutes of 1919, is amended by substituting the word "fifteen" for the word "ten" in paragraph (a) thereof."

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 220.

An Act to amend The Dry Dock Subsidies Act, 1910.

AS PASSED BY THE HOUSE OF COMMONS, 15th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

# BILL 220.

An Act to amend The Dry Dock Subsidies Act, 1910.

1910, c. 17; 1912, c. 20; 1914, c. 29; 1917, c. 27; 1919, c. 51.

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 Dry Dock's Amendment Act, 1923.

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Advances during construction on first class docks. 2. Paragraph (a) of subsection one of section eight of The Dry Dock Subsidies Act, 1910, as enacted by chapter twenty-seven of the statutes of 1917, is amended by adding

thereto the following proviso:—

"Provided further that when the amount actually 10 expended for the work and the materials upon or for the dock shall have equalled at least seventy-five per cent of the cost thereof as fixed and determined under the provisions of subsection two of section eight of this Act, and the chief engineer of the Department of 15 Public Works shall have certified thereto and shall have further certified that such work has been done to his satisfaction, half-yearly payments on account of the subsidy at the rate of four and one-half per cent per annum may be made on ninety per cent of the cost of all 20 work done and materials provided at the time of such payment but in all other respects the provisions of this Act shall apply to the issue of any bonds, debentures, or other securities and to any payments on account of the subsidy during construction of the said dock." 25

Advances during construction on second class docks. **3.** Paragraph (b) of subsection one of section eight of the said Act, as enacted by chapter fifty-one of the statutes of 1919, is amended by adding thereto the following proviso:—"Provided further that when the amount actually expended for the work and the materials upon or for the dock shall 30 have equalled at least seventy-five per cent of the cost thereof as fixed and determined under the provisions of

chief, cranness of the Reparement of Public Works shall cave considered the Reparement of Public Works shall have considered the relation of the satisfaction, that such work has been done to be satisfaction, had each work has been done to be satisfaction, the rate of four and another per cent per strains may be made on hour and another the cost of all work done for made on almeity per cent of the sound on all work done for made on almeity per cent of the sound had in the land apply to the respects the provisions of this Act shall apply to the respects the provisions of this Act shall apply to the respect the provisions of the samely during construction of the said door.

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subsection two of section eight of this Act, and the chief engineer of the Department of Public Works shall have certified thereto and shall have further certified that such work has been done to his satisfaction, half-yearly payments on account of the subsidy at 5 the rate of four and one-half per cent per annum may be made on ninety per cent of the cost of all work done and materials provided at the time of such payment but in all other respects the provisions of this Act shall apply to the issue of any bonds, debentures, or other securities and 10 to any payments on account of the subsidy during construction of the said dock."

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 222.

An Act to amend The Dominion Lands Act.

First reading, June 15, 1923.

The MINISTER OF THE INTERIOR.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 222.

1908, c. 20; 1909, c. 11; 1914, cc. 27, 28; 1918, c. 19; 1919, c. 50; 1919 (2 Sess.), c. 13; 1920, c. 11; 1921, c. 30; 1922, c. 21.

An Act to amend The Dominion Lands Act.

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

1. Subsection five of section eleven of *The Dominion Lands Act*, chapter twenty of the statutes of 1908, as 5 enacted by chapter nineteen of the statutes of 1918, is amended by adding the following paragraph thereto:—

Further enquiry as to value of improvements prior to entry.

"(e) In any case where doubt arises as to the correctness of the valuation made by a Homestead Inspector under the provisions of this subsection, the Minister may order 10 such further enquiry as he may deem advisable for the purpose of fixing the actual value of the improvements; and the actual value so ascertained shall be the amount to be collected and paid by the person obtaining the land in accordance with the provisions of this subsection."

2. Subsection eight of section eleven of the said Act is amended by adding thereto the following proviso:—

"Provided further that notwithstanding anything contained in this subsection any person who, on the first day of January, 1923, had obtained letters patent for a home- 20 stead, within that part lying south of the south boundary of township thirty-one of the tract known as the preemption and purchased homestead area, and defined by subsection one of section twenty-seven of The Dominion Lands Act, but who is no longer the owner of a farm, may, 25 in the discretion of the Minister, be granted the right to make entry for another homestead subject to the provisions of this Act, upon submitting proof of his bona fides as a settler in the form of a certificate from the Government of the Province setting forth that the said applicant conscientiously endeavoured to farm his land but failed because of circumstances not favourable to successful agriculture."

Transfer of holders of letters patent in preemption and purchased homestead area to another homestead, by provincial certificate.

Issue of patent after death of applicant.

Duties required of person who takes deceased's patent. 3. Section nineteen of the said Act is repealed, and the

following is substituted therefor:-

"19. In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor, his legal representative shall only be required to fulfil the conditions set forth in section sixteen of this Act as to cultivation in order to entitle him to obtain letters patent, after the expiration of three years from the date of the entry for the homestead; or the legal representative may assign the homestead 10 to a person eligible to obtain a homestead entry; the assignee shall, after (a) the expiration of three years from the date of entry for the homestead, (b) holding the homestead for his own exclusive use and benefit from the date of the assignment, and (c) completing the residence 15 and cultivation requirements, as set forth in section sixteen of this Act, in the same manner as the person who made the entry would have been required to complete them thereunder, be entitled to letters patent for the homestead."

4. Subsection one of section twenty of the said Act 20

is repealed, and the following is substituted therefor:

"20. (1) In the event of any person who obtained entry for a homestead becoming insane or mentally incapable and, by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the 25 obtaining of letters patent therefor, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to do so, shall only be required to fulfil the conditions set forth in section sixteen of this Act as to cultivation before 30 the issue of letters patent: Provided that the letters patent shall not issue until the expiration of three years from the date of entry."

5. Subsection one of section thirty-nine of the said Act is repealed and the following is substituted therefor:— 35 "39. (1) Sections eleven and twenty-nine in every

surveyed township in Manitoba, Saskatchewan and Alberta, together with the gold and silver as well as other minerals contained therein, are hereby set apart as an endowment for purposes of education, and shall be designated as school 40 lands; and they are hereby withdrawn from the operation of the provisions of this Act, which relate to entry for homestead, purchased homestead, pre-emption or sale; and no right to obtain entry for homestead or purchased homestead or pre-emption or to purchase shall be recognized in 45 connection with the said sections, or any part of them: Provided that any person who is proved to the satisfaction of the Minister to have bona fide settled and made improvements upon any such sections before the commencement

patent if applicant becomes insane.

Issue of

Sections 11 and 29 in each township, together with gold and silver and other minerals, set apart as school lands.

of the survey thereof, may be granted an entry for a homestead for the land so occupied by him, not in excess of a quarter-section, and may be allowed to empt an additional quarter-section of ordinary Dominion land other than school lands, if there is any such land avail- 5 able adjoining the quarter-section of school lands for which he enters, under the provisions of section twenty-seven of this Act: but an area of available land equal to that which may be entered for as a homestead shall be set apart as school lands, and notice thereof shall be published in the 10 Canada Gazette."

6. Section forty-one of the said Act, as amended by section fifteen of chapter nineteen of the statutes of 1918, is amended by inserting after the word "unpaid" in the

sixth line thereof, the following:—

15 "Provided that in respect of sales of School Lands made subsequent to the first day of January, 1923, the amount to be paid in cash at the time of sale shall be at least onetwentieth of the purchase price, and the balance of such purchase price shall be paid in nineteen equal consecutive 20 annual instalments, with interest as hereinbefore enacted."

7. Subsection two of section fifty-nine of the said Act, inclusive of paragraph (b) thereof as enacted by chapter fifty of the statutes of 1919, is repealed and the following is substituted therefor:—

"(2) The Governor in Council may make regulations

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for the issue of-

"(a) permits to owners of mills who are not the owners of a timber berth under license, to cut timber upon Dominion lands in the provinces of Manitoba, 30 Saskatchewan and Alberta in the tract of three and onehalf million acres described in paragraph (b) of section three of this Act, and in the Northwest Territories, of an area in each case not exceeding one square mile, inclusive of the mill site, upon payment in advance of a fee to be fixed 35 by the regulations:

"(b) permits to cut timber as cordwood, pulpwood, fence posts or telegraph poles for mining purposes, or for any other purpose, over tracts of land not exceeding one square mile in area, except in the case of permits to cut 40

pulpwood which may apply to tracts of such area as may

be determined by the Governor in Council:

Provided that no person shall be granted more than one permit at a time; that a permit shall not be transferable, except with the consent of the Minister and subject to such 45 conditions as he may impose; that it shall not be for a longer period than one year, and shall only be renewable for not more than four consecutive years thereafter, except in the case of a permit to cut pulpwood which shall be

Terms of payment for school lands.

Permits to cut timber on Dominion Lands.

Limits of areas of timber limits.

Period permits are to be in force.

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renewable from year to year under regulations established by the Governor in Council; and that for any permit or renewal there shall be payable such fee and annual rental as may be fixed by the Governor in Council."

S. Paragraph (b) of section seventy-six of the said Act 5 is repealed and the following is substituted therefor:—

"(b) make grants not exceeding in any case the sum of two hundred and forty dollars in cash in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title".

**9.** Paragraph (g) of section seventy-six of the said Act is repealed and the following is substituted therefor:—

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Governor in Council may authorize enquiry before or after issue of patent.

Powers of

Council.

Governor in

"(g) In connection with any question in respect to Dominion lands, whether such question arises before or after the issue of patent therefor, authorize any person 15 or persons to summon before him or them, any person, by subpoena issued by him or them, examine such person under oath, and compel the production of papers and writings before him or them; and if any person duly summoned neglects or refuses to appear at the time and place 20 specified in the subpoena, legally served upon him, or refuses to give evidence or to produce the papers or writings demanded of him, the person or persons so authorized may, by warrant, under his or their hand or hands, cause such persons, so neglecting or refusing, to be taken into custody 25 and to be imprisoned in the nearest common gaol, as for contempt of court, for a term not exceeding fourteen days."

No employee to purchase or acquire interest in Dominion lands.

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

"\$4. No officer or employee of or under the Government 30 of Canada shall, directly or indirectly, in his own name or in that of any other person, purchase or acquire any Dominion lands or any interest therein, nor shall he be interested as shareholder or otherwise in any corporation or company purchasing or acquiring such lands or any interest therein, 35 except by or under authority of an order of the Governor in Council, nor shall he locate any land warrant or scrip, unless issued to himself, or act as an agent of any person in that behalf, and any employee violating this subsection shall be liable to summary dismissal on the order of the 40 Minister; but his dismissal shall not affect the right which any person may have to bring against him any civil or criminal action."

11. Section twenty-seven of chapter nineteen of the statutes of 1918, is repealed and the following section is 45 enacted in lieu thereof:—

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Patents to issue in name of deceased entrant.

"27. Nothwithstanding anything contained in *The Dominion Lands Act*, or the amendments thereto, in the event of the death of any settler before the issue of patent for the land held by him under entry or sale, the patent for such land may be issued in the name of the deceased entrant, on proof, satisfactory to the Minister, that the necessary requirements of this Act have been complied with."

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 222.

An Act to amend The Dominion Lands Act.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

## BILL 222.

1908, c. 20; 1909, c. 11; 1914, cc. 27, 28; 1918, c. 19; 1919, c. 50; 1919 (2 Sess.), c. 13; 1920, c. 11; 1921, c. 30; 1922, c. 21.

An Act to amend The Dominion Lands Act.

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

1. Subsection five of section eleven of *The Dominion Lands Act*, chapter twenty of the statutes of 1908, as enacted by chapter nineteen of the statutes of 1918, is amended by adding the following paragraph thereto:—

Further enquiry as to value of improvements prior to entry.

"(e) In any case where doubt arises as to the correctness of the valuation made by a Homestead Inspector under the provisions of this subsection, the Minister may order 10 such further enquiry as he may deem advisable for the purpose of fixing the actual value of the improvements; and the actual value so ascertained shall be the amount to be collected and paid by the person obtaining the land in accordance with the provisions of this subsection."

2. Subsection eight of section eleven of the said Act is

amended by adding thereto the following proviso:

Transfer of holders of letters patent in preemption and purchased homestead area to another homestead, by provincial certificate.

"Provided further that notwithstanding anything contained in this subsection any person who, on the first day of January, 1923, had obtained letters patent for a home-20 stead, within that part lying south of the south boundary of township thirty-one of the tract known as the preemption and purchased homestead area, and defined by subsection one of section twenty-seven of The Dominion Lands Act, but who is no longer the owner of a farm, may, 25 in the discretion of the Minister, be granted the right to make entry for another homestead subject to the provisions of this Act, upon submitting proof of his bona fides as a settler in the form of a certificate from the Government of the Province setting forth that the said applicant conscientiously endeavoured to farm his land but failed because of circumstances not favourable to successful agriculture."

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is repealed, and the following is substituted therefor:

"20. (1) In the event, of any person who obtained entry for a homestead becoming insane or mentally incapable and, by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the 25 obtaining of letters patent therefor, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to det so, shall only be nequired to fulfil the conditions set fouth in section sixteen of this Act as to cultivation before 30 the issue of letters patent: Provided that the letters patent shall not issue until the expression of three years from the shall not issue until the expression of three years from the

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3. Subsection one of section thirty-nine of the said Act is repealed and the following is substituted therefor;—35. (i) Sections eleven, and twenty-nine in every surveyed township in Manitoba, Saskafehewan and Alberta, together with the gold and eliver as well as other minerals contained therein, are hereby set apart as an endowment fer purposes of education, and shall be designated as school to lands; and they are hereby withdrawn from the operation of the provisions of this Act, which relate to entry for house stead, purchased homes stead, previous of this Act, which relate to entry for house stead or pre-emption or sale; and no alternation with the said sections or any part of them the Minister to have been and sections or any part of them the Minister to have been and sections of the said sections and made improve-

3. Section nineteen of the said

ing is substituted therefor.—

In the event of the death of an entrant for a stead before the completion of the requirements for the city of letters patent therefor, his legal representation of letters patent to the conditions set forth then sixteen of this Act as to cultivation in order itle him to obtain letters patent, after the expiration of years from the data of the entry for the homestead;

of three-rears from the date of the entry for the comestead; or the legal representative may assum the homestead for a person eligible to obtain a homestead entry; and the assignee shall, after (a) the expiration of three years from the date of entry for the homestead, (b) holding the homestead for his own exclusive use and benefit from the

date of the assignment, and (c) completing the residence.15 and cultivation rejainments, as set forth in section sixteen of this Act, in the same manner as the person who made the entry would have been required to complete them thereinder, be entitled to letters patent for the homestend."

Issue of patent after death of applicant.

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

"19. In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor, his legal representative shall only be required to fulfil the conditions set forth in section sixteen of this Act as to cultivation in order to entitle him to obtain letters patent, after the expiration of three years from the date of the entry for the homestead; or the legal representative may assign the homestead 10 to a person eligible to obtain a homestead entry; the assignee shall, after (a) the expiration of three years from the date of entry for the homestead, (b) holding the homestead for his own exclusive use and benefit from the date of the assignment, and (c) completing the residence 15 and cultivation requirements, as set forth in section sixteen of this Act, in the same manner as the person who made the entry would have been required to complete them thereunder, be entitled to letters patent for the homestead."

Duties required of person who takes deceased's patent.

4. Subsection one of section twenty of the said Act 20 is repealed, and the following is substituted therefor:—

"20. (1) In the event of any person who obtained entry for a homestead becoming insane or mentally incapable and, by reason of such insanity or mental incapacity, unable to complete the requirements necessary for the 25 obtaining of letters patent therefor, the guardian or committee of the said person, or any person who, in the event of his death, would be entitled as his legal representative to do so, shall only be required to fulfil the conditions set forth in section sixteen of this Act as to cultivation before 30 the issue of letters patent: Provided that the letters patent shall not issue until the expiration of three years from the date of entry."

Issue of patent if applicant becomes insane.

5. Subsection one of section thirty-nine of the said Act is repealed and the following is substituted therefor:— 35

"39. (1) Sections eleven and twenty-nine in every surveyed township in Manitoba, Saskatchewan and Alberta, together with the gold and silver as well as other minerals contained therein, are hereby set apart as an endowment for purposes of education, and shall be designated as school 40 lands; and they are hereby withdrawn from the operation of the provisions of this Act, which relate to entry for homestead, purchased homestead, pre-emption or sale; and no right to obtain entry for homestead or purchased homestead or pre-emption or to purchase shall be recognized in 45 connection with the said sections, or any part of them: Provided that any person who is proved to the satisfaction of the Minister to have bona fide settled and made improvements upon any such sections before the commencement

Sections 11 and 29 in each township, together with gold and silver and other minerals, set apart as school lands.

of the survey thereof, mey be grained an enter for a home of a quarter-section, and now the stands of a quarter-section, and may be allowed to question of a quarter-section, of activate the provision of the survey thousand the other than school lands if there is any such lands for which had adjoining the quarter-section of wheel that adjoining the quarter-section of wheel the others, and it is not an area of available had equal to that which may be emerged for se a homestead shall be eat apart of which may be emerged for se a homestead shall be published in the 10 caneda forced of the stands of the said that it is a first of the stands of the stands of the stands of the stands of the said the second of the stands of the

To subsection two of sertion fifty-rine of the still Act, inclusive of the statement (6) thereof as engoted by chapter fifty of the statemes of 1919, is repealed and the following is substituted therefore—

"(2) The Covernor in Council may make regulations

for the issue of ---

"(b) permiss to out timber as routwood pulpwood, the nee pasts, telegraph poles or prope for minus purposes, or for early offers purposes, over tracts of land not exocular one segment make in area, exocut in the case of permits to cut resinguesed which most amply to tracts of such over to may

Provided these to terror abilit be created not be transferable, possible at a time, that a result and not be transferable, execut with the consent of the Minters and subject to such the conditions as he may impose; that it shall not be for a longer period than one year, and shall only be renewable for all more than than consecutive years thereafter, except in the case of a permit to cut subwood which shall be

of the survey thereof, may be granted an entry for a homestead for the land so occupied by him, not in excess of a quarter-section, and may be allowed to preempt an additional quarter-section of ordinary Dominion land other than school lands, if there is any such land available adjoining the quarter-section of school lands for which he enters, under the provisions of section twenty-seven of this Act; but an area of available land equal to that which may be entered for as a homestead shall be set apart as school lands, and notice thereof shall be published in the 10 Canada Gazette."

6. Section forty-one of the said Act, as amended by section fifteen of chapter nineteen of the statutes of 1918, is amended by inserting after the word "unpaid" in the

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sixth line thereof, the following:-

"Provided that in respect of sales of School Lands made subsequent to the first day of January, 1923, the amount to be paid in cash at the time of sale shall be at least one-twentieth of the purchase price, and the balance of such purchase price shall be paid in nineteen equal consecutive 20 annual instalments, with interest as hereinbefore enacted."

7. Subsection two of section fifty-nine of the said Act, inclusive of paragraph (b) thereof as enacted by chapter fifty of the statutes of 1919, is repealed and the following is substituted therefor:—

"(2) The Governor in Council may make regulations

for the issue of-

"(a) permits to owners of mills who are not the owners of a timber berth under license, to cut timber upon Dominion lands in the provinces of Manitoba, 30 Saskatchewan and Alberta in the tract of three and one-half million acres described in paragraph (b) of section three of this Act, and in the Northwest Territories, of an area in each case not exceeding one square mile, inclusive of the mill site, upon payment in advance of a fee to be fixed 35 by the regulations;

"(b) permits to cut timber as cordwood, pulpwood, fence posts, telegraph poles or props for mining purposes, or for any other purpose, over tracts of land not exceeding one square mile in area, except in the case of permits to cut 40 pulpwood which may apply to tracts of such area as may

be determined by the Governor in Council:

Provided that no person shall be granted more than one permit at a time; that a permit shall not be transferable, except with the consent of the Minister and subject to such 45 conditions as he may impose; that it shall not be for a longer period than one year, and shall only be renewable for not more than four consecutive years thereafter, except in the case of a permit to cut pulpwood which shall be

payment for school lands.

Terms of

Permits to cut timber on Dominion Lands.

Limits of areas of timber limits.

Period permits are to be in force.

renewable from year to year under regulations established by the Governor in Council, and that for any permit or renewal there shall be payable such fee and annual rental as may be fixed by the Governor in Council."

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is repealed and the following is substituted therefor:

"(0) make grants not exceeding in any case the sum of
two hundred and forty dollars in each in satisfaction of
claims of half-breeds arising out of the extinguishment of
the ludien title.

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9. Paragraph (p) of section seventy-six of the said Act is repealed and the following is adjectived therefor:—
"(p) In connection with any question in respect to libranian lands, whether such question arises before or after the issue of parent therefor, authorize they person of persons to summon before him or them, any person by subpoens issued by him or them, examine such person writings before him or them, examine such person writings before him or them; and if any person duly sumponed neglects or refuses to appear at the time and place to give evidence or to produce the papears or writings to give evidence or to produce the papears or writings demanded of him, the person or persons so authorized may, by warrant, under his or their hand or hands, cause such persons, so peglecting or refusing to be taken into custody and to be imprisoned in the nearest estamon gao, as for and to be imprisoned in the nearest estamon gao, as for and to be imprisoned in the nearest estamon gao, as for econtempt of court, for a term not exceeding fourteen days."

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RO. Section eighty-four of the said Act is repealed and

of Canada shall, directly or indirectly, in his own name or in that of any other person, purchase or acquire any Donjinion lands or any interest therein, nor shall be be interested as shareholder or otherwise in any corporation or company purchasing or acquiring such lands or any interest therein, 25 except by, or ander authority of an order of the Governor in Council, nor shall be locate any land warrant or scrip, timiess resued to himself, or act as an agent of any person in that betalt, and any employee vicating this subsection enail to hade to summary discussed on the unier of the 40

II. Section twenty-saven of chapter minetens of the spatishes of 1918; is repealed and the following rection is the renewable from year to year under regulations established by the Governor in Council; and that for any permit or renewal there shall be payable such fee and annual rental as may be fixed by the Governor in Council."

8. Paragraph (b) of section seventy-six of the said Act 5 is repealed and the following is substituted therefor:

"(b) make grants not exceeding in any case the sum of two hundred and forty dollars in cash in satisfaction of claims of half-breeds arising out of the extinguishment of the Indian title".

**9.** Paragraph (g) of section seventy-six of the said

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Governor in Council may authorize enquiry before or after issue of patent.

Powers of Governor in

Council.

Act is repealed and the following is substituted therefor:— "(g) In connection with any question in respect to Dominion lands, whether such question arises before or after the issue of patent therefor, authorize any person 15 or persons to summon before him or them, any person, by subpoena issued by him or them, examine such person under oath, and compel the production of papers and writings before him or them; and if any person duly summoned neglects or refuses to appear at the time and place 20 specified in the subpoena, legally served upon him, or refuses to give evidence or to produce the papers or writings demanded of him, the person or persons so authorized may, by warrant, under his or their hand or hands, cause such persons, so neglecting or refusing, to be taken into custody 25 and to be imprisoned in the nearest common gaol, as for contempt of court, for a term not exceeding fourteen days."

No employee to purchase or acquire interest in Dominion lands

10. Section eighty-four of the said Act is repealed and the following is substituted therefor:-

"84. No officer or employee of or under the Government 30 of Canada shall, directly or indirectly, in his own name or in that of any other person, purchase or acquire any Dominion lands or any interest therein, nor shall he be interested as shareholder or otherwise in any corporation or company purchasing or acquiring such lands or any interest therein, 35 except by or under authority of an order of the Governor in Council, nor shall he locate any land warrant or scrip, unless issued to himself, or act as an agent of any person in that behalf, and any employee violating this subsection shall be liable to summary dismissal on the order of the 40 Minister: but his dismissal shall not affect the right which any person may have to bring against him any civil or criminal action."

11. Section twenty-seven of chapter nineteen of the statutes of 1918, is repealed and the following section is 45 enacted in lieu thereof:-

"13 77 Noting instincting advising contained in the Dominion Lands, ist, or the amendments thereto, in the event of the death of any settles before the issue of patent for the land held by how under entry or sale, the patent log such land may be leved in the name of the deceased entront on proof, satisfactory to the Minister that the necessary requirements of this Act have been compiled with."

BILL 323

An Act to smind The Finneries Act 1914

First reading, June 18, 1953

The Managha or Mintel and Dayson.

Patents to issue in name of deceased entrant. "27. Nothwithstanding anything contained in *The Dominion Lands Act*, or the amendments thereto, in the event of the death of any settler before the issue of patent for the land held by him under entry or sale, the patent for such land may be issued in the name of the deceased entrant, on proof, satisfactory to the Minister, that the necessary requirements of this Act have been complied with."

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 223.

An Act to amend The Fisheries Act, 1914.

First reading, June 18, 1923.

The MINISTER OF MARINE AND FISHERIES.

### THE HOUSE OF COMMONS OF CANADA.

# BILL 223.

1914, c. 8; 1917, c. 16; 1918, c. 22; 1919, c. 52; 1922, cc. 23, 24. An Act to amend The Fisheries Act, 1914.

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

1. Paragraph (a) of subsection two of section eighteen of *The Fisheries Act*, 1914, as amended by chapter fifty-two of the statutes of 1919, is repealed, and the following is substituted therefor:

License fee for salmon cannery decreased. "(2) (a) The annual fee for a salmon cannery license shall be twenty dollars, and in addition, four cents for each case of forty-eight one pound cans, or the equivalent 10 thereto, of sockeye salmon, and three cents for each case of forty-eight one pound cans, or the equivalent thereto, of any other species of salmon, including steelhead (salmo rivularis) packed in such cannery during the continuance in force of the license. The said twenty dollars shall be 15 paid before the license is issued, and the remainder of the license fee shall be paid as the Minister may from time to time by regulation prescribe.

Correction of citation of section.

2. Paragraph (b) of subsection one of section sixty-seven A of the said Act, as enacted by chapter twenty-20 three of the statutes of 1922, is amended by substituting for the word "sixty" in the second last line of the said paragraph the word "eighty".

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 223.

An Act to amend The Fisheries Act, 1914.

AS PASSED BY THE HOUSE OF COMMONS, 21st JUNE, 1923.

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### THE HOUSE OF COMMONS OF CANADA.

## BILL 223.

1914, c. 8 1917, c. 16; 1918, c. 22; 1919, c. 52; 1922, cc. 23, 94

An Act to amend The Fisheries Act, 1914.

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

**1.** Paragraph (a) of subsection two of section eighteen of The Fisheries Act, 1914, as amended by chapter fifty- 5 two of the statutes of 1919, is repealed, and the following is substituted therefor:

License fee for salmon cannery decreased.

"(2) (a) The annual fee for a salmon cannery license shall be twenty dollars, and in addition, four cents for each case of forty-eight one pound cans, or the equivalent 10 thereto, of sockeye salmon, and three cents for each case of forty-eight one pound cans, or the equivalent thereto, of any other species of salmon, including steelhead (salmo rivularis) packed in such cannery during the continuance in force of the license. The said twenty dollars shall be 15 paid before the license is issued, and the remainder of the license fee shall be paid as the Minister may from time to time by regulation prescribe.

Correction of citation of section.

2. Paragraph (b) of subsection one of section sixtyseven A of the said Act, as enacted by chapter twenty- 20 three of the statutes of 1922, is amended by substituting for the word "sixty" in the second last line of the said paragraph the word "eighty".

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 225.

An Act to amend the Inland Revenue Act.

First reading, June 20, 1923.

The MINISTER OF CUSTOMS AND EXCISE.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 225.

An Act to amend the Inland Revenue Act.

R.S., c. 51; 1920, c. 52; 1921, c. 26. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

**1.** Section two of the *Inland Revenue Act*, as amended by chapter twenty-six of the statutes of 1921, which reads as follows:

"(i) "departmental analyst" means an analyst in the employment of the Department of Customs and Excise or any Department of the Government of Canada."

10

"Departmental analyst." is hereby repealed, and the following substituted therefor:

"(i) "departmental analyst" means an analyst in the
employment of the Department of Customs and
Excise or of any Department of the Government of
Canada and includes any employee classified as Junior 15
Chemist, Assistant Chemist or Chemist in the laboratory
of the Department of Customs and Excise or in the laboratory of any Department of the Government of Canada.

2. Subsection three of section one hundred and eighty of the said Act, as amended by chapter fifty-two of the 20 statutes of 1920, and further amended by chapter twenty-six of the statutes of 1921, which reads as follows:—

"Section 180, Subsection 3. In every prosecution under this section, the certificate of analysis from a departmental or provincial analyst shall be accepted as 25 evidence of the alcoholic content of the beer or wash suitable for the manufacture of spirits."

is repealed, and the following substituted therefor:

"Section 180, Subsection 3. In every prosecution under this Act the certificate of analysis of a departmental 30 analyst or of a provincial analyst shall be accepted as conclusive evidence of the alcoholic content of any beer, wash or spirits and of the suitability of any beer or wash for the manufacture of spirits, and of the authority of the

Certificate of analysis of departmental or provincial analyst to be evidence.

bich reads as follows:

265, kvery person, who developings on cisrifies, or
strompts to developing of any methylated
spirits, whether by distribution, filtration or any other
process is guilty of an indictable offens, and shall, for
the first affects, to leader a persention of the damaged
dollars, and for each subsequent offence to a perselty of
dollars, and for each subsequent offence to a perselty of

one thousand dollars."

repeated, and the following subclimited increior:

"263. Every person who decelories or clarities, or
attempts to decelories of clarity one densined alcohol
or increasily discriminational clarity of the process, is pulled of an indication discrete and incident
the first offence, be liable to a pentalty of the handred
dates, and for each subsequent offence to a pentalty of
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person giving or issuing such certificate, without further proof of appointment or of signature.

3. Section two hundred and sixty-five of the said Act

which reads as follows:

"265. Every person who deodorizes or clarifies, or 5 attempts to deodorize or clarify, any methylated spirits, whether by distillation, filtration or any other process, is guilty of an indictable offence, and shall, for the first offence, be liable to a penalty of five hundred dollars, and for each subsequent offence to a penalty of 10 one thousand dollars."

is repealed, and the following substituted therefor:

Deodorizing, etc., of denatured alcohol. "265. Every person who deodorizes or clarifies, or attempts to deodorize or clarify, any denatured alcohol or specially denatured alcohol as defined in Part X of this 15 Act, whether by distillation, filtration or any other process, is guilty of an indictable offence, and shall, for the first offence, be liable to a penalty of five hundred dollars, and for each subsequent offence to a penalty of one thousand dollars."

Tobacco cultivated for private 4. Section three hundred and twenty-seven of the said Act, is hereby repealed.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

## BILL 225.

An Act to amend the Inland Revenue Act.

AS PASSED BY THE HOUSE OF COMMONS, 21st JUNE, 1923. 2nd Session, 14th Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 225.

An Act to amend the Inland Revenue Act.

R.S., c. 51; 1920, c. 52; 1921, c. 26. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definitions.

- **1.** Section two of the *Inland Revenue Act*, as amended by chapter twenty-six of the statutes of 1921, which reads as follows:
  - "(i) "departmental analyst" means an analyst in the employment of the Department of Customs and Excise or any Department of the Government of Canada."

10

"Departmental analyst." is hereby repealed, and the following substituted therefor:
"(i) "departmental analyst" means an analyst in the
employment of the Department of Customs and
Excise or of any Department of the Government of
Canada and includes any employee classified as Junior 15
Chemist, Assistant Chemist or Chemist in the laboratory
of the Department of Customs and Excise or in the laboratory of any Department of the Government of Canada.

2. Subsection three of section one hundred and eighty of the said Act, as amended by chapter fifty-two of the 20 statutes of 1920, and further amended by chapter twenty-six of the statutes of 1921, which reads as follows:—

"Section 180, Subsection 3. In every prosecution under this section, the certificate of analysis from a departmental or provincial analyst shall be accepted as 25 evidence of the alcoholic content of the beer or wash suitable for the manufacture of spirits."

is repealed, and the following substituted therefor:

"Section 180, Subsection 3. In every prosecution under this Act the certificate of analysis of a departmental 30 analyst or of a provincial analyst shall be accepted as conclusive evidence of the alcoholic content of any beer, wash or spirits and of the suitability of any beer or wash for the manufacture of spirits, and of the authority of the

Certificate of analysis of departmental or provincial analyst to be evidence. person giving or issuing such certificate, without further proof of appointment or of signature.

3. Section two hundred and sixty-five of the said Act

which reads as follows:

"265. Every person who deodorizes or clarifies, or 5 attempts to deodorize or clarify, any methylated spirits, whether by distillation, filtration or any other process, is guilty of an indictable offence, and shall, for the first offence, be liable to a penalty of five hundred dollars, and for each subsequent offence to a penalty of 10 one thousand dollars."

is repealed, and the following substituted therefor:

Deodorizing, etc., of denatured alcohol.

"265. Every person who deodorizes or clarifies, or attempts to deodorize or clarify, any denatured alcohol or specially denatured alcohol as defined in Part X of this 15 Act, whether by distillation, filtration or any other process, is guilty of an indictable offence, and shall, for the first offence, be liable to a penalty of five hundred dollars, and for each subsequent offence to a penalty of one thousand dollars."

Tobacco cultivated for private use.

4. Section three hundred and twenty-seven of the said Act, is hereby repealed.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 230.

An Act to amend The Special War Revenue Act, 1915.

First reading, June 20, 1923.

The MINISTER OF FINANCE.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 230.

An Act to amend The Special War Revenue Act, 1915.

1915, c. 8; 1918, c. 46; 1920, c. 71; 1921, c. 50; 1922, c. 47.

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

1. Section twelve of *The Special War Revenue Act*, 1915, is amended by striking thereout the first paragraph of subsection two, paragraph (b) of subsection three, and subsection four, as enacted by chapter forty-seven of the statutes of 1922 and subsections seven and nine of the said section, and substituting therefor the following:—

Stamp tax on cheques.

- "(2) No person shall issue a cheque payable at or by 10 a bank or drawn upon or addressed to a bank and requiring or directing payment of a sum of money, unless there is affixed thereto an adhesive stamp or unless there is impressed thereon by means of a die a stamp of the value of, if the amount of money for which the cheque is issued, drawn or 15 made
  - (i) does not exceed \$50.00.....two cents,

(ii) exceeds \$50.00, but does not exceed \$2,500.00, for every \$50.00 or fraction

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Stamp tax on bills payable on demand, etc.

"(b) If a bill of exchange transferred or delivered to a bank or issued by a bank is payable on demand or at sight or on presentation, or within three days after date or sight, such bill shall, for the purpose of the value of the stamp to be affixed thereto or impressed thereon, be deemed to 25 be drawn for an amount not exceeding twenty-five hundred

dollars.

Stamp tax on receipts for money paid by bank. "(4) No person shall sign a receipt for money paid to him by a bank chargeable against a deposit of money in the bank to his credit until he has affixed to the receipt 30 an adhesive stamp or unless there is impressed thereon by means of a die a stamp of the value of, if the amount of money for which the receipt is signed

(i) does not exceed \$50.00.....two cents, (ii) exceeds \$50.00, but does not exceed \$2,500.00, for every \$50.00 or fraction thereof.....two cents, (iii) exceeds \$2,500.00.....one dollar; 5 and every adhesive stamp affixed to such receipt shall be cancelled by the bank at or before the time the money is "(7) Every person who issues a cheque payable at or by a bank to which there is not affixed an adhesive stamp 10 or on which there is not impressed by means of a die a stamp of the requisite value according to the requirements of this section shall be liable to a penalty not exceeding fifty dollars. "(9) Every person who signs a receipt for money paid 15 to him by a bank chargeable against a deposit of money in the bank to his credit to which there is not affixed an adhesive stamp or on which there is not impressed by means of a die a stamp of the requisite value according to the requirements of this section shall be liable to a penalty 20 not exceeding fifty dollars." 2. Subsections two and three of section thirteen of the said Act, as enacted by chapter forty-seven of the statutes of 1922, are repealed and the following are substituted 25 "(2) Every express company carrying on business in Canada shall before the issue of a money order or traveller's cheque affix thereto an adhesive stamp of the value of, if the amount of money for which the money order or traveller's cheque is issued 30 (i) does not exceed \$50.00.....two cents, (ii) exceeds \$50.00, but does not exceed \$2,500.00, for every \$50.00 or fraction thereof.....two cents, (iii) exceeds \$2,500.00.....one dollar; 35 and the company may charge the amount of the stamps so affixed to and collect the same from the purchaser of the order or cheque or from the payee thereof. The company shall before delivery of the order or cheque cancel the stamp by writing on or across the stamp initials or 40 other identification of the company together with the date of the issue of the order or cheque. "(3) No money order shall be issued under the provisions of the Post Office Act until there is affixed thereto or to the relative advice a postage stamp of the value of, if the 45 amount of money for which the money order is issued (i) does not exceed \$50.00.....two cents, (ii) exceeds \$50.00, but does not exceed \$2,500.00, for every \$50.00 or fraction 50 thereof.....two cents,

(iii) exceeds \$2,500.....one dollar;

Stamp tax on money orders, etc., of express companies.

Stamp tax on money

orders of post office.

R.S. c. 66.

Issue of

cheque

without stamp.

Penalty.

Receipt for

money paid

by bank without

stamp.

Penalty.

to be paid for by the purchaser of the order. The postmaster or other officer of the Post Office Department issuing the order shall cancel the stamp by impressing thereon when affixed the date stamp of the post office at which the order is issued.

**3.** (1) Section fourteen of the said Act, as enacted by chapter forty-seven of the statutes of 1922, is amended by striking out paragraph (b) of subsection four and substituting the following:—

"(b) a receipt or document in the nature of a receipt 10

which is taxable under section twelve of this Act."

(2) The following are inserted as subsections five, six, seven and eight of section fourteen of the said Act:—

"(5) A receipt given without being stamped may be stamped within one month after it has been given, upon the 15 terms following, that is to say:

(i) The stamp shall be affixed to the receipt in the presence of any collector of customs and excise by the person who gave the receipt, and shall be cancelled in the same manner as provided by subsection two of this 20 section:

(ii) Before such person may affix the stamp he shall pay to the said collector of customs and excise a penalty of

ten dollars for the public uses of Canada;

(iii) The collector of customs and excise shall write on 25 the receipt a certificate to the effect that the stamp was affixed in his presence by the person who gave the receipt and that such person before affixing the stamp paid to the said officer the penalty of ten dollars; and the certificate shall bear the true date on which it 30 was given and shall be signed by the said officer.

"(6) Upon the production of a receipt taxable under this section as evidence in any court of civil jurisdiction in any province of Canada, or before any arbitrator or referee, or any trustee or other official under *The Bankruptcy Act*, 35 notice shall be taken by the judge, arbitrator, referee or trustee of any omission of the stamp thereon, and the receipt may, on payment to the judge, arbitrator, referee or trustee of a penalty of twenty dollars for the public uses of Canada, be received in evidence, saving all just exceptions 40 on other grounds.

"(7) The judge, arbitrator, referee or trustee receiving the amount of the penalty shall give a receipt for the same and shall communicate to the Minister the name or title of the proceeding in which, and of the person from whom, 45 he received the penalty, and the date of the receipt and the name and address of the person who gave the receipt, and shall pay over the amount of the penalty to such person

as the Minister may direct.

(8) "Save as aforesaid a receipt liable to taxation under 50 this section, shall not, except in criminal proceedings, be

Exception from stamp tax on receipts.

Receipt without stamp may be stamped within one month in presence of officer.

Penalty of \$10.

Certificate of officer.

Judicial notice of omission of stamp on receipts put in evidence.

Penalty of \$20 to be paid before it is admitted.

Receipt of judge or other officer and particulars sent to Minister.

Otherwise no receipt to be given in

their whother such article be in fact, subject to the unforces

evidence. except in criminal cases.

given in evidence, or be available for any purpose whatsoever, unless it be duly stamped in accordance with the law in force at the time when it was given."

4. Section nineteen A of Part IV of the said Act. as amended by chapter forty-seven of the statutes of 1922, is repealed, and the following sections are substituted therefor:-

Definition, "Minister".

"19A. In this Part, unless the context otherwise requires.—"Minister" means the Minister of Customs and Excise.

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"Duty paid value".

"19AA. For the purpose of this Part, the "duty paid value" of any article means the value of the article as it would be determined for the purpose of calculating an ad valorem duty upon the importation of same into Canada under the laws relating to the customs and the customs 15 tariff whether such article be in fact subject to ad valorem or other duty or not, and in addition the amount of the customs duties, if any, payable thereon.

Provided that in computing the "duty paid value" of tea purchased in bond in the United Kingdom the amount 20 of the customs duty payable on tea for consumption in the United Kingdom shall not be included in the value of

such tea for purposes of this Act."

5. (1) Section nineteen BB of the said Act, as enacted by chapter fifty of the statutes of 1921, is amended by strik- 25 ing out paragraphs (c) and (d) of subsection one and substituting therefor the following:-

"(c) A tax of seven and one-half cents per gallon on wines of all kinds, except sparkling wines, containing not 30

more than forty per cent of proof spirit.

"(d) A tax of one dollar and fifty cents per gallon on

champagne and all other sparkling wines."

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council, and such proclamation shall be published in the Canada Gazette. 35

6. (1) Subsection one of section nineteen BBB of the said Act, as enacted by said chapter forty-seven of the statutes of 1922, is amended by striking out the first three paragraphs of subsection one thereof and substituting

therefor the following:

40 "19BBB. (1) In addition to any duty or tax that may be payable under this Part, or any other statute or law, there shall be imposed, levied and collected a consumption or sales tax of six per cent on the sale price of all goods produced or manufactured in Canada, including the amount 45 of excise duties when the goods are sold in bond, which tax shall be payable by the producer or manufacturer at the time of the sale thereof by him; and in the case of imported goods the like tax upon the duty paid value of

Sparkling wines.

Excise tax

on wines.

Comes into force on proclamation.

Tax on sales.

the goods imported payable by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption.

"Sale price" defined.

For the purpose of calculating the amount of the consumption or sales tax, "sale price" shall mean the price before any amount payable in respect of the consumption or sales tax is added thereto.

Proviso.

Provided that the consumption or sales tax specified in this section shall not be payable on goods exported; 10 or on goods sold by a licensed manufacturer or producer to another licensed manufacturer or producer if the goods are to be used in, wrought into, or attached to articles to be manufactured or produced for sale and which are articles subject to the consumption or sales tax; or on 15 goods sold by a licensed manufacturer or producer to a licensed wholesaler or jobber whose sales are to be accounted for under the provisions of subsection seven of this section.

Sales tax on Canadian goods sold by licensed wholesaler or jobber. "(2) A like tax shall be imposed, levied and collected 20 on goods manufactured or produced in Canada sold by a licensed wholesaler or jobber to other than a licensed manufacturer or producer computed on the price for which the same are sold by the licensed manufacturer or producer to the said wholesaler or jobber, which price shall include 25 the amount of the excise duties on goods sold in bond.

License for manufacturer or producer of goods under \$10,000 per year. "(3) If the Minister determines that any manufacturer or producer, who does not manufacture or produce goods to the value of ten thousand dollars a year, uses a substantial portion of goods which are exempt from the tax in the 30 manufacture of goods which are liable to the tax, as to which the Minister's finding shall be conclusive, such manufacturer or producer shall take out a license as required by subsection six of this section and shall be subject to the same conditions as a licensed manufacturer or producer." 35

Paragraph made subsection.

(2) (a) Paragraph four of subsection one of said section nineteen BBB, being the list of excepted articles not liable to tax, is amended by striking out the words "provided also that" at the beginning of said paragraph, by adding at the beginning of the said paragraph as a subsection 40 number the figure (4) and by striking out of the list of articles to which the tax specified in the said section shall not apply the following words:

matter where sales do not exceed \$10,000 taken out of excepted articles. Manuscript and other goods added to excepted

articles.

Job printed

"job printed matter produced and sold by printers or firms, whose sales of job printing do not exceed 45 ten thousand dollars per annum;"

(b) The said paragraph four of subsection one of section nineteen BBB is further amended by adding thereto the following items:—

"manuscript; raw furs; wool not further prepared 50 than washed; drain tiles for agricultural purposes;"

Syrups added to excepted articles.

(c) The said paragraph four of subsection one of section nineteen BBB is further amended by adding thereto the following item:

"syrups, enumerated in Customs Tariff item 140;"

(3) Subsection one of said section nineteen BBB is amended by striking out paragraph five immediately following the list of excepted articles not liable to tax. and the following is inserted as subsection five of said section:

Manufacturer or producer under \$10,000 to pay tax on importations.

"(5) A manufacturer or producer, who does not manu- 10 facture or produce goods to the value of ten thousand dollars as provided in subsection six of this section, unless otherwise provided for in subsection three of this section, shall not pay the consumption or sales tax on goods manufactured or produced by him but shall pay the said tax 15 on importations."

(4) Section nineteen BBB of the said Act is further amended by adding thereto the following as subsections six,

seven, eight, nine, ten, eleven, twelve and thirteen:-

"(6) Every manufacturer or producer who manufactured 20 or produced goods to the value of ten thousand dollars or more during the fiscal year ended 31st March, 1923 or during any fiscal year thereafter, shall take out an annual license for the purpose aforesaid, and the Minister may prescribe a fee therefor, not exceeding two dollars, and the 25 penalty for neglect shall be a sum not exceeding one thousand dollars.

be taken out by manufacturer or producer of \$10,000 or more.

License to

Fee.

Penalty.

License to be taken out by wholesaler or jobber who sells not less than 50% to licensed manufacturer or producer.

Fee.

Bond.

"(7) A wholesaler or jobber who sells not less than fifty per cent of his total sales of goods to a licensed manufacturer or producer, to be used in, wrought into or attached 30 to articles to be manufactured or produced for sale, may be granted an annual license and the Minister may prescribe a fee therefor not exceeding two dollars. The wholesaler or jobber applying for such license shall give security, by bond of an incorporated guarantee company author-35 ized to do business in Canada, and whose bonds are acceptable to the Dominion Government, such bond to be in form approved by the Minister, or by a deposit of Dominion of Canada bonds, for an amount not less than double the amount of the consumption or sales tax on a three months 40 period of total sales selected by the Minister, that the said wholesaler or jobber shall keep adequate books or accounts for the purposes of this Act, and shall render true statements of sales to licensed manufacturers or producers, and sales to others and pay any tax imposed 45 by this Act.

"(8) A deduction from the consumption or sales tax may be made in respect of goods imported by a licensed manumanufacturer, facturer or producer when such goods are further manufactured and liable to the consumption or sales tax, but the deduction shall not exceed the amount of 50

Refunds or deductions to licensed producer. wholesaler, jobber or other dealer. noctoused to house a leasure of vein each timb anatego

such tax paid on the importation of the said goods:

or a refund or deduction of the amount of the consumption or sales tax paid under this section may be granted to a licensed manufacturer or producer or to a wholesaler, jobber or other dealer, on goods sold to a licensed manu- 5 facturer or producer if such goods are to be used in, wrought into, or attached to articles manufactured or produced for sale, and which are articles subject to the consumption or sales tax; or a refund or deduction of the amount of the said tax may, with the consent of the whole- 10 saler, jobber or dealer be granted to a licensed manufacturer or producer on goods purchased from a wholesaler, jobber or other dealer if such goods are to be used in, wrought into, or attached to articles manufactured or produced for sale by the licensed manufacturer, and 15 which are articles subject to the consumption or sales tax: and a deduction of the amount of the sales tax may be granted to a licensed manufacturer or a licensed wholesaler or jobber in respect of goods which he has on hand on the first day of January, 1924, if such goods have been, are 20 being, or are to be used in, wrought into, or attached to articles to be manufactured or produced for sale and which are articles subject to the consumption or sales tax, such deduction not to exceed the amount actually paid by the said manufacturer or producer or wholesaler or jobber, 25 no deduction to be allowed in respect of such goods not accounted for prior to the thirty-first day of March, 1924, and claims for such deduction must be presented to the Department of Customs and Excise with complete evidence on or before the thirtieth day of June, 1924, otherwise the 30 same shall be rejected.

No deduction after 31st May, 1924.

Deduction

on goods on

hand on 1st January,

1924.

Claims to be filed before 30th June, 1924.

Refund on goods imported free of duty.

Refund on exportations.

Deduction on price fixed by contract of sale made before 12th May, 1923.

No deduction "(9) When goods may be imported into Canada free of customs duty, there may be granted a refund or reduction of the consumption or sales tax on similar goods manufactured or produced in Canada, when evidence satisfactory 35 to the Minister is produced that such Canadian goods are at a disadvantage with respect to similar imported goods. Such refund or reduction shall not exceed twenty-five per cent of the amount of the said tax paid or to be payable.

"(10) A refund of the consumption or sales tax may be 40 granted on imported goods on which customs duties have been refunded on exportation; and a refund of the said tax may be granted on domestic goods exported, under regulations prescribed by the Minister of Customs and Excise.

"(11) A deduction from the consumption or sales tax 45 may be granted in respect to goods sold at a price fixed by a bona fide contract of sale made before the twelfth day of May, 1923, and still in force at the time of delivery of the goods; provided that such deduction shall not exceed the difference between the amount of the sales tax calculated 50 at the rate in force on the eleventh day of May, 1923,

after 31st March, 1924.

Claims to be filed before 30th June, 1924,

Invoice on sales to wholesaler or jobber not licensed.

Invoice on sales by wholesaler or jobber not licensed.

Minister may determine value for tax in difficult circumstances.

and the amount of the consumption or sales tax paid or to be payable under the provisions of this Part, and that no such deduction shall be made in respect of goods delivered after the thirty-first day of March, 1924, and claims for such deduction must be presented to the Department of Customs and Excise with complete evidence on or before the thirtieth day of June, 1924, otherwise the same shall be rejected.

"(12) (a) When goods are sold by a licensed manufacturer or producer or by a licensed wholesaler or jobber 10 to a wholesaler or jobber not licensed under this Act, the purchaser shall be furnished with a written invoice of the goods sold, which invoice shall state separately the

amount of the consumption or sales tax.

(b) When goods are sold by a wholesaler or jobber not 15 licensed under this Act to a licensed manufacturer or producer the purchaser shall be furnished with a written invoice of the goods sold, which invoice shall state separately the amount of the consumption or sales tax.

"(13) Whenever goods are manufactured or produced in 20 Canada under such circumstances or conditions as render it difficult to determine the value thereof for the consump-

tion or sales tax because,—

(a) a lease of such goods or the right of using the same but not the right of property therein is sold or given; 25

(b) such goods having a royalty imposed thereon, the royalty is uncertain, or is not from other causes a reliable means of estimating the value of the goods; or,

(c) such goods are manufactured by contract for labour 30 only and not including the value of the goods that enter into the same, or under any other unusual or peculiar manner or conditions; or,

(d) such goods are for use by the manufacturer or producer and not for sale

the Minister may determine the value for the tax under this Act and all such transactions shall for the purposes of this Act be regarded as sales."

(5) Paragraph six of subsection one of said section nineteen BBB, respecting drawback, is amended by inserting 40

before said paragraph the subsection number (14).

(6) Subsections two and three of said section nineteen BBB as enacted by chapter fifty of the statutes of 1921, are repealed.

7. (1) Section nineteen D of the said Act, as enacted 45 by chapter forty-seven of the statutes of 1922, is repealed,

and the following is substituted therefor:-

"190. (1) Every person who, being thereto liable, neglects or refuses to pay any tax imposed by this Part, and any person who contravenes any requirement of this 50 Part or any regulation of the Minister under this Part

Paragraph made a subsection.

Licenses, recovery of tax, costs or penalties.

Penalty for neglecting or refusal to pay tax. on sentency amyiotion, to a penalty of not see than filly

for which no other penalty is provided, shall be liable, on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars.

(2) Subsection five of section nineteen B of the said Act. as enacted by chapter forty-six of the statutes of 1918. is repealed, and the following is inserted as subsection two

of section nineteen D:

Records, books and accounts to be open to inspection by officers.

"19D. (2) The records, books, accounts and vouchers of all manufacturers, producers, wholesalers and jobbers and of importers and dealers which are required to be 10 kept under the provisions of this Part shall be open at all reasonable hours to the inspection of the officers or other persons authorized by the Minister to inspect the same. and any person who in any way prevents or attempts to prevent any such officer or other person from having 15 access to or inspecting the same, or refuses to produce the same or any of them, shall be liable, on summary conviction, to a penalty not exceeding one thousand dollars."

8. The said Act is amended by adding to Part IV

thereof the following sections:—

20 "19E. If a manufacturer or producer fails or refuses to keep adequate books or accounts, in English or French, for the purposes of this Act, the Minister may, by notice in writing, require the manufacturer or producer to keep such records and accounts as the Minister may prescribe. 25 For every default in complying with the requirements of such notice the manufacturer or producer shall be liable, on summary conviction, to a penalty not exceeding one

Failure or refusal to keep books.

Penalty.

Taxes to apply to goods sold to or imported by Dominion, Provinces, provincial railways or provincial commission. board or public utility.

"19F. The taxes imposed by sections 16A, 19B, 19BB and 19BBB of this Act shall apply to goods sold to, or imported by,-

hundred dollars for each day during which the default

(i) His Majesty in the right of His Majesty's Govern-

ment of Canada;

(ii) His Majesty in the right of His Majesty's Government of any province of Canada, for the purpose of

(iii) Any railway operated by or under the authority of the Legislature or the Lieutenant-Governor in Council 40

of any province;

(iv) Any commission, board or public utility which is operated by or under the authority of the Legislature or the Lieutenant Governor in Council of any province.

"19G. A refund of the amount of taxes paid under sections 16A, 19B, 19BB and 19BBB of this Act may be granted to a manufacturer, producer, wholesaler, jobber or other dealer on goods sold to His Majesty in the right of His Majesty's Government of any province in Canada, when 50 60842 - 2

Refund on goods sold to Province if Province exempt from tax.

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His Majesty's Government of the province is exempt from taxes in respect of such goods."

**9.** Subsection three of section twenty of the said Act is repealed, and the following is substituted therefor:—

Prosecutions.

"(3) All penalties imposed by this Act, when no other procedure for the recovery thereof is by this Act provided, may be sued for, prosecuted and recovered with costs by His Majesty's Attorney General of Canada, or, in respect of penalties under Part One, in the name of the Minister of Finance, or, in respect of penalties under Part 10 Two, Part Three and Part Four in the name of the Minister of Customs and Excise."

Government or provincial sales.

Use of postage

stamps.

**10.** (1) Section fifteen of chapter forty-seven of the statutes of 1922 is repealed.

(2) Subsection three of section nineteen of the said Act 15 is repealed.

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Schedule I amended.

11. Schedule One to the said Act, as enacted by chapter forty-seven of the statutes of 1922, is amended by striking thereout all the words after "settlers' effects" in line ten down to the end of the said Schedule.

Schedule II amended.

12. Schedule Two to the said Act, as enacted by chapter forty-seven of the statutes of 1922, is amended by striking out the second item respecting beverages and by adding to the said Schedule the following item:—

"Carbonic acid gas, per pound . . . . . . one cent. Provided that carbonic acid gas manufactured or produced in Canada and used in the manufacture of other products shall be deemed to be carbonic acid gas manufactured or produced in Canada and sold."

When secs. 1, 2,3, come into force. 13. Sections one, two and three of this Act shall come into 30 force on the first day of August, nineteen hundred and twenty-three.

When secs. 6 (2) b, 11 and 12 come into force.

14. Paragraph (b) of subsection two of section six and sections eleven and twelve of this Act shall be deemed to have come into force on the first day of June, one thousand 35 nine hundred and twenty-three.

When sec. 10 (2) comes into force.

15. Subsection two of section ten of this Act shall come into force on the first day of October, one thousand nine hundred and twenty-three.

When secs. 4, 6 except (2) b, 7, 8, 9, and 10 come into force.

16. Section four, section six (except paragraph (b) of 40 subsection two of said section six) and sections seven, eight, nine and subsection one of section ten of this Act shall come into force on the first day of January, one thousand

nine hundred and twenty-four and shall apply to all goods imported or taken out of warehouse for consumption on and after that day, and shall apply to goods previously imported for which no entry for consumption was made before that date.

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BILL 236

An Act to around Top operate Was Termine Act, 1915

AS PASSED BY THE HOUSE OF COADMONS, DOG JUNE, 1972.

nine hundred and twenty-four and shall apply to all goods imported or taken out of warehouse for consumption on and after that day, and shall apply to goods previously imported for which no entry for consumption was made before that date.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 230.

An Act to amend The Special War Revenue Act, 1915.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

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#### THE HOUSE OF COMMONS OF CANADA.

## BILL 230.

An Act to amend The Special War Revenue Act, 1915.

1915, c. 8; 1918, c. 46; 1920, c. 71; 1921, c. 50; 1922, c. 47.

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

1. Section twelve of *The Special War Revenue Act*, 1915, is amended by striking thereout the first paragraph of subsection two, paragraph (b) of subsection three, and subsection four, as enacted by chapter forty-seven of the statutes of 1922 and subsections seven and nine of the said section, and substituting therefor the following:—

Stamp tax on cheques.

- "(2) No person shall issue a cheque payable at or by 10 a bank or drawn upon or addressed to a bank and requiring or directing payment of a sum of money, unless there is affixed thereto an adhesive stamp or unless there is impressed thereon by means of a die a stamp of the value of, if the amount of money for which the cheque is issued, drawn or 15 made
  - (i) does not exceed \$50.00.....two cents,

(iii) exceeds \$2,500.00......one dollar, and every adhesive stamp affixed to such cheque shall be cancelled by the bank at which the cheque is payable

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at or before the time of payment.

Stamp tax on bills payable on demand, etc.

"(b) If a bill of exchange transferred or delivered to 25 a bank or issued by a bank is payable on demand or at sight or on presentation, or within three days after date or sight, such bill shall, for the purpose of the value of the stamp to be affixed thereto or impressed thereon, be deemed to be drawn for an amount not exceeding twenty-five hundred 30 dollars.

Stamp tax on receipts for money paid by bank. "(4) No person shall sign a receipt for money paid to him by a bank chargeable against a deposit of money in the bank to his credit until he has affixed to the receipt an adhesive stamp or unless there is impressed thereon 35 by means of a die a stamp of the value of, if the amount of money for which the receipt is signed the commongents of this section shall be inche to a penulty said Act, as enseted by chapter forty-seven of the Spitzles

(i) does not exceed \$50.00.....two cents, (ii) exceeds \$50.00, but does not exceed \$2,500.00, for every \$50.00 or fraction (iii) exceeds \$2,500.00.....one dollar; 5 and every adhesive stamp affixed to such receipt shall be cancelled by the bank at or before the time the money is paid. Issue of "(7) Every person who issues a cheque payable at or cheque by a bank to which there is not affixed an adhesive stamp 10 without stamp. or on which there is not impressed by means of a die a stamp of the requisite value according to the requirements Penalty. of this section shall be liable to a penalty not exceeding fifty dollars. "(9) Every person who signs a receipt for money paid 15 Receipt for money paid by bank to him by a bank chargeable against a deposit of money without in the bank to his credit to which there is not affixed an stamp. adhesive stamp or on which there is not impressed by means of a die a stamp of the requisite value according to Penalty. the requirements of this section shall be liable to a penalty 20 not exceeding fifty dollars." 2. Subsections two and three of section thirteen of the said Act, as enacted by chapter forty-seven of the statutes of 1922, are repealed and the following are substituted therefor:-25 "(2) Every express company carrying on business in Stamp tax on money Canada shall before the issue of a money order or traveller's orders, etc., of express cheque affix thereto an adhesive stamp of the value of, companies. if the amount of money for which the money order or traveller's cheque is issued 30 (i) does not exceed \$50.00.....two cents, (ii) exceeds \$50.00, but does not exceed \$2,500.00, for every \$50.00 or fraction thereof.....two cents, (iii) exceeds \$2,500.00.....one dollar; 35 and the company may charge the amount of the stamps so affixed to and collect the same from the purchaser of the order or cheque or from the payee thereof. The company shall before delivery of the order or cheque cancel the stamp by writing on or across the stamp initials or 40 other identification of the company together with the date of the issue of the order or cheque. "(3) No money order shall be issued under the provisions Stamp tax on money of the Post Office Act until there is affixed thereto or to the orders of post office. relative advice a postage stamp of the value of, if the 45 amount of money for which the money order is issued R.S. c. 66. (i) does not exceed \$50.00.....two cents, (ii) exceeds \$50.00, but does not exceed \$2,500.00, for every \$50.00 or fraction 50 thereof.....two cents, (iii) exceeds \$2,500.....one dollar;

to be paid for by the purchaser of the order. The postmaster or other officer of the Post Office Department issuing the order shall cancel the stamp by impressing thereon when affixed the date stamp of the post office at which the order is issued.

**3.** (1) Section fourteen of the said Act, as enacted by chapter forty-seven of the statutes of 1922, is amended by striking out paragraph (b) of subsection four and substituting the following:—

"(b) a receipt or document in the nature of a receipt 10

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which is taxable under section twelve of this Act."

(2) The following are inserted as subsections five, six, seven and eight of section fourteen of the said Act:—

"(5) A receipt given without being stamped may be stamped within one month after it has been given, upon the 15 terms following, that is to say:

(i) The stamp shall be affixed to the receipt in the presence of any collector of customs and excise by the person who gave the receipt, and shall be cancelled in the same manner as provided by subsection two of this 20

section;
(ii) Before such person may affix the stamp he shall pay
to the said collector of customs and excise a penalty of

ten dollars for the public uses of Canada;

(iii) The collector of customs and excise shall write on 25 the receipt a certificate to the effect that the stamp was affixed in his presence by the person who gave the receipt and that such person before affixing the stamp paid to the said officer the penalty of ten dollars; and the certificate shall bear the true date on which it 30 was given and shall be signed by the said officer.

"(6) Upon the production of a receipt taxable under this section as evidence in any court of civil jurisdiction in any province of Canada, or before any arbitrator or referee, or any trustee or other official under *The Bankruptcy Act*, 35 notice shall be taken by the judge, arbitrator, referee or trustee of any omission of the stamp thereon, and the receipt may, on payment to the judge, arbitrator, referee or trustee of a penalty of twenty dollars for the public uses of Canada, be received in evidence, saving all just exceptions 40 on other grounds.

"(7) The judge, arbitrator, referee or trustee receiving the amount of the penalty shall give a receipt for the same and shall communicate to the Minister the name or title of the proceeding in which, and of the person from whom, 54 he received the penalty, and the date of the receipt and the name and address of the person who gave the receipt, and shall pay over the amount of the penalty to such person

as the Minister may direct.

(8) "Save as aforesaid a receipt liable to taxation under 50 this section, shall not, except in criminal proceedings, be

Exception from stamp tax on receipts.

Receipt without stamp may be stamped within one month in presence of officer.

Penalty of \$10.

Certificate of officer.

Judicial notice of omission of stamp on receipts put in evidence.

Penalty of \$20 to be paid before it is admitted.

Receipt of judge or other officer and particulars sent to Minister.

Otherwise no receipt to be given in

evidence. except in criminal

given in evidence, or be available for any purpose whatsoever, unless it be duly stamped in accordance with the law in force at the time when it was given."

4. Section nineteen A of Part IV of the said Act, as amended by chapter forty-seven of the statutes of 1922, is repealed, and the following sections are substituted therefor:-

Definition. "Minister".

"19A. In this Part, unless the context otherwise requires.—"Minister" means the Minister of Customs and Excise.

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"Duty paid value".

"19AA. For the purpose of this Part, the "duty paid value" of any article means the value of the article as it would be determined for the purpose of calculating an ad valorem duty upon the importation of same into Canada under the laws relating to the customs and the customs 15 tariff whether such article be in fact subject to ad valorem or other duty or not, and in addition the amount of the customs duties, if any, payable thereon.

Provided that in computing the "duty paid value" of tea purchased in bond in the United Kingdom the amount 20 of the customs duty payable on tea for consumption in the United Kingdom shall not be included in the value of

such tea for purposes of this Act."

5. (1) Section nineteen BB of the said Act, as enacted by chapter fifty of the statutes of 1921, is amended by strik- 25 ing out paragraphs (c) and (d) of subsection one and substituting therefor the following:-

Excise tax on wines.

Sparkling

Comes into

force on pro-

clamation.

wines.

"(c) A tax of seven and one-half cents per gallon on wines of all kinds, except sparkling wines, containing not more than forty per cent of proof spirit.

"(d) A tax of one dollar and fifty cents per gallon on

champagne and all other sparkling wines."

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council, and such proclamation shall be published in the Canada Gazette. 35

6. (1) Subsection one of section nineteen BBB of the said Act, as enacted by said chapter forty-seven of the statutes of 1922, is amended by striking out the first three paragraphs of subsection one thereof and substituting

therefor the following:—

Tax on sales.

40 "19BBB. (1) In addition to any duty or tax that may be payable under this Part, or any other statute or law, there shall be imposed, levied and collected a consumption or sales tax of six per cent on the sale price of all goods produced or manufactured in Canada, including the amount 45 of excise duties when the goods are sold in bond, which tax shall be payable by the producer or manufacturer at the time of the sale thereof by him; and in the case of imported goods the like tax upon the duty paid value of

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the goods imported payable by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption.

"Sale price" defined.

For the purpose of calculating the amount of the consumption or sales tax, "sale price" shall mean the price before any amount payable in respect of the consumption or sales tax is added thereto.

Proviso.

Provided that the consumption or sales tax specified in this section shall not be payable on goods exported; 10 or on goods sold by a licensed manufacturer or producer to another licensed manufacturer or producer if the goods are to be used in, wrought into, or attached to articles to be manufactured or produced for sale and which are articles subject to the consumption or sales tax; or on 15 goods imported by a licensed manufacturer or producer if the goods are to be used in, wrought into, or attached to articles to be manufactured or produced for sale and which are articles subject to the consumption or sales tax; or on goods imported by a licensed wholesaler or jobber whose 20 sales are to be accounted for under the provisions of subsection seven; or on goods sold by a licensed manufacturer or producer to a licensed wholesaler or jobber whose sales are to be accounted for under the provisions of subsection seven of this section. 25

Sales tax on Canadian goods sold by licensed wholesaler or jobber. "(2) A like tax shall be imposed, levied and collected on goods manufactured or produced in Canada sold by a licensed wholesaler or jobber to other than a licensed manufacturer or producer computed on the price for which the same are sold by the licensed manufacturer or producer 30 to the said wholesaler or jobber, which price shall include the amount of the excise duties on goods sold in bond.

License for manufacturer or producer of goods under \$10,000 per year. "(3) If the Minister determines that any manufacturer or producer, who does not manufacture or produce goods to the value of ten thousand dollars a year, uses a substantial 35 portion of goods which are exempt from the tax in the manufacture of goods which are liable to the tax, as to which the Minister's finding shall be conclusive, such manufacturer or producer shall take out a license as required by subsection six of this section and shall be subject to 40 the same conditions as a licensed manufacturer or producer."

Paragraph made subsection.

(2) (a) Paragraph four of subsection one of said section nineteen BBB, being the list of excepted articles not liable to tax, is amended by striking out the words "provided also that" at the beginning of said paragraph, by adding 45 at the beginning of the said paragraph as a subsection number the figure (4) and by striking out of the list of articles to which the tax specified in the said section shall not apply the following words:

Job printed matter where sales do not exceed \$10,000 taken out of excepted articles.

"job printed matter produced and sold by printers 50 or firms, whose sales of job printing do not exceed ten thousand dollars per annum;"

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Manuscript and other goods added to excepted articles.

Syrups added to excepted articles. (b) The said paragraph four of subsection one of section nineteen BBB is further amended by adding thereto the following items:—

"manuscript; raw furs; wool not further prepared than washed; drain tiles for agricultural purposes;"

(c) The said paragraph four of subsection one of section nineteen BBB is further amended by adding thereto the following item:

"syrups, enumerated in Customs Tariff item 140;"

(3) Subsection one of said section nineteen BBB is 10 amended by striking out paragraph five immediately following the list of excepted articles not liable to tax, and the following is inserted as subsection five of said section:

Manufacturer or producer under \$10,000 to pay tax on importations.

License to

be taken out

manufacturer

or producer

of \$10,000 or more.

Fee.

Penalty.

"(5) A manufacturer or producer, who does not manu- 15 facture or produce goods to the value of ten thousand dollars as provided in subsection six of this section, unless otherwise provided for in subsection three of this section, shall not pay the consumption or sales tax on goods manufactured or produced by him but shall pay the said tax 20 on importations."

(4) Section nineteen BBB of the said Act is further amended by adding thereto the following as subsections six,

seven, eight, nine, ten, eleven, twelve and thirteen:-

"(6) Every manufacturer or producer who manufactured 25 or produced goods to the value of ten thousand dollars or more during the fiscal year ended 31st March, 1923 or during any fiscal year thereafter, shall take out an annual license for the purpose aforesaid, and the Minister may prescribe a fee therefor, not exceeding two dollars, and the 30 penalty for neglect shall be a sum not exceeding one thousand dollars.

License to be taken out by wholesaler or jobber who sells not less than 50% to licensed manufacturer or producer.

Fee.

Bond.

"(7) A wholesaler or jobber who sells not less than fifty per cent of his total sales of goods to a licensed manufacturer or producer, to be used in, wrought into or attached 35 to articles to be manufactured or produced for sale, may be granted an annual license and the Minister may prescribe a fee therefor not exceeding two dollars. The wholesaler or jobber applying for such license shall give security, by bond of an incorporated guarantee company author- 40 ized to do business in Canada, and whose bonds are acceptable to the Dominion Government, such bond to be in form approved by the Minister, or by a deposit of Dominion of Canada bonds, for an amount not less than double the amount of the consumption or sales tax on a three months 45 period of total sales selected by the Minister, that the said wholesaler or jobber shall keep adequate books or accounts for the purposes of this Act, and shall render true statements of sales to licensed manufacturers or producers, and sales to others and pay any tax imposed 50 by this Act.

Refunds or deductions to licensed producer. wholesaler jobber or other dealer.

"(8) A deduction from the consumption or sales tax may be made in respect of goods imported by a licensed manumanufacturer, facturer or producer when such goods are further manufactured and liable to the consumption or sales tax, but the deduction shall not exceed the amount of 5 such tax paid on the importation of the said goods; or a refund or deduction of the amount of the consumption or sales tax paid under this section may be granted to a licensed manufacturer or producer or to a wholesaler. jobber or other dealer, on goods sold to a licensed manu- 10 facturer or producer if such goods are to be used in. wrought into, or attached to articles manufactured or produced for sale, and which are articles subject to the consumption or sales tax; or a refund or deduction of the amount of the said tax may, with the consent of the whole- 15 saler, jobber or dealer be granted to a licensed manufacturer or producer on goods purchased from a wholesaler, jobber or other dealer if such goods are to be used in, wrought into, or attached to articles manufactured or produced for sale by the licensed manufacturer, and 20 which are articles subject to the consumption or sales tax; and a deduction of the amount of the sales tax may be granted to a licensed manufacturer or a licensed wholesaler or jobber in respect of goods which he has on hand on the first day of January, 1924, if such goods have been, are 25 being, or are to be used in, wrought into, or attached to articles to be manufactured or produced for sale and which are articles subject to the consumption or sales tax, such deduction not to exceed the amount actually paid by the said manufacturer or producer or wholesaler or jobber, 30 no deduction to be allowed in respect of such goods not accounted for prior to the thirty-first day of March, 1924, and claims for such deduction must be presented to the Department of Customs and Excise with complete evidence on or before the thirtieth day of June, 1924, otherwise the 35 same shall be rejected.

Deduction on goods on hand on 1st January. 1924.

No deduction after 31st May, 1924.

Claims to be filed before 30th June, 1924.

Refund on goods imported free of duty.

Refund on exportations.

"(9) When goods may be imported into Canada free of customs duty, there may be granted a refund or reduction of the consumption or sales tax on similar goods manufactured or produced in Canada, when evidence satisfactory 40 to the Minister is produced that such Canadian goods are at a disadvantage with respect to similar imported goods. Such refund or reduction shall not exceed twenty-five per cent of the amount of the said tax paid or to be payable.

"(10) A refund of the consumption or sales tax may be 45 granted on imported goods on which customs duties have been refunded on exportation; and a refund of the said tax may be granted on domestic goods exported, under regulations prescribed by the Minister of Customs and Excise.

Deduction on price fixed by contract of sale made before 12th May, 1923.

No deduction after 31st March, 1924.

Claims to be filed before 30th June, 1924.

Invoice on sales to wholesaler or jobber not licensed.

Invoice on sales by wholesaler or jobber not licensed.

Minister may determine value for tax in difficult eircumstances.

"(11) A deduction from the consumption or sales tax may be granted in respect to goods sold at a price fixed by a bona fide contract of sale made before the twelfth day of May, 1923, and still in force at the time of delivery of the goods; provided that such deduction shall not exceed the difference between the amount of the sales tax calculated at the rate in force on the eleventh day of May, 1923. and the amount of the consumption or sales tax paid or to be payable under the provisions of this Part, and that no such deduction shall be made in respect of goods delivered 10 after the thirty-first day of March, 1924, and claims for such deduction must be presented to the Department of Customs and Excise with complete evidence on or before the thirtieth day of June, 1924, otherwise the same shall be rejected. 15

"(12) (a) When goods are sold by a licensed manufacturer or producer or by a licensed wholesaler or jobber to a wholesaler or jobber not licensed under this Act, the purchaser shall be furnished with a written invoice of the goods sold, which invoice shall state separately the 20

amount of the consumption or sales tax.

(b) When goods are sold by a wholesaler or jobber not licensed under this Act to a licensed manufacturer or producer the purchaser shall be furnished with a written invoice of the goods sold, which invoice shall state separately 25

the amount of the consumption or sales tax.

"(13) Whenever goods are manufactured or produced in Canada under such circumstances or conditions as render it difficult to determine the value thereof for the consumption or sales tax because,—

(a) a lease of such goods or the right of using the same but not the right of property therein is sold or given;

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or,

(b) such goods having a royalty imposed thereon, the royalty is uncertain, or is not from other causes a 35 reliable means of estimating the value of the goods; or,

(c) such goods are manufactured by contract for labour only and not including the value of the goods that enter into the same, or under any other unusual or peculiar manner or conditions; or,

(d) such goods are for use by the manufacturer or pro-

ducer and not for sale

the Minister may determine the value for the tax under this Act and all such transactions shall for the purposes of this Act be regarded as sales."

(5) Paragraph six of subsection one of said section nineteen BBB, respecting drawback, is amended by inserting before said paragraph the subsection number (14).

(6) Subsections two and three of said section nineteen BBB as enacted by chapter fifty of the statutes of 1921, 50 are repealed.

Paragraph made a subsection.

Licenses, recovery of tax, costs or penalties.

7. (1) Section nineteen D of the said Act, as enacted by chapter forty-seven of the statutes of 1922, is repealed,

and the following is substituted therefor:

Penalty for neglecting or refusal to pay tax. "19D. (1) Every person who, being thereto liable, neglects or refuses to pay any tax imposed by this Part, 5 and any person who contravenes any requirement of this Part or any regulation of the Minister under this Part for which no other penalty is provided, shall be liable, on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars.

(2) Subsection five of section nineteen B of the said Act, as enacted by chapter forty-six of the statutes of 1918, is repealed, and the following is inserted as subsection two

of section nineteen D:—

Records, books and accounts to be open to inspection by officers. "19D. (2) The records, books, accounts and vouchers 15 of all manufacturers, producers, wholesalers and jobbers and of importers and dealers which are required to be kept under the provisions of this Part shall be open at all reasonable hours to the inspection of the officers or other persons authorized by the Minister to inspect the same, 20 and any person who in any way prevents or attempts to prevent any such officer or other person from having access to or inspecting the same, or refuses to produce the same or any of them, shall be liable, on summary conviction, to a penalty not exceeding one thousand dollars." 25

S. The said Act is amended by adding to Part IV

thereof the following sections:—

"IDE. If a manufacturer or producer fails or refuses to keep adequate books or accounts, in English or French, for the purposes of this Act, the Minister may, by notice 30 in writing, require the manufacturer or producer to keep such records and accounts as the Minister may prescribe. For every default in complying with the requirements of such notice the manufacturer or producer shall be liable, on summary conviction, to a penalty not exceeding one 35 hundred dollars for each day during which the default continues.

to keep books.

Failure or refusal

Penalty.

Taxes to apply to goods sold to or imported by Dominion, Provinces, provincial railways or provincial commission, board or public utility.

"19F. The taxes imposed by sections 16A, 19B, 19BB and 19BBB of this Act shall apply to goods sold to, or imported by.—

(i) His Majesty in the right of His Majesty's Govern-

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ment of Canada;

(ii) His Majesty in the right of His Majesty's Government of any province of Canada, for the purpose of resale:

(iii) Any railway operated by or under the authority of the Legislature or the Lieutenant-Governor in Council of any province;

(iv) Any commission, board or public utility which is operated by or under the authority of the Legis- 50 60971—2

Provided that carbonic and ma manufactured of pro-

lature or the Lieutenant Governor in Council of any

province.

Refund on goods sold to Province if Province exempt from tax. "19G. A refund of the amount of taxes paid under sections 16A, 19B, 19BB and 19BBB of this Act may be granted to a manufacturer, producer, wholesaler, jobber or other dealer on goods sold to His Majesty in the right of His Majesty's Government of any province in Canada, when His Majesty's Government of the province is exempt from taxes in respect of such goods."

9. Subsection three of section twenty of the said Act 10

is repealed, and the following is substituted therefor:—

Prosecutions.

"(3) All penalties imposed by this Act, when no other procedure for the recovery thereof is by this Act provided, may be sued for, prosecuted and recovered with costs by His Majesty's Attorney General of Canada, or, 15 in respect of penalties under Part One, in the name of the Minister of Finance, or, in respect of penalties under Part Two, Part Three and Part Four in the name of the Minister of Customs and Excise."

Government or provincial sales.
Use of

**10.** (1) Section fifteen of chapter forty-seven of the 20 statutes of 1922 is repealed.

(2) Subsection three of section nineteen of the said Act

is repealed.

Schedule I amended.

postage

stamps.

11. Schedule One to the said Act, as enacted by chapter forty-seven of the statutes of 1922, is amended by striking 25 thereout all the words after "settlers' effects" in line ten down to the end of the said Schedule.

Schedule II amended.

12. Schedule Two to the said Act, as enacted by chapter forty-seven of the statutes of 1922, is amended by striking out the second item respecting beverages and by adding 30 to the said Schedule the following item:—

"Carbonic acid gas, per pound......one cent. Provided that carbonic acid gas manufactured or produced in Canada and used in the manufacture of other products shall be deemed to be carbonic acid gas manu-35 factured or produced in Canada and sold."

When secs. 1, 2, 3, come into force.

13. Sections one, two and three of this Act shall come into force on the first day of August, nineteen hundred and twenty-three.

When secs. 6 (2) b, 11 and 12 come into force.

14. Paragraph (b) of subsection two of section six and 40 sections eleven and twelve of this Act shall be deemed to have come into force on the first day of June, one thousand nine hundred and twenty-three.

When sec. 10 (2) comes into force.

15. Subsection two of section ten of this Act shall come into force on the first day of October, one thousand nine hundred and twenty-three.

When secs. 4, 6 except (2) b, 7, 8, 9, and 10 come into force.

16. Section four, section six (except paragraph (b) of subsection two of said section six) and sections seven, eight, 5 nine and subsection one of section ten of this Act shall come into force on the first day of January, one thousand nine hundred and twenty-four and shall apply to all goods imported or taken out of warehouse for consumption on and after that day, and shall apply to goods previously imported 10 for which no entry for consumption was made before that date.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

## BILL 231.

An Act to amend the Quebec Savings Banks Act, 1913.

First reading, June 21, 1923.

The MINISTER OF FINANCE,

### THE HOUSE OF COMMONS OF CANADA.

## BILL 231.

An Act to amend The Quebec Savings Banks Act, 1913.

1913, c. 42. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain charters continued.

1. The charters of the Montreal City and District Savings Bank and of La Caisse d'Economie de Notre-Dame 5 de Quebec, which expire on the first day of July in the year one thousand nine hundred and twenty-three by virtue of the operation of section four of The Quebec Savings Banks Act, being chapter forty-two of the statutes of 1913, are hereby continued and shall remain in force until 10 the first day of July, one thousand nine hundred and thirty-three, except in so far as they, or either of them, are or become forfeited or void under the terms thereof or of the said chapter forty-two of the statutes of 1913, or of any other Act heretofore or hereafter passed relating 15 to the said savings banks by non-performance of the conditions of such charters or Acts respectively, or by insolvency, or otherwise.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

## BILL 231.

An Act to amend the Quebec Savings Banks Act, 1913.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

## BILL 231.

An Act to amend The Quebec Savings Banks Act, 1913.

1913, c. 42. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain charters continued.

1. The charters of the Montreal City and District Savings Bank and of La Caisse d'Economie de Notre-Dame 5 de Quebec, which expire on the first day of July in the year one thousand nine hundred and twenty-three by virtue of the operation of section four of The Quebec Savings Banks Act, being chapter forty-two of the statutes of 1913, are hereby continued and shall remain in force until 10 the first day of July, one thousand nine hundred and thirty-three, except in so far as they, or either of them, are or become forfeited or void under the terms thereof or of the said chapter forty-two of the statutes of 1913, or of any other Act heretofore or hereafter passed relating 15 to the said savings banks by non-performance of the conditions of such charters or Acts respectively, or by insolvency, or otherwise.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 232.

An Act to amend the Senate and House of Commons Act.

First reading, June 21, 1923.

The Minister of Finance.

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### THE HOUSE OF COMMONS OF CANADA.

## BILL 232.

An Act to amend the Senate and House of Commons Act.

R.S. c. 10; 1912, c. 50; 1915, c. 7; 1917, c. 35; 1918, c. 41; 1920, c. 69; 1922, c. 44. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sections thirty-two and thirty-three of the Senate and House of Commons Act, Revised Statutes of Canada, 1906, chapter ten, as enacted by chapter sixty-nine of the statutes of 1920, are repealed and the following are substituted therefor:—

Sessional allowance.

"32. For every session of Parliament which extends over a period of fifty days or more, there shall be payable 10 to every member of the Senate and House of Commons attending at such session, a sessional allowance of four thousand dollars and no more."

Allowance where attendance less than fifty days.

"33. A member shall not be entitled to the said sessional allowance for less than fifty days' attendance; 15 but the allowance for any less number of days shall be twenty-five dollars for each day's attendance."

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

How indemnity shall be payable.

"34. The said allowance may be paid on the last day 20 of each month, to the extent of twenty dollars for each day's attendance, but the remainder shall be retained by the clerk or accountant of the proper House, until the close of the session, when the final payment shall be made."

3. Sections thirty-five and thirty-seven of the said Act, 25 as enacted by chapter sixty-nine of the statutes of 1920, are repealed and the following are substituted therefor:—

Deductions for non-attendance.

"35. (1) A deduction at the rate of twenty-five dollars per day shall be made from such sessional allowance for every day beyond fifteen on which the member does not 30 attend a sitting of the House of which he is a member, if the House sits on such day: Provided that in the case

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of a member elected or appointed after the commencement of a session, no day of the session previous to such election or appointment shall be reckoned as one of such fifteen

days.

(2) Each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day, and each day on which the member is in the place where the session is held but is by reason of his illness unable to attend any such sitting as aforesaid, shall be reckoned as a day of attendance at such 10 session for the purpose of the indemnity; and a member shall, in the case of his being unable to attend any such sitting by reason of his illness, be held to be in the place where the session is held whenever he is within ten miles of such place."

"37. (1) Whenever any person is a member of either where person House for fifty days or more during any session, though is Member for only part of a such person may be a member for a part only of such session. session, he shall be entitled to his sessional allowance, subject to the deduction aforesaid for non-attendance 20 as a member, and subject also to a deduction of twenty-five dollars for each day of such session before he was elected

case may be.

(2) If he is a member for less than fifty days, he shall 25 be entitled only to twenty-five dollars for each day's attendance at such session, whatever may be the length

or appointed, or after he ceased to be a member, as the

thereof.

(3) A member of either House for a part only of a session, who becomes during the session a member of the other 30 House, shall not be entitled to more than four thousand dollars for the session."

Application of this Act.

Allowance

4. All the provisions of the said Act as enacted by the present Act shall apply to the present session of Parliament except the provisions of section thirty-four, which shall 35 only apply to the sessions of Parliament held subsequent to the date of the passing of the present Act.

15

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

## BILL 232.

An Act to amend the Senate and House of Commons Act.

AS PASSED BY THE HOUSE OF COMMONS, 21st JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

## BILL 232.

An Act to amend the Senate and House of Commons Act.

R.S. c. 10; 1912, c. 50; 1915, c. 7; 1917, c. 35; 1918, c. 41; 1920, c. 69; 1922, c. 44. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sections thirty-two and thirty-three of the Senate and House of Commons Act, Revised Statutes of Canada, 1906, chapter ten, as enacted by chapter sixty-nine of the statutes of 1920, are repealed and the following are substituted therefor:—

Sessional allowance.

"32. For every session of Parliament which extends over a period of sixty-five days or more, there shall be payable 10 to every member of the Senate and House of Commons attending at such session, a sessional allowance of four thousand dollars and no more."

Allowance where attendance less than fifty days.

"33. A member shall not be entitled to the said sessional allowance for less than fifty days' attendance; 15 but the allowance for any less number of days shall be twenty-five dollars for each day's attendance."

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

How indemnity shall be payable.

- "34. The said allowance may be paid on the last day 20 of each month, to the extent of twenty dollars for each day's attendance, but the remainder shall be retained by the clerk or accountant of the proper House, until the close of the session, when the final payment shall be made."
- 3. Sections thirty-five, thirty-seven and thirty-eight of 25 the said Act, as enacted by chapter sixty-nine of the statutes of 1920, are repealed and the following are substituted therefor:—

Deductions for non-attendance.

"35. (1) A deduction at the rate of twenty-five dollars per day shall be made from such sessional allowance for 30 every day beyond fifteen on which the member does not attend a sitting of the House of which he is a member, if the House sits on such day: Provided that in the case

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of a member elected or appointed after the commencement of a session, no day of the session previous to such election or appointment shall be reckoned as one of such fifteen

days.

(2) Each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day, and each day on which the member is in the place where the session is held but is by reason of his illness unable to attend any such sitting as aforesaid, shall be reckoned as a day of attendance at such 10 session for the purpose of the indemnity: and a member shall, in the case of his being unable to attend any such sitting by reason of his illness, be held to be in the place where the session is held whenever he is within ten miles of such place." 15

Allowance

"37. (1) Whenever any person is a member of either where person House for fifty days or more during any session, extendonly part of a ing over a period of sixty-five days or more, though such person may be a member for a part only of such session, he shall be entitled to his sessional allowance, 20 subject to the deduction aforesaid for non-attendance as a member, and subject also to a deduction of twenty-five dollars for each day of such session before he was elected or appointed, or after he ceased to be a member, as the case may be. 25

> (2) If he is a member for less than fifty days, he shall be entitled only to twenty-five dollars for each day's attendance at such session, whatever may be the length

thereof.

(3) A member of either House for a part only of a session, 30 who becomes during the session a member of the other House, shall not be entitled to more than four thousand dollars for the session."

Allowance when session less than 65 days.

"38. In every session of Parliament covering a period of less than sixty-five days, there shall be payable to every member of the Senate and House of Commons attending at 35 such session, twenty-five dollars for each day's attendance."

Application of this Act.

4. All the provisions of the said Act as enacted by the present Act shall apply to the present session of Parliament except the provisions of section thirty-four, which shall only apply to the sessions of Parliament held subsequent 40 to the date of the passing of the present Act.

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

## BILL 234.

An Act respecting Construction of Canadian National Railway Lines.

First reading, June 21, 1923.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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### THE HOUSE OF COMMONS OF CANADA.

## BILL 234.

An Act respecting the Construction of Canadian National Railway Lines.

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 National Railways Construction Act, 1923.

Power to construct and complete lines described in schedule. 2. The Governor in Council may provide for the construction and completion by the Canadian National Railway Company (hereinafter called "the Company") of the lines of railway mentioned or referred to in the schedule to this Act, (hereinafter called "the said lines of railway.").

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Lines to part of Canadian Government Railways and constructed by company. 3. Any of the said lines of railway connecting with the Canadian Government Railways may be declared by the Governor in Council to form part of the Canadian Government Railways. Lines of railway so declared (hereinafter called "Government Railway Lines") shall be constructed 15 by the Company on behalf of His Majesty and the Company shall cause the title to the necessary lands or interests in lands to be acquired in the name of His Majesty.

Advances for Government Railway lines. 4. With respect to Government Railway Lines the Governor in Council may authorize advances to be made 20 to the Company from the Consolidated Revenue Fund to cover the necessary expenditure in acquiring such lands or interests in lands and in constructing and completing such lines of railway.

Guarantee of securities of other lines up to \$40,000 per mile. 5. With respect to the lines of railway mentioned or 25 referred to in the said schedule other than Government Railway Lines (which other lines are hereinafter referred to as "National Railway Lines") the Governor in Council may authorize the guarantee of the principal and interest of the securities of the Company issued under the provisions 30 (save as herein varied) of section twenty-six of chapter

thirteen of the statutes of Canadar 1919, to an amount approved by the Governor in Council but not exceeding forty thousand dollars per mile of such National Railway Lines.

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as to the mileage of the National Bailway Lines shall for the purposes of this Act be conclusive, but the Minister may issue interms certificates from time to time based upon estimated mileage, a final certificate being ultimately usually the Minister to accord with the miles and fractions II of siles actually constructed, each line of railway being treated as a sensore line.

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Of the instance of the said nose of railway and the cost of construction thereof, as mentioned or interred to it the schedule to this Act, are merely estimated distances 15 and costs for the information of Parliament, and chall not be taken to restrict the Minister in the issuance of such certificates not the Company-in the performance of the work of construction and completion nor in the issue-of its securities.

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in respect of the National Hailway Lines and the form and farine themse, them of the thines, manner and amount of the issue from time to time made of such securities and the form and form and time to the guarantee or guarantees shall be approved. The guarantees or guarantees shall be signed approved. The guarantees or guarantees shall be signed on the Minister of Finance on reting Minister of Finance on behalf of His Majesty and such signed we belief of His Majesty and such signed we shall be

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of this Act have been complied with. Should the Governor in Council decide that such securities shall be secured by mortgage or deed of trust the form and terms of such mortgage or deed of trust and the trustee or busiess thereof shall be such as the Governor in Council may 3. absence or direct.

Parking and a second control of the control of the

9. To enable the work of construction and completion, of the National Railway Lines to proceed forthwith the Covernor in Council, pending the assue and dispusal of such guaranteed securities, may sufferize advances to be 4t made to the Consolidated Revenue Fund, such advances to be reinfluesed to His Majesty by the Company from the proceeds of the sale or other disposition of such marganteed securities.

thirteen of the statutes of Canada, 1919, to an amount approved by the Governor in Council but not exceeding forty thousand dollars per mile of such National Railway Lines.

Certificates of Minister as to mileage of National Railway lines.

6. The certificate of the Minister of Railways and Canals 5 as to the mileage of the National Railway Lines shall for the purposes of this Act be conclusive, but the Minister may issue interim certificates from time to time based upon estimated mileage, a final certificate being ultimately issued by the Minister to accord with the miles and fractions 10 of miles actually constructed, each line of railway being treated as a separate line.

Mileage and costs are estimates only for Parliament.

7. The mileage of the said lines of railway and the cost of construction thereof, as mentioned or referred to in the schedule to this Act, are merely estimated distances 15 and costs for the information of Parliament, and shall not be taken to restrict the Minister in the issuance of such certificates nor the Company in the performance of the work of construction and completion nor in the issue of its securities.

Nature and form of securities to be approved by Governor in Council, and signed by Minister of Finance.

8. The kind of securities to be issued and guaranteed in respect of the National Railway Lines and the form and terms thereof, and the times, manner and amount of the issue from time to time made of such securities and the form and manner of the guarantee or guarantees shall be 25 such as the Governor in Council may from time to time approve. The guarantee or guarantees shall be signed by the Minister of Finance or Acting Minister of Finance on behalf of His Majesty and such signature shall be conclusive evidence for all purposes that the provisions 30 of this Act have been complied with. Should the Governor in Council decide that such securities shall be secured by mortgage or deed of trust the form and terms of such mortgage or deed of trust and the trustee or trustees thereof shall be such as the Governor in Council may 35 approve or direct.

Mortgage a deed of trust.

- Advances pending issue of guaranteed securities.
- 9. To enable the work of construction and completion of the National Railway Lines to proceed forthwith the Governor in Council, pending the issue and disposal of such guaranteed securities, may authorize advances to be 40 made to the Company from the Consolidated Revenue Fund, such advances to be reimbursed to His Majesty by the Company from the proceeds of the sale or other disposition of such guaranteed securities.

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#### SCHEDULE.

	Such 3	Estimated	
Location	Mileage already graded	Mileage including existing grading	Cost
- In the state of	La france ben	House San	\$
1. Lockport Station to Town of Lockeport, N.S	. 0	4	150,000
2. Sunny Brae Branch to Guysboro, N.S	. 0	67	3,500,000
3. Meductic, N.B., westerly to International Boundary		25	1,260,000
4. Grande Fresniere, Que., to Rinfret Junction		12	357,000
5. China Clay Branch, Que., to St. Remi d'Amherst		12	65,000
6. Long Lac to Nakina, Ont		29	1,944,000
7. St. Rose du Lac Branch to Rorketown, Man		22	378,000
8. Pine Falls Branch, Man., to Winnipeg River		19	450,000
9. Peebles southerly Branch to Mile 22, Sask		22	1300,000
10. Thunderhill Branch, northwesterly to Prince Albert Branch.		69	1,656,000
11. Melfort Branch, northeasterly to near Nipawan, Sask		17	360,000
12. From Prince Albert Branch, northeasterly to near Paddock		The sales of	100 000
wood, Sask	. 18	23	406,000
3. Bengough Branch, southwesterly past Fife Lake, Sask		48	1,404,500
4. Gravelbourg Branch, westerly to Neidpath, Sask		11	174,000
5. Eston Branch, southeasterly towards White Bear, Sask		35	F649,000
6. Turtleford Branch, southeasterly to near Hafford, Sask		102	2,313,000
7. Jackfish Branch westerly to Glenbogie, Sask		5	181,000
8. Vonda Branch northeasterly to near Wakaw, Sask		31	581,000
9. Dunblane Branch to Mawer, Sask	. 0	42	2,767,000
20. Willowbrook Branch westerly to Mile six (6) west of Willow		0	154 000
brook, Sask	. 4	6	154,000
21. Acadia Valley Branch westerly to Mile 43 Sask. and Alta		42	768,000
22. Alliance Branch to a point between Sibbald and Alsask, Alta	0 0	70	1,034,000 1,445,000
23. Hanna Branch to Warden, Alta		57	1,440,000
	0	50	1.362,000
Branch, Alta		21	525,000
		21	020,000
26. Joint Section with C.P.R. between Rosedale and Bullpoun Creek, Alta.	Half cost	39	915,000
27. Okanagan Branches to Kelowna and to Lumby, B.C		105	2,307,000
28. Vancouver Island Branch to complete to Mile 100		26	348,300
20. Vancouver Island Dranen to complete to mile 100	. 00	track only	010,000
29. Cowichan Bay Cut-off to Cowichan Bay, Vancouver Island.	. 0	10	554, 100
co. Cowienan Day Cut-off to Cowienan Day, vancouver Island	. 0	10	001,100

Second Session, Fourteenth Parliament, 13-14 George V, 1923

### THE HOUSE OF COMMONS OF CANADA

# BILL 234.

An Act respecting Construction of Canadian National Railway Lines.

AS PASSED BY THE HOUSE OF COMMONS, 27th JUNE, 1923.

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## BILL 234.

An Act respecting the Construction of Canadian National Railway Lines.

IIIS 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 National Railways Construction Act, 1923.

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Power to construct and complete lines described in schedule.

2. The Governor in Council may provide for the construction and completion prior to the thirty-first day of August, one thousand nine hundred and twenty-six, by the Canadian National Railway Company (hereinafter called "the Company") of the lines of railway mentioned or 10 referred to in the schedule to this Act, (hereinafter called "the said lines of railway.").

Lines to part of Canadian Government constructed by company.

3. Any of the said lines of railway connecting with the Canadian Government Railways may be declared by the Railways and Governor in Council to form part of the Canadian Govern-15 ment Railways. Lines of railway so declared (hereinafter called "Government Railway Lines") shall be constructed by the Company on behalf of His Majesty and the Company shall cause the title to the necessary lands or interests in lands to be acquired in the name of His Majesty. 20

Advances for Government Railway lines.

4. With respect to Government Railway Lines the Governor in Council may authorize advances to be made to the Company from the Consolidated Revenue Fund to cover the necessary expenditure in acquiring such lands or interests in lands and in constructing and completing 25 such lines of railway.

Guarantee of securities of other lines up to \$40,000 per mile.

5. With respect to the lines of railway mentioned or referred to in the said schedule other than Government Railway Lines (which other lines are hereinafter referred to as "National Railway Lines") the Governor in Council 30 may authorize the guarantee of the principal and interest of the securities of the Company issued under the provisions

College to restrict the Character in the lamance of such to of the manufaction and completion that in the large of 26

(save as herein varied) of section twenty-six of chapter thirteen of the statutes of Canada, 1919, to an amount approved by the Governor in Council but not exceeding forty thousand dollars per mile of such National Railway Lines.

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Certificates of Minister as to mileage of National Railway lines. 6. The certificate of the Minister of Railways and Canals as to the mileage of the National Railway Lines shall for the purposes of this Act be conclusive, but the Minister may issue interim certificates from time to time based upon estimated mileage, a final certificate being ultimately 10 issued by the Minister to accord with the miles and fractions of miles actually constructed, each line of railway being treated as a separate line.

Mileage and costs are estimates only for Parliament.

7. The mileage of the said lines of railway and the cost of construction thereof, as mentioned or referred to 15 in the schedule to this Act, are merely estimated distances and costs for the information of Parliament, and shall not be taken to restrict the Minister in the issuance of such certificates nor the Company in the performance of the work of construction and completion nor in the issue of 20 its securities.

Nature and form of securities to be approved by Governor in Council, and signed by Minister of Finance.

S. The kind of securities to be issued and guaranteed in respect of the National Railway Lines and the form and terms thereof, and the times, manner and amount of the issue from time to time made of such securities and the 25 form and manner of the guarantee or guarantees shall be such as the Governor in Council may from time to time approve. The guarantee or guarantees shall be signed by the Minister of Finance or Acting Minister of Finance on behalf of His Majesty and such signature shall be 30 conclusive evidence for all purposes that the provisions of this Act have been complied with. Should the Governor in Council decide that such securities shall be secured by mortgage or deed of trust the form and terms of such mortgage or deed of trust and the trustee or trustees 35 thereof shall be such as the Governor in Council may approve or direct.

Mortgage a deed of trust.

- Advances pending issue of guaranteed securities.
- 9. To enable the work of construction and completion of the National Railway Lines to proceed forthwith the Governor in Council, pending the issue and disposal of 40 such guaranteed securities, may authorize advances to be made to the Company from the Consolidated Revenue Fund, such advances to be reimbursed to His Majesty by the Company from the proceeds of the sale or other disposition of such guaranteed securities.

### SCHEDULE

Location	Mileage already graded	Estimated	
		Mileage including existing grading	Cost
	THE REAL PROPERTY.	DESTRUCTION OF THE PARTY OF THE	\$
1. Lockport Station to Town of Lockeport, N.S	. 0	4	150,000
2. Sunny Brae Branch to Guysboro, N.S	. 0	67	3,500,000
3. Meductic, N.B., westerly to International Boundary	. 0	25	1,260,000
4. Grande Fresnière, Que., to Rinfret Junction		12	357,000
5. China Clay Branch, Que., to St. Rémi d'Amherst		2	65,000
6. Long Lac to Nakina, Ont		29	1,944,000
7. St. Rose du Lac Branch to Rorketown, Man		22	378,000
8. Pine Falls Branch, Man., to Winnipeg River		22	450,000 300,000
9. Peebles southerly Branch to Mile 22, Sask		69	1,656,000
11. Melfort Branch, northeasterly to near Nipawan, Sask		17	360,000
12. From Prince Albert Branch, northeasterly to near Paddock		1.	300,000
wood, Sask	. 18	23	406,000
13. Bengough Branch, southwesterly past Fife Lake, Sask		48	1,404,500
14. Gravelbourg Branch, westerly to Neidpath, Sask		11	174,000
15. Eston Branch, southeasterly towards White Bear, Sask		35	649,000
16. Turtleford Branch, southeasterly to near Hafford, Sask		102	2,313,000
17. Jackfish Branch westerly to Glenbogie, Sask		5	181,000
18. Vonda Branch northeasterly to near Wakaw, Sask		31	581,000
19. Dunblane Branch to Mawer, Sask	. 0	42	2,767,000
20. Willowbrook Branch westerly to Mile six (6) west of Willow	- 1000000000000000000000000000000000000	MODEL POLICE	
brook Sask	. 4	6	154,000
21. Acadia Valley Branch westerly to Mile 43 Sask. and Alta		42	768,000
22. Alliance Branch to a point between Sibbald and Alsask, Alta.		70	1,034,000
23. Hanna Branch to Warden, Alta	. 0	57	1,445,000
24. Loverna Branch westerly to connect with Hanna-Warden	1		1 000 000
Branch, Alta	0 0	50 21	1,362,000
25. St. Paul Branch easterly to 21st mile beyond St. Paul, Alta		21	525,000
26. Joint Section with C.P.R. between Rosedale and Bullpound	Half cost	39	915,000
Creek, Alta	101	105	2, 307, 000
28. Vancouver Island Branch to complete to Mile 100		26	348, 300
20. Valicouver Island Dranch to complete to mine 100	00	track only	040,000
29. Cowichan Bay Cut-off to Cowichan Bay, Vancouver Island	0	10	554,100
20. Cowichan Day Curon to Cowichan Day, vancouver Island		10	001,100

Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 235.

An Act with respect to Freight Rates for the Carriage of Grain by Lake and River Navigation.

First reading, June 21, 1923.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

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#### THE HOUSE OF COMMONS OF CANADA.

## BILL 235.

An Act with respect to Freight Rates for the Carriage of Grain by Lake and River Navigation.

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 Inland Water Freight Rates Act, 1923.

Interpretation. "Board." 2. In this Act, unless the context otherwise requires,—
(a) "Board of Grain Commissioners for Canada" means the Commission constituted by The Canada Grain Act, chapter twenty-seven of the statutes of 1912, and "Board" means the Board of Grain Commissioners 10 for Canada as so constituted.

"Department." (b) "Department" means the Department of Trade and Commerce.

"Grain."

(c) "Grain" means and includes all kinds and varieties of grain, the inspection of which is provided for by 15 The Canada Grain Act and its amendments.

"Lake and river navigation." "Minister." (d) "Lake and river navigation" includes all the rivers, lakes and other navigable waters within Canada.(e) "Minister" means the Minister of Trade and Com-

merce.

corporation: 20

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"Person."
"Regulations."

(f) "Person" means any person, firm or corporation;(g) "Regulations" means regulations made by the Board under the authority of this Act;

"Shipping Company."

(h) "Shipping company" means any person, firm or company who carries, or offers, advertises or proposes 25 to carry grain between any ports in Canada or between any ports in Canada and the United States;

"Shipowner."

(i) "Shipowner" means the registered owner of a ship or any share in a ship, and includes the lessee or charterer of any vessel having the control of the 30 navigation thereof;

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(i) A "Yeard harder" neares a postal energed or acting for except in chartering one vestel or confracting for every made for the receipts of grain by water.

b ling with be legal of Oran Oran of tails of gater to be gater to be well as well as

3. Any shipping conquery or any shipowner or pengue who carries for him between I'ver William, or I'ver Arthur and any grain for hiver between I'ver William, or I'ver Arthur and any other part or place in Canada or the United States by the extent or place in Canada or the United States by the extent or place in Canada or the category in the him of the category in the category in the category in the category of the category of

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shie upon magetaem, or upon sammary conviction belore any since dury or police magetrate having the jurisdiction of two justices of the Peace, and moreover shall be discutified in receiver or to assent any remedy for the recovery of any freight for which he shall have stipulated at a rate Alfin crosses of that which shall have stipulated at a rate Alfinered in the manner storesaid.

Hecelving for the control of the con

d. H. shalf he the duty of the Board to receive and tabulation all such tariffs and rates as may be filed with the Board as aferesaid, and ruomewer, to ascertain by all 45 available ascent, the rates of freight which prevail or are exacted no required for the earnings of grain from Fort.

William or Next Archur to any of the ports or places along.

"Vessel Broker." (j) "Vessel broker" means a person engaged or acting as agent in chartering any vessel or contracting for cargo space for the carriage of grain by water.

Filing with Board of Grain Commissioners of tariff of rates to be charged, as well as subsequent changes in that regard.

3. Any shipping company or any shipowner or person who carries or who offers, advertises or proposes to carry 5 grain for hire between Fort William, or Port Arthur and any other port or place in Canada or the United States, by lake or river navigation, shall, within thirty days after the passing of this Act, or before entering into any contract for such carriage, file with the Board of Grain Com- 10 missioners for Canada a tariff of the rates which such company, owner or person charges or intends or proposes to charge for the carriage of grain as aforesaid, and thereafter from time to time if and when any such company, owner or person, changes, varies or proposes to change 15 or vary the tariff or any item or charge thereof so filed, he shall, previously to the making of any such change or variation in the actual charges in respect of any shipment, file with the Board a copy of the tariff so changed, varied, or amended; and any such company, owner or 20 person who fails or neglects so to file any such tariff within thirty days after the passing of this Act, or before entering into any such contract, or to file with the Board notice in writing of any variation or change in any tariff so filed or subsequently filed by him, or who charges, contracts or 25 stipulates or receives for the carriage of grain between Fort William or Port Arthur and any other port or place in Canada or the United States by lake or river navigation, any toll, charge or rate in excess of that shown by a tariff which has been so filed by him with the Board, or in excess 30 of the tariff last notified by him to the Board as aforesaid, shall be guilty of an offence and liable therefor to penalty not exceeding two thousand dollars and not less than five hundred dollars, or to imprisonment for a term not exceeding six months, enforceable and recover- 35 able upon indictment, or upon summary conviction before any stipendiary or police magistrate having the jurisdiction of two justices of the Peace, and moreover shall be disentitled to recover or to assert any remedy for the recovery of any freight for which he shall have stipulated at a rate 40 in excess of that which shall have been notified to the Board in the manner aforesaid.

Penalty for infraction.

Receiving and tabulating of such charges.

4. It shall be the duty of the Board to receive and tabulate all such tariffs and rates as may be filed with the Board as aforesaid, and moreover, to ascertain by all 45 available means, the rates of freight which prevail or are exacted or required for the carriage of grain from Fort William or Port Arthur to any of the ports or places afore-

and Commerce from time to since any finds which may come to the knowledge of the board on the knowledge of the board and which tend to show that there is a demonstra of eating space, execute fredget charge, or discrimination in rates with respect to the carriage of grain as aforessed, and all shipowners and other potents ongaged in the grain carrying trade in Canada shall, upon reasonable request, immediately furnish to the foast such information as they may possess relating to any of the matters aforessed, and shall for any willing to any refusal or neglect to furnish the same be guilty of an effective against this Act and be being to a penalty importantia upon equation and the carriers at exceeding one thousand dollars and made less than two hundred dollars for each such and not less than two hundred dollars for each such offeres.

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for the variation of such races conditionally, having regard to conditions to be specified in its order, and the Board shall in like manner from time to time as it may consider necessary or advisable reconsider and very or modify any

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dollars and not less than five hundred dollars, or to im-40 gresonment for a term not exceeding etc months, enforceable and recoverable afon inductment or mon summary conviction before any stiperations of police magnetiste having the purediction of two justices of the peace; and moreover

shall be disculished to recover or to assert any remedy for 45 the recovery of any freight for which he shall have stipulated or charged at a rate in excess of the maximum rates at fixed as always of the maximum rates at fixed as always of the maximum rates.

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Becommend of the second caked second caked second said, and to consider and report to the Minister of Trade and Commerce from time to time any facts which may come to the knowledge of the Board and which tend to show that there is a deficiency of cargo space, excessive freight charges, or discrimination in rates with respect to the carriage of grain as aforesaid, and all shipowners and other persons engaged in the grain carrying trade in Canada shall, upon reasonable request, immediately furnish to the Board such information as they may possess relating to any of the matters aforesaid, and shall for any wilful 10 refusal or neglect to furnish the same be guilty of an offence against this Act and be liable to a penalty recoverable upon summary conviction not exceeding one thousand dollars and not less than two hundred dollars for each such offence. 15

Penalty for contravention.

When Board may prescribe a maximum rate.

Variations in maximum rates.

Receiving toll in excess of maximum rate; penalty therefor.

5. When in the opinion of the Board the toll, charge or rate which any company, owner or person charges or intends or proposes to charge for the carriage of grain as aforesaid is unreasonable or excessive, or amounts to an unjust discrimination against any person, company or class of persons 20 as compared with the tolls or rates for similar traffic between Canadian and United States ports, or between one port and another in either of said countries, the Board may prescribe such maximum rates as it may consider reasonable; such maximum rates so prescribed may vary or be limited 25 in their application according to the time or season of shipping, and the Board shall indicate in its order fixing such maximum rates whether the same are to prevail until further order or the period or periods during which they are respectively to prevail; the Board may also provide 30 for the variation of such rates conditionally, having regard to conditions to be specified in its order, and the Board shall in like manner from time to time as it may consider necessary or advisable reconsider and vary or modify any order made by the Board in the premises. Any company, 35 owner or person who charges, contracts or stipulates or receives any toll, charge or rate in excess of the maximum rates so fixed by the Board shall be guilty of an offence and liable therefor to a penalty not exceeding two thousand dollars and not less than five hundred dollars, or to im-40 prisonment for a term not exceeding six months, enforceable and recoverable upon indictment or upon summary conviction before any stipendiary or police magistrate having the jurisdiction of two justices of the peace, and moreover shall be disentitled to recover or to assert any remedy for 45 the recovery of any freight for which he shall have stipulated or charged at a rate in excess of the maximum rates so fixed as aforesaid.

Vessel broker, etc., to post up statement as to details of cargo, etc.

6. Every one who is a vessel broker or person engaged or acting as agent or otherwise in the chartering of any before 10 a.m. vessel or in contracting for the hire or letting of cargo space for the carriage of grain from Fort William or Port Arthur to any port or place in Canada or in the United States by lake or river navigation shall post up, or cause to be posted up, at or before the hour of ten o'clock in the forenoon of each day during which the Winnipeg Grain Exchange and the office of The Board of Grain Commissioners, Fort William, are open for business, and shall 10 keep posted during the day for general inspection in a conspicuous place in the said Exchange and in the office of the Board of Grain Commissioners at Fort William, a statement in print or writing showing in detail the cargo space, time for shipment and destination for carriage of 15 all grain for the carriage of which from Fort William or Port Arthur to any other port or place in Canada or in the United States of America by lake or river navigation he has contracted or entered into any charter on the day last preceding, or, if the day last preceding be Sunday or a 20 holiday, during the two days last preceding.

Prohibition to solicit risk, issue policy of insurance, collect any premium, or inspect any risk.

7. It shall be unlawful for any person who is a vessel broker or person engaged or acting as agent or otherwise in the chartering of any vessel or in contracting for the hire or letting of cargo space for the carriage of grain from 25 Fort William or Port Arthur to any port or place in Canada or in the United States by lake or river navigation to solicit any risk, or to issue or deliver any receipt or policy of insurance, or to collect or receive any premium in whole or in part, or to inspect any risk, or to adjust any loss, 30 upon, for or in connection with any consignment of grain so to be carried.

Contravention of sections 6 and 7.

Penalty.

If a corporation.

8. Every one who contravenes any provision of sections six and seven of this Act or who fails or neglects to comply with any of the provisions thereof to which he is subject, 35 shall be guilty of an offence and liable therefor to a penalty not exceeding one thousand dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding three months; or, if a corporation, shall be liable to a penalty not exceeding three thousand dollars, and not 40 less than five hundred dollars; and any such offence may be prosecuted and the penalty therefor enforced or recovered either upon indictment or upon summary conviction before any police, stipendiary or other magistrate having the jurisdiction of two justices of the peace. 45

Intention of this Act.

9. This Act is intended to regulate the shipping rates of grain transported for interprovincial, foreign or export coace, and eccordingly shall not apply to grain carried locally to be ground or consumed in the province in which the shipment originates, but the burden of proof that any shipment of grain is within this exception shall rest upon the carrier.

BILL 235

An Art with respect to I wight Rates for the Castings of Gram by Lake and River Mavigation.

AS PASSED BY THE HOUSE OF CONDENSES 2248 11702 1921 export trade, and accordingly shall not apply to grain carried locally to be ground or consumed in the province in which the shipment originates, but the burden of proof that any shipment of grain is within this exception shall rest upon the carrier.

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 235.

An Act with respect to Freight Rates for the Carriage of Grain by Lake and River Navigation.

AS PASSED BY THE HOUSE OF COMMONS, 22nd JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 235.

An Act with respect to Freight Rates for the Carriage Grain by Lake and River Navigation.

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 Inland Water Freight Rates Act, 1923.

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Interpretation.
"Board."

2. In this Act, unless the context otherwise requires,—
(a) "Board of Grain Commissioners for Canada" means
the Commission constituted by The Canada Grain Act,
chapter twenty-seven of the statutes of 1912, and
"Board" means the Board of Grain Commissioners 10
for Canada as so constituted.

"Department."

(b) "Department" means the Department of Trade and Commerce.

"Grain."

(c) "Grain" means and includes all kinds and varieties of grain, the inspection of which is provided for by 15 The Canada Grain Act and its amendments.

"Lake and river navigation." "Minister." (d) "Lake and river navigation" includes all the rivers, lakes and other navigable waters within Canada.(e) "Minister" means the Minister of Trade and Com-

"Person."
"Regulations."

merce.

(f) "Person" means any person, firm or corporation;

"Shipping Company."

(g) "Regulations" means regulations made by the Board under the authority of this Act;

(h) "Shipping company" means any person, firm or company who carries, or offers, advertises or proposes 25 to carry grain between any ports in Canada or between any ports in Canada and the United States;

"Shipowner."

(i) "Shipowner" means the registered owner of a ship or any share in a ship, and includes the lessee or charterer of any vessel having the control of the 30 navigation thereof;

"Vassinit

(f) "Vesse broker" means a pareon engaged or acting as agent in character say vessed or ornimation for compare the compare of grain by water.

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4. It shall he the duty of the Roard to receive and taken in the files with taken all such theirs are may be tiled with the Roard as althought and moments, to ascertain by all available means, the resea of imply which prevail or are reacted or required to required to the currence of grain from Bost William or Port Arthur IC any at the ports or plants more

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"Vessel Broker." (j) "Vessel broker" means a person engaged or acting as agent in chartering any vessel or contracting for cargo space for the carriage of grain by water.

Filing with Board of Grain Commissioners of tariff of rates to be charged, as well as subsequent changes in that regard.

3. Any shipping company or any shipowner or person who carries or who offers, advertises or proposes to carry grain for hire between Fort William, or Port Arthur and any other port or place in Canada or the United States, by lake or river navigation, shall, within thirty days after the passing of this Act, or before entering into any contract for such carriage, file with the Board of Grain Com- 10 missioners for Canada a tariff of the rates which such company, owner or person charges or intends or proposes to charge for the carriage of grain as aforesaid, and thereafter from time to time if and when any such company, owner or person, changes, varies or proposes to change 15 or vary the tariff or any item or charge thereof so filed, he shall, previously to the making of any such change or variation in the actual charges in respect of any shipment, file with the Board a copy of the tariff so changed, varied, or amended; and any such company, owner or 20 person who fails or neglects so to file any such tariff within thirty days after the passing of this Act, or before entering into any such contract, or to file with the Board notice in writing of any variation or change in any tariff so filed or subsequently filed by him, or who charges, contracts or 25 stipulates or receives for the carriage of grain between Fort William or Port Arthur and any other port or place in Canada or the United States by lake or river navigation, any toll, charge or rate in excess of that shown by a tariff which has been so filed by him with the Board, or in excess 30 of the tariff last notified by him to the Board as aforesaid, shall be guilty of an offence and liable therefor to a penalty not exceeding two thousand dollars not less than five hundred dollars, or to imprisonment for a term not exceeding six months, enforceable and recover- 35 able upon indictment, or upon summary conviction before any stipendiary or police magistrate having the jurisdiction of two justices of the Peace, and moreover shall be disentitled to recover or to assert any remedy for the recovery of any freight for which he shall have stipulated at a rate 40 in excess of that which shall have been notified to the Board in the manner aforesaid.

Penalty for infraction.

4. It shall be the duty of the Board to receive and tabulate all such tariffs and rates as may be filed with a tabulate all such tariffs and rates as may be filed with available means, the rates of freight which prevail or are exacted or required for the carriage of grain from Fort William or Port Arthur to any of the ports or places afore-

Receiving and tabulating of such charges. sould and to consider and report to the Minister of Trade

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said, and to consider and report to the Minister of Trade and Commerce from time to time any facts which may come to the knowledge of the Board and which tend to show that there is a deficiency of cargo space, excessive freight charges, or discrimination in rates with respect to 5 the carriage of grain as aforesaid, and all shipowners and other persons engaged in the grain carrying trade in Canada shall, upon reasonable request, immediately furnish to the Board such information as they may possess relating to any of the matters aforesaid, and shall for any wilful 10 refusal or neglect to furnish the same be guilty of an offence against this Act and be liable to a penalty recoverable upon summary conviction not exceeding one thousand dollars and not less than two hundred dollars for each such offence. 15

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5. When in the opinion of the Board the toll, charge or rate which any company, owner or person charges or intends or proposes to charge for the carriage of grain as aforesaid is unreasonable or excessive, or amounts to an unjust discrimination against any person, company or class of persons 20 as compared with the tolls or rates for similar traffic between Canadian and United States ports, or between one port and another in either of said countries, the Board may prescribe such maximum rates as it may consider reasonable; such maximum rates so prescribed may vary or be limited 25 in their application according to the time or season of shipping, and the Board shall indicate in its order fixing such maximum rates whether the same are to prevail until further order or the period or periods during which they are respectively to prevail; the Board may also provide 30 for the variation of such rates conditionally, having regard to conditions to be specified in its order, and the Board shall in like manner from time to time as it may consider necessary or advisable reconsider and vary or modify any order made by the Board in the premises. Any company, 35 owner or person who charges, contracts or stipulates or receives any toll, charge or rate in excess of the maximum rates so fixed by the Board shall be guilty of an offence and liable therefor to a penalty not exceeding two thousand dollars and not less than five hundred dollars, or to im- 40 prisonment for a term not exceeding six months, enforceable and recoverable upon indictment or upon summary conviction before any stipendiary or police magistrate having the jurisdiction of two justices of the peace, and moreover shall be disentitled to recover or to assert any remedy for 45 the recovery of any freight for which he shall have stipulated or charged at a rate in excess of the maximum rates so fixed as aforesaid.

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Vessel broker, etc., to details of cargo, etc.

6. Every one who is a vessel broker or person engaged or acting as agent or otherwise in the chartering of any to post up or acting as agent of other than the or letting of cargo space before 10 a.m. vessel or in contracting for the hire or letting of cargo space for the carriage of grain from Fort William or Port Arthur to any port or place in Canada or in the United States 5 by lake or river navigation shall post up, or cause to be posted up, at or before the hour of ten o'clock in the forenoon of each day during which the Winnipeg Grain Exchange and the office of The Board of Grain Commissioners, Fort William, are open for business, and shall 10 keep posted during the day for general inspection in a conspicuous place in the said Exchange and in the office of the Board of Grain Commissioners at Fort William, a statement in print or writing showing in detail the cargo space, time for shipment and destination for carriage of 15 all grain for the carriage of which from Fort William or Port Arthur to any other port or place in Canada or in the United States of America by lake or river navigation he has contracted or entered into any charter on the day last preceding, or, if the day last preceding be Sunday or a 20 holiday, during the two days last preceding.

Prohibition to solicit risk, issue policy of insurance, collect any premium, or inspect any risk.

7. It shall be unlawful for any person who is a vessel broker or person engaged or acting as agent or otherwise in the chartering of any vessel or in contracting for the hire or letting of cargo space for the carriage of grain from 25 Fort William or Port Arthur to any port or place in Canada or in the United States by lake or river navigation to solicit any risk, or to issue or deliver any receipt or policy of insurance, or to collect or receive any premium in whole or in part, or to inspect any risk, or to adjust any loss, 30 upon, for or in connection with any consignment of grain so to be carried.

Contravention of sections 6 and 7.

Penalty.

If a corporation.

8. Every one who contravenes any provision of sections six and seven of this Act or who fails or neglects to comply with any of the provisions thereof to which he is subject, 35 shall be guilty of an offence and liable therefor to a penalty not exceeding one thousand dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding three months; or, if a corporation, shall be liable to a penalty not exceeding three thousand dollars, and not 40 less than five hundred dollars; and any such offence may be prosecuted and the penalty therefor enforced or recovered either upon indictment or upon summary conviction before any police, stipendiary or other magistrate having the jurisdiction of two justices of the peace. 45

Intention of this Act.

9. This Act is intended to regulate the shipping rates of grain transported for interprovincial, foreign or expect trade, and accordingly shall and apply to grain corrected for all a shall are consumed in which the clopinger originates, but the bunder of proof that and shipment of crain is within this exception that can upon the center.

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

## BILL 236.

An Act to amend the Canada Shipping Act.

First reading, June 21, 1923.

The MINISTER OF MARINE AND FISHERIES.

#### THE HOUSE OF COMMONS OF CANADA.

## ACIAMAD NO BILL 236. HEJOH HHT

An Act to amend the Canada Shipping Act.

R.S. c. 113; 1908, c. 64. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section nine hundred and fifty-eight of the Canada Shipping Act, as enacted by chapter sixty-four of the statutes of 1908, is repealed, and the following is substituted therefor:—

Power to suspend coasting laws. "958. The Governor in Council may, from time to time, by Order in Council declare that the foregoing provisions of this Part shall not, for the period specified in such Order 10 in Council, apply, either throughout Canada or in any specified waters of Canada, to the ships or vessels, or to any specified, ascertained or ascertainable class or number of the ships or vessels, of any foreign country."

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 236.

An Act to amend the Canada Shipping Act.

AS PASSED BY THE HOUSE OF COMMONS, 22nd JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 236.

An Act to amend the Canada Shipping Act.

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# BILL 237.

An Act to amend the Petroleum and Naphtha Inspection Act.

First reading, June 22, 1923.

The MINISTER OF CUSTOMS AND EXCISE.

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#### THE HOUSE OF COMMONS OF CANADA.

## BILL 237.

An Act to amend the Petroleum and Naphtha Inspection Act.

R.S., c. 86; 1913, c. 27; 1920, c. 17. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Regulations for sale and use of naphtha for illuminating purposes. 1. Section three of the *Petroleum and Naphtha Inspection Act*, chapter eighty-six of the Revised Statutes of Canada, 5 1906, is amended by inserting after the word "naphtha", in the fifth line thereof, the following words: "and as to the sale thereof and use for illuminating purposes."

Sale of naphtha.

2. Section fourteen of the said Act is amended by inserting before the word "naphtha," in the first line thereof, 10 the following words: "Subject to regulations made by the Governor in Council under authority of section three of this Act."

Explanatory Note-

The proposed changes are indicated by the words in italics which are to be inserted in the original sections.

- 3. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he deems necessary for the public safety, and may make special regulations as to the importation or possession of naphtha and as to the sale thereof and use for illuminating purposes; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as are made, from time to time, by the Governor in Council, for the storage and possession of such articles; and such permit shall be produced to the proper officer of the Customs before the importation of any such articles is permitted.
- 14. Subject to regulations made by the Governor in Council under authority of section three of this Act, naphtha shall not be sold or offered for sale in Canada for illuminating purposes except,—

(a) for use in street lamps in which only the vapour is burned; or

(b) for use in dwellings, factories and other places of business when vapourized in secure underground tanks outside the buildings in which the vapour so generated is used for lighting;

or for any other purpose except,-

- (a) for use for mechanical or chemical purposes in buildings not inhabited as residences for family purposes; or
- (b) for use in stoves constructed in such manner as to consume only the gas produced from the naphtha.

THE HOUSE OF COMMONS OF CANAD

## BELE 237.

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Second Session, Fourteenth Parliament, 13-14 George V, 1923

#### THE HOUSE OF COMMONS OF CANADA

# **BILL 237.**

An Act to amend the Petroleum and Naphtha Inspection Act.

AS PASSED BY THE HOUSE OF COMMONS, 22nd JUNE, 1923.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 237.

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2. Section fourteen of the said Act is amended by inserting before the word "naphtha," in the first line thereof, 10 the following words: "Subject to regulations made by the Governor in Council under authority of section three of this Act."

Explanatory Note-

The proposed changes are indicated by the words in italics which are to be inserted in the original sections.

- 3. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he deems necessary for the public safety, and may make special regulations as to the importation or possession of naphtha and as to the sale thereof and use for illuminating purposes; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as are made, from time to time, by the Governor in Council, for the storage and possession of such articles; and such permit shall be produced to the proper officer of the Customs before the importation of any such articles is permitted.
- 14. Subject to regulations made by the Governor in Council under authority of section three of this Act, naphtha shall not be sold or offered for sale in Canada for illuminating purposes except,—
  - (a) for use in street lamps in which only the vapour is burned; or
  - (b) for use in dwellings, factories and other places of business when vapourized in secure underground tanks outside the buildings in which the vapour so generated is used for lighting;
- or for any other purpose except,-
  - (a) for use for mechanical or chemical purposes in buildings not inhabited as residences for family purposes; or
  - (b) for use in stoves constructed in such manner as to consume only the gas produced from the naphtha.

Bull Sagatan, Takh Parliament, 13-10 Groups N. 1920

## THE HOUSE OF COMMONS OF CANADA

#### BRA 237

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### THE HOUSE OF COMMONS OF CANADA

# BILL 238.

An Act to amend The Feeding Stuffs Act.

First reading, June 22, 1923.

The MINISTER OF AGRICULTURE.

### THE HOUSE OF COMMONS OF CANADA

### BILL 238.

An Act to amend The Feeding Stuffs Act.

1909, c. 15; 1919 (2 Sess.) c. 4; 1920, c. 47. H<sup>IS</sup> Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Definition.

1. Paragraph (d) of subsection one of section two of "The Feeding Stuffs Act", chapter forty-seven of the 5 statutes of 1920, is repealed, and the following is substituted therefor:—

Bran, pure shorts, etc.

"(d) bran, pure shorts, middlings and feed flour, the products of wheat, when sold separately and unmixed with other materials:"

By-products resulting from cleaning, etc. of wheat forbidden. 2. Section six of the said Act is repealed, and the following is substituted therefor:—

offer, expose or have in possession for sale in Canada any flour mill by-product resulting from the cleaning and milling 15 of wheat for the production of flour by the usual commercial processes, unless,—

Except when properly tagged, etc.

"(a) every container containing such by-product, or a tag or label durably attached in a conspicuous place on the outside thereof, is branded or marked, in such 20 form and manner as may be prescribed by regulation, with one only of the following names, namely, bran, pure shorts, shorts and mill screenings, middlings, feed flour, mill screenings, together with the name of the manufacturer or the name and address of the 25 importer, and the place where the by-product was manufactured:

When free from certain admixture. "(b) any bran, pure shorts, middlings, or feed flour is free from any admixture of any foreign materials, including the screenings or scourings that may have 30 been removed in preparing the wheat for the processes employed in flour extraction;

Percentage by weight in each case. "(c) any bran, pure shorts, shorts and mill screenings, middlings, or feed flour meets the requirements as to protein and fat contents, fineness and quality established for such product by regulation under this Act, and contains no crude fibre in excess of the percentage 5 by weight stated opposite the name of such product hereunder, namely.

Registration and contents.

"(d) any shorts and mill screenings is first registered as a commercial feeding stuff and contains not more than the mill run of screenings and scourings removed 15 from the wheat from which the shorts was obtained; and no person shall manufacture pure shorts and shorts

and mill screenings at the same mill".

No two by-products at same mill.

Importation of adulterated, etc. feeding stuff may be prohibited by Minister.

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

"9. Any person who sells or offers, exposes or holds in possession for sale in Canada, or who imports into Canada any feeding stuff found to be adulterated or incorrectly or misleadingly tagged, labelled or named, shall be guilty of a violation of this Act, and the Minister shall 25 have power to cancel any registration and prohibit the further sale or importation of any such feeding stuff."

### THE HOUSE OF COMMONS OF CANADA

# BILL 238.

An Act to amend The Feeding Stuffs Act.

AS PASSED BY THE HOUSE OF COMMONS, 28th JUNE, 1923.

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### THE HOUSE OF COMMONS OF CANADA

### BILL 238.

An Act to amend The Feeding Stuffs Act.

1909, c. 15; 1919 (2 Sess.) HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts 1920, c. 47. as follows:—

Definition.

1. Paragraph (d) of subsection one of section two of "The Feeding Stuffs Act", chapter forty-seven of the 5 statutes of 1920, is repealed, and the following is substituted therefor:—

Bran, shorts, etc.

"(d) bran, shorts, middlings, feed flour, and screenings, the products of wheat."

By-products resulting! from cleaning, etc. of wheat; forbidden

2. Section six of the said Act is repealed, and the follow- 10 ing is substituted therefor:—

offer, expose or have in possession for sale in Canada any flour mill by-product resulting from the cleaning and milling of wheat for the production of flour by the usual commercial 15 processes, unless,—

Except when properly tagged, etc.

"(a) every container containing such by-product, or a tag or label durably attached in a conspicuous place on the outside thereof, is branded or marked, in such form and manner as may be prescribed by regulation, 20 with one only of the following names, namely, bran, shorts, middlings, feed flour, mill screenings, together with the name of the manufacturer or the name and address of the importer, and the place where the by-product was manufactured;

When free from certain admixture. "(b) any bran, shorts, middlings, or feed flour is free from any admixture of any foreign materials, including the screenings or scourings that may have been removed in preparing the wheat for the processes employed in flour extraction:

\*\*Contents and contents and continues or lead for requirements as to protein and has contents as the requirements as to protein and has contents for requirements as to protein and has product by regulation under this Act, and contains not crude thire in excess of the percentage by weight stated opened the namely, like the name of such product hereunder, namely, like the contents.

\*\*Shorts\*\*

\*\*Mail's screenings\*\*

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The state of the said Act is repealed, and the delicated in it is substituted therefore the seems in possession for said, in Canada any feeding stuff found ad he adulterated or white or maleadingly tagged, labelled or named, suity of a violation of this Act, and the Minister

A. This Act shall come into force on the first day of the best day of come be come into force on the first day of

Percentage by weight in each case. "(c) any bran, shorts, mill screenings, middlings, or feed flour meets the requirements as to protein and fat contents, fineness and quality established for such product by regulation under this Act, and contains no crude fibre in excess of the percentage by weight stated opposite the name of such product hereunder, namely,

posite the manie of such	product increation, marriery,	
Bran	11.50 per cent	
Shorts	8.00 "	
Mill screenings	8.00 "	
Middlings		10
Feed flour		-

Importation of adulterated, etc. feeding stuff may be prohibited by Minister. 3. Section nine of the said Act is repealed, and the following is substituted therefor:—

"9. Any person who sells or offers, exposes or holds in possession for sale in Canada, or who imports into 15 Canada any feeding stuff found to be adulterated or incorrectly or misleadingly tagged, labelled or named, shall be guilty of a violation of this Act, and the Minister shall have power to cancel any registration and prohibit the further sale or importation of any such feeding stuff."

Date of coming into force.

4. This Act shall come into force on the first day of October, 1923.

### THE HOUSE OF COMMONS OF CANADA

# BILL 241.

An Act to amend the Dairy Industry Act, 1914.

First reading, June 25, 1923.

The Minister of Agriculture.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 241.

An Act to amend the Dairy Industry Act, 1914.

- HIS Majesty, by and with the advice and consent of 1914, c. 7. the Senate and House of Commons of Canada, enacts as follows:
- 1. Section three of the Dairy Industry Act, 1914, chapter Definitions. seven of the statutes of 1914, is amended by adding the 5
- following paragraphs thereto: "Inspector". "(m) 'inspector' means any person duly authorized by the Minister for the purpose of enforcing the provisions of this Act and the regulations made thereunder:
- "(n) 'provincial analyst' means any analyst appointed "Provincial analyst". by the Government of any province and having authority to make analyses for any public purpose."
- 2. (1) Paragraph (b) of section five of the said Act Minimum standard is amended by adding the following words at the end thereof: 15 of fat in butter. "or less than eighty per centum of milk fat".
  - (2) The said section five is further amended by adding the following paragraph thereto:—
- "(d) no person shall manufacture, import into Canada, Milk or cream to or sell, offer, expose or have in possession for sale, 20 contain no any milk or cream which contains any fat or oil other fat or oil other than than that of milk." of milk.

Minimum

sold.

Fat in

butter.

Weight of

butter in

prints, blocks, etc.

standard of

fat in butter imported or

- **3.** (1) Paragraph (a) of subsection one of section six of the said Act is amended by adding the following words at the end thereof,—"or less than eighty per centum of milk 25 fat".
- (2) Subsection two of the said section six is amended manufactured by adding the following words at the end thereof,—"or less than eighty per centum of milk fat".
  - (3) Paragraph (a) of subsection three of the said section 30 six is amended by striking out the words "at the time they are moulded or cut" in the fourth and fifth lines thereof.

Penalties increased for violation of regulations.

**4.** (1) Paragraph (g) of section sixteen of the said Act is amended by striking out the word "thirty" in the second line thereof and substituting the word "fifty" therefor.

Regulations.

(2) Section sixteen of the said Act is further amended 5 by adding the following paragraphs immediately after paragraph (g) thereof:—

" $(\bar{h})$  the keeping of records by manufacturers of and dealers in butter, and cheese, and the examination of

such records by inspectors;

"(i) the registration of all cheese factories and creameries in Canada and the compulsory use of an assigned number on the product of each factory or on the packages containing said product."

10

5. Subsections one and two of section twenty of the 15 said Act are repealed and the following subsections are substituted therefor:—

Establishment of guilt for violation of Act.

"20. (1) For the purpose of establishing the guilt of any person charged with the violation of any of the provisions of this Act,—

(a) butter shall be deemed to be manufactured when it is packed or placed in any package as defined in this Act;

(b) butter, which contains over sixteen per centum of water or less than eighty per centum milk fat, and which has been rechurned, reworked or otherwise treated as 25 described in paragraph (b) of section five shall be deemed to have been so treated to cause such butter to contain over sixteen per centum of water or less than eighty per centum of milk fat;

(c) the having in possession by any manufacturer 30 of or dealer in dairy products of any article the manufacture or sale of which is prohibited by this Act shall be deemed to be *prima facie* evidence of intent to sell or use the same

in violation of the law.

Procedure to be followed; samples, analysis and certificates. "(2) For the purpose of establishing proof as to the 35 composition of any suspected product or material an inspector may submit a sample or samples of the same to a Dominion or provincial analyst, who shall issue a certificate stating the result of his examination of such sample or samples, and the certificate so given shall be received 40 as evidence in any proceedings taken against any person in pursuance of this Act or regulations made thereunder, subject to the right of such person to require the attendance of the analyst for the purpose of cross examination."

#### THE HOUSE OF COMMONS OF CANADA

# BILL 241.

An Act to amend the Dairy Industry Act, 1914.

AS PASSED BY THE HOUSE OF COMMONS, 27th JUNE, 1923.

OTTAWA

### THE HOUSE OF COMMONS OF CANADA.

### BILL 241.

An Act to amend the Dairy Industry Act, 1914.

- IIS Majesty, by and with the advice and consent of 1914, c. 7. the Senate and House of Commons of Canada, enacts as follows:-
- **1.** Paragraph (k) of section three of The Dairy Industry Renovated butter. Act, 1914, chapter seven of the statutes of 1914, is amended 5 by striking out the word "or" the second to the last word thereof and substituting the word "and" therefor.
- 2. Section three of the said Act is amended by adding Definitions. the following paragraphs thereto:— "(m) 'inspector' means any person duly authorized 10 by the Minister for the purpose of enforcing the "Inspector".
  - provisions of this Act and the regulations made thereunder:
  - "(n) 'provincial analyst' means any analyst appointed by the Government of any province and having author- 15 ity to make analyses for any public purpose."
  - **3.** (1) Paragraph (b) of section five of the said Act is amended by adding the following words at the end thereof: "or less than eighty per centum of milk fat".

(2) The said section five is further amended by adding 20

the following paragraph thereto:—

"(d) no person shall manufacture, import into Canada, or sell, offer, expose or have in possession for sale, any milk or cream or substitute therefor which contains any fat or oil other than that of milk." 25

**4.** (1) Paragraph (a) of subsection one of section six of the said Act is amended by adding the following words at the end thereof,—"or less than eighty per centum of milk fat".

(2) Subsection two of the said section six is amended manufactured by adding the following words at the end thereof,—"or 30

less than eighty per centum of milk fat".

(3) Paragraph (a) of subsection three of the said section six is amended by striking out the words "at the time they are moulded or cut" in the fourth and fifth lines thereof.

"Provincial analyst"

Minimum standard of fat in butter.

Milk or cream to contain no fat or oil other than of milk.

Minimum standard of fat in butter imported or sold.

butter.

Weight of butter in prints, blocks, etc.

Postilion Promove for Violation of regulations

ordiblion!

A. (1) Paragraph (9) of arelian sixteen of the said Act is amended by striking out the word "thirty" in the second time thereof and esclationing the word "fifty."

(2) Section sixteen of the said Art is further amended to be address the following passamples inmediately after

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"(i) the registration of all choose factories and creameric in Canada and the compulsory use of an assigne comber on the product of each factory or on the pack

G. Subsections one and the following unbestions one

"20. (1) For the purpose of establishing the guilt is any person charged with she wields and on any of the

(a) butter shall be deemed to be manufactured when it is packed or placed in any package as defined in this het;

the free recent and all the solution is consistent as 25 described in paragraph (5) of section five shall be desirable to bay a local solution to contain the contain the state of their states and of the section of water or less than eightly per

of or dealer in dairy products of any article the manufacturer of or dealer in dairy products of any article the manufacturer or said of which is prohibited by this det shall be deemed to be print found evidence of intent to sell or the tune.

(2) For the purpose of establishing proof as to the 35 composition of any suspected product or material an assected may submit a cample or samples of the same to a Doughton or provueral analyst, who shall issue a certificate status the result of his examination of such sample

or complete, and the orthicete so given shall be received 40 as evidence in any proceedings taken against any person in consumer of this for or regulations made thereunder, whilest to the right of such person to require the attendance of the analyst lift size purpose of cross examination."

T. Section three of this Act shall not some into effect di

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Penalties increased for violation of regulations. **5.** (1) Paragraph (g) of section sixteen of the said Act is amended by striking out the word "thirty" in the second line thereof and substituting the word "fifty" therefor.

Regulations.

Establishment of

violation of Act.

guilt for

(2) Section sixteen of the said Act is further amended 5 by adding the following paragraphs immediately after paragraph (g) thereof:—

"(h) the keeping of records by manufacturers of and dealers in butter, and cheese, and the examination of

such records by inspectors;

"(i) the registration of all cheese factories and creameries in Canada and the compulsory use of an assigned number on the product of each factory or on the packages containing said product."

10

20

6. Subsections one and two of section twenty of the 15 said Act are repealed and the following subsections are substituted therefor:—

"20. (1) For the purpose of establishing the guilt of any person charged with the violation of any of the provisions of this Act,—

(a) butter shall be deemed to be manufactured when it is packed or placed in any package as defined in this Act;

(b) butter, which contains over sixteen per centum of water or less than eighty per centum milk fat, and which has been rechurned, reworked or otherwise treated as 25 described in paragraph (b) of section five shall be deemed to have been so treated to cause such butter to contain over sixteen per centum of water or less than eighty per centum of milk fat;

(c) the having in possession by any manufacturer 30 of or dealer in dairy products of any article the manufacture or sale of which is prohibited by this Act shall be deemed to be *prima facie* evidence of intent to sell or use the same

in violation of the law.

"(2) For the purpose of establishing proof as to the 35 composition of any suspected product or material an inspector may submit a sample or samples of the same to a Dominion or provincial analyst, who shall issue a certificate stating the result of his examination of such sample or samples, and the certificate so given shall be received 40 as evidence in any proceedings taken against any person in pursuance of this Act or regulations made thereunder, subject to the right of such person to require the attendance of the analyst for the purpose of cross examination."

Procedure to be followed; samples, analysis and certificates.

Date when section 3 comes into force.

7. Section three of this Act shall not come into effect 45 until the first day of October, 1923.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 242.

An Act to amend the Export Act.

First reading, June 25, 1923.

The MINISTER OF FINANCE.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1923

### THE HOUSE OF COMMONS OF CANADA

## BILL 242.

An Act to amend the Export Act.

R.S., c. 50; 1914, c. 30. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor in Council may by regulation prohibit export of pulpwood.

1. Section seven of the Export Act, chapter fifty of the Revised Statutes of Canada, 1906, as enacted by chapter 5 thirty of the statutes of 1914, first session, is amended by adding to the first subsection thereof the following:—

"and pulpwood of the variety, kind, place of origin or having the particulars of identification or ownership or production described in the regulation."

#### THE HOUSE OF COMMONS OF CANADA

# BILL 242.

An Act to amend the Export Act.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA

## BILL 242.

An Act to amend the Export Act.

R.S., c. 50; 1914, c. 30. HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor in Council may by regulation prohibit export of pulpwood.

1. Section seven of the Export Act, chapter fifty of the Revised Statutes of Canada, 1906, as enacted by chapter thirty of the statutes of 1914, first session, is amended by adding to the first subsection thereof the following:—

"and pulpwood of the variety, kind, place of origin or having the particulars of identification or ownership or production described in the regulation."

### THE HOUSE OF COMMONS OF CANADA

# BILL 243.

An Act to constitute a Board of Audit.

First reading, June 25, 1923.

The MINISTER OF FINANCE.

### THE HOUSE OF COMMONS OF CANADA

### BILL 243.

An Act to constitute a Board of Audit.

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 Board of Audit Act, 1923.

Board of Audit.

2. The Governor in Council may appoint a Board of 5 Audit to hold office as such until the first day of July, 1925.

Composition.

3. The Board shall be composed of four persons.

Auditor General, Chairman. 4. The Auditor General of Canada shall be a member of the Board and Chairman of the Board.

Deputy Minister of Finance, Vice-Chairman. 5. The Deputy Minister of Finance shall be a member 10 of the Board and Vice-Chairman of the Board.

Two other members, public accountants. 6. There shall be two other members of the Board who shall be public accountants, members in good standing of an institute or organization of accountants incorporated under the authority of the Legislature of a Province of 15 Canada.

Remuneration of Public Accountant members. 7. Each of such two members shall devote to the public service such portion of his time as may be found reasonably necessary for the purpose of discharging the duties of his office, and shall be paid such sum for his services as the 20 Treasury Board shall allow, but not exceeding the sum of three thousand dollars in any year.

Board to investigate Audit system.

S. The Board shall inquire into, and report upon, the present system of audit as respects the public accounts of the various Departments of the Dominion of Canada, and 25 shall make such recommendations as may be deemed

recessary or quely for the more execute control of the

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orgaloyed, by the Canadian National Railway Company and the subsidiaries thereof, and shall make such recommender (4) or with respect thereof, as many be decired increase; in the public interest.

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10. The board may inquire into the manored affairs of any Commission or other public body the operations of which are carried on by appropriations from the Treasury of Cartacher's which shall by grantier losins from the and Treasury, and shall enake any recommissional which in their justiment will tend to a more effective control of the expenditure.

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11. The Minister of Finance may extend the powers of Mine Board to include inquiry hose pay other undertaking or service belonging as it receiving hid from the Covernment of Canada as he may deem to be in the public interest.

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purposes of the Sourd shall be performed by such member or necologies of the Start of the Auditor Conferd of Canada, g as he may designate for such purpose.

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XX. The Board shall from thus to thus report to the Minister of Finance the results of their inquiry and any recommendations they may dishrete makes

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14. Nothing berein contained shall in shy way impair, 85 the surheafte given by the Constituted Research and Audit

necessary or useful for the more effective control of the public revenue and expenditure.

Board to investigate accounting of C.N.R. Co.

9. The Board shall inquire into the systems of accounting employed by the Canadian National Railway Company and the subsidiaries thereof, and shall make such recommendations with respect thereto as may be deemed necessary in the public interest.

Board may investigate finances of Commission or public body. 10. The Board may inquire into the financial affairs of any Commission or other public body the operations of which are carried on by appropriations from the Treasury 10 of Canada or which are aided by grants or loans from the said Treasury, and shall make any recommendations which in their judgment will tend to a more effective control of the expenditure.

Board may investigate undertakings receiving aid from Government. 11. The Minister of Finance may extend the powers of 15 the Board to include inquiry into any other undertaking or service belonging to or receiving aid from the Government of Canada as he may deem to be in the public interest.

Power of enquiry.

12. Each member of the Board shall, for the purposes of inquiry under this Act, have all the power and authority 20 given to the Auditor General of Canada as respects the various departments of the Dominion Government.

Board may engage skilled assistants. 13. The Board may with the consent of the Minister of Finance, engage from time to time, such skilled assistants as may be required to facilitate the work of the Board, and 25 such assistants may be paid out of any available appropriation such compensation as the Treasury Board may allow.

Clerical duties.

14. Any clerical duties that may be necessary for the purposes of the Board shall be performed by such member or members of the staff of the Auditor General of Canada, 30 as he may designate for such purpose.

Report to the Minister.

15. The Board shall from time to time report to the Minister of Finance the results of their inquiry and any recommendations they may desire to make.

Act not to impair authority of Auditor General. **16.** Nothing herein contained shall in any way impair 35 the authority given by the *Consolidated Revenue and Audit Act* to the Auditor General of Canada.

### THE HOUSE OF COMMONS OF CANADA

# BILL 243.

An Act to constitute a Board of Audit.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE 1923.

### THE HOUSE OF COMMONS OF CANADA

### BILL 243.

### An Act to constitute a Board of Audit.

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 Board of Audit Act, 1923.

Board of Audit. 2. The Governor in Council may appoint a Board of Audit to hold office as such until the first day of July, 1925.

Composition.

3. The Board shall be composed of four persons.

Auditor General, Chairman. 4. The Auditor General of Canada shall be a member of the Board and Chairman of the Board.

Deputy Minister of Finance, Vice-Chairman.

5. The Deputy Minister of Finance shall be a member 10 of the Board and Vice-Chairman of the Board.

Two other members, public accountants.

6. There shall be two other members of the Board who shall be public accountants, members in good standing of an institute or organization of accountants incorporated under the authority of the Legislature of a Province of 15 Canada.

Remuneration of Public Accountant members. 7. Each of such two members shall devote to the public service such portion of his time as may be found reasonably necessary for the purpose of discharging the duties of his office, and shall be paid such sum for his services as the 20 Treasury Board shall allow, but not exceeding the sum of three thousand dollars in any year.

Board to investigate Audit system.

S. The Board shall inquire into, and report upon, the present system of audit as respects the public accounts of the various Departments of the Dominion of Canada, and 25 shall make such recommendations as may be deemed

necessary or useful for the more effective control of the public revenue and expenditure.

Board to investigate accounting of C.N.R. Co.

**9.** The Board shall inquire into the systems of accounting employed by the Canadian National Railway Company and the subsidiaries thereof, and shall make such recommendations with respect thereto as may be deemed necessary in the public interest.

Board may investigate finances of Commission or public body.

10. The Board may inquire into the financial affairs of any Commission or other public body the operations of which are carried on by appropriations from the Treasury 10 of Canada or which are aided by grants or loans from the said Treasury, and shall make any recommendations which in their judgment will tend to a more effective control of the expenditure.

Board may investigate undertakings receiving aid from

11. The Minister of Finance may extend the powers of 15 the Board to include inquiry into any other undertaking or service belonging to or receiving aid from the Government Government. of Canada as he may deem to be in the public interest.

Power of enquiry.

12. Each member of the Board shall, for the purposes of inquiry under this Act, have all the power and authority 20 given to the Auditor General of Canada as respects the various departments of the Dominion Government.

Board may engage skilled assistants.

13. The Board may with the consent of the Minister of Finance, engage from time to time, such skilled assistants as may be required to facilitate the work of the Board, and 25 such assistants may be paid out of any available appropriation such compensation as the Treasury Board may allow.

Clerical duties.

14. Any clerical duties that may be necessary for the purposes of the Board shall be performed by such member or members of the staff of the Auditor General of Canada, 30 as he may designate for such purpose.

Report to the Minister.

15. The Board shall from time to time report to the Minister of Finance the results of their inquiry and any recommendations they may desire to make.

Act not to impair authority of Auditor General.

16. Nothing herein contained shall in any way impair 35 the authority given by the Consolidated Revenue and Audit Act to the Auditor General of Canada.

Expenditure to be made out of Con. Revenue Fund.

17. Any expenditure necessary to carry out the provisions of this Act shall be made out of any unappropriated moneys forming part of the Consolidated Revenue Fund of 40 Canada.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 244.

An Act to amend the Canadian National Railways Act, 1919.

First reading, June 26, 1923.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

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### THE HOUSE OF COMMONS OF CANADA.

### **BILL 244.**

1919, c. 13; An Act to amend the Canadian National Railways Act, 1920, 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 Canadian National Railways Guarantee Act, 1923.

5

2. Section twenty-six of the Canadian National Railways Act, 1919, chapter thirteen of the statutes of 1919, is amended by adding thereto the following as subsections two and three:—

Form, term and amount of securities to be approved.

"(2) No securities, as defined in this section including in 10 such definition equipment certificates or obligations in any form intended to be issued to the public, shall be issued for the purposes of or by the Company or any of the companies designated in the schedule hereto except those approved as to form, terms and amount by the Governor in Council.

15

"(3) The said securities so approved may be guaranteed by His Majesty and any such guarantee may be in such form and on such terms and conditions as the Governor in Council may determine, and may be signed by the Minister or Acting Minister of Finance on behalf of His Majesty." 20

Guarantee of securities.

#### SCHEDULE.

Any company mentioned or referred to in the following statutes:—

Chapter 13 of the Statutes of Canada, 1919. Chapter 13 of the Statutes of Canada, 1920.

### THE HOUSE OF COMMONS OF CANADA

## BILL 244.

An Act to amend the Canadian National Railways Act, 1919.

AS PASSED BY THE HOUSE OF COMMONS, 29th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 244.

1919, c. 13; An Act to amend the Canadian National Railways Act, 1920, 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 Canadian National Railways Guarantee Act, 1923.

5

2. Section twenty-six of the Canadian National Railways Act, 1919, chapter thirteen of the statutes of 1919, is amended by adding thereto the following as subsections two and three:—

Form, term and amount of securities to be approved.

"(2) No securities, as defined in this section including in 10 such definition equipment certificates or obligations in any form intended to be issued to the public, shall be issued for the purposes of or by the Company or any of the companies designated in the schedule hereto except those approved as to form, terms and amount by the Governor in Council.

Guarantee of securities.

"(3) The said securities so approved may be guaranteed by His Majesty and any such guarantee may be in such form and on such terms and conditions as the Governor in Council may determine, and may be signed by the Minister or Acting Minister of Finance on behalf of His Majesty." 20

#### SCHEDULE.

Any company mentioned or referred to in the following statutes:—

Chapter 13 of the Statutes of Canada, 1919. Chapter 13 of the Statutes of Canada, 1920.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 245.

An Act to supplement The Finance Act, 1914.

AS PASSED BY THE HOUSE OF COMMONS, 26th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 245.

An Act to supplement The Finance Act, 1914.

1914, 2nd Sess., c. 3, 1919, c. 21. 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 Finance Act, 1923.

Advances by issue of Dominion notes on pledge of securities.

2. At any time when there is no proclamation in force 5 under the authority of paragraph (a) of section four of The Finance Act, 1914, the Minister of Finance (hereinafter called "the Minister") may make advances to the chartered banks and to the savings banks to which The Quebec Savings Bank Act, 1913, applies by the issue of 10 Dominion notes upon the pledge of the securities hereinafter mentioned:—

(a) Treasury bills, bonds, debentures or stocks of the Dominion of Canada, the United Kingdom, any province of Canada, and of any British possession; 15

(b) Public securities of the Government of the United States;

(c) Canadian municipal securities;

(d) Promissory notes and bills of exchange secured by documentary title to wheat, oats, rye, barley, 20 corn, buckwheat, flax or other commodity;

(e) Promissory notes and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes and which have been used or are to be used for such purposes.

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Minister may request central gold reserve trustees to value securities. 3. Such securities shall be deposited with the Minister or with an Assistant Receiver General. The Minister may request the trustees of the Central Gold Reserves to make a valuation of and recommendation as to the amount which in the judgment of the trustees may properly 30 be advanced on any securities offered in pledge under this Act.

Documents may be forwarded with commodities. 4. The Minister may permit bills of lading or other documents of title, covering such grain or other commodity while in transit, to go forward under the control of the bank to the point at which delivery is made and payment therefor is received, and the bank shall be a trustee for the Minister, to the extend of the advances, of the proceeds received for such grain or commodity.

Maturity of promissory notes pledged.

5. All promissory notes or bills of exchange when pledged pursuant to this Act shall have a maturity, exclusive of days of grace, not later than six months from the time at 10 which they are pledged.

Term of advances and interest.

6. Advances made hereunder shall be for a period not exceeding one year and interest thereon shall be payable at such rate as may from time to time be fixed by the Treasury Board.

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Repayments in Dominion notes.

**7.** All repayments of advances shall be in Dominion notes and such repayments shall be made to the Minister or to an Assistant Receiver General.

Payment of interest.

S. All interest received on account of such advances shall be paid to the Minister for Consolidated Revenue 20 Fund.

Advances are a second charge upon Bank assets. 9. All advances of Dominion notes made hereunder shall be deemed to be an amount due by the bank to the Government of Canada and shall be a second charge (payment of a bank's own notes, issued by the bank, in circulation, 25 being the first charge) upon the assets of the bank.

Bank to furnish evidence of disposition of proceeds of promissory notes pledged. **10.** The bank shall satisfy the said trustees before an advance is made by the Minister that any promissory notes or bills of exchange described in paragraph (e) of section two of this Act, offered in pledge, have in fact been 30 issued or drawn, or the proceeds have been used or are to be used in the first instance, in producing, purchasing, carrying or marketing grain or goods, wares and merchandise within the meaning of these words in *The Bank Act*.

No advances on promissory notes for trading in stocks, etc. 11. No advances shall be made against the pledge of 35 promissory notes or bills of exchange issued or drawn for the purpose of carrying or trading in stocks, bonds, or other securities, and no advance shall be made against promissory notes or bills of exchange, the proceeds of which, when issued or drawn, were employed on capital expenditures 40 of any kind, and the Minister may direct the trustees to make enquiry and report as to whether any notes or bills offered in pledge fall within the prohibition of this section.

hereunder, the terms and conditions of esting the deposit confidences are white the second of the first lactions and

The Proposition Committee

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Treasury Board may make regulations. 12. The Treasury Board may make regulations, not inconsistent with this Act, with regard to advances made hereunder, the terms and conditions affecting the deposit of securities and all other matters necessary to give effect to the provisions of this Act.

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Paragraphs (b) and (d) of Proclamation of 3rd September, 1914, continued in force for three years.

13. Notwithstanding anything contained in The Bank Act or in any other statute the proclamation dated the third day of September, one thousand nine hundred and fourteen, made under the authority of the provisions of The Finance Act, 1914, chapter three of the statutes of 1914 (second 10 session), which proclamation was published in the issue of the Canada Gazette dated the fifth day of September, one thousand nine hundred and fourteen, except paragraphs (a) and (c) thereof, shall continue in force and effect until the end of three years after the date of the coming into 15 force of this Act. Provided, however, that the Governor in Council by proclamation, which shall be published in the Canada Gazette, may declare and proclaim an earlier date for the termination of the operation thereof.

Power to terminate operation of proclamation sooner.

The export of gold may be prohibited by the Governor in Council.

14. (1) The Governor in Council, by proclamation, 20 which shall be published in the Canada Gazette, may, during the continuance in force of this section, from time to time and for any period or periods declare and proclaim that the export of gold coin, gold bullion and fine gold bars from the Dominion of Canada shall be prohibited, except 25 in such cases as may be deemed desirable by the Minister of Finance and under licenses to be issued by him.

Termination of operation of section.

(2) This section shall continue in operation for three years after the date of the coming into force of this Act; provided, however, that the Governor in Council by proclam- 30 ation, which shall be published in the *Canada Gazette*, may declare and proclaim an earlier date for the termination of the operation of this section.

Repeal.

15. Chapter twenty-one of the statutes of 1919, entitled An Act to provide for the Continuance in force of a certain 35 Proclamation made under the Finance Act, 1914, and to authorize the prohibition of the export of Gold, is repealed.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 246.

An Act to amend the Post Office Act.

First reading, June 27, 1923.

The POSTMASTER GENERAL.

56286

### THE HOUSE OF COMMONS OF CANADA.

# BILL 246.

An Act to amend the Post Office Act.

R. S., c. 66; 1908, c. 53; 1920, c. 64.

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

Postage rates on certain newspapers and periodi-

1. Subsection three of section fifty-three of the Post Office Act, chapter sixty-six of the Revised Statutes of Canada, 1906, as enacted by section three of chapter sixty-four of the from 1½ cents statutes of 1920, is amended by striking out the words to 1½ cents. "three great for the content of the cents of the content of the cents of the ce "three-quarters of a cent on and after the first day of "January, one thousand nine hundred and twenty-one, "and until the first day of January, one thousand nine 10 "hundred and twenty-two, and one and one-half cents "thereafter" where they occur in the ninth to the thirteenth lines thereof inclusive, and substituting therefor the words "one and one quarter cents".

Date of coming into force.

2. This Act shall come into force on the sixteenth day 15 of July, one thousand nine hundred and twenty-three.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 246.

An Act to amend the Post Office Act.

AS PASSED BY THE HOUSE OF COMMONS, 28th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

# BILL 246.

An Act to amend the Post Office Act.

R. S., c. 66; 1908, c. 53; 1920, c. 64.

**H**IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Postage rates on certain newspapers and periodicals reduced to 11 cents.

1. Subsection three of section fifty-three of the Post Office Act, chapter sixty-six of the Revised Statutes of Canada, 1906, as enacted by section three of chapter sixty-four of the from 1½ cents statutes of 1920, is amended by striking out the words "three-quarters of a cent on and after the first day of "January, one thousand nine hundred and twenty-one, "and until the first day of January, one thousand nine 10 "hundred and twenty-two, and one and one-half cents "thereafter" where they occur in the ninth to the thirteenth lines thereof inclusive, and substituting therefor the words "one and one quarter cents".

Date of coming into force.

2. This Act shall come into force on the sixteenth day 15 of July, one thousand nine hundred and twenty-three.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 247.

An Act for the Protection of the Northern Pacific Halibut Fishery.

AS PASSED BY THE HOUSE OF COMMONS, 27th JUNE, 1923.

## THE HOUSE OF COMMONS OF CANADA.

# BILL 247.

An Act for the Protection of the Northern Pacific Halibut Fishery.

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 Northern Pacific Halibut Fishery Protection Act.

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Interpretation. "Close season." 2. In this Act, unless the contrary intention appears,—
(a) "close season" means the period from the sixteenth day of November in any year to the fifteenth day of February in the next following year, both days inclusive, while this Act is in force, or any other period 10 which may be substituted therefor by the authority of the Governor in Council:

"Territorial waters of Canada." (b) "Territorial waters of Canada" means the territorial waters of Canada contiguous to the Western coast of Canada;

"Territorial waters of United States." (c) "Territorial waters of the United States" means the territorial waters of the United States of America contiguous to the Western coast of the United States of America;

"Prohibited waters."

(d) "Prohibited waters" comprises and means the terri- 20 torial waters of Canada, the territorial waters of the United States, the high seas extending westerly from the limit of the territorial waters of Canada, and of the United States of America, also Behring Sea.

Fishing for halibut in territorial or prohibited waters in close season forbidden.

- 3. (a) Every person who at any time in the close season 25 fishes for or catches, or attempts to catch halibut (hippoglossus) in the territorial waters of Canada; and
- (b) Every national or inhabitant of Canada who at any time in the close season fishes for or catches or attempts to catch halibut (hippoglossus) in prohibited waters; 30 is guilty of an offence against this Act: Provided that

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the catching of halibut unintentionally or incidentally while fishing during any close season in any of the waters aforesaid for any species of fish other than halibut, which the person fishing is at the time by law permitted there to fish for or to catch, shall not be an offence against this Act, if the halibut so caught be used for food by the crew of the vessel by which they are taken, or, if not so used, be landed and immediately delivered to any officer of the Department of Marine and Fisheries authorized to receive the same. 10

Making use of Canadian port to outfit vessel to engage in prohibited fishing.

4. The owner or master of every vessel, and every other person who in the close season or at any time within three days next preceding the beginning of the close season makes use of any port or place in Canada for the purpose of furnishing, providing, preparing or outfitting in any manner, 15 whether in whole or in part, any vessel for the purpose of engaging in the halibut fishery or for the purpose of fishing for halibut in the close season in the prohibited waters or any part thereof; or who causes or permits any vessel to depart from any such port or place with the intention of 20 fishing for halibut in any of the prohibited waters in the close season, or with the intention that such vessel shall fish or be used in fishing for halibut in any of the prohibited waters in the close season, shall be guilty of an offence against this Act; and in like manner the owner or master 25 Canada while of any vessel shall, if the said vessel enter or come to any port or place in Canada while upon or in the prosecution of any voyage at any time during which the said vessel fished or was used in fishing for halibut in prohibited waters in the close season, or having on board the said vessel any halibut 30 intentionally caught during the close season in prohibited waters, be guilty of an offence against this Act.

vessel with intention to engage in such fishing.

Permitting departure of

Entry in on voyage to fish, or with halibut on board.

Vessel, cargo and outfit liable to seizure and forfeiture.

R.S., c. 47.

5. Every ship, vessel or boat, including all furniture, apparel, appliances, gear, tackle and rigging thereof, which is in any manner operated or used for the purpose of com- 35 mitting an offence against this Act, or for aiding or facilitating the commission of any such offence, may be seized by any officer authorized by the Customs and Fisheries Protection Act to board and search, and shall be forfeited; and moreover all the cargo and stores found on board any such 40 ship, vessel or boat at the time of the seizure shall also be forfeited.

Nationals or inhabitants of Canada or United States and ships registered therein or belonging to them, liable to seizure.

6. Every national or inhabitant of Canada or of the United States, and every ship, vessel or boat registered in Canada or the United States, or belonging to a national or 45 inhabitant of Canada or of the United States, together with all furniture, apparel, appliances, gear, tackle and rigging thereof, engaged in or used in connection with fishing for

R.S., c. 47.

Canadian vessels may be forfeited.

U.S. vessels to be delivered to U.S. officials.

halibut in prohibited waters or aiding or facilitating, or used for the purpose of aiding or facilitating such fishing, may be seized by any officer authorized by the Customs and Fisheries Protection Act to board and search. In case any such ship, vessel or boat or other property be registered in Canada or 5 belong to a national or inhabitant of Canada, the same shall be forfeited, and moreover all the cargo and stores on board any such ship, vessel or boat at the time of the seizure shall also be forfeited. In case any such person, ship, vessel, or boat or other property be a national or inhabitant of the 10 United States, or be registered in the United States or belong to a national or inhabitant of the United States, the same shall be delivered as soon as practicable to an authorized official of the United States to be dealt with in accordance with the law of the United States. 15

Knowingly in possession of halibut unlawfully caught.

7. Every person who knowingly has in possession any halibut unlawfully caught within any of the waters aforesaid during any close season shall be guilty of an offence against this Act.

Penalty for violation.

S. Every person guilty of an offence against this Act 20 shall be liable upon summary conviction to a penalty of not less than one hundred dollars and not more than one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Foreign ships fishing in territorial waters, or entering waters for prohibited purpose may be seized and forfeited. 9. Every ship, vessel or boat which is foreign, or not 25 navigated according to the laws of the United Kingdom or of Canada, which

(a) has been found fishing or preparing to fish or to have been fishing for halibut in the territorial waters of the Western Coast of Canada in any close season; or 30

(b) has entered such waters for any purpose of which the execution is prohibited by this Act;

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may be seized by any of the officers aforesaid, and shall, together with the furniture, apparel, appliances, gear, tackle, rigging, cargo and stores thereof, be forfeited.

Customs and Fisheries Protection Act to apply. R.S., c. 47. 10. Section five and all the following sections except sections ten and twenty-nine of the *Customs and Fisheries Protection Act*, shall be deemed to apply in so far as applicable for all the purposes of this Act, and shall have effect as if enacted in this Act.

International Fisheries Commission. 11. (1) It shall be lawful for the Governor in Council to join with the Government of the United States in appointing a commission to be known as the International Fisheries Commission, consisting of four members, two to be appointed by the Governor in Council and two to be 45 appointed by the Government of the United States, and

sees t oromicator, shall containe to exist for a period of five please and the construction outsit, when sittles of the construction guestimance shall give notice by the other other of the degree by beganning for a second of the construction of t

(2) Cannels also to the sale of the Contents of the folial expenses incurred by the Contents of the folial expenses incurred by the

(8) The Communion and he empowered to make a therefore, investigation into the ide bistory of the Pasific He halbest, and to myrest the residuality of the investigation to the Coversisted of the make the Tablest to the Coversisted of the halbest and may make recommendations for the frequential of the halbest recommendations for the Covers, including Sea, as may seen desirable for I form, including the hallong sea, as may seen desirable for I form, including may developing of the said fahery.

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I it. This let shall some has lores on a day to be named as an time Governor in Council, and may be repeated by the Governor in Council, provided that it shall not be repeated, by the few time Governor in Council of the International Transfers of the International Transfers of the International Transfers of the Stationies.

such Commission shall continue to exist for a period of five years, and thereafter until two years from the day when either of the constituting governments shall give notice to the other of its desire to terminate it.

Salaries and expenses of Commission.

(2) Canada shall pay the salaries and expenses of the 5 members of the Commission appointed by the Governor in Council and one-half of the joint expenses incurred by the Commission.

Powers of Commission.

(3) The Commission shall be empowered to make a thorough investigation into the life history of the Pacific 10 halibut, and to report the result of its investigation to the Government of Canada and to the Government of the United States and may make recommendations for the regulation of the halibut fishery of the Northern Pacific Ocean, including Behring Sea, as may seem desirable for 15 the preservation and development of the said fishery.

Regulations by Governor in Council.

Power to create offences and impose penalties.

12. The Governor in Council is authorized to make regulations for giving effect to the recommendations of the Commission and otherwise as may be deemed necessary or expedient for the purpose of giving full effect to the provisions of this Act, and such regulations may provide for the creation of offences and for imposing not only pecuniary penalties and forfeitures but also imprisonment for the commission of any such offences.

Commencement of Act.

Power to repeal. 13. This Act shall come into force on a day to be named 25 by the Governor in Council, and may be repealed by the Governor in Council, provided that it shall not be repealed by the Governor in Council at any time during the existence of the International Fisheries Commission hereinbefore authorized.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 248.

An Act to amend The Business Profits War Tax Act, 1916.

AS PASSED BY THE HOUSE OF COMMONS, 27th JUNE, 1923.

### THE HOUSE OF COMMONS OF CANADA.

# BILL 248.

1916, c. 11; 1917, c. 6; 1918, c. 10; 1919, c. 39; 1920, c. 36.

An Act to amend The Business Profits War Tax Act, 1916.

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

Period of liability to pay tax extended.

1. Subsection three of section thirteen of *The Business Profits War Tax Act*, 1916, is amended by striking out all 5 the words after the word "liable" in the second line thereof down to and including the word "payable" in the third line thereof and the words "within the said three years" in the seventh line thereof. The said Act shall be construed as if the words struck out by this amendment had never been 10 contained therein.

Retroactive effect.

#### THE HOUSE OF COMMONS OF CANADA

# BILL 249.

An Act to amend The Income War Tax Act, 1917.

AS PASSED BY THE HOUSE OF COMMONS, 27th JUNE, 1923.

2nd Session, 14th Parliament, 13-14 George V, 1923

## THE HOUSE OF COMMONS OF CANADA.

# BILL 249.

An Act to amend The Income War Tax Act, 1917.

1917, c. 28; 1918, c. 25; 1919, c. 55; 1920, c. 49; 1921, c. 33;

1922, c. 25.

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

1. Paragraph (f) of subsection one of section three of The Income War Tax Act, 1917, is repealed and the following 5 is substituted therefor:—

Income to be not less than income from chief coccupation.

"(f) In any case the income of a taxpayer shall be deemed to be not less than the income derived from his chief position, occupation, trade, business or calling, and for the purpose of this Act the Minister shall have full 10 power to determine the chief position, occupation, trade, business or calling of the taxpayer. Where a taxpayer has income from more than one source by virtue of filling or exercising more than one position, occupation, trade, business or calling, then the Minister shall have full power 15 to determine which one or more, or which combination thereof shall, for the purpose of this Act, constitute the taxpayer's chief position, occupation, trade, business or calling, and the income therefrom shall be taxed accordingly and the determination of the Minister exercised pursuant 20 hereto shall be final and conclusive."

2. Subsection one of section three of the said Act is amended by adding thereto the following:—

"(h) Such reasonable rate of interest on borrowed capital used in the business to earn the income as the 25 Minister in his discretion may allow notwithstanding the rate of interest payable by the taxpayer. To the extent that the interest payable by the taxpayer is in excess of the amount allowed by the Minister hereunder, it shall not be allowed as a deduction. The rate of interest allowed 30 shall not in any case exceed the rate stipulated for in the

bond, debenture, mortgage, note, agreement or other

Interest on borrowed capital as a deduction.

similar document, whether with or without security, by virtue of which the interest is payable."

3. Section three of the said Act is amended by adding

thereto the following subsection:

Restriction on deductions.

"(8) In computing the amount of the profits or gains to be assessed, a deduction shall not be allowed in respect

(a) disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purpose

of earning the income, or

(b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act."

**4.** Paragraph (b) of section 5 of the said Act is repealed 15

and the following is substituted therefor:—

"(b) (i) The income of Consuls and Consuls General and of officials or officers of a foreign country whose duties require of them to reside in Canada, if and only if they are citizens of the country they represent and are not engaged 20 in any business or calling other than the duties appertaining to their official position and provided that the Country they represent grants a similar exemption to officials of the Government of Canada.

(ii) The income of officials of Great Britain or any of its 25 self-governing colonies whose duties require of them to reside in Canada, and who are not engaged in any business or calling other than the duties appertaining to their official

position."

**5.** Paragraph (l) of section five of the said Act is amended **30** by inserting after the word "forces" in the second line thereof the following words:—

"or to any member of the military, naval or air forces

of His Majesty's allies" and by inserting after the word "forces" in the fourth line 35 thereof the following words:—

"or in the forces of His Majesty's Allies".

6. Subsection six of section seven of the said Act, as amended by section one of chapter thirty-three of the statutes of 1921, is amended by adding thereto after the 40 word "dollars" in the eleventh line thereof the following:—

"And further provided that in the case of a return by an employer as above required the penalty shall be further limited to an amount equal to ten per centum of the aggregate amount of the tax payable by the employees who should **45** be reported on such return, subject however that in any case should the penalty be less than two dollars then in lieu thereof the penalty shall be two dollars."

Outlay of a capital nature not allowed.

Income of Consuls and Consuls General non-taxable.

Pensions.

Modification of penalty.

the post receipt of the tail notice of disadistinction and the

7. Sections twelve to twenty-one of the said Act, both inclusive, are repealed and the following are substituted therefor:—

Notice of appeal.

"12. Any person who objects to the amount at which he is assessed, or who considers that he is not liable to 5 taxation under this Act, may personally or by his solicitor, within one month after the date of mailing of the notice of assessment provided for in section ten of this Act, serve a notice of appeal upon the Minister. Such notice of appeal shall be in writing and shall be served by mailing 10 the same by registered post addressed to the Minister of Finance at Ottawa.

Form of notice of appeal.

"13. Every such notice shall, as closely as may be, follow form numbered V. contained in the schedule to this Act and shall set out clearly the reasons for appeal and all 15 facts relative thereto.

Decision of Minister to affirm or amend assessment. "14. Upon receipt of the said notice of appeal the Minister shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant of his decision by registered post.

Notice of dissatisfaction respecting the decision of the Minister.

"15. (1) If the appellant, after receipt of the said decision, is dissatisfied therewith, he may, within one month from the date of the mailing of the said decision, mail to the Minister by registered post, a notice entitled—

The Income War Tax Act, 1917.

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#### NOTICE OF DISSATISFACTION

In re the appeal of of the of in the Province of . —

stating that he desires his appeal to be set down for trial and shall forward therewith a final statement of such further facts, statutory provisions and reasons which he 30 intends to submit to the said Court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and 35 reasons as the appellant intends to submit to the Court in support of the appeal.

The party appealing shall thereupon give security to the satisfaction of the Minister in a sum not less than four hundred dollars for the security of the costs of the appeal. 40 Unless such security is furnished by the party appealing within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall

become null and void.

(2) Upon receipt of the said notice of dissatisfaction and 45 statement of facts the Minister shall reply thereto by registered post admitting or denying the facts alleged and

Security.

Decision of the Minister upon receipt of statement of facts. · resessament within appeal, and De confirming or amending the assessment or any amended,

additional or subsequent assessment.

(3) Within two months from the date of the mailing of the said reply, the Minister shall cause to be transmitted to the registrar of the Exchequer Court of Canada, to be filed in the said Court, typewritten copies of the following documents:-

(i) The Income Tax Return of the appellant (if any) for the period under review.

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(ii) The Notice of Assessment appealed,

(iii) The Notice of Appeal referred to in this section,

(iv) The decision of the Minister referred to in this section,

(v) The Notice of Dissatisfaction referred to in this section. 15

(vi) The reply of the Minister referred to in this section and

(vii) All other documents and papers relative to the assessment under appeal, and

the matter shall thereupon be deemed to be an action in the said Court ready for trial or hearing: Provided, 20 however, that should it be deemed advisable by the Court or a Judge thereof that pleadings be filed, then in such case an order may issue directing the parties to file pleadings.

(4) All subsequent proceedings shall be entitled In Re The Income War Tax Act, 1917, and the appeal of ...... of ..... in the Province of .....

and all process thereafter shall be served upon the Commissioner of Taxation personally or other responsible officer of Taxation Branch of the Department of Finance at 30 Ottawa.

Conditional limitation of evidence.

"16. In the event of the said appeal being set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction shall be admitted in such manner and upon 35 such terms as the Court or a Judge thereof may direct, or the Court may refer the matter back to the Minister for further consideration.

"17. If an appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the person assessed to appeal shall cease and the 40 assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings

required by this Act.

"18. (1) Subject to the provisions of this Act the Exof Exchequer chequer Court shall have exclusive jurisdiction to hear 45 and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said Court may seem right and proper. 50

Right of

appeal

barred.

Exclusive jurisdiction Court.

Irregularities etc. not to affect validity of assessment. (2) An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Proceedings in camera.

"19. Proceedings before the Exchequer Court hereunder shall be held in camera upon request made to the Court by any party to the proceedings.

Taxes, etc., a debt due the Crown.

"20. All taxes, interest, penalty and costs assessed or imposed or ordered to be paid under the provisions of this 10 Act, shall be deemed to be a debt due to His Majesty and shall be recoverable as such in the Exchequer Court of Canada or in any other Court of competent jurisdiction in the name of His Majesty or in such other manner as is in this Act provided."

Form V.

be 19 in

S. The said Act is amended by adding to the Schedule thereto the following form numbered V.

In re The Income War T	Tax Act, 1917		
and			
(Na	me of Taxpayer)	THE STREET	20
of theof		(addre	ess)
Province of			
		Appellant	
Notice of Appeal is her	reby given from	the assessme	ent
earing date the	day of		25
9 wherein a tax in the	e sum of \$	lev	ied
a respect of income for th	e taxation year	19 .	
Then follow with,—			
1. Full statement of facts,			30
2. Full statement of reasons for	or appeal.		
Dated this	day of	19 .	
(signature)		35	

Previous Appeal, procedure and security. **9.** Any notice of objection to an assessment given heretofore to the Minister within the time limited by the said Act and not withdrawn or disposed of shall be deemed to be a notice of appeal filed under and in accordance with the foregoing provisions, provided upon request by the 40 Minister a notice of dissatisfaction containing a recapitulation of all facts, statutory provisions and reasons which the appellant intends to submit to the Court in support of the appeal is filed within one month from the date of the mailing of the request and further provided that the security 45 hereinbefore set forth is furnished within the said one month, otherwise the appeal shall become null and void.

10. The said Act is amended by adding thereto the

following sections:-

Taxes to be a lien.

"25. All taxes, interest and penalties payable under this Act shall constitute a lien upon the assets of the taxpaver both real and personal. This lien shall be deemed 5 to attach or to have attached on the first day of May, immediately succeeding the taxation year in respect of which the tax is payable or to which the interest and penalty relate and notwithstanding lack of notice, registration or publication, shall have priority over any mortgage, 10 charge, lien or hypothec or any assignment or conveyance, including any security taken under section eighty-eight of The Bank Act executed or created after the said first day of May, save and except the liability to the Crown of any person, firm or corporation for payment of the excise 15 taxes specified in The Special War Revenue Act, 1915, and amendments thereto: provided always, however, that the lien or charge hereby created shall not follow or attach to personal property sold bona fide to a purchaser for value without notice unless such property is disposed of in such a 20 manner as to bring the sale within the provisions of any Bulk Sales Act or similar statute.

Collection of tax from third party.

"26. When the Minister has knowledge or suspects that any person is or is about to become indebted to a taxpaver he may, by registered letter, demand of such person that 25 the moneys otherwise payable to the taxpaver be in whole or in part, paid over to the Receiver General of Canada on account of said taxpaver's liability under the provisions of this Act. The receipt of the Minister therefor shall constitute a good and sufficient discharge of the liability 30 of such person to said taxpayer to the extent of the amount referred to in the receipt. Any person discharging any liability to a taxpayer after receipt of the registered letter herein referred to shall be personally liable to the Receiver General of Canada to the extent of the liability discharged 35 as between him and the taxpayer or to the extent of the liability of the taxpaver for taxes, interest and penalties, whichever is the lesser amount."

Distress in default of

payment.

"27. If any person not having given notice of appeal neglects or refuses to pay any tax, interest or penalty or 40 instalment of tax due under this Act, the Minister, on giving ten days notice by registered mail addressed to the last known place of residence of the taxpayer, may issue a certificate declaring said person to be in default and may authorize any person whom he deems proper upon receipt 45 of such certificate to distrain the person in default by his goods and chattels. The distress levied in accordance with this subsection shall be kept for ten days at the cost and charges of the person neglecting or refusing to pay and if the person aforesaid does not pay the sum due, together 50 with the costs and charges within the said ten days the

goods and chattels distrained shall be sold by public auction. Except in the case of perishable goods, notice of such sale setting forth the time and place thereof, together with a general description of the goods to be sold shall be published at least once in one or more of the local newspapers of general local circulation. Any over-plus coming by the distress after deduction of the amount owing by the taxpayer and of all costs and charges shall be restored to the owner of the goods distrained. Such goods and chattels of any person in default as would be exempt from seizure under 10 a writ of execution issued out of the Superior Court of the Province in which the seizure is made shall be exempt from distress under this section.

Certificate
of default
to be
registered as
judgment.

"28. All taxes, interest and penalties payable under this Act may be recovered in the Exchequer Court 15 of Canada and any such amount payable remaining unpaid whether in whole or in part after two months from the date of mailing of the notice of assessment. may be certified by the Commissioner of Taxation and on the production to the said Court or Judge or 20 such officer as the Court or Judge thereof may direct, the certificate shall be registered in the said Court and shall, from the date of such registration, be of the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in the said 25 Court for the recovery of a debt of the amount specified in the certificate, including interest to date of payment as provided for in the said Act, and entered upon the date of such registration and all reasonable costs and charges attendant upon the registration of such certificate shall be 30 recoverable in like manner as if they were part of such judgment."

11. (1) Section one of this Act shall be deemed to have come into force at the commencement of the 1917 taxation period and to be applicable thereto and to subsequent 35 periods.

(2) Sections two and three of this Act shall be deemed to have come into force at the commencement of the 1921 taxation period and to be applicable thereto and to subsequent periods.

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(3) Sections five, six and seven of this Act shall be deemed to have come into force at the commencement of the 1922 taxation period and to be applicable thereto and to subsequent periods.

(4) Section twenty-five of the said Act as enacted by 45 section ten of this Act shall be deemed to have come into force at the commencement of the 1924 taxation period and to be applicable thereto and to subsequent periods.

(5) All other provisions of this Act shall be deemed to have come into force on the passing of this Act.

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#### THE HOUSE OF COMMONS OF CANADA

# BILL 250.

An Act to provide for further advances to The Harbour Commissioners of Montreal.

AS PASSED BY THE HOUSE OF COMMONS, 27th JUNE, 1923.

## THE HOUSE OF COMMONS OF CANADA.

# BILL 250.

1907, c. 30; 1909, c. 25; 1910, c. 40; 1912, c. 36; 1914, c. 41; 1918, c. 5; 1919, c. 53; 1921, c. 11; 1922, c. 33. An Act to provide for further advances to The Harbour Commissioners of Montreal.

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 Advances Act, 1923.

An additional \$10,000,000 may be advanced to Corporation.

2. The Governor in Council may, from time to time, advance and pay to the Corporation of the Harbour Commissioners of Montreal, hereinafter called "the Corporation," in addition to the moneys, if any, heretofore author-

ized to be advanced to the Corporation by the Governor 10 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 ten million dollars, as are required to enable the Corporation to carry on the construction of terminal facilities in the harbour 15 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

For construction of terminal facilities.

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No advance till plans approved. said port.

3. No such advance 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 advanced is to be expended, as are satisfactory 25 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 advances

4. The Corporation shall submit to the Minister of Marine and Fisheries for approval, monthly applications 30

the least successful to the state of the sta or the trunch which the recrease at to saver and any accompanied by certain statements. for advances 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 advance 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 debentures with Receiver General to cover advances. 5. The Corporation shall, upon any advance being made, deposit with the Minister of Finance and Receiver 10 General debentures of the Corporation equal in par value to the advance 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 15 the day when such advance 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 centum per annum, such interest to be payable half yearly, on the first day of July and the first day of January 20 in each year.

Repayment of advances.

6. The principal and interest of the sums advanced to the Corporation under the authority of this Act shall be paid by the Corporation out of all its property and assets, and out of all its tolls, rates, dues, penalties and other 25 sources of revenue and income whatsoever, and shall rank as a charge thereon, and have precedence in regard to payment next after the payments provided for in section eight of chapter ten of the statutes of 1896 (First Session).

#### THE HOUSE OF COMMONS OF CANADA

# BILL 252.

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1923, and the 31st March, 1924.

AS PASSED BY THE HOUSE OF COMMONS, 29th JUNE, 1923.

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#### THE HOUSE OF COMMONS OF CANADA.

## BILL 252.

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1923, and the 31st March, 1924.

Most Gracious Sovereign,

Preamble,

WHEREAS it appears by messages 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 messages, that the sums hereinafter mentioned are required to defray 5 certain expenses of the public service of Canada, not otherwise provided for, for the financial years ending the thirtyfirst day of March, one thousand nine hundred and twentythree, and the thirty-first day of March, one thousand nine hundred and twenty-four, and for other purposes 10 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:— 15

Short title.

1. This Act may be cited as The Appropriation Act, No. 3, 1923.

\$178,477.323.03 granted for 1923-24.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and seventy-eight million, four 20 hundred and seventy-seven thousand three hundred and twenty-three dollars and three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-three, to the thirty-first day of March, one thousand 25 nine hundred and twenty-four, not otherwise provided

for, and being two-thirds of the amount of each of the several items, has deductions, set forth in selectals A, to this Act.

thems may be paid and applied a sum not exceeding in the whole eighteen million, two hundred and two too bounded and two abousand, the whole eighteen million, two hundred and two abousand defraying the events charges and expenses of the public server, the first days of April, the thirty-like days of March, I have the twenty-two to the thirty-like day of March, I have the themsend the hundred and twenty-three, not otherwise provided for and set feeth in Schedule B to this Act.

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4. From and out of the Consolicated Revenue Fund there may be paid and applied a sum not exceeding in the whole three million as hundred and sixty-six thousand, aix hun- 16 dred and sixty-six dillars and sixty-serum cents, nowards derraying the several charges and expenses of the public serves, from the pret day of April, one thousand mine bundred and twenty-three days of the thirty-first day of March one thousand nine hundred and twenty-three days of March, provided for and being two-thirds of the amount of the year forth in Schedule C to this Act.

THE REAL PROPERTY.

Their may be paid and applied a sum not exceeding in the whole in the whole formers million, seven hundred and twenty-six? The whole further million, seven hundred and true control the theorem of the control of the towards defraging the Arrent charges and expenses of the public strates, from the first day of April one thousand mile blanch, one thousand nine builded and twenty-four, had at an arrenty-four, and actions in Schedule II to the Arris in Schedule II to the Arris one thousand mine bundred and twenty-four, and actions in Schedule II to the Arris one thousand mine and see forth in Schedule II to the Arris one thousand mine to the first in Schedule II to

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8. And whereas there remained on the thirty-first day of March one thousand nine hundred and twenty-three, unborrowed and negotiable of the loans emborroed by 3 l'arisament for the construction of public works and for return numbers the following sum:—

For public works and general purposés \$152,465,770.26

And velectors if is necessary to make provision for retiring maturing loans raised for wer or demobilization purposes and 40 other maturing loans and obligations of Canada

Therefore it is declared and enacted, that the Governor to Council may authorize the retaing of the sound above medicated as required for the purpose of rotating maturing

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for, and being two-thirds of the amount of each of the several items, less deductions, set forth in Schedule A to this Act.

\$18,202,105 66 granted for 1922-23.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in 5 the whole eighteen million, two hundred and two thousand, one hundred and five dollars and sixty-six cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-two, to the thirty-first day of March, 10 one thousand nine hundred and twenty-three, not otherwise provided for and set forth in Schedule B to this Act.

granted for 1923–24.

4. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole three million, six hundred and sixty-six thousand, six hun-15 dred and sixty-six dollars and sixty-seven cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-three, to the thirty-first day of March, one thousand nine hundred and twenty-four, not otherwise 20 provided for and being two-thirds of the amount of the item set forth in Schedule C to this Act.

\$14,726,241.09 granted for 1923-24. 5. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole fourteen million, seven hundred and twenty-six 25 thousand, two hundred and forty-one dollars and nine cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty three, to the thirty-first day of March, one thousand nine hundred and twenty-four, 30 not otherwise provided for, and set forth in Schedule D to this Act.

Declaratory as to certain loans authorized but not raised. 6. And whereas there remained on the thirty-first day of March, one thousand nine hundred and twenty-three, unborrowed and negotiable of the loans authorized by 35 Parliament for the construction of public works and for general purposes, the following sum:—

For public works and general purposes \$152,466,779.26;

And whereas it is necessary to make provision for retiring maturing loans raised for war or demobilization purposes and 40 other maturing loans and obligations of Canada;

Such sums may be raised in Council may authorize the raising of the sum above mentioned as required for the purpose of retiring maturing

ioans raised for non or democrization purposes and orber maturing loans and shipations of Caustles and for public works and general purposes alorseaid, respectively, ander the provisions of the Coccolidated Revenue and Andri Act. Revenue from so resent shall form part of the Concolidated Revenue Fond, out of which like sums shall be applicable to the extend purposes alorseaid, under the Acts and revenue respectively.

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And the state of the shall be laid before the House of the Canonica of the derive the bird before days of the the best aftern days of the bird before next element.

loans raised for war or demobilization purposes and other maturing loans and obligations of Canada, and for public works and general purposes aforesaid, respectively, under the provisions of the Consolidated Revenue and Audit Act, and the sum so raised shall form part of the Consolidated Revenue Fund, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Account to be rendered in detail.

7. A detailed account of the sums expended under the authority of this Act shall be laid before the House of 10 Commons of Canada during the first fifteen days of the then next session of Parliament.

### SCHEDULE A.

based on the Main Seimales, 1923-24. The emount bereby granted is \$173,477,323.03, being two-thirds of the amqfig of each item in the Estimates as contained in this Schedule, less deductions of \$500 in the last item of Resolution No. 1; of \$50,000 in Resolution No. 53; of \$350,000 in the last item of Resolution No. 141; and of \$22,410 in Resolution No. 227.

Sins graded to like Majesty by this Act for the finnerial year ending.

Ilm Marshy 1924, and the purpose for which they are granted.

### SCHEDULE A.

Based on the Main Estimates, 1923-24. The amount hereby granted is \$178,477,323.03, being two-thirds of the amount of each item in the Estimates as contained in this Schedule, less deductions of \$500 in the last item of Resolution No. 1; of \$50,000 in Resolution No. 53; of \$350,000 in the last item of Resolution No. 141; and of \$22,410 in Resolution No. 227.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1924, and the purposes for which they are granted.

No. of Vote.	Service.	Amount.	Total.
	CHARGES OF MANAGEMENT.	\$ cts.	\$ cts.
1	Offices of the Assistant Receivers General and Country Savings Banks— Salaries Contingencies.  Printing, signing, sealing and macerating Dominion Notes Printing, Advertising, Inspection, Express, etc. Commission for payment of interest on Public Debt, purchase of Sinking Funds, Auditing. Brokerage on purchase of Sinking Funds English Bill Stamps, postage, etc. Clerical Assistance in connection with transfer and registration of bonds, etc., and with flotation of loans, appointments for	110,000 00 15,000 00 515,000 00 150,000 00 100,000 00 7,000 00 3,000 00	
	the purpose may be made without reference to and not- withstanding anything to the contrary in the Civil Service Act.  To appoint Walter Duncan at a salary of \$2,550 per annum, as a special investigating officer under the direction of the Department of Finance, with the power to administer oaths in the performance of his duties; and also to provide for the contingent expenses of this service, a further sum of \$2,500.	180,000 00 *5,550 00	
	CIVIL GOVERNMENT.		1,085,550 00
2	Governor General's Secretary's Office—Salaries, including Governor General's Secretary, additional to salary authorized by R.S. c. 4, \$3,600	31,915 00	
3	Contingencies. Privy Council— Salaries	66,000 00 44,295 00	
4	Contingencies.  Justice— Salaries.	9,000 00	
5	Contingencies, including \$2,000 for Solicitor General's office.  National Defence— Salaries	32,500 00 712,681 00	
6	Contingencies. Secretary of State— Salaries.	50,000 00 127,837 50 29,620 00	
7	Contingencies. Interior— Salaries. Contingencies.	1,502,982 00 115,000 00	
8	Immigration and Colonization— Salaries. Contingencies. * Deduction \$500.00	272,325 00 60,000 00	

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No. of Vote.	Service.	Amount.	Total.
	CIVIL GOVERNMENT—Concluded.	\$ cts.	\$ cts.
9	Indian Affairs—		o cus.
	Salaries. Contingencies.	149,380 00 19,000 00	
10	Royal Canadian Mounted Police— Salaries	37,225 00	
11	Contingencies	9,000 00	
	Salaries including Auditor General at \$1,000 additional to 7-8 Edward VII, chap. 6.	257,790 00	
12	Contingencies	54,000 00	
12	Salaries	402,947 50	
13	Contingencies	50,000 00	
	Salaries	577,375 00 48,000 00	
14	Agriculture— Salaries	717,925 00	
15	Contingencies	135,000 00	
	Salaries. Contingencies.	523,840 00 100,500 00	
16	Railways and Canals—	100,500 00	
	Salaries, including the Deputy Minister of Railways and Canals and Government Director of Canadian National	HORSE TO SERVICE STATE OF THE PARTY OF THE P	
	Railways at \$10,000	208,970 00 38,000 00	
17	Public Works— Salaries.	639,300 00	
18	Contingencies	75,000 00	
10	Salaries	533, 190 00	
19	Contingencies	6,700 00	
	Salaries including the Superintendent of Mail Contracts at \$5,400	1,116,448 00	
20	Contingencies	155,000 00	
	Salaries Contingencies	476,490 00 22,000 00	
21	Patent and Copyright— Salaries	175,865 00	
00	Contingencies	35,000 00	
22	Labour— Salaries	231,735 00	
23	Contingencies	45,500 00	
	Salaries	25,370 00 86,563 00	
24	Insurance—Salaries, including Superintendent of Insurance, \$1,000 addi-		
	tional to salary authorized by 7-8 Edward VII, chap.	67,745 00	
0"	Contingencies	61,000 00	
25	External Affairs— Salaries	77,740 00	
26	Contingencies	37,000 00	
	Salaries. Contingencies.	69,360 00 12,000 00	
27	Contingencies. Soldiers' Civil Re-establishment— Salaries	29,200 00	
28	Contingencies. Civil Service Commission—	10,000 00	
20	Salaries	188,305 00	
29	Contingencies Health—	80,000 00	
	Salaries	152,950 00	

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No. of Vote.	Service.	Amount.	Total.
	ADMINISTRATION OF JUSTICE.	\$ cts.	\$ ets.
30{	Miscellaneous expenditure	5,000 00 1,200 00	
	Supreme Court of Canada.		
31{	Contingencies and disbursements, including books, magazines, etc., for judges, not exceeding \$300	7,500 00	
	samePrinting, binding and distributing Court Reports	10,000 00 8,000 00	
	Exchequer Court of Canada.	THE REAL PROPERTY.	
32	Contingencies—Judges' and Court officers' travelling expenses, remuneration to sheriffs, etc., printing, stationery, etc., and \$150 for judges' books.  Miscellaneous expenses, Exchequer Court in Admiralty. Salary of Marshal in Admiralty, Quebec.  Printing, binding and distributing Court Reports.	6,000 00 500 00 333 34 2,000 00	
33{	Travelling allowance of judge. Living allowance of judge. Salaries, Sheriff and Clerk of Territorial Court, \$4,000 each, stenographer, \$2,100. Living allowances of court officers and police magistrate. Miscellaneous expenditure.	200 00 5,000 00 10,100 00 5,300 00 10,000 00	71,133 34
34	PENITENTIARIES.  Kingston. St. Vincent de Paul. Dorchester Manitoba. British Columbia. Alberta. Saskatchewan General.	423,500 00 387,500 00 272,500 00 193,600 00 141,000 00 3,000 00 248,000 00 1,400 00	1,670,500 00
	LEGISLATION.		1,070,000 00
35	SENATE.  Salaries and contingent expenses	162,040 00	
36 {	Salaries (including H. P. Arsenault as Chief Translator—Bluebooks—at an initial salary of \$3,480.00 from 1 April, 1923, notwithstanding anything to the contrary in the Civil Service Act or amendments thereto)  Expenses of Committees, extra Sessional Clerks, etc  Contingencies  Publishing Debates  Estimates of Sergeant-at-Arms.	236,545 00 77,950 00 46,385 00 60,000 00 177,442 50	
	LIBRARY OF PARLIAMENT		
37 {	Salaries. Books for the General Library, including binding. Books for the Library of American History Contingencies. To provide for the cost of printing reports.	43,660 00 18,000 00 1,000 00 12,500 00 1,000 00	

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No. of Vote.	Service.	Amount.	Total.
	LEGISLATION—Concluded	\$ ets.	\$ cts.
	GENERAL		
38 {	Printing, printing paper and binding	125,000 00 16,000 00	
	AGRICULTURE.		977,522 50
39 40	Experimental Farms. Entomology. Administration and Enforcement of Destructive Insect and Pest	1,525,000 00 30,000 00	
42	Act. Dairying Cold Storage Warehouses, including grants to New Westminster	310,000 00 230,000 00	
43 44 45	Cold Storage warehouses, including grains to New Westminster Cold Storage, \$10,000, and Grimsby Cold Storage, \$30,000. Fruit. Health of Animals (Administration and enforcement of Animal	50,000 00 182,000 00	
46 47 48	Contagious Diseases Act and Meat and Canned Foods Act) including grant of \$1,000 to National Veterinary Association. Publications International Institute of Agriculture Live Stock, including grant of \$6,000 to Stock Growers' Pro-	1,500,000 00 28,500 00 15,000 00	
49 50 51	tective Association.  Seed, Feed and Fertilizer Control.  Administration of the Agricultural Instruction Grant.  Grant to the Provinces of Canada for the purpose of assisting and encouraging agricultural instruction, grants to be made	1,230,000 00 295,000 00 20,000 00	
	on a proportionate basis	900,000 00	
	IMMIGRATION AND COLONIZATION	10,000 10	6,315,500 00
52 53	Immigration Outside Service—Salaries	700,000 00	
54 55 56 57 58	in Council. Chinese Immigration—Salaries and Contingencies Exhibitions—Salaries and Expenses. Imperial Institute. Relief of Distressed Canadians abroad. St. John Immigration Buildings.	*1,850,000 00 60,000 00 140,000 00 3,190 00 10,000 00 23,000 00	
59	To provide assistance by advances or grants to immigrants under agreement to be made with the Imperial Government under the Empire Settlement Act 1922, and to hereby authorize the Governor in Council to make such agreement as he may deem expedient thereunder, and to expend the monies hereby voted in such manner and subject to such regulations as he may prescribe.	600,000 00	
	DEPARTMENT OF HEALTH		3,386,190 00
	The administration of the Acts respecting Food and Drugs, Honey and Maple Products, and Opium and Narcotic	90,800 00	
61 62 63	Drugs. Proprietary or Patent Medicines Pollution of Boundary Waters. Marine Hospitals, including grants to institutions assisting	5,000 00 2,500 00	
64	guarantine;—Salaries and contingencies of organized districts: Public Health in other districts; Tracadie & D'Arcy	110,000 00	
65 66 67	Island Lazarettos, and Public Works Health Act	250,000 00 50,000 00 15,000 00	
	amount in combating venereal diseases	200,000 00	723,300 00

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No. of	Service.	Amount.	Total.
Vote.			
3 3 3 3			TO DESIGN THE REAL PROPERTY.
	DENGLONG	\$ cts.	\$ cts.
	PENSIONS.		
68	Mrs. Wm. McDougall	1,200 00	
69 70	Pensions on account of the Fenian Raid, 1866-1870 Pensions payable to Mounted Police, Prince Albert Volunteers	1,000 00	
10	and Police Scouts on account of the Rebellion of 1885	973 56	
71	Pensions payable to militiamen and on active service North		
72	West Rebellion, 1885, and general pensions	40,000 00	
	lives while on duty—		
	Mrs. Margaret Johnson Brooke		
	Mrs. Elizabeth Willmett		
	Mrs. Mary Emma Bossange		
	Mrs. Myrtle L. Richards		
	Mrs. Mabel Forbes		
73	Pension to J. B. Allan	450 00	
74	Pension to Mary E. Fuller	600 00	
75 76	Pension to Madame Fabre		
77	Pensions to the unmarried sisters of the late Col. Harry Baker,		
78	M.P. Pension to Nellie Hopkinson.		
79	Pension to Jas. Elliott	672 00	
80	Pensions—		
81	European war and active militia		
01	missioners for Canada	83,700 00	
			32,634,952 30
	SUPERANNUATION		
82	To provide for retiring allowances to former employees of the		
82	To provide for retiring allowances to former employees of the Department of Public Printing and Stationery		55,000 00
82			55,000 00
82	Department of Public Printing and Stationery		55,000 00
	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES	281	55,000 00
83 84	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia	100,000 00 1,050,000 00	55,000 00
83 84 85	Department of Public Printing and Stationery	100,000 00 1,050,000 00 450,000 00	55,000 00
83 84	Department of Public Printing and Stationery	100,000 00 1,050,000 00	55,000 00
83 84 85 86 87 88	Department of Public Printing and Stationery	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 12,000 00	55,000 00
83 84 85 86 87 88 89	Department of Public Printing and Stationery	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 12,000 00 2,000 00	55,000 00
83 84 85 86 87 88	Department of Public Printing and Stationery	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 2,000 00 390,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services Clothing & Necessaries Contingencies. Customs Dues Departmental Library Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 9,000 00 390,000 00 560,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services Clothing & Necessaries Contingencies. Customs Dues. Departmental Library. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works Grants to Associations, etc.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 12,000 00 2,000 00 9,000 00 390,000 00 560,000 00 100,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services Clothing & Necessaries Clothing & Necessaries Contingencies. Customs Dues. Departmental Library Dominion Arsenal, Lindsay, Dominion Arsenal, Lindsay, Dominion Arsenal, Quebec. Engineer Services & Works. Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 9,000 00 390,000 00 560,000 00 250,000 00 66,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 96	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services Clothing & Necessaries Contingencies Contingencies Customs Dues. Departmental Library. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 2,000 00 9,000 00 390,000 00 560,000 00 100,000 00 255,000 00 66,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 96	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia.  Annual Drill.  Cadet Services.  Clothing & Necessaries  Contingencies.  Customs Dues.  Departmental Library.  Dominion Arsenal, Lindsay.  Dominion Arsenal, Quebec.  Engineer Services & Works.  Grants to Associations, etc.  Maintenance, Military Properties.  Ordnance Arms, Lands, etc  Pay of Staff.  Permanent Force.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 2,000 00 390,000 00 560,000 00 66,000 00 66,000 00 555,000 00 5,290,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services Clothing & Necessaries Contingencies Customs Dues. Departmental Library. Dominion Arsenal, Lindsay. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec Engineer Services & Works. Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff. Permanent Force. Printing and Stationery. Royal Military College.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 9,000 00 390,000 00 560,000 00 100,000 00 255,000 00 520,000 00 550,000 00 520,000 00 66,000 00 255,000 00 390,000 00 390,000 00 250,000 00 390,000 00 390,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services. Clothing & Necessaries Contingencies. Customs Dues. Departmental Library. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works. Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff. Permanent Force. Printing and Stationery. Royal Military College. Salaries and Wages.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 9,000 00 390,000 00 560,000 00 66,000 00 66,000 00 5,290,000 00 5,290,000 00 345,000 00 345,000 00 250,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services. Clothing & Necessaries Clothing & Necessaries Contingencies. Customs Dues. Departmental Library. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works. Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff. Permanent Force Printing and Stationery. Royal Military College. Salaries and Wages. Schools of Instruction.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 9,000 00 390,000 00 560,000 00 66,000 00 66,000 00 5,290,000 00 5,290,000 00 345,000 00 345,000 00 250,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 99 100 101 102 103	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services. Clothing & Necessaries Contingencies. Customs Dues. Departmental Library. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works. Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff. Permanent Force. Printing and Stationery. Royal Military College. Salaries and Wages. Schools of Instruction Topographic Survey. Training Areas.	100,000 00 1,050,000 00 450,000 00 300,000 00 25,000 00 2,000 00 9,000 00 390,000 00 560,000 00 66,000 00 66,000 00 5,290,000 00 5,290,000 00 345,000 00 345,000 00 115,000 00 45,000 00 5,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 101 102 103 104	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services Clothing & Necessaries Clothing & Necessaries Contingencies. Customs Dues. Departmental Library. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works. Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff. Permanent Force Printing and Stationery. Royal Military College. Salaries and Wages. Schools of Instruction. Topographic Survey. Training Areas Transport and Freight.	100,000 00 1,050,000 00 450,000 00 25,000 00 12,000 00 2,000 00 9,000 00 390,000 00 250,000 00 250,000 00 255,000 00 5,290,000 00 5,290,000 00 5,290,000 00 250,000 00 115,000 00 45,000 00 115,000 00 185,000 00	55,000 00
83 84 85 86 87 88 89 90 91 92 93 94 95 99 100 101 102 103	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill Cadet Services Clothing & Necessaries Clothing & Necessaries Contingencies Customs Dues Departmental Library Dominion Arsenal, Lindsay Dominion Arsenal, Quebec Engineer Services & Works Grants to Associations, etc Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff Permanent Force Printing and Stationery. Royal Military College. Salaries and Wages Schools of Instruction Topographic Survey Training Areas Transport and Freight. Warlike Stores Compassionate grant to J. Dymond.	100,000 00 1,050,000 00 450,000 00 25,000 00 2,000 00 2,000 00 300,000 00 2,000 00 390,000 00 560,000 00 66,000 00 255,000 00 5,290,000 00 70,000 00 345,000 00 115,000 00 45,000 00 15,000 00 250,000 00 115,000 00 15,000 00 15,000 00 15,000 00 160,000 00	55,000 00
83 84 85 86 87 88 99 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill Cadet Services Clothing & Necessaries Clothing & Necessaries Contingencies Customs Dues Departmental Library Dominion Arsenal, Lindsay Dominion Arsenal, Quebec Engineer Services & Works Grants to Associations, etc Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff Permanent Force Printing and Stationery. Royal Military College. Salaries and Wages Schools of Instruction Topographic Survey Training Areas Transport and Freight. Warlike Stores Compassionate grant to J. Dymond.	100,000 00 1,050,000 00 450,000 00 25,000 00 2,000 00 2,000 00 300,000 00 2,000 00 390,000 00 560,000 00 66,000 00 255,000 00 5,290,000 00 70,000 00 345,000 00 115,000 00 45,000 00 15,000 00 250,000 00 115,000 00 15,000 00 15,000 00 15,000 00 160,000 00	55,000 00
83 84 85 86 87 88 99 91 92 93 94 95 96 97 99 100 101 102 103 104 105 106 107	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill. Cadet Services Clothing & Necessaries Contingencies. Customs Dues. Departmental Library Dominion Arsenal, Lindsay. Dominion Arsenal, Lindsay. Dominion Arsenal, Quebec. Engineer Services & Works. Grants to Associations, etc. Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff. Permanent Force. Printing and Stationery. Royal Military College. Salaries and Wages. Schools of Instruction. Topographic Survey. Training Areas. Transport and Freight Warlike Stores. Compassionate grant to J. Dymond Compassionate grant to P. McKnight. Compassionate grant to W. Rogers.	100,000 00 1,050,000 00 450,000 00 25,000 00 22,000 00 2,000 00 2,000 00 390,000 00 250,000 00 100,000 00 255,000 00 5,290,000 00 45,000 00 250,000 00 115,000 00 15,000 00 15,000 00 15,000 00 27 00 160,000 00 27 00 500 00	55,000 00
83 84 85 86 87 90 91 92 93 94 95 96 97 100 101 102 103 104 105 106	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill Cadet Services Clothing & Necessaries Clothing & Necessaries Contingencies Customs Dues Departmental Library Dominion Arsenal, Lindsay Dominion Arsenal, Quebec Engineer Services & Works Grants to Associations, etc Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff Permanent Force Printing and Stationery. Royal Military College. Salaries and Wages Schools of Instruction Topographic Survey Training Areas Transport and Freight. Warlike Stores Compassionate grant to J. Dymond.	100,000 00 1,050,000 00 450,000 00 250,000 00 12,000 00 2,000 00 2,000 00 9,000 00 250,000 00 250,000 00 250,000 00 5,290,000 00 5,290,000 00 250,000 00	55,000 00
83 84 85 86 87 88 99 91 92 93 94 95 96 97 98 100 101 102 103 104 105 106 107 108	Department of Public Printing and Stationery  NATIONAL DEFENCE  MILITIA SERVICES  Allowances, Active Militia. Annual Drill Cadet Services Clothing & Necessaries Contingencies Customs Dues Departmental Library Dominion Arsenal, Lindsay Dominion Arsenal, Quebec Engineer Services & Works Grants to Associations, etc Maintenance, Military Properties. Ordnance Arms, Lands, etc Pay of Staff. Permanent Force Printing and Stationery. Royal Military College Salaries and Wages Schools of Instruction Topographic Survey Training Areas Transport and Freight. Warlike Stores Compassionate grant to J. Dymond Compassionate grant to P. McKnight Compassionate grant to W. Rogers	100,000 00 1,050,000 00 450,000 00 25,000 00 25,000 00 2,000 00 2,000 00 390,000 00 560,000 00 255,000 00 255,000 00 5,290,000 00 345,000 00 250,000 00 115,000 00 250,000 00 250,000 00 270,000 00 185,000 00 185,000 00 500 00 500 00 500 00 500 00 500 00	55,000 00

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of Vote.	Service.	Amount.	Total.
	NATIONAL DEFENCE—Concluded	\$ cts.	\$ cts
	Naval Services		
111	Naval Service—To provide for the maintenance of the Royal		
1112 113	Canadian Navy. Pay of temporary Clerks. Customs dues.	1,500,000 00 15,000 00 500 00	
	AIR SERVICES		
114 115	Canadian Air Force—Operation, maintenance, repairs, etc Purchase of new flying equipment	1,000,000 00 250,000 00	12,801,737 0
	RAILWAYS AND CANALS		
	(Chargeable to Capital.)		
	RAILWAYS.	1000 100	
	Canadian Government Railways.		
116	To provide for the purchase of Branch Lines— Moncton and Buctouche Railway— Revote.	\$70,000 00	
	Interest estimated, from date of taking possession to March 31, 1924, not exceeding (including Revote—\$21,125)	23,625 00	
117	To pay claim of Fortin & Moffat (National Transcontinental	* 000 00	
	Railway)	5,390 00	
	CANALS.		
118 119 120 121	Welland Ship Canal: Construction.  Trent Canal: Construction and Betterments. St. Anne's Lock: Highway Bridge at Isle Perrot. St. Lawrence Ship Canal: Surveys and Investigations.		
	Miscellaneous.		
122	Hudson Bay Railway—Port Nelson Terminals	40,000 00	12,299,015 0
	RAILWAYS AND CANALS.		
	(Chargeable to Income.)	2006	
	CANALS.		
123 124 125 126 127 128 129	Chambly Canal—Improvements. St. Anne's Lock—Improvements Lachine Canal—Improvements. Soulanges Canal—Improvements. Trent Canal—Improvements. Welland Canal—Improvements. Sault Ste. Marie Canal—New Steel Gate Lifter.	25,000 00 20,000 00 56,000 00 162,000 00 255,000 00 100,000 00 5,000 00	
	RAILWAYS.		
130	To supplement pension allowances payable under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payment, during the current fiscal year, the sum of \$30.00 per month, instead of \$20.00, as fixed by the said		

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	Responds made permitted to deligned graduated graduated to the second section of the sec	

No. of Vote.	Service.	Amount.	Total.
131 132	RAILWAYS AND CANALS—Continued.  (Chargeable to Income)—Continued.  MISCELLANEOUS.  Arbitration and awards and Costs of Litigation Board of Railway Commissioners for Canada—Maintenance	\$ cts.	\$ cts
133	and Operation of  Canada Highways Commission—To provide for the organization and payment of staff of the Canada Highways Commission, including A. W. Campbell, C.E., Chief Commissioner of Highways, at \$5,000 per annum, and W. R. Smythe,	228,969 00	
134 135 136 137 138 139	Commissioner of Highways, at \$4,000 per annum Governor General's Cars—Attendance, repairs and alterations. Miscellaneous works not provided for	70,000 00 10,000 00 2,000 00 7,000 00 25,000 00 55,000 00	
	facilities.  (g) Guarantees of securities.  The amount herein authorized may be applied from time to time, in the discretion of the Governor in Council:—  (a) To meet expenditures made or indebtedness incurred by the Company in respect of railways, properties and works entrusted to the Company as aforesaid.  (b) By way of loans in cash, or by way of guarantee, or partly one way and partly the other, subject, however, as follows:—  If by way of loans, the amount or amounts advanced shall be repayable on demand, with interest at the rate fixed by the Governor in Council, from time to time, payable half-yearly, secured if and when directed by the Governor in Council by mortgage or mortgages upon such properties, in such form and containing such terms and conditions not inconsistent herewith, as the Governor in Council may approve.  If by way of guarantee, any such guarantee may be of the principal and interest of the notes and obligations or securities of one or more of the said Companies specified by the Governor in Council, and may be signed by the Minister of Finance, on behalf of His Majesty, in such form and on such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto	3,000,000 00	

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No. of Vote.	Service.	Amount.	Total.
	RAILWAYS AND CANALS—Concluded.  (Chargeable to Income)—Concluded.	\$ cts.	\$ cts.
	MISCELLANEOUS—Concluded.		
140	Loan to the Canadian Government Merchant Marine Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine, and to be applied in the payment of deficits in operation of the Company and the vessels under the Company's control during the year ending March 31, 1924	1,500,000 00	75,572,969 00
	PUBLIC WORKS.	TO BUT BY	
	(Chargeable to Capital).		
	Public Buildings.	98-190 50	
141	Ottawa Parliament Buildings Ottawa, Addition to Dominion Archives Building Ottawa, Printing Bureau—New Building	700,000 00 150,000 00 *500,000 00	
	HARBOURS AND RIVERS.		
142	Esquimalt, B.C.—Dry dock under construction  Port Arthur and Fort William—Harbour improvements  Quebec Harbour—Champlain Dock—To complete.  St. John Harbour—Improvements.  Toronto Harbour—Improvements.	1,500,000 00 135,000 00 96,000 00 860,000 00 250,000 00	
	PUBLIC WORKS		4,191,000 00
	(Chargeable to Income)		
	Public Buildings		
	Nova Scotia		
143	Halifax—Quarantine Station—Repairs and improvements North Sydney—Quarantine Station—Alterations and repairs	1,000 00 2,600 00	
	New Brunswick		
144	St. John—Quarantine Station—Partridge Island—Repairs and improvements. St. John Quarantine Station—Partridge Island—Water supply	3,000 00 1,000 00	
	Maritime Provinces Generally		
145	Dominion Public Buildings—Improvements, repairs. etc	38,000 00	
	Quebec		
146	Dominion Public Buildings—Improvements, repairs, etc	80,000 00 5 <sub>4</sub> ,500 00 26,000 00 26,500 00	
	Ontario	20,000 00	
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	Dominion Public Buildings—Improvements, repairs, etc	100,000 00 11,000 00 1,750 36 50,000 00 1,000 00 148,000 00	

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No. of Vote.	Service.	Amount.	Total.
	PUBLIC WORKS—Continued	\$ cts.	\$ cts
	(Chargeable to Income)—Continued		
	Public Buildings—Continued		
	Manitoba		
1	Dominion Public Buildings—Improvements, repairs, etc Portage la Prairie—Public Building—Improvements to plumb-	35,000 00	
148	ing Winnipeg—Immigration building—Improvements to heating	850 00 14,000 00	
	Saskatchewan		
149	Dominion Public Buildings—Improvements, repairs, etc Moose Jaw—Public Building—Improvements to heating Prince Albert—Public building—Improvements to heating	17,000 00 12,000 00 5,200 00	
	Alberta		
1	Calgary—Customs Examining Warehouse—Alterations Calgary—Customs Examining Warehouse—Local improve-	5,000 00	
150	ment taxes  Dominion Public Buildings—Improvements, repairs, etc  Grande Prairie—Enlargement of public building for telegraph	3,737 10 17,000 00	
	office	11,000 00	
151	Bamfield—Public Building Dominion Public Buildings—Improvements, repairs, etc Victoria—Old Post Office—Taxes due City for 1922 Williams Head Quarantine Station—Repairs and improvements	1,500 00 35,000 00 1,482 62	
	to existing buildings, fittings, etc	6,000 00	
,	Generally.	000 000	
	Armouries—Fittings and alterations	37,000 00 30,000 00	
152	ments. Flags for Dominion public buildings. Military Hospitals—Repairs and improvements.	70,000 00 5,000 00 50,000 00	
	Rents, Repairs, Furniture, Heating, etc.		
	Ottawa Public Buildings— Dominion Observatory and Geodetic Survey Building— Repairs, maintenance of grounds, etc Ottawa Public Buildings—Water	4,500 00 39,000 00	
	Elevator attendants Lighting, including roads and bridges Heating, including salaries of engineers, firemen and watch-	72,000 00 82,000 00	
	Departments generally—Char service, including \$100 to E. Snowdon for firing noon gun	380,000 00	
	Repairs, furniture, grounds, street cleaning and maintenance Rideau Hall (including grounds)—Improvements, furniture, maintenance, etc	700,000 00 60,000 00	
153	Rideau Hall—Allowance for fuel and light.  Telephone service  Dominion Public Buildings—	19,000 00 93,000 00	
	Dominion Immigration Buildings—Repairs, furniture, etc. Dominion Quarantine Stations—Maintenance. Fittings and general supplies and furniture. Heating.	18,000 00 5,000 00 150,000 00 420,000 00 200,000 00	
	Lighting. Power for running elevators, stamp cancelling machines, etc.	76,000 00	

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No. of Vote.	Service.	Amount.	Total.
	PUBLIC WORKS—Continued	\$ ets.	\$ cts
	(Chargeable to Income)—Continued		
	Public Buildings—Concluded		
	Rents, Repairs, Furniture, Heating, etc.—Concluded	1000000	
	Rents. Salaries of caretakers, engineers, firemen, etc Supplies for caretakers, etc	1,450,000 00 840,000 00 40,000 00	
	Water	68,000 00	
	service and caretakers' salaries	27,000 00 7,000 00	
	HARBOURS AND RIVERS		
	Nova Scotia.		
1	Annapolis Royal—Wharf repairs	1,000 00 5,300 00	
	Bayfield—Wharf repairs Bear River—Rebuilding warping piers	$\begin{array}{c cccc} 1,550 & 00 \\ 13,350 & 00 \end{array}$	
E	Big Bras D'Or—Wharf reconstruction. Black Point—Breakwater repairs.	2,000 00 1,150 00	
	Canso—Wharf	7,700 00	
	Cape St. Marys—Breakwater repairs and renewals	3,000 00 7,500 00	
	Chimney Corner—Completion of wharf	13,400 00 9,000 00	
	Digby—General repairs and renewals to pier	3,000 00	
	Englishtown—Wharf repairs	800 00 4,200 00	
	Half Island Cove—Rebuilding breakwater	4,350 00 60,000 00	
	Harbours and Rivers Generally—Repairs and Improvements. Head East Bay—Wharf repairs	700 00	
	Haulover—Repairs to channel protection walls	4,000 00 3,000 00	
	Judique (Baxter's)—Wharf repairs	2,700 00	
154	Leitches Creek—Wharf repairs. Liscomb—Wharf repairs.	2,200 00 750 00	
	Little Bras D'Or—Breakwater repairs	1,000 00	
3737	Lockeport—Wharf	5,800 00	
	New Haven—Breakwater repairs	500 00	
	North River—Wharf repairs. Ostrea Lake—Wharf repairs.	3,000 00 2,700 00	
	Port Greville—Breakwater repairs	6,000 00	
	Port Hood—Wharf repairs	8,600 00 6,800 00	
	Pugwash—Wharf repairs	4,500 00	
	Red Island—Repairs to breakwater. Salmon River—Wharf reconstruction.	5,250 00 1,300 00	
	Smiley's Point—Breakwater repairs.  Turner's Island—Wharf repairs.	1,400 00	
	Walton—Wharf repairs.	1,500 00 800 00	
	West Green Harbour—Breakwater and wharf. West Arichat—Wharf repairs.	2,500 00 900 00	
	Yarmouth Bar—Repairs and improvements	4,000 00 85,000 00	
	Yarmouth Harbour—Dredging	80,000 00	
	Bay Fortune—Renewal of approach:	750 00	
-	Cape Traverse—To repair and strengthen wharf	1,900 00	
15 8	China Point—Wharf repairs. Graham's Pond—Repairs to breakwaters.	800 00 2,100 00	
-	Haggerty's Wharf—Repairs	900 00	

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No. of Vote.	Service.	Amount.	Total.
	PUBLIC WORKS—Continued.	\$ cts.	\$ cts.
	(Chargeable to Income)—Continued.		
	HARBOURS AND RIVERS—Continued.		
	Prince Edward Island—Concluded.		
155	Harbours and Rivers Generally—Repairs and improvements.  Hickey's Whari—Repairs.  Hurd's Point—Wharf repairs and reconstruction.  Kier's Shore—Wharf repairs.  Miminigash Harbour—Breakwater reconstruction.  North River—Wharf repairs.  Southport—Wharf repairs.  Tignish Harbour—Breakwater repairs.	14,000 00 1,200 00 800 00 1,900 00 2,900 00 750 00 3,000 00 2,700 00	
	New Brunswick.		
156{	Campbellton—Deep water wharf repairs. Cumming's Cove—Wharf repairs. Dalhousie—Ferry wharf repairs. Dipper Harbour—Breakwater repairs. Harbours and Rivers Generally—Repairs and improvements. Lameque—Wharf repairs. Leonardville—Wharf repairs. Miscou Harbour—Wharf repairs. Oak Point (Northumberland)—Wharf repairs. Petit Rocher—Breakwater repairs. Portage River—Repairs to breakwaters. Shippegan Gully—Repairs to breakwaters.	1,200 00 2,000 00 2,000 00 3,000 00 40,000 00 6,000 00 900 00 2,400 00 2,000 00 4,500 00 600 00 1,000 00	
	Quebec.		
	Batiscan—Wharf improvements. Beloeil Village—Wharf repairs. Bersimis (Betsiamites)—Wharf extension and repairs. Bersthierville—Wharf improvements. Bryant's Landing—Wharf repairs and reconstruction. Cap Chat —Wharf repairs. Carleton—Wharf repairs. Cap de la Madeleine—Wharf repairs. Cap de la Madeleine—Wharf repairs. Cap St. Ignace—Wharf repairs. Caughnawaga—Shelter and Wharf repairs. Chicoutimi—Wharf repairs and rebuilding shed. Contrecoeur—Reconstruction of wharf headblock. Cross Point—Wharf repairs. Descente des Femmes—Wharf repairs. Descente des Femmes—Wharf repairs. Douglastown—Wharf repairs. East Templeton—Wharf repairs. Fabre—Wharf repairs. Father Point—Wharf improvements. Fassett—Wharf repairs. Fort William—Wharf repairs. Fox River—Wharf repairs. Fox River—Wharf repairs. Fox River—Wharf repairs. Georgeville—Wharf improvements. Georgeville—Wharf improvements.	925 00 700 00 8,600 00 6,000 00 1,100 00 1,950 00 3,325 00 2,500 00 8,75 00 29,500 00 1,500 00 1,500 00 1,500 00 1,420 00 600 00 5,500 00 2,000 00 1,900 00 2,100 00 29,000 00	
157<	Grand River—Wharf extension Grindstone, Magdalen Islands—Wharf and shed repairs and breastwork extension. Grand Mechins—Wharf repairs. Grondines—Wharf Grosse Isle Quarantine Station—Wharf repairs. Grosse Roche—Wharf repairs. Harbours and Rivers Generally—Repairs and improvements. Iberville—Wharf repairs. La Malbaie—Wharf Lavaltrie—Reconstruction of wharf and approach. Lanoraie—Wharf reconstruction. Les Eboulements—Wharf repairs.	29,000 00  2,050 00 1,350 00 50,000 00 1,250 00 3,500 00 75,000 00 850 00 12,000 00 2,300 00 5,500 00 1,200 00	

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e.	Service.	Amount.	Total.
	DUDING WORKS G. C.	\$ cts.	\$ cts
	PUBLIC WORKS—Continued		
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—Continued		
	Quebec—Concluded		
	L'Islet—Wharf repairs. Matane—Harbour improvements. Mille Vaches—Wharf repairs. Montmany—Repairs to wharves. New Carlisle—Wharf repairs. Newport—Wharf repairs. Newport—Wharf repairs. Peribonka—Wharf repairs. Perkins Landing—Wharf repairs. Perkins Landing—Wharf repairs. Pointe Point—Wharf repairs and improvements. Pointe aux Esquimaux—Wharf repairs. Pointe aux Esquimaux—Wharf repairs. Pointe aux Esquimaux—Wharf repairs. Pointe aux Trembles—Wharf repairs. Pointe aux Trembles—Wharf repairs. Pointe Shea—Amherst—Magdalen Islands—Repairs to pier. Repentigny—Wharf improvements. Rimouski—Wharf reconstruction. Riviere du Lievre—Lock and dam—Reconstruction of protection walls. Riviere Ouelle—Wharf repairs. Ste. Anne de Beaupre—Repairs to wharf. Ste. Anne de Chicoutimi—Repairs to wharf. Ste. Anne de Monts—Reconstruction of training pier. Ste. Anne de la Pocatiere—Wharf repairs. St. Antoine—River Richelieu—Repairs to wharf and approach. St. Alexis—Wharf repairs. St. Andre—Wharf repairs. St. Charles de Caplan—Wharf repairs. St. Charles de Caplan—Wharf repairs. St. Jean d'Orleans—Repairs to wharf. St. Jean Port Joli—Wharf repairs. St. Jean Port Joli—Wharf repairs. St. Michel de Bellechasse—Repairs to wharf. St. Nicholas—Wharf repairs. St. Michel de Bellechasse—Repairs to wharf. St. Nicholas—Wharf repairs. St. Omer—Wharf reconstruction of wharf approach. St. Sulpice—Reconstruction of wharf approach. Seven Islands—Repairs to wharf. Trois Pistoles—Repairs to wharf.	23,500 00 100,000 00 2,500 00 850 00 1,250 00 1,250 00 1,250 00 4,650 00 2,850 00 1,500 00 2,850 00 15,200 00 5,850 00 15,200 00 5,000 00 3,400 00 20,000 00 1,000 00 4,000 00 2,350 00 8,500 00 1,000 00 2,150 00 1,000 00 8,70 00 1,300 00 1,775 00 1,300 00 1,775 00 1,500 00	
	Ontario.	5 1971 59	
	Bayfield—Repairs to piers. Big Bay Point—Wharf repairs. Blind River—Wharf reconstruction. Bronte—Repairs to piers. Burk's Falls—Wharf repairs. Cobourg—Breakwater reconstruction. Callander—Wharf repairs. Goderich Harbour—Repairs and improvements. Haileybury—Wharf reconstruction. Harbours and Rivers Generally—Repairs and improvements. Kenora—Wharf repairs. Kincardine—Repairs to piers. Kincardine—Repairs to piers. Leamington—Repairs and renewals to piers. Leamington—Repairs to pier. Little Current—Dredging. L'Orignal—Wharf repairs and improvements.	4,750 00 2,500 00 21,000 00 5,700 00 3,900 00 1,000 00 11,800 00 26,400 00 65,000 00 1,130 00 10,000 00 4,500 00 1,000 00 38,000 00 2,000 00	

	September - EX.P. Only (SASSO) Company of the Compa				

No. of Vote.	Service.	Amount.	Total.
	PUBLIC WORKS—Continued	\$ cts.	\$ cts.
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—Continued		
	Ontario—Concluded		
	Chatham—Repairs to revetment wall and sheet piling	16,000 00 5,400 00	,
1	Midland—Repairs to wharves	9,400 00	
	Millhaven—WharfOakville—Reconstruction of East pier superstructure	3,900 00 10,000 00	
	Pelee Island—Repairs to piersPort Burwell—Repairs to harbour works	1,000 00	
1	Port Colborne—Repairs to breakwaters	100,000 00 5,000 00	
	Rondeau—Repairs to piers	10,000 00 2,350 00	
	Richard's Landing—Wharf repairsRosseau—Repairs to warehouses and road approach	1,200 00	
	Sault Ste. Marie—Wharf and warehouse repairs	750 00 1,350 00	
18	Southampton—Breakwater repairs	6,000 00	
	Foronto Island—Breakwater protection. Whitby—Reconstruction of piers.	30,000 00 19,500 00	
1	whiteby—Reconstruction of piers	10,000 00	
	Manitoba.	FARM	
	Harbours and Rivers Generally—Repairs and improvements Red River—Repairs to channel protection work	15,000 00 4,000 00	
159	Selkirk—Wharf repairs. St. Andrew's Dam—Repairs to fishway	13,665 00 1,100 00	
1	Wanipigow (Hole River)—Reconstruction of dam	3,600 00	
"	Winnipegosis—Wharf	3,900 00	
(1	Harbours and Rivers Generally—Repairs and improvements	20,000 00	
	Waterways—Temporary wharfage accommodation	1,000 00	
	British Columbia.	1 30.000	
	Beaton—Wharf repairs and improvementsBurgoyne Bay—Wharf repairs	1,760 00 1,250 00	
	Crofton—Wharf repairs	2,500 00	
1	Fanny Bay—WharfFraser River—Improvements	7,700 00 75,000 00	
	Fraser River (Lower)—Operation of snag boat	30,000 00	
	Half Moon Bay—Wharf repairs	1,000 00 75,000 00	
161	Harbours and Rivers Generally—Repairs and improvements Lund—Wharf repairs	2,000 00	
	Nanaimo—Wharf repairs	2,500 00 3,900 00	
1	Port Renfrew—Wharf reconstruction	10,000 00	
1 8	Robert's Creek—Wharf repairs	1,725 00 2,200 00	
18	Squamish—Wharf repairs	3,600 00 4,300 00	
	Ucluelet—Wharf replacementVancouver, Stanley Park—Foreshore protection	8,000 00	
	William's Head Quarantine Station—Wharf repairs  Yukon.	3,900 00	
162	Yukon River and Tributaries—Improvements	5,000 00	
102	Generally.		
133	Harbours and Rivers Generally	30,000 00	

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No. of Vote.	Service.	Amount.	Total.
	PUBLIC WORKS—Concluded.	\$ cts.	\$ cts.
	(Chargeable to Income)—Concluded.		
	HARBOURS AND RIVERS-Concluded.		
	Dredging.		
164	Dredging—Maritime Provinces Dredging—Ontario and Quebec Dredging—Manitoba, Saskatchewan and Alberta Dredging—British Columbia	600,000 00 625,000 00 100,000 00 400,000 00	
	ROADS AND BRIDGES.		
	Dominion Roads and Bridges Generally	5,000 00 5,000 00	
	Repairs	4,250 00	
165	N.B.—Revote of lapsed amount	14,100 00	
	Andrews. Calumet—Bryson Bridge—Reconstruction.	600 00 4,000 00	
	Ottawa—Maintenance and repairs of bridge and approaches	7,000 00	
	TELEGRAPH AND TELEPHONE LINES		
	Saskatchewan and Alberta		
	Edmonton to Hudson's Hope—General Repairs, etc	9,000 00	
166	improvements Telegraph Lines Generally—Repairs to office buildings. Athabasca—Fort McMurray Telegraph Line—General repairs, etc. Edmonton—Onion Lake Telegraph Line—General repairs, etc.	5,000 00 1,725 00 2,500 00 3,500 00	
	British Columbia.	0,000	
(	Vancouver Island Telegraph and Telephone Lines Generally—		
	Purchase of cable	5,500 00	
167	ments	2,000 00	
1	improvements	8,200 00	
	MISCELLANEOUS.		
	Accounts Branch—Salaries of agents and clerks, travelling and contingent expenses of Outside Service	21,000 00	
	Service.  Engineering Branch—Salaries of engineers, inspectors, superintendents, draftsmen, clerks and messengers of Outside	81,000 00	
	Service.  For operation and maintenance of Inspection boats.  Maintenance and operation of water storage dams on Ottawa River and tributaries, surveys in connection therewith and	465,000 00 15,850 00	
168	settlement of land damages  Monument to Sir Wilfrid Laurier  National Gallery of Canada  Ottawa Parliament Building—Tablet to the memory of the late Bowman B. Law, who lost his life in the fire which	55,000 00 25,000 00 100,000 00	
	late Bowman B. Law, who lost his life in the fire which destroyed the old Parliament Building	5,000 00	
	River gauging and metering	33,100 00 110,000 00	
	Edward VII  To cover balance of expenditure for works already authorized	6,000 00	
	for which the appropriation may be insufficient, provided the amount for any one work does not exceed \$200	5,000 00	
1	National Monument on Connaught Place	10,000 00	10,485,160 08

### SCHEENING A-Continued

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No. of Vote.	Service.	Amount.	Total.
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.  Atlantic Ocean.	\$ ets.	\$ ets
100	The state of the s	07 000 00	
169 170	Canada and Newfoundland, steam service or services between Canada and the West Indies and South America, or both,	35,000 00	
171	Steam service or services between	340,666 66 146,000 00	
	PACIFIC OCEAN.	Jan St. St.	
172	Canada and New Zealand on the Pacific ocean, steam service	100 500 00	
173	Prince Rupert, B.C., and Queen Charlotte Islands, steam	130,509 00	
174 175	service betweenVictoria and San Francisco, steam service betweenVictoria, Vancouver, wayports and Skagway, steam service	21,000 00 3,000 00	
176	Victoria and West Coast Vancouver Island, steam service	25,000 00	
177	Vancouver and Northern ports of B.C., steam service between.	15,000 00 24,800 00	
178	Vancouver and ports on Howe Sound, steam service between.	5,000 00	
	Local Services		
179	Baddeck and Iona, steam service between	9,000 00	
180 181	Charlottetown and Pictou, steam service between	8,000 00 4,000 00	
182	Grand Manan and the mainland, steam service between	15,000 00	
183 184	Halifax, Canso and Guysboro, steam service between  Halifax, LaHave and LaHave River ports, steam service between	9,000 00	
185	Halifax and Newfoundland, via Cape Breton ports, steam	5,000 00	
186	Halifax and Spry Bay, and ports in Cape Breton, steam service	1 315 50	
187	Halifax, South Cape Breton, & Bras d'Or Lake ports, steam	6,000 00	
188	service between Halifax and West Coast of Cape Breton, calling at wayports,	6,000 00	
189	steam service between	6,000 00 3,300 00	
190 191	Mulgrave and Canso, steam service between	13,500 00	
192	service between  Newcastle, Neguac, and Escuminac, calling at intermediate points on the Miramichi River and Bay, steam service	9,500 00	
193	Pelee Island and the mainland, steam service between	5,000 00	
194 195	Mulgrave, Arichat and Petit de Grat, steam service between Pictou, Montague, Murray Harbour and Georgetown, steam	10,000 00	
196	service between Pictou, Mulgrave, and Cheticamp, steam service between	6,000 00	
197	Pictou, New Glasgow & Antigonish County ports, schooner service between	1,500 00	
198	Port Mulgrave, St. Peter's, Irish Cove and Marble Mountain, and other ports on the Bras d'Or Lakes, steam service	8,000 00	
199	Pictou, Souris and the Magdalen Islands, steam service between	24,000 00	
200	Quebec, Natashquan and Harrington, and other ports on the North Shore of the Gulf of St. Lawrence, steam service	OE 000 00	
201	DetweenQuebec or Montreal, and Gaspe and ports on the South Shore	85,000 00	
202	of the Gulf of St. Lawrence, steam service between St. Catherine's Bay and Tadoussac, winter steam service	30,000 00	
203	St. John and St. Andrews, calling at intermediate points, steam	2,000 00	

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		Section 1

No. of Vote.	Service.	Amount.	Total.
		e oto	
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—	\$ cts.	\$ cts
	LOCAL SERVICES—Concluded.		
204	St. John, and Bear River, and other wayports, steam service	0.000.00	
205	between St. John and Bridgetown, steam service between	2,000 00 1,500 00	
206 207	St. John and Digby, steam service between	15,000 00	
208	Coast of Annapolis Basin, steam service between	2,000 00	
209	service between	8,500 00 5,000 00	
210	St. John, Westport and Yarmouth and other wayports, steam service between	10,000 00	
211	Sydney and Bay St. Lawrence, calling at wayports, steam service between	9,000 00	
212 213	Sydney and Whycocomagh, steam service between	13,000 00	
214	of Cape Breton Inspection of subsidized steamship services	14,000 00 4,500 00	
		2,000	1,128,275 6
	OCEAN AND RIVER SERVICE	3 201 50	
215 216	Maintenance and repairs to Dominion Steamers and Icebreakers Examination of Masters and Mates.	1,500 000,00 20,000 00	
217 218	Investigation into wrecks.  Navigation Schools.	12,300 00 8,000 00	
219	To provide for the temporary relief of distressed seamen, pay legal expenses and the cost of shipping books and forms	5,000 00	
220 221	Registration of Shipping Removal of obstructions in navigable waters	5,000 00 5,000 00	
222 223	Inspection of live stock shipments	3,500 00	
224	To continue subsidies for wrecking plants—Quebec and British Columbia	35,000 00	
225 226	Unforeseen expenses. Life Saving Service, including rewards for saving life	5,000 00 90,000 00	
227	Hydrographic Survey and to provide for the maintenance and repairs of Hydrographic steamers	364,080 00	
221	Radiotelegraph Service and to provide for the building and maintenance of wireless stations and the general adminis-	*454 000 00	
228	tration of Radiotelegraphy throughout the Dominion Tidal and Current Survey	*454,900 00 35,000 00	0 740 700 0
	DIDITO WODES		2,542,780 0
	PUBLIC WORKS.		
	(Chargeable to Capital.)		
000	MARINE DEPARTMENT,	20 700 17	
229	River St. Lawrence Ship Channel—Maintenance and operating dredging fleet	613,000 00	
230	To provide for the maintenance and operating of Sorel Ship-yard	125,000 00	
231	Amount required for the construction of one self-propelling Hopper Barge (revote)	54,800 00	700 000 0
	LIGHTHOUSE AND COAST SERVICE.		792,800 0
232	Agencies, rents and contingencies	212,000 00	
233 234	Salaries and allowances to lightkeepers	650,000 00 850,000 00	
235	Construction of lights and aids to navigation, including regula- tion of traffic in the Detroit River and such other places as	i lorus	
	may be found necessary* * Deduction \$22,410.00	500,000 00	

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## SCHEDULE A—Continued

No.	Service.	Amount.	Total.
Vote.		E CONTROL OF	The state of
	LIGHTHOUSE AND COAST SERVICE—Concluded	\$ cts.	\$ cts.
236 237 238 239	Marine Signal Service. Administration of Pilotage. Maintenance and repairs to wharves. To provide for breaking ice in Thunder Bay, Lake Superior and other points deemed advisable for the good of navigation.	104,000 00 250,000 00 10,000 00 40,000 00	
240	Amount required to pay pensions to pilots—Louis Rob. Demers, Joseph Lapointe, Bartholemi Lachance, Alphonse Asselin, Elzéar Desrosiers, Hubert Raymond, Arbel Bernier, Adelme Pouliot, Edmond LaRochelle, L. E. Morin, A. T. Simard, Joseph Plante, Victor Vézina, Raymond Baquet, Alfred LaRochelle, Théophile Corriveau, Alphonse Pouliot, Emilio Couillard, Trefflé Delisle, David Dumas, Alfred Gaudreau, F. X. Demeules, Adjutor Baillargeon, Joseph Pouliot, Arthur Baillargeon, John A. Irvine, Camille Bernier, Joseph Eugène Lachance, Elzear Normand, Philéas Lachance.	9,475 00	
241	Allowance to Harbour Master at Amherstburg, for supervision of lights and buoys on the St. Clair river, the Detroit river and Lake Erie, and other services in connection with the	600 00	
242	lighthouse service for the season of navigation, 1923 Patrol of the Northern Waters of Canada	15,000 00	2,641,075 00
	SCIENTIFIC INSTITUTIONS.		2,022,010 00
	DEPARTMENT OF THE INTERIOR		
	Scientific Institutions.		
243	Expenses connected with the Dominion Observatory at Ottawa Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C.	58,420 00 18,500 00	
	Topographical Surveys		
244	Topographical and general surveys, traverse of northern rivers and lakes, classification of lands for the settlement and development of Canada, plotting and printing of plans, etc.	520,000 00	
	Geodetic Survey of Canada	No. and	
245	Investigations, reconnaissance, triangulations, precise levelling, geodetic astronomy, etc	325,000 00	
	International Boundaries		
246	Expenses connected with the survey and demarcation of International Boundaries, including \$1,000 to J. J. McArthur, as International Boundary Commissioner	42,940 00	
	DEPARTMENT OF MARINE.		
247	Meteorological Service, including Magnetic Observatory, grants of \$500 each to Kingston and Montreal Observatories, and allowance of \$400 to L. F. Gorman, Observer at Ottawa	287,629 00	1,252,489 00
	STEAMBOAT INSPECTION		
248	Steamboat Inspection		119,210 00
	FISHERIES.		
249	Salaries and Disbursements of Fishery Officers and Guardians,	1 March	
250	Fisheries Patrol and Fisheries Protection Services Building Fishways and Clearing Rivers Legal and Incidental.	880,000 00 40,000 00 4,000 00	

#### SCHEDULE A -Consessed

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## SCHEDULE A-Continued.

No. of Vote.	Service.	Amount.	Total.
	FISHERIES—Concluded	\$ cts.	\$ cts
252	To assist in the Conservation and Development of the Deep-		
253	sea Fisheries, and the demand for fish	25,000 00	
254	Bureau	25,000 00	
255 256	Fish culture	370,000 00	
	lems connected with the fisheries	15,000 00	
257	Marine Biological Board of Canada	42,000 00	1,403,000 (
	MINES AND GEOLOGICAL SURVEY.		
	Department.		
258	For organization and equipment of the Explosives Division under the Explosives Act, chap. 31, 4-5 George V	10,000,00	
	Mines Branch.	12,000 00	
259	For investigation of mineral resources or deposits, of the mining and metallurgical industries, and of mineral technology; wages, expenses of testing and research laboratories. Investigations by, including salaries and all other expenses of, Dominion Fuel Board.  For publications; English and French. Purchase of books, laboratory supplies, instruments, miscellaneous assistance	200,000 00	
1	and contingencies  Dominion of Canada Assay Office.	40,000 00	
260	For maintenance of Assay Office, Vancouver, B.C	26,000 00	
	Geological Survey.		
1	For explorations, surveys and investigations, wages of explorers, topographers and others	202,000 00	
261	For publication of English and French editions of reports, maps, illustrations, etc.	60,000 00	
	For maintenance of offices and museum, instruments, chemicals, books of reference, miscellaneous assistance, and contin-		
	gencies	50,000 00	
1	For museum equipment.  For purchase of specimens.	15,000 00 5,000 00	
	The second of the second distribution of the second		610,000 0
262	LABOUR.	annut .	
202	Conciliation and Labour Act, including publication, printing, binding and distribution of Labour Gazette, and allowance		
263	to correspondents	50,000 00 35,000 00	
264	Fair Wages and Inspection Officers	5,000 00	
265 266	Administration, Employment Offices Co-ordination Act	30,000 00	
	21, Employment Offices Co-ordination Act	50,000 00	
267 268	Administration, Technical Education Act	3,000 00 25,000 00	
269 270	International Labour Conference	15,000 00 10,000 00	
210	Joint Industrial Councils	10,000 00	223,000 0
	INDIANS.	4	
271 272 273	Nova Scotia New Brunswick. Prince Edward Island	50,140 00 29,334 00 3,935 00	

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## SCHEDULE A-Continued

No. of Vote.	Service.	Amount.	Total.
	INDIANS—Concluded	\$ cts.	\$ cts.
275 276 277 278 279	Manitoba, Saskatchewan, Alberta and N.W.T. British Columbia. Yukon. General. Indian Education	714,223 00 269,850 00 15,000 00 147,500 00 1,943,702 00	3,370,319 00
	ROYAL CANADIAN MOUNTED POLICE.		0,010,010 00
	Pay of Force	1,195,503 50	
280	stationery, etc., hospital, etc., transport, and freight, build- ing repairs, contingencies and criminal investigations To compensate members of the Royal Canadian Mounted Police for injuries received while in the performance of	1,287,495 61	
	duty.  To assist in enforcement of Federal Statutes—Expenditure chargeable to this Vote shall be in connection with such Federal Police Duties as may be defined by the Governor	5,000 00	
1	in Council upon recommendation of the Minister of Justice.	100,000 00	2,587,999 11
	GOVERNMENT OF THE NORTHWEST TERRITORIES.		
281	Salaries and expenses in connection with the administration of the Territories, including the erection of buildings and investigation work, etc.  Establishing and operating wireless stations, including buildings, etc.  Administration, N.W. Game Act, etc.  North West Territories, Explorations.  Purchase and maintenance of new ship.	114,000 00 55,000 00 33,500 00 80,000 00 40,000 00	322,500 00
	GOVERNMENT OF THE YUKON TERRITORY.		022,000 00
282	Salaries and expenses connected with the administration of the Territory  Grant to Local Council.  Grant for maintenance and construction of roads	65,000 00 45,000 00 80,000 00	190,000 00
	DOMINION LANDS AND PARKS.		
	Salaries of the Dominion Lands Outside Service	561,380 00 250,000 00	
	and W. M. Tobey, members of the Board, and J. A. Cote, Secretary, are to be paid out of this sum)	2,400 00	
	Dominion Land Surveyors.  Protection of Timber in Manitoba, Saskatchewan, Alberta, the N.W.T. and the Railway Belt in B.C.; tree culture in Manitoba, Saskatchewan, Alberta and Inspection and	125 00	
	Management of Forest Reserves	1,088,400 00 4,000 00	
	Empire Forestry Conference. For surveys and investigations of water and power resources and for administration of Water-Powers, etc. For the investigation of the fuel and power resources of the	30,000 00	
	Dominion and for the expenses of the Dominion Power Board	10,000 00	
	For surveys and inspections in connection with the administra- tion of the Irrigation Act, etc	200,000 00	

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## SCHEDULE A-Continued.

No. of Vote.	Service.	Amount.	Total.
		· oto	
	DOMINION LANDS AND PARKS-Concluded	\$ cts.	\$ cts
1	Reclamation of Dominion Lands by drainage (including revote		
	of \$36,000)	129,000 00	
283	Grant to Western Canada Irrigation Association	$1,000\ 00$ $250\ 00$	
200	Canadian National Parks and Historic sites	1,250,980 00	
	Administration of the Migratory Birds Convention Act Engraving, lithographing, printing, and preparation of maps,	55,000 00	2,000,000
	plans, reports and kindred publications of the Dominion,	100 500 00	
	including salaries and necessary materials for same, etc  Costs of litigation and legal expenses	120,700 00 10,000 00	
	Ordnance Lands—Salaries and expenses	14,505 00	
	Grant to Alpine Club of Canada	1,000 00	
	one-half of the salary of her husband, payable monthly	1,050 00	Red To the last
1	To satisfy the claims of the half-breeds of the Mackenzie River District, N.W.T	42,240 00	
	Seed Grain Advances—Amount required to meet uncollected		
	portions of advances of Seed Grain made in the Western Provinces by the chartered banks to holders of unpatented		
	Dominion Lands under the guarantee of the Dominion		
	Government, also including commission payable to banks for collections, fees to Secretary Treasurers of Municipali-		
	ties and officers of the Provincial Departments of Agricul-	400 000 00	
	ture, clerical assistance, travelling expenses, etc	160,000 00	
	of food, clothing, fuel, etc., also fodder for animals, to needy		
	settlers of the Provinces of Alberta and Saskatchewan by co-operation and agreement with the Provincial Govern-		
	ments or otherwise, and under regulations to be made by		
(	the Governor-in-Council	125,000 00	4,387,030 00
	SOLDIERS' LAND SETTLEMENT.		
284	Advances to soldiers settling upon the land, and cost of administering the Soldier Settlement Act, including salaries		8,400,000 00
	SOLDIERS' CIVIL RE-ESTABLISHMENT.		
285	Capital	30,000 00	
286	Care of patients and medical examination of pensioners		
287 288	Vocational expense	50,000 00 4,425,000 00	LISLES A
289	Pay and Allowances— Treatment	3,000,000 00	
	Training	200,000 00	
290	Vocational loans	15,000 00	
291 292	Unemployment relief	22,000 00 500,000 00	
293	Operating expenses and working capital	600,000 00	
294 295	Employers' Liability Compensation (Revote)	75,000 00 375,000 00	
296	Special Publicity (Revote)	20,000 00	
297	Medical Advisory and Appeal Boards (Revote)	50,000 00	12,862,000 00
	MISCELLANEOUS.		
298	Canada Gazette	45,000 00	
299	Printing Bureau—Plant, repairs and renewals	30,000 00	
300	Printing Bureau—Plant, new	45,000 00	
	ment publications	40,000 00	
302	Miscellaneous printing	20,000 00	
	Scientific Literature	665 00	

# SCHEDULE A-Combined

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## SCHEDULE A-Continued

No. of Vote.	Service.	Amount.	Total.
	MISCELLANEOUS—Continued.	\$ cts.	\$ cts.
304 305	Expenses under the Canada Temperance Act	12,000 00	
306	Commissioner's Office	1,000 00	
307	Guide	1,950 00 4,000 00	
308 309	Expenses under the Naturalization Acts 1914 and 1920 Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parlia-	18,000 00	
310 311	ment within fifteen days of next session.  Expenses in connection with the negotiation of treaties.  Grant to the National Battlefields Commission:—	75,000 00 20,000 00	
011	(a) For expenses of administration	6,000 00	
	(b) For maintenance of the National Battlefields Park (c) For maintenance of Martello Towers	35,000 00 600 00	
312 313	Canadian Press Limited—Canadian telegraph service	50,000 00	
314	Canadian Press Limited—British cable service	8,000 00	
315	the provisions of the Civil Service Act	2,200,000 00 5,000 00	
316	Grant in aid of the Canadian General Council of the Boy Scouts Association	15,000 00	
	Contribution to aid in carrying on the work of the Royal Astronomical Society	2,000 00	
318 319	Grant to the Royal Society of Canada	8,000 00 7,500 00	
320 321	Grant in aid of the Dominion Council of the Girl Guides Grant to the Canadian National Institute for the Blind under agreement with the Department of Soldiers Civil Re- establishment, authorized by Order-in-Council of April 2,	3,000 00	
322 323	Grant to the Inter-parliamentary Union for Peace. Subscription to publications of the Empire Parliamentary Association to be distributed to members of the House of	200 00	
324	Chief Electoral Officer—Salaries and Contingencies of office	2,000 00 16,300 00	
325 326	Expenses of litigated matters—Department of Justice	33,000 00	
327	England. Expenses under Pecuniary Claims Convention with U.S.A	10,000 00	
328	Grant to assist the Canadian Association for the Prevention of Tuberculosis. Grant towards defraying the expenses of the Canadian National	15,000 00	
	Committee for Mental Hygiene	5,000 00	
330 331	Grant to Canadian National Council of Child Welfare	5,000 00 5,000 00	
332	Public Archives	73,000 00	
333	To provide for the salary of a Private Secretary to the Speaker of the Senate  Salaries and expenses of the Paris Agency	600 00 42,500 00	
	Allowances to W. J. Stewart, Chief Hydrographer and to J. B. Challies, Director of Water Power, of \$1,000 each, for services performed in relation to questions under consideration by the International Joint Commission during the		
336	year 1923-24. Amount required to meet expenses of Lake of the Woods Control Board	2,000 00	
337	Canadian Representation in the United States	60,000 00	
338 339	Salaries and Expenses, Passport Office.  To provide for Canada's contribution towards the maintenance of the permanent Secretariat of the League of Nations	25,000 00 183,668 03	
340	Amount required for expenses of Canadian delegation to the League of Nations	15,000 00	
341	Grant to assist the Canadian Branch of the St. John Ambulance Association.	5,000 00	

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#### SCHEDULE A-Continued

No. of Vote.	Service.	Amount.	Total.
	MISCELLANEOUS—Concluded	\$ cts.	\$ cts.
342 343	Grant to the National Dairy Councit	3,000 00 8,000 00	
344	To provide for Canada's proportionate share of the cost of expenditure made by the Imperial War Graves Commission—probable amount required	573,780 00	
345 346 347	Grant to the Canadian Institute of Mining and Metallurgy Grant to Imperiat Mineral Resources Bureau To provide for the expenses of work in the interest of fire prevention, to be carried on by the Department of Insurance.	3,000 00 7,300 00 17,000 00	
348 349 350	Patent Record.  Grant to the Chief Constable's Association of Canada.  To assist in the suppression of the White Slave Traffic.	45,000 00 500 00 2,500 00	
351 352 353	Battlefields Memorials British Empire Exhibition. Supervision of Government purchases and sales, including	200,000 00 500,000 00	
354 355	salary of L. R. La Fleche at \$6,000  To provide for the revision of the Dominion Statutes  Canadian National Safety League	25,000 00 20,000 00 25,000 00	
356	Supervision of Government publications and departmental printing, including \$4,500 salary to Fred Cook	6,000 00	4,607,563 08
	CUSTOMS AND EXCISE.	E. or to	
(	Salaries and contingent expenses of the several ports in the Dominion, including pay for overtime of officers, notwith-standing anything in the Civil Service Act,—and temp-		
	orary buildings and rentals	5,581,800 00	
357	members and \$500 for the Secretary.  Miscellaneous—Printing and stationery, subscriptions to commercial papers, flags, dating stamps, locks, instruments, etc., for various ports of entry, express charges on samples,	761,379 00	
	stationery and legal forms, legal expenses, premiums on guarantee bonds, and uniforms for Customs officers To provide for expenses of maintenance of revenue cruisers and	550,000 00	
	for preventive service.  Amount to be paid to Department of Justice to be disbursed by and accounted for to it, for secret preventive service.	276,950 00	7,180,129 00
	RAILWAYS AND CANALS.		1,100,120 00
	(Chargeable to collection of Revenue.)		
	Canals.		
358	Staff and repairs		2,232,000 00
	PUBLIC WORKS.		
	(Chargeable to collection of Revenue.) Graving Docks, Locks and Dams, etc., Working		
	Expenses, etc. Graving Docks	145,800 00	
359	Harbour and River Works, etc	61,000 00 5,000 00	

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### SCHEDULE A-Concluded.

No. of Vote.	Service.	Amount.	Total.
	PUBLIC WORKS—Concluded.	\$ cts.	\$ cts.
	(Chargeable to collection of Revenue)—Concluded.		
	TELEGRAPH AND TELEPHONE LINES.		
	Prince Edward Island and Mainland.  Land and cable telegraph lines, Lower St. Lawrence and Maritime Provinces, including working expenses of vessels	7,000 00	
360	required for cable service	233,500 00 61,900 00	
300	Alberta	113,700 00	
	British Columbia—Mainland	111,200 00 136,900 00	
	Yukon System (Ashcroft-Dawson)	277,000 00	
	Telegraph and Telephone Service—Generally	10,000 00	1,163,000 00
,	POST OFFICE—OUTSIDE SERVICE. Salaries and Allowances	12 519 254 40	
361	Mail Service	14,740,000 00	
901	Miscellaneous. Yukon Territory.	1,165,550 00 195,000 00	
'	TRADE AND COMMERCE.	100,000 00	29,612,904 40
362	Bounties on Crude Petroleum, Administration of the Act	3,000 00	
363	Canada Grain Act, administration of	1,478,839 00 400 00	
364 365	Dominion Bureau of Statistics (including 6th Census)	300,000 00	
366 367	Gold and Silver Marking Act, administration of	6,000 00	
368	products	10,000 00	
	search—(Salaries and expenses, including printing and stationery, and the collection and distribution of infor-	Contract of	
	mation, and for Studentships, Fellowships, Special Prob- lems and Forestry Studies)	120,000 00	
369 370	Inspection and Sales Act, administration of	3,000 00 2,462 00	
371	International Customs Tariffs Bureau	10,000 00	
372	Commercial Intelligence Service, including salaries, travelling expenses, contingencies and other expenditure of Trade Commissioners, Assistant Trade Commissioners, Junior Trade Commissioners and Commercial Agents; and miscel-	d10.340.25	
	laneous expenses in connection with the development and	220 000 00	CATALON P
373	extension of Canadian trade	320,000 00 35,000 00	and the same
374	Weights and Measures Inspection.  Gas and Electricity Inspection.	310,000 00 170,000 00	
375 376	West India Cable		
377	West India Cable	150,000 00	
378	Contribution to the upkeep of the Imperial Institute, London, on condition that the balance of £40,000 is contributed by the United Kingdom, India, the other Overseas Dom-		
	inions and Crown Colonies and Protectorates	20,000 00	
379 380	Canadian Exhibition in France. To provide for a compassionate allowance to J. A. Campbell,	50,000 00 2,272 69	H. Co. S. E.
	of Sovereign, Saskatchewan	2,212 00	3,029,907 02
381	National Defence—		
001	Militia Services	4,000,000 00	
382	Naval Services	274,000 00 75,000 00	
1000			4,349,000 00

<sup>\*</sup> Net total, \$178,477,333.03

### SCHEDULE B.

Based on Farther Supplementary Estimates, 1922-28. The amount hereby essented in \$18 202,105.03.

Solve grouped to this Majesty by this Act for the frequent was ending

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	Objects and Beimple and Capital-	
	City Street Child residence	
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## SCHEDULE B.

Based on Further Supplementary Estimates, 1922-23. The amount hereby granted is \$18,202,105.66.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1923, and the purposes for which they are granted.

No. of Vote.	Service.	Amount.	Total.
	CHARGES OF MANAGEMENT	\$ cts.	\$ cts.
383	Printing Dominion Notes—Further amount required		75,000 00
	CIVIL GOVERNMENT	D. BEELW	
	Department of Public Archives—		
384	Salaries— Further amount required to pay increase due to reclassification of Chief French Archivist from June 30, 1922	240 00	
	Department of Indian Affairs—		
385	Salaries— To provide for one Accountant, Grade 3, at\$ 2,580 in lieu of one Accountant, Grade 2, at \$2,460 To provide for one Accountant, Grade 1, at \$1,620, in lieu	120 00	
	of one Senior Clerk-Bookkeeper at \$1,560	60 00	
	lieu of one Clerk-Bookkeeper at \$1,300, in Lieu of one Clerk-Bookkeeper at \$1,10	270 00	
	\$1,365, in lieu of one Law Clerk-Stenographer at \$1,360.  Contingencies—Further amount required	45 00 1,000 00	
	Department of Marine and Fisheries—		
386	Salaries—Amount required to pay H. Tremblay for services as Private Secretary to the Acting Minister while acting as such from September 19, 1922, to January 19, 1923	200 00	
387	Department of Royal Canadian Mounted Police— Salaries—To provide for re-organization and promotion of staff	360 00	
388	Department of Railways and Canals— Contingencies—Additional amount required	5,000 00	
	Civil Service Commission—		
389	Salaries— One Head Clerk. Two Clerk-Stenographers at \$1,020 each. To provide for difference in salary between one Supervisor, Examination Clerical Staff, \$2,340, and one Head Clerk,	2,520 00 2,040 00	
	\$2,400, reclassified from February 8, 1923	8 75	
390	Department of External Affairs— Salaries—To provide for two Clerk-Stenographers in lieu of two Junior Clerk-Stenographers	315 00	
391	Department of Trade and Commerce— Salaries—Translator, Bureau of Statistics—Arrears payable for the fiscal year, 1921-22	659 11	
	Patent and Copyright Office—	· 作品高高	
392	Salaries—Reclassification arrears for one Senior Clerk from April 1, 1919.	680 00	

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## SCHEDULE B—Continued

No.	Service.	Amount.	Total.	
	CIVIL GOVERNMENT—Concluded	\$ cts.		\$ cts.
393	Department of National Defence— Salaries—Reclassification arrears— One Senior Photographer from November 1, 1922 One Chief Clerk from April 1, 1919 One Departmental Accountant, Grade 1, from July 1, 1920, to November 30, 1921	100 00 2,400 00 115 00		
394	Department of Customs and Excise— Salaries—To provide for a Departmental Accountant, Grade 1, at \$1,620 a year in place of Senior Clerk Bookkeeper at \$1,545—Position having been reclassified	75 00		16,207 86
	ADMINISTRATION OF JUSTICE			10,201 00
	SUPREME COURT OF CANADA			
395	Contingencies—Further amount required Printing, binding and distributing Court Reports—Further amount required	1,375 00 6,500 00		7,875 00
396	LEGISLATION  House of Commons— Clerical assistance—Extra Sessional Clerks, etc.—Further amount required Parliamentary Restaurant—Further amount required	10,800 00 7,500 00		18,300 00
	AGRICULTURE			
<b>397 398</b>	Administration and enforcement of the Destructive Insect and Pest Act—To confirm as permanent the appointment of Assistant Entomologist, C. B. Hutchings and provide statutory increases from April 1, 1919, to March 31, 1923. Health of Animals.—To confirm as permanent the appointment of Veterinary Inspectors O. Hall and W. F. McDougall,	600 00		
399	and provide statutory increases from April 1, 1919, to March 31, 1923  Further amount required for tuberculosis eradication work	1,410 00 100,000 00		102,010 00
	IMMIGRATION AND COLONIZATION		227	
400	Exhibitions—Further amount required—(Governor General's Warrant, January 30, 1923)		0	12,000 00
	HEALTH		100	
401	Marine Hospitals, including grants to institutions assisting sailors—Further amount required			20,000 00
	PENSIONS			
402	Salaries and contingent expenses of the Board of Pension Commissioners for Canada—Additional amount required			2,000 00
	Militia Services— NATIONAL DEFENCE			
403 404	Adjustment of Pay and Allowances	7 67		
	discharged	26,000 00		26,007 67

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### SCHEDULE B-Continued

No. of Vote.	Service.	Amount.	Total.
	RAILWAYS AND CANALS—CHARGEABLE TO INCOME	\$ cts.	\$ cts.
405 406	To increase the amount of loan authorized by Vote No. 136. Main Estimates, 1922-23—Additional amount required To increase the amount of loan authorized by Vote No. 139, Main Estimates, 1922-23—Additional amount required (including Governor General's Warrant, November 20,		
	1922—\$1,000,000.00)	1,700,000 00	14,799,493 34
	PUBLIC WORKS-CHARGEABLE TO INCOME		
	Public Buildings		71,00,00
	Quebec		
407	Terrebonne—New public building (Governor General's Warrant, December 18, 1922)	26,000 00	
	HARBOURS AND RIVERS		
,	Ontario		
1	Owen Sound-Wharf reconstruction-Further amount required.	1,320 05	
408	Port Elgin—Alterations to breakwater—Further amount required.  Sheguiandah—Wharf reconstruction—Further amount required	960 00	29,580 05
	OCEAN AND RIVER SERVICE		
409	To provide for the temporary relief of distressed seamen—Further amount required		4,150 00
	PUBLIC WORKS-CHARGEABLE TO CAPITAL		
	MARINE DEPARTMENT		
410	River St. Lawrence Ship Channel—Maintenance and operating dredging fleet (Governor General's Warrant of October 16, 1922)		80,000 00
	TYCHEDIEC		
	FISHERIES		
411	To provide for the inspection of canned and pickled fish—Further amount required		3,000 00
	LABOUR		
412	Industrial Disputes Investigation Act—Further amount required		4,000 00
	ROYAL CANADIAN MOUNTED POLICE		
413	To compensate members of the Royal Canadian Mounted Police for injuries received whilst in the performance of duty—Further amount required		1,025 33
	GOVERNMENT OF THE NORTH WEST TERRITORIES	744	
414	North West Territories, Explorations—Further amount required (Governor General's Warrant, January 15, 1923)		60,000 00

#### SCHEDULE B Consisted

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## SCHEDULE B-Continued

No. of Vote.	Service.	Amount.	Total.
	DOMINION LANDS AND PARKS	\$ cts.	\$ cts.
415	Canadian National Parks—Further amount required (Governor General's Warrants of October 9, 1922, and January 15, 1923.  To provide for balance of salary of Alfred Larocque, Assistant Power Development Engineer, Water Power Branch, at the rate of \$2,220 per annum from October 1, 1922	57,000 00	
	SOLDIERS' LAND SETTLEMENT		57,060 00
416	Grant to H. H. Moss, to cover expenses in connection with his		
110	illegal arrest		595 58
	SOLDIERS' CIVIL RE-ESTABLISHMENT		
417	Unemployment relief—Further amount required to provide assistance to unemployed Pensioners and to their dependents in the amounts and under the conditions laid down by the Governor-in-Council in Order-in-Council P.C. 721, dated March 31, 1922, as amended by Order-in-Council P.C. 911, dated May 3, 1922, and amendments thereto; and to provide for salaries and other expenses of administer-		400 000 100
	ing the provisions of said Orders-in-Council		400,000 00
	MISCELLANEOUS		
418	Archives—Further amount required to pay Francis Edwards, The Museum Book Store and A. H. Brook for manuscript,		
419	plans and paintings To provide for the expenses of work in the interest of fire provention, to be carried on by the Department of Insurance—	3,600 00	
420	Further amount required	3,000 00	
421	Montreal Harbour Commissioners—Attorney General for Canada, Intervener.  Amount required to pay balance due to the Canadian Pacific Railway Company for the removal of the span of the bridge over False Creek, B.C., at different times since	1,400 00	
422	Amount required to pay municipal tax to the City of Toronto in connection with the shipyard of the late Dominion Shipbuilding and Repair Co., Ltd., used by the Depart-	8,934 08	
423	ment for the completion of two single screw cargo steamers under Shipbuilding Programme.  To re-imburse the town Hospital, Melville, Saskatchewan, for maintenance charges of Prisoner of War, H. H. Koffka,	18,017 76	
424	whilst undergoing treatment between January 22 and May 11, 1915. Expenses of Canadian Delegation to the League of Nations—	200 00	
	Further amount required.  Expenses in connection with the negotiation of treaties and	971 12	
426	Merchants Bank Enquiry, legal and incidental expenses—	8,264 83	
427	To provide for Canada's contribution towards the maintenance	3,195 24	
400	of the permanent Secretariat of the League of Nations—Additional amount required	45,140 47	
428 429	Ontario (Governor General's Warrant of October 14, 1922). Relief of Nedelec and North Temiskaming fire sufferers,	100,000 00	
430	Province of Quebec (Governor General's Warrant of October 20, 1922)	25,000 00 10,000 00	
100		10,000 00	227,723 50

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## SCHEDULE B-Concluded

No. of Vote.	Service.	Amount.	Total.
	POST OFFICE—OUTSIDE SERVICE	\$ cts.	\$ ots.
431	To provide for the payment of salary at the rate of \$1,000 a year to Lucien Pacaud as the representative of the Canadian Government on the Pacific Cable Board, as from January 16, 1923.  To pay J. W. Paddle, Postmaster at Sunset Lake, Saskatchewan, and Mail Contractor on the Spalding and Sunset	208 33	
	Lake route, for the loss of a horse while conveying the mail on October 6, 1922.  To pay certain employees of the Postal Service in the Quebec district for extra services in connection with checking incoming and outgoing British mails during the summer of 1922.	150 00 288 14	
	TRADE AND COMMERCE	200 14	646 47
432 433	Canada Grain Act—Additional amount required Bounties on Crude Petroleum—Additional amount required	200,000 00 400 00	200,400 00
	UNPROVIDED ITEMS, 1921-22		
434	To cover unprovided items, 1921–22, as per Auditor General's Report, part b, page 3, 1921–22		2,055,030 86
	Total		18, 202, 105 66

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### SCHEDULE C

Based on Supplementary Estimates, 1923-1924. The amount hereby granted is \$3,666,666.67.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1924, and the purposes for which they are granted.

No. of Vote.	Service.	Amount.	Total.
		\$ cts.	\$ cts.
435	Provisional Bonus Allowance for the Inside and Outside Services of the Civil Service, to be paid to such persons and classes of persons, in such amounts and at such times as the Governor in Council may determine.		5,500,000 00

SCHEDULE O.

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## SCHEDULE D.

Based on Further Supplementary Estimates, 1923-1924. The amount hereby granted is \$14,726,241.09.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1924, and the purposes for which they are granted.

CHARGES OF MANAGEMENT  enlarge item of \$180,000 for clerical assistance in connection with transfer and registration of bonds, etc., and flotation of loans, in Resolution No. 1, Main Estimates, by providing for payments for extra work if required, to any employees engaged in flotation and redemption of loans; the rate of remuneration to be decided by the Treasury Board		\$ ets
enlarge item of \$180,000 for clerical assistance in connection with transfer and registration of bonds, etc., and flotation of loans, in Resolution No. 1, Main Estimates, by providing for payments for extra work if required, to any employees engaged in flotation and redemption of loans; the rate of		
어디 10 전 10 10 10 10 10 10 10 10 10 10 10 10 10		1,500 00
CIVIL GOVERNMENT		1,000 00
partment of Justice— Fo provide for a Law Clerk-Stenographer. Fo provide for a Clerk-Stenographer. Salary of James White, Technical Advisor. Exchequer Court of Canada—One statutory increase omitted in the Main Estimates.	960 00 6,000 00	
partment of the Interior— To increase the salary of W. W. Cory, Deputy Minister of the Interior to, \$8,000 per annum	2,000 00	
epartment of Immigration and Colonization— To provide for one Assistant Supervisor of Juvenile Immigra- tion	2,520 00	
epartment of National Defence— To increase the salary of G. J. Desbarats, Acting Deputy Minister of National Defence, to \$8,000 per annum	2,000 00	
tent and Copyright Office— To increase the salary of Geo. F. O'Halloran, Commissioner of Patents, to \$8,000 per annum	2,000 00	
uditor General's Office— Contingencies—Additional amount required for salaries of temporary clerks	20,000 00 1,500 00	
epartment of Trade and Commerce— To increase the salary of F. C. T. O'Hara, Deputy Minister of Trade and Commerce, to \$8,000 per annum Senior Translator. Senior Clerk-Stenographer, (bi-lingual). Clerk Stenographer (bi-lingual).	1 200 00	
epartment of Agriculture— For one Micro-Analyst, Seed Branch For one Senior Agricultural Clerk, Experimental Farms Branch		
repartment of Public Archives— To increase the salary of A. G. Doughty, Dominion Archivist,	2 000 00	
C A SI SSC SIFF	contingencies—Additional amount required for salaries of temporary clerks. dditional amount required for travelling expenses. driven for trade and Commerce— to increase the salary of F. C. T. O'Hara, Deputy Minister of Trade and Commerce, to \$8,000 per annum. enior Translator. enior Clerk-Stenographer, (bi-lingual). elerk-Stenographer (bi-lingual). elerk-Stenographer (bi-lingual). elerk-Stenographer (bi-lingual). elerk-Stenographer (bi-lingual). elerk-Stenographer (bi-lingual). enterent of Agriculture— or one Micro-Analyst, Seed Branch. elerk-Stenographer (bi-lingual). elerk-Stenog	contingencies—Additional amount required for salaries of temporary clerks

#### SCHEDULE D-Centioned.

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## SCHEDULE D-Continued.

No. of Vote.	SERVICE.	Amount.	Total.
	CIVIL GOVERNMEMT—Concluded.	\$ cts.	\$ cts
446	Department of External Affairs— To increase the salary of Sir Jos. Pope, Under Secretary of State for External Affairs, to \$8,000 per annum	2,000 00	
447	High Commissioner's Office— Allowance for Private Secretary to High Commissioner  Contingencies—Further amount required	600 00 6,000 00	
448	Department of Marine and Fisheries— To increase the salary of A. Johnston, Deputy Minister of Marine and Fisheries, to \$8,000 per annum	2,000 00	
449	Department of Public Works— To increase the salary of J. B. Hunter, Deputy Minister of Public Works to \$8,000 per annum To increase salary of Private Secretary	2,000 00 660 00	
450	Department of the Secretary of State— To increase the salary of Thos. Mulvey, Under Secretary of State, to \$8,000 per annum	2,000 00	
451	Department of Labour— To increase the salary of F. A. Acland, Deputy Minister of Labour, to \$8,000 per annum To provide for the salary of J. M. Wyatt, Employment	2,000 00	
	Specialist, for two months from April 1, 1923, further amount required	480 00	
	amount required	370 00	
	To provide for the salary of J. B. Carter, Publicity Agent,		
	for two months from April 1, 1923, further amount required To provide for the salary of H. V. Attfield, Principal Clerk for four months from April 1, 1923, further amount required To provide for the salary of Ronald H. Hooper, Editor Grade	360 00 640 00	
	2, for five months from April 1, 1923, further amount required	1,200 00	
452	Civil Government, Generally— To provide for cases of reclassification, increases and promotions	90,000 00	
			165,890 00
	ADMINISTRATION OF JUSTICE.		
453	Additional amount required on account of murder trials to be held at Herschel Island and Baffin Island	20,000 00	
100	Remuneration to Judge Dubuc for services as Stipendiary Magistrate of N.W.T. in summer of 1921.	560 00	
1	Exchequer Court of Canada.	300 00	
454	To assist publication of Digest of the Exchequer Court reports.	1,000 00	
			21,560 00
	PENITENTIARIES.		
	Kingston.		
455	To provide pension for ex-guard William Tatton, as set forth in Order in Council, P.C. 1164 of June 2, 1922	252 00	
	St. Vincent de Paul.		
156	To provide gratuity to ex-watchman Adrien Jolivet	341 60 566 50 661 66 672 05	2,493 81

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# SCHEDULE D—Continued.

of ote.	SERVICE.	Amount.	Total.
	I FORM ATTION	\$ cts.	\$ ets
	LEGISLATION.		
	THE SENATE.	9202	
457	To provide for the payment of the full sessional indemnity for the session of 1923 to members of the Senate for days lost through absence caused by illness, or on account of death. Payment to be made as the Treasury Board may direct  To provide for the salary of Mr. C. E. Duckett as Head Translator from April 1, 1922	9,500 00	
	House of Commons.		
	To provide for the full sessional indemnity of members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present session—Notwithstanding anything to the contrary in chapter 10 of the Revised Statutes, an Act respecting the Senate and House of Commons or any amendments		
	thereto—Payment to be made as the Treasury Board may direct	12,000 00	
458	To purchase, for the use of Senators and Members of Parliament,	7,000 00	
100	350 copies of the Canadian Annual Review, Edition of 1922— Further amount required	350 00	
	To provide for the full sessional indemnity of the two members of Parliament, successively representing the electoral	100 00	
	district of Nicolet, during the session of 1923, to which indemnity the two members shall be entitled, notwithstanding anything to the contrary in Chapter 10 of the Revised Statutes, or any amendment thereto; the share of each member to bear the same proportion to four thousand dollars as the number of days during which he was a member of Parliament during the said session bears to the total number of days of the session during which both together were members of Parliament. Payment to be made as the Treasury Board may direct.	4,000 00	
			33,030 0
	AGRICULTURE		
459 460	For experiments in the dehydration of fruits and vegetables For expenditures in connection with trial shipments of chilled	10,500 00	
461	beef and fat cattle to Great Britain	25,000 00	
	Further amount required for the International Institute of Agriculture.  For the payment of a grant to G. B. Alderson for hogs slaught-	5,000 00	
462	ered	1,500 00	
463 464	For the suppression of foul brood in bees For the salary and expenses of an Agricultural Produce Market-	5,000 00	
465	ing Agent in Great Britain. Further amount required for Health of Animals.	7,000 00 750,000 00	
	a uner amount required for freaten of Ammais	750,000 00	804,000 0
	PENSIONS.		
466 467	Pension to Alice Morson Smith.  Pensions European War and Active Militia—Further amount required to provide for expenditures for arrears and increased liability arising out of sections 1 to 5 inclusive of draft legislation (Bill 205); and to provide for and to hereby grant to Mrs. Beatrice Mary Wickings-Smith, widow of No. 30592, Ex-Corporal B. G. Wickings-Smith, a widow's pension in	600 00	2.45
468	respect of herself and child, in accordance with the rates provided for under the Pension Act, retroactive to the 8th May, 1915, as if her husband had been a member of the Forces at the time of his death  Annuity to Dr. F. G. Banting.	550,000 00 7,500 00	

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### SCHEDULE D—Continued.

No. of Vote.	SERVICE.	Amount.	Total.
Phys.		\$ cts.	\$ ets.
	NATIONAL DEFENCE		
469 470 471 472 473	Award to Major H. R. Northover in full settlement of all claims for inventions used on Colt Machine guns during the war. Annual Drill—further amount required.  Salaries and Wages—further amount required.  Compassionate grant to C. Peachy.  Engineer services and works—further amount required	5,000 00 8,000 00 10,000 00 33 00 16,700 00	39,733 00
	RAILWAYS AND CANALS.	4 (4.14)	9
	(Chargeable to Capital.)		
	RAILWAYS.		
474	Canadian Government Railways— Prince Edward Island Car Ferry Terminals:—	100 417 00	
477	To pay claim	196,417 63	
475 476	Construction Refund to J. D. McArthur & Co	350,000 00 90,000 00	
	CANALS.	Plan-	
477 478	Trent Canal—Construction—Severn Division	15,000 00 350,000 00	1,001,417 63
	RAILWAYS AND CANALS		
	(Chargeable to Income).		
	Railways		
479	To provide the difference between Military pay with Field and other allowances received, and full railway rates of pay on and after May 1st, 1915, to the date of their discharge from His Majesty's Forces for certain railway employees who, when they enlisted prior to May 1st, 1915, were em-		
480	ployed on the line between Winnipeg and Fort William via Sioux Lookout, including Transcona Shops, revote To provide for full and final settlement of claim of Telesphore Paradis	60,000 00 15,000 00	
	Canals.		
481			
482	Ontario-St. Lawrence: Improvements: Upper Entrance to Rapide Plat Canal Rideau: Improvements: Repairs and Replacement of Dams—	60,000 00	
483	Claims	9,036 62 25,000 00	
484 485	Trent: Improvements: Roadway north of Buckhorn Lock Trent: Improvements: Repairs to retaining wall at Lindsay	4,000 00 3,000 00	
	Miscellaneous.		
486 487	Governor General's Cars: RepairsSurveys and Inspections—Railways:— Including expenses of Advisory Fuel Committee—Addi-	40,000 00	
488	tional amount required	5,000 00	
489	Estimates, 1923-24—Additional amount required	1,550,000 00	
	point on the Canadian National Railway towards Peace	and the second second	

SCHEDULE II Commission

44 W. F. F.		
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### SCHEDULE D-Continued.

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No. of Vote.	SERVICE.	Amount.	Total.
		\$ ets.	\$ cts.
	PUBLIC WORKS.	100000	
	(Chargeable to Capital.)	10000	
	Public Buildings.		
490	Ottawa—New Departmental Buildings—Compensation to architects for designs submitted	30,000 00	
	HARBOURS AND RIVERS.		
491	St. John Harbour—Improvements—Further amount required Toronto—Harbour improvements—Further amount required	8,000 00 600,000 00	
	Port Arthur and Fort William—Harbour improvements— Further amount required	192,200 00	830, 200 00
	PUBLIC WORKS.		
	(Chargeable to Income.)		
	Public Buildings.		
	Nova Scotia.	10 100 00	
-	Halifax Immigration Building—Repairs and maintenance of		
	pier No. 2.  Halifax Quarantine Station—Repairs and improvements—	95,900 00	
492	Further amount required	17,000 00 25,000 00	
	Liverpool Public Building—Alterations to electric wiring, interior fittings, etc.  Lunenburg Public Building—Repairs, etc.  Windsor—Public Building—Improvements to heating.	3,500 00 4,000 00 1,250 00	
	New Brunswick.		
493	Edmundston—Public building site. St. John Quarantine Station—New buildings, repairs, etc Sackville—Public building. Sussex—Public Building—Improvements—Revote. Tracadie Lazaretto—Imstallation of electric light system— Improvements, etc.	5,000 00 15,000 00 15,000 00 4,500 00 6,500 00	
	Prince Edward Island.		
494{	Charlottetown Old Bank Building—Repairs to roof	4,000 00 1,000 00	
	Maritime Provinces Generally.	02.000	
495	Dominion Public Buildings—Improvements, repairs, etc.— Further amount required	5,200 00	
	Quebec.		
496-	Father Point—Construction of residences due to the reorgarization of the Quarantine Service on the St. Lawrence.  Loretteville—Public Building—Change of site.  Montreal—Postal Station in St. Ann's Division.  Montreal—Examining Warehouse—Improvements to heating.  Montreal—Old Examining Warehouse—Alterations to passenger elevator.  Montreal Old Examining Warehouse—Repairs to roof.  Pierreville Public Building—Improvements to heating.  Quebec Savard Park—Hospital improvements, etc.  Quebec Immigration Building—Repairs, etc.  Quebec Examining Warehouse—Improvements.  Quebec Public Building—Improvements.  Terrebonne—New public building—Revote \$15,500.	10,000 00 4,800 00 20,000 00 9,000 00 3,500 00 8,500 00 2,200 00 50,000 00 35,000 00 10,000 00 5,000 00	

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No. of ote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued.	\$ ets.	\$ cts
	(Chargeable to Income)—Continued.		
	Public Buildings—Continued.		
	Ontario.		
1	Alexandria—To reconstruct public building destroyed by fire—	Annua Bar	
	Revote of lapsed amount.  Brockville Public Building—Alterations to heating.  Belleville Public Building—Improvements to lighting  Dominion Public Buildings—Improvements, repairs, etc.—	15,000 00 2,800 00 2,200 00	
	Further amount required. Hamilton Public Building—Installation of revolving doors	2,200 00 2,800 00	
	Haileybury—Armoury and post office	35,000 00	
	Kingston R.M.C.—Completion of dormitory building and construction of mess room	75,000 00	
	Kingston—Mowat Hospital—Sewer extension	11,000 00 3,000 00	
497	London Customs House—Improvements to heating	4,000 00 17,100 00	
	shops. Port Arthur Public Building—Alterations to fittings. Toronto—Building for Seed Branch.	26,000 00 2,800 00 25,000 00	
	Toronto—Casualty Clearing Station—In full and final settlement of all claims of the Canadian National Railways for property	25,000 00	
	expropriated Toronto—Postal Station "A"—To complete Toronto—Postal Station "K"—Alterations due to widening	48,000 00 30,000 00	
	north Yonge Street	10,000 00 4,500 00	
	Manitoba.	1200	
498	Brandon—Public Building—Alterations Emerson Public Building—Improvements to lighting Winnipeg—Elmwood Postal Station Site—Local improvement	2,500 00 1,200 00	
	taxes. Winnipeg—Fort Osborne Barracks—Improvements to heating	1,008 06 11,200 00	
	Saskatchewan.	2 300 50	
1	Maple Creek Public Building-Improvements to heating-	2 400 00	
	Revote.  Moose Jaw Public Building—Local improvement taxes.  Moose Jaw Customs Examining Warehouse—Local improve-	2,100 00 3,427 14	
499	ment taxes	1,708 50	
	Prince Albert Public Building—Local improvement taxes Regina Public Building—Improvements to heating Weyburn Public Building—Improvements to heating	1,306 36 7,500 00 4,700 00	
	Alberta.		
500	Edmonton Public Building—Improvements to heating Grand Prairie—Enlargement of public building for telegraph	14,000 00	
	office—Further amount required. Lethbridge Public Building—Improvements to heating	4,000 00 8,600 00	
	British Columbia.		
(	Bentinck Island Lazaretto—New Buildings.  Cumberland Public Building—Improvements.	20,000 00 1,500 00	
11/2	Dominion Public Buildings—Improvements, repairs, etc.— Further amount required. Kamloops—Public building.	5,000 00 15,000 00	

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ ets.
	PUBLIC WORKS—Continued.		
	(Chargeable to Income)—Continued.		
	Public Buildings—Concluded.		
	British Columbia—Continued.		
501	Vancouver—Old Post Office—Elevator. Vancouver Drill Hall Site—Local improvement taxes. Victoria Astrophysical Observatory—Office building. William Head Quarantine Station—Improvements.	10,000 00 3,368 90 15,000 00 4,000 00	
	Generally.		
(	Experimental Farms—New buildings, additions, alterations, etc.  Military Hospitals—Repairs and improvements—Further	75,000 00	
502	amount required.  High Commissioners' Office, London—Change of premises  Installation of fuel saving devices for public buildings	16,000 00 25,000 00 12,000 00	
503	Rents, Repairs, Furniture, Heating, etc.— Dominion Public Buildings:— Dominion Immigration Buildings—Repairs, furniture, etc.— Further amount required	7,000 00	
	HARBOURS AND RIVERS.		
	Nova Scotia		
504-	Advocate—Wharf repairs. Abbott's Harbour—Breakwater extension. Barrington Passage—Wharf repairs. Bass River—Improvements. Battery Point—Breakwater extension. Briton Cove—Breakwater repairs. Broad Cove Marsh—Replacement, breakwater-wharf. Burlington Centre—Wharf extension. Canada Creek—Rebuilding shore end of breakwater. Cariboo Island—Breakwater reconstruction. Cheverie—Wharf repairs. Chezzetcook Head—Wharf repairs. Clulloden—Breakwater extension. D'Escousse—Wharf repairs. Dartmouth—Pier and dredging. Digby—Dredging. East River—Repairs to lock. Eastern Harbour—Improvements. East Sandy Cove—Wharf. Ecum Secum—Completing wharf and building road. Five Islands—Wharf extension. Fruid's Point—Wharf repairs. Gillis Point—Wharf repairs. Grand Narrows—Wharf extension. Half Island Cove—Rebuilding breakwater—Further amount required. Hampton—Breakwater repairs. Inverness—Repairs to piers. Little Anse—In full and final settlement of T. D. Morrison's	2,000 00 1,350 00 1,750 00 1,750 00 1,500 00 9,600 00 1,000 00 8,400 00 7,500 00 1,300 00 6,000 00 1,000 00 3,000 00 75,000 00 3,000 00 4,000 00 38,000 00 99,350 00 6,100 00 38,000 00 9,350 00 6,100 00 1,100 00 2,000 00 1,100 00 4,900 00 1,100 00 4,900 00 1,100 00 4,900 00 1,1650 00 8,500 00 4,400 00	
	Little Anse—In full and final settlement of T. D. Morrison's claim in connection with contract for construction of a breakwater.  Little Harbour (Lower L'Ardoise)—Breakwater extension and repairs.	3,234 60 2,000 00	
	Little Harbour—Breakwater repairs. Livingstone's Cove—Wharf repairs. Lunenburg—Dredging. Malagash—Dredging.	1,500 00 1,000 00 40,000 00 15,700 00	

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No. of Vote.	SERVICE.	Amount.	Total.
	PUBLIC WORKS—Continued.	\$ ets.	\$ cts.
	(Chargeable to Income)—Continued.		
	HARBOURS AND RIVERS—Continued.		
	Nova Scotia—Concluded.		
-	Margaree Harbour—Repairs to harbour works	9,700 00	
	Margaretville—Repairs to breakwaters	2,400 00 7,600 00	
	New Harris-Wharf	5,000 00	
	Nyanza—Wharf repairs	1,000 00	
	dredging	34,700 00 3,000 00	
	Parrsboro—Repairs to breakwater and shed on wharf	1,350 00	
11	Pictou Light Beach—Repairs and reconstruction of protection work.	1,200 00	
	Piper's Cove—Wharf repairs. Point Aconi—Breakwater.	1,100 00 10,000 00	
1	Port Beckerton—Wharf repairs.  Port Greville—Further amount required for breakwater repairs	2,000 00	
	Port Greville—Further amount required for breakwater repairs and harbour improvements	18,000 00	
	Portuguese Cove—Breakwater	5,000 00	
	Pictou—Dredging	15,200 00 3,000 00	
	Port Lorne—Breakwater extension	9,600 00	
	Round Hill—Wharf repairs	1,700 00	
	Sanford—Retaining wall	1,800 00 8,000 00	
504	Scotch Cove (White Point)—Breakwater repairs	2,600 00	
	Shad Bay—Wharf repairs. Sheet Harbour West—Rebuilding wharf	5,000 00	
	Shelburne—Wharf repairs Smith's Cove—Breakwater extension and beach protection	4,500 00 2,400 00	
	Sonora—Purchase of wharf and rebuilding same	5,000 00	
	Ship Harbour—Wharf repairs	4,200 00	
	St. Francis Harbour—Breakwater	5,000 00 5,000 00	
	Tiverton—Breakwater extension	15,000 00 2,500 00	
	West Baccaro—Breakwater extension and repairs	4,000 00	
1	Windsor—Wharf	22,000 00	
	Prince Edward Island.		
	Beach Point—WharfBelle River—Breakwater extension	7,500 00 9,000 00	
505	Georgetown—To take over and repair C.N.R. wharf	20,000 00 4,000 00	
	New Brunswick.	4,000 00	
	Black's Harbour—Floating slip.	1,000 00	
	Cape Bald—Breakwater repairs	6,500 00	
	Cocagne Cape—Wharf	5,000 00 3,500 00	
	Great Salmon River—Breakwater extension	8,000 00	
	Further amount required	25,000 00	
506	Inkerman—WharfLord's Cove—Wharf repairs	3,000 00 1,200 00	
	Lord's Cove—Wharf repairs.  Negro Point—Breakwater extension.  Now Mills (Bonishi Piros) — Whorf repairs	100,000 00 1,200 00	
	New Mills (Benjamin River)—Wharf repairs	14,000 00	
	Shippigan Harbour—Improvements. St. Nicholas River—Wharf repairs.	7,500 00 1,500 00	
	Village Bay—Wharf and dredging.	6,900 00	

No. of Vote.	SERVICE.	Amount.	Total.
	The same and the s	\$ cts.	\$ ets
	PUBLIC WORKS—Continued.		
	(Chargeable to Income)—Continued.		
	HARBOURS AND RIVERS-Continued.		
	Quebec.		
	Anse a la Barbe—Breakwaters.	2,500 00	
1	Anse au Griffon—Wharf extension	3,000 00	
li	Anse a Giles—Wharf repairs	8,500 00	
	Baie St. Paul—Wharf	15,250 00	
I	Beaupre—Wharf repairs	1,900 00	
1 1	Beauport—Wharf repairs	2,700 00 16,000 00	
li	Boischatel—WharfBic—Rebuilding wharf—To complete	10,000 00	
11	Bonaventure River—Breakwater-wharf repairs	3,800 00	
I	Bromptonville—Reconstruction of protection works	6,450 00	
	Cabano—Wharf reconstruction	11,400 00	
	Cacouna—Wharf repairs	7,000 00	
	Caplan River (Bonaventure)—Reconstruction of breakwaters	3,300 00	
	Chateau Richer—Wharf repairs	3,300 00	
	Chicoutimi Basin—Wharf repairs	6,000 00	
112	Coteau du Lac—Wharf reconstruction	2,400 00 5,500 00	
	Grand Entree (M.I.)—Breakwater extension	2,500 00	
	Grosse Isle Quarantine Station—In full and final settlement of	S. Seld Red Con .	
	the claim of Messrs. Methot & Fournier in connection with	0.700.00	
1	the cancellation of their contract for wharf extension	2,700 00 3,200 00	
		4,500 00	
1	sle Verte—Wharf repairs		
	his claim for damages to truck	52 65	
113	Lotbiniere—Wharf reconstruction	15,000 00 2,100 00	
1	Maria—Wharf repairs	3,500 00	
507	Macamik—Wharf	3,500 00	
	Macamik—Wharf	2,500 00	
	New Carlisle West—Breakwater extension	2,000 00	
1	Norway Bay—Wharf repairs	1,000 00	
i	Noyan (Lacolle)—Wharf repairs	2,600 00	
	Petit Bonaventure—Breakwater extension	4,500 00	
	Phillipsburg—Reconstruction of wharf approachPiche Point—Wharf repairs and improvements—Further	4,900 00	
1	amount required	5,900 00	
1	Further amount required	1,000 00	
1	ointe aux Trembles—Wharf repairs—Further amount required	9,600 00	
I	Port au Persil—Wharf	15,700 00	
	Rimouski—Wharf reconstruction—Further amount required Rimouski—In full and final settlement of claim of Messrs.	11,600 00	
	Raymond & Talbot in connection with their contract for harbour improvements	51,892 85	
1	Riviere du Loup—Wharf repairs	10.450 00	
	Roberval—Wharf repairs—Further amount required	3,400 00	
15	Ste. Adelaide de Pabos—Wharf repairs	1,500 00	
	Ste. Anne de Sorel—Breakwater	2,940 00 6,900 00	
	St. Antoine de Tilly—Wharf repairs	4,500 00	
18	St. Croix—To purchase and repair wharf	10,800 00	
18	Ste. Emelie—Dredging	28,000 00	
18	Ste. Famille—Wharf repairs	1,300 00	
1	Ste. Felicite—Wharf repairs. St. Francis Nord—Wharf repairs.	1,250 00 2,000 00	
118	t. Fulgence—Wharf repairs	2,900 00	
16	St. Georges de Malbaie—Breakwater-pier	2,500 00	

No. of Vote.	SERVICE.	Amount.	Total.
	Spanier	\$ ets.	\$ ets.
	PUBLIC WORKS—Continued.		
	(Chargeable to Income)—Continued.		
	HARBOURS AND RIVERS—Continued.		
	Quebec—Concluded.		
1	St. Jerome—Wharf repairs St. Michel de Bellechasse—Wharf repairs—Further amount	1,350 00	
}	required	14,000 00 2,400 00	
	repairs to right-of-way Ste. Petronille (Island of Orleans)—To purchase and repair wharf St. Pierre les Becquets—Wharf reconstruction	37,100 00 9,300 00	
507	Squatteck—Wharf repairs     Sorel—Reconstruction of high level wharf     Tadoussac (Anse Tadoussac)—Wharf repairs and improvements	1,150 00 14,500 00 24,080 00	
	Terrebonne—Protection wall. Thurso—Wharf repairs. Trois Rivieres—Wharf repairs and reconstruction.	5,000 00 1,800 00	
	Valleyfield—Dredging	75,000 00 32,000 00 3,800 00	
1	Vaudreuil—Reconstruction of wharf approach	1,100 00	
	Ontario.		
(	Aultsville—Wharf reconstruction—Revote \$4,000	4,500 00 30,000 00	
	Belle River—Harbour improvements.  Bowmanville—Wharf repairs.  Burlington Beach Highway—To pay Government's share of	3,800 00	
	cost of paving	866 00 2,700 00	
	Burlington Channel—Reconstruction of south pier	50,000 00 1,455 00	
	Cape Croker—Wharf repairs.  Collingwood—Dredging.  Goderich—Harbour improvements—Further amount required	20,500 00	
	Grand Bend—Repairs to piers	15,000 00   1,100 00	
	Grassmere—Wharf	6,000 00 8,000 00	
	Keewatin—To take over town wharf and recoup municipality for repairs thereto	1,050 00	
	Kincardine—Repairs to piers—Further amount required Kingston—Repairs to dry dock	12,000 00	
	Kingston R.M.C.—Shore protection	1,300 00	
508	Lefaivre—To purchase and reconstruct wharf. Oshawa—Harbour improvements.	10,800 00 50,000 00	
000	Owen Sound—Dredging	75,000 00 31,000 00	
	Pelee Island—Wharf extension.  Pembroke—Wharf replacement and dredging—Revote \$25,000.  Port Burwell—Repairs to harbour works—Further amount	50,000 00	
	required	10,000 00 2,500 00	
	Port Dover—Wharf repairs Port Hope—Breakwater repairs.	1,800 00	
	Port Stanley—Harbour improvements	50,000 00 2,500 00	
	Sault Ste. Marie—Dredging	60,000 00	
	Sault Ste. Marie—Warehouse	4,000 00 2,500 00	
N. A.	Sparrow Lake—Float	1,400 00 8,700 00	
	Sturgeon Falls—Wharf	15,000 00	
10.00	Tiffin—Dredging	11,000 00	
1	Waubaushene—To purchase wharf	2,000 00	
	Whitby—Dredging channel. Windsor—Wharf repairs.	12,000 00	

No. of Vote.	SERVICE.	Amount.	Total.
		\$ ets.	\$ cts
	PUBLIC WORKS—Continued.		
	(Chargeable to Income)—Continued.		
	HARBOURS AND RIVERS—Concluded.		
	Manitoba.		
(	Delta Beach—Closing channel.	6,500 00	
-00	Hecla—Wharf repairs	2,150 00	
509	Netley Cut—Closing channel.  Portage la Prairie—Sewer extension.	3,000 00 56,000 00	
-	The Pas—Purchase of wharf site	2,000 00	
-	Assiniboine River—Control	2,000 00	
	Saskatchewan and Alberta.		
	Craven, Sask.—Reconstruction of Dam	7,000 00	
510	Cumberland House, Sask.—WharfFort Chipewyan, Lake Athabasca, Alta.—Breakwater	2,000 00 4,000 00	
,	Tott Ompewyan, Dake Athabasta, Alta.—Dieakwatei	1,000 00	
	British Columbia.		
1	Anglemont—Wharf Arrow Park—Reconstruction of wharf Balfour—To acquire and repair C.P.R. Wharf	4,300 00	
	Balfour—To acquire and repair C.P.R. Wharf	9,500 00	
	Bamfield East—Reconstruction of wharf	8,800 00	
	Bella Coola—To renew wharf Burdwood Bay—Float renewal	9,000 00	
	Bishop's Landing—Float renewal	1,400 00	
	Canoe—Addition to wharf Bowen Island (West Side)—Floating wharf	1,000 00 2,000 00	
	Cracroft—Repairs to float	1,500 00	
	Cracroft—Repairs to float	1,150 00	
	Cowichan Lake—Wharf  East Robson—Wharf extension	1,700 00 2,150 00	
	East Robson—Wharf extension. Ewing's Landing—Reconstruction of wharf	4,900 00	
	Fraser River—Improvements—Further amount required	60,000 00 30,000 00	
	Fraser River—Extension of jetty at mouth of river	4,900 00	
511	Grief Point and Ragged Island—Booms	8,000 00	
	Harrop—Reconstruction of wharf. Haysport—Floating wharf.	7,700 00 4,000 00	
	Herriot Bay—Wharf repairs	1,300 00	
	Holberg—Moving float and building approach  Jackson Bay—Renewal of float	2,900 00 1,250 00	
	Jeune Landing—Quatsino Sound—Wharf repairs	2,000 00	
	Lockeport—Wharf. Nicomen Island—Protection work.	4,000 00	
	New Westminster—Whart extension and repairs	4,300 00	
	Pornoise Bay-Wharf	4 200 00	
	Powell River—Wharf improvements.  Renata—Wharf repairs and improvements.	1,150 00 7,500 00	
	Saanichton—Wharf repairs	2,800 00	
	Shushartie Bay—Float	2,600 00 15,000 00	
614	Surge Narrows—Renewal of float	1,300 00	
	Tucker Bay—Wharf repairs. Ucluelet—Wharf replacement—Further amount required	1,800 00 1,200 00	
	Yukon.	21782	
	I unon.		
512	Yukon River and Tributaries—Improvements—Further amount	2444	

No. of Vote.	SERVICE.	Amount.	Total.
		\$ ets.	\$ ets.
	PUBLIC WORKS—Continued.		
	(Chargeable to Income)—Continued.		
	ROADS AND BRIDGES.		
513{	Grand Etang—Construction of bridge.  International bridge over River St. John between Clair, N.B., and Fort Kent, Me., the State of Maine to provide \$15,000, County of Aroostook \$10,000, and town of Fort Kent \$5,000—Revote of lapsed amount.  Interprovincial Bridge over the Ottawa River at Hawkesbury, the Ontario and Quebec Governments to each contribute	13,200 00	
	one third of the cost	40,000 00	
	and Hull—Paving of approach	5,000 00	
	TELEGRAPH AND TELEPHONE LINES.		
	Nova Scotia.		
1	Little Bras d'Or—Big Bras d'Or line—Renewal of poles Hays River Loop (Strathlorne—Whycocomagh line)—Renewal	1,100 00	
14	of poles.  Whycocomagh—Little Narrows Line—Renewal of poles. Little Narrows—Bucklow—Grass Pond line—Renewal of poles. Hawkesbury—St. Peters line—Renewal of poles. Southwest Margaree—Stewardale line—Renewal of poles. Kenlock—Scottsville line—Renewal of poles	200 00 800 00 2,600 00 1,900 00 2,300 00 700 00	
	New Brunswick.		
515	Extension of Point Sapin Telephone line to Kouchibouguac Village Bay of Fundy Lines—Cable from Bancroft Point on Grand Manan Island to Long Island	750 00 1,525 00	
	Quebec.		
516	Magdalen Islands—Improvements to telephone service Island of Orleans Telephone System—Extension from Ste.	2,000 00	
	Famille to St. Pierre	880 00	
	Ontario.		
(	Pelee Island—Renewal of cable	9,200 00	
517	Bath—Amherst Island Telephone line—Aid to the Amherst Island Telephone Co	250 00	
	Saskatchewan and Alberta.	4 000 00	
518	Telephone line from Glaslyn to Junor	1,300 00	
	of renewal of poles, etc	2,400 00	
	British Columbia.		
1	Mainland Telephone Line Extension—Squilax to Sorrento—		
	Revote Branch of Canal Flats—Wasa telephone line to Sheep Creek	120 00 200 00	
3737	Extension of telephone line from a point 5 miles north of Wasa to Fort Steele.	3,400 00	
	Office accommodation at Invermere	3,350 00	

No. of Vote.	SERVICE.	Amount.	Total.
		\$ cts.	\$ cts:
	PUBLIC WORKS—Concluded.		
	(Chargeable to Income)—Concluded.		
	Telegraph and Telephone Lines—Concluded.		
	British Columbia—Concluded.		
1	Canal Flats to Wasa—Revote	625 00	
	Beaver Creek	6,300 00	
	Salt Spring Island—Telephone Line—Reconstruction and extension	3,500 00	
	Telephone line, Houston to Ootsa Lake, Francois Lake and	970 00	
	Burn's Lake—Revote Mainland Telegraph and Telephone Lines—General repairs and improvements—Further amount required	20,500 00	
519	Vancouver İsland Telephone Line—Extension from Uchucklesit to Ecoole and Rainy River	800 00	
	Extension of telephone line from Proctor to Sunshine Bay Merritt telephone exchange—Pole renewals, etc	842 00 570 00	
	Osoyoos District telephone line—Improvements	627 00	
	Penticton—Keremeos telephone line—Improvements Keremeos—Cawston telephone line—Improvements	1,420 00 200 00	
	Extension of telephone line from Celista to Fowlers Meadows Telephone exchange and line extensions at Vanderhoof—Revote.	1,133 00 513 00	
	Dredging.		
520	Dredging—Maritime Provinces—Further amount required Dredging—Ontario and Quebee—Further amount required Dredging—British Columbia—Further amount required	25,000 00 50,000 00 16,000 00	
	Miscellaneous.		
(	Gratuity to H. Bristow who was seriously injured while working		
	at the Quinze Dam. To pay estate, Eugene D. Lafleur in full and final settlement	500 00	
521	of claim for travelling expenses incurred by the late Eugene		
	D. Lafleur when Chief Engineer of the Department of Public Works	3,786 15	
,	New hull for Snagboat, Samson	30,000 00	3,495,501 21
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
522	Baddeck and Iona, steam service between—additional amount		
523	required	1,500 00	
524	Rimouski and Point aux Outardes, and other points on the	5,000 00	
525	North Shore of the River St. Lawrence, service between St. John and Weymouth, N.S., and other ports on St. Mary's	5,000 00	
526	Bay, steam service between Port Mulgrave, St. Peters, Irish Cove, and Marble Mountain		
	and other ports on the Bras d'Or Lakes steam service between: additional amount required	350 00	
527	Dalhousie, N.B., and Carleton, Quebec, and other way ports, steam service between	500 00	
528	Port Hawkesbury and Eastern Harbour, N.S., steam service		
	between	2,000 00	15,850 00

No. of Vote.	SERVICE.	Amount.	Total.
	The same of the sa	\$ ets.	\$ cts.
	OCEAN AND RIVER SERVICE.		
529	Life Saving Service, including rewards for life saving—Further amount required to defray cost of reopening and maintaining the Bay View Life Saving Station at Digby, N.S To defray cost of installing wireless telephone service and maintaining a life saving vessel on the West coast, Vancouver Island.	13,000 00	
		12.000	50,000 00
	PUBLIC WORKS.	Control of	
	(Chargeable to Capital.)		
	MARINE DEPARTMENT.		
530	Amount required to complete the repairs to dredges, tugs, scows, barges, etc., commenced in fiscal year 1922-23.  Revote		16,540 00
	LIGHTHOUSE AND COAST SERVICE.		
531	Pensions to Quebec Retired Pilots—Further amount required to provide for the following:—  Eugene Anctil.  Lucien Lachance.  Narcisse Lavoie.  L. H. Lapierre.  J. T. St. Laurent.  J. V. Gourdeau.  Samuel Rioux.  Joseph LaRochelle.  Francois Gaudreau.  Arthur Koenig.  J. A. Lachance.  R. Lachance.  Amount required to pay compassionate allowance to John Davidson.	333 04 375 00 1,762 10 1,126 67 1,129 17 1,722 60 486 29 5,035 00 986 29 1,016 67 1,944 36 1,797 50 500 00	18, 214 69
	FISHERIES.		
532	To assist in the conservation and development of the deep-sea fisheries—Further amount required  MINES AND GEOLOGICAL SURVEY		70,000 00
533	Amount required for transportation charges from outlying provinces on ore shipments which may be sent to the Ore Dressing Plant of the Mines Branch at Ottawa for testing purposes, under regulations to be approved by the Minister of Mines.		10,000 00
	LABOUR.		
534	Unemployment relief—Further amount required		5,700_00
	INDIANS.		
1	Ontario and Quebec— Relief, Medical Attendance and Medicines—Further amount required.	5,000 00	
536	Repairs to roads, bridges and drainage—Further amount required	1,000 00 7,800 00	

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No. of Vote.	SERVICE.	Amount.	Total.
	INDIANS—Concluded.	\$ cts.	\$ cts.
	ario and Quebec—Concluded. To provide for the expense of investigating claim and negotiating treaty for cession of Indian title to 10,719 square miles in the Province of Ontario (including additional remuneration to the Departmental Solicitor as Chairman of the Commission, \$500)	5,000 00	
537 Mar H	nitoba, Saskatchewan, Alberta and N.W.T.— Iospitals, Medical Attendance and Medicine, etc.—Further amount required	15,000 00	
	tish Columbia— urveys, Roads, Irrigation and Dyking—Further amount required	20,000 00	53,800 00
	ROYAL CANADIAN MOUNTED POLICE.		35,000 00
	compensate members of the Royal Canadian Mounted Police for injuries received whilst in the performance of duty— Further amount requiredprovide for the reconstruction of the Royal Canadian Mounted Police buildings at Lethbridge Post, destroyed by	3,000 00	
	GOVERNMENT OF THE NORTH WEST TERRITORIES.	6,000 00	9,000 00
540{	chase and maintenance of new ship—Further amount requiredestablish and operate wireless station at Mayo	40,000 00 19,000 00	59,000 00
The State of	GOVERNMENT OF THE YUKON TERRITORY pay E. Telford, Inspector Royal Canadian Mounted Police, at Dawson, for services as Acting Gold Commissioner for a		
	period of six months from Oct. 18, 1922  DOMINION LANDS AND PARKS.		600 00
542 Cor To	npassionate allowance to T. W. Dwight	1,000 00	
Can	Service Retirement Act, Chapter 49, 11–12 George V adian National Parks—Further amount required	1,440 00 25,000 00	27,440 00
	SOLDIERS' CIVIL RE-ESTABLISHMENT.		
543 Am	ount required to provide salaries, transportation, travelling and general administrative expenses of Federal Appeal Board and District Boards of Review, etc., including provision for transportation and travelling expenses of applicants to and from seat of Appeal Board or District Boards of Review, remuneration to official soldiers' advisors and partial refund of expenses incurred in presentation of individual cases to the Department of Soldiers' Civil Re-		
544 Rep	establishment and Board of Pension Commission	357,996 00	
544 Rep	partial re vidual ca establishmatriation- patriation- in the Bri Order-in- for salarie	fund of expenses incurred in presentation of indises to the Department of Soldiers' Civil Rement and Board of Pension Commission  —Further amount required to provide for reof former members of the Forces discharged itish Isles and of their dependents as provided by Council 1757, dated 7th September, 1922, and Council 1056 dated 13th June, 1923, and to provide	fund of expenses incurred in presentation of indises to the Department of Soldiers' Civil Rement and Board of Pension Commission

No. of Vote.	SERVICE.	Amount.	Total.
		\$ ets.	\$ cts.
	SOLDIERS' CIVIL RE-ESTABLISHMENT—Concluded.		
545	Vocational Loans—Further amount required to provide loans to graduate students for the purchase of tools and equipment required by them to commence business or follow up line of training and to disabled ex-soldiers to complete education as provided in P.C. 2329 of 1919 (P.C. 580 of 10th March, 1992)	20,000 00	
546	Amount required to provide pension or compensation for death or injury resulting directly from a flight undertaken in the course of duty in the Public Service of Canada of any person employed in the Public Service of Canada, or employed under the direction of any Department of the Public Service of Canada as provided in Order-in-Council 2187, dated 20th		
	October, 1922	10,000 00	412,996 00
	MISCELLANEOUS.		
547	To provide for the expenses of a technical investigation under the supervision of the Department of Insurance, into the merits of the various forms of roof coverings from the stand-		
548	point of fire prevention.  To compensate Madame Kate Casgrain for the use made by the Government of a Filing Device covered by a patent granted	15,000 00	
549	to her husband, the late H. B. Casgrain	2,000 00	
550	a Monument to Peguis, the Saulteaux Indian Chief British Empire Exhibition—Further amount required	1,200 00 150,000 00	
551 552	Grant to the Victorian Order of Nurses	5,000 00	
553 554	Salary of L. H. Beer as salvage officer at \$5,000 per annum  Loan to Provinces to encourage the erection of dwelling houses, on the terms and conditions set forth in the Order in Council of the 3rd of December, 1918, and amendments thereto from time to time made—to be applied only to cases in which the respective Provincial Governments have already made commitments with the municipalities; the appro-	5,000 00	
555	priation to cease entirely at the end of the present fiscal year Archives—Further amount required to pay for paintings of Governors Carleton, Haldimand and Cornwallis—Drawing of Shelburne, 1780—Painting of picture of French Fireships at Quebec, 1760—Photograph of original plan of Louisbourg—Water colours of Welland Canal—Old engravings of French and English Governors and officials—Journal of Braddock's Expedition, 1755—Journal of Campaign, 1755—1760—Photostat of Journal of North West Company—	4,000,000 00	
556	Journal of McGillivray, etc	5,000 00	
557	tor" celebration	15,000 00	
558	at Orillia, Ont. Grant towards the expenses of the Canadian Athletic Team	5,000 00	
559	at the International Olympic Games in 1924.  Remuneration to F. H. Gisborne for preparing Volume II of	15,000 00	
560	Purchasing Commission—Salaries and contingencies for the	500 00	
562	months of April, May and June, 1923.  Amount required for expenses of delegation to Imperial Con-	18,703 32	
563	ference	10,000 00	
564 565	mic Conference.  Further amount required for passport office.  Amount required to pay to the Canadian Pacific Railway Company for the removal of the span of the bridge over False Creek, B.C., to permit of the movements of vessels up to the end of 1923.	25,000 00 2,000 00 6,065 92	

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No. of Vote	SERVICE.	Amount.	Total.
	MISCELLA NEOUS—Concluded.	\$ ets.	\$ ets
566	Amount required to pay the creditors of the late Prince Rupert Dry Dock and Engineering Co., Ltd., for services rendered, material supplied or moneys advanced in connection with the construction of the Scottish and Britisher in Prince		
567	Rupert, B.C. (Revote \$64,339.97)	68,000 00	
568	authorized by statute, chap. 46, Sec. 3, 1913	100,000 00	
569 570	Bearings of Canada	3,000 00 21,000 00	To be to
570½	and Stationery for printing and stationery ordered by and supplied to the Commission of Conservation	1,034 55	
	into proposed prohibition or restriction of the export of pulpwood	20,000 00	4,498,503 7
	RAILWAYS AND CANALS.		1,100,000 1
	(Chargeable to Collection of Revenue.)		
	Canals.		
571	Trent: Compassionate allowance to John Doris who was injured while performing duties of carpenter on the Trent Canal		1,000 0
	PUBLIC WORKS.		
	(Chargeable to Collection of Revenue.)		
572	Prince Edward Island and Mainland—Revote	7,000 00 1,800 00	9 000 0
	TRADE AND COMMERCE.		8,800 0
573	Canada Grain Act, administration of—Additional amount required	80,000 00	
574	Maintenance of Terminal Elevators and necessary Equipment-Additional amount required	15,000 00	
575	To provide for the expenses of a Royal Commission to inquire into the Grain Trade	50,000 00	
576	To provide for the salaries and expenses of the Grain Inquiry Commission, re Lake Grain Rates	13,000 00	
577 578	Copper Bounty Act—administration of	5,000 00	
579	British and Foreign News Service.	60,000 00 21,333 34	
580 581	Towards the construction of a grain elevator at Halifax, N.S Towards the construction of a grain elevator at Edmonton,	200,000 00	
582	Alta.  Amount required for administration of the Act respecting the Lake Grain Freight Rates, Appointments, necessary for	200,000 00	
	the administration of this Act, may be made without reference to and notwithstanding anything to the contrary in the Civil Service Act.	10,000 00	
	MISCELLANEOUS		654,333 3
583	To provide for the administration of the Combines Investiga-	20,000,00	
584	tion Act Grant to the Canadian National Institute for the Blind	30,000 00	40,000 0
	Total		\$14,726,241 0

