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First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 146.

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

First reading, March 14, 1927.

Mr. KENNEDY,
(Peace River).

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37868 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 146.

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

1921, c. 25.

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

Prosecution not to be taken after three years from offence.

1. Subparagraph (iv) of paragraph *(a)* of section one thousand one hundred and forty of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, as enacted by section twenty of chapter twenty-five of the statutes of 1921, is hereby repealed.

Location of land paid for by script or granted upon half-breed certificates.

2. Any one who commits or has at any time heretofore committed any offence relating to or arising out of the location of land which was paid for on whole or in part by script or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian title, shall, with respect thereto, be liable to prosecution or to an action for penalties or forfeiture in the same manner and to the same extent as if said subparagraph (iv) had never been enacted.

EXPLANATORY NOTE.

The subparagraph to be repealed was added to section 1140 of the Criminal Code by chapter 25 of the statutes of 1921, and the part of the section hereby affected now reads as follows:—

"**1140.** No prosecution for an offence against this Act, or action for penalties or forfeiture, shall be commenced,—

(a) after the expiration of three years from the time of its commission if such offence be

(iv) any offence relating to or arising out of the location of land which was paid for in whole or in part by script or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian Title."

The object of this Bill is to strike out the time limit of three years within which an action must be commenced for such an offence.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 147.

An Act to amend The Civil Service Act, 1918, respecting appointments.

First reading, March 14, 1927.

Mr. HALL.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37722 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 147.

An Act to amend The Civil Service Act, 1918, respecting appointments.

1918, c. 12; 1919 (2 Sess.), cc. 10, 11; 1920, c. 41; 1921, c. 22; 1925, c. 35.

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

Appointment of persons with special qualifications.

1. Subsection one of section forty-three of *The Civil Service Act, 1918*, as enacted by chapter ten of the statutes of 1919 (Second Session), is amended by inserting the following words after the word "appointment" in the eighth line thereof: "but the Commission may select any person who in his examination shows special qualifications for any particular subject."

EXPLANATORY NOTES.

The object of this Bill is to give some discretionary powers to the Commission instead of confining them in every case to the appointment of the person whose name stands highest on the list.

The section as amended will read as follows:—

"43. (1) Appointments to the Civil Service shall be upon competitive examination. Whenever a vacancy in any position in the Civil Service is to be filled, the deputy head shall request the Commission to make an appointment. The Commission shall thereupon appoint the person whose name stands highest in the eligible list for the class in which the position is found and who is willing to accept the appointment; *but the Commission may select any person who in his examination shows special qualifications for any particular subject;* in case there is no eligible list for the class the Commission shall forthwith hold an examination and, if necessary to prevent any serious interference with the public business, but not otherwise, may fill the position at once by making a temporary appointment as prescribed herein."

The words underlined in the Bill and in italics in the note are to be inserted.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act respecting a certain patent owned by Chester Earl Gray and Aage Jensen.

First reading, March 15, 1927.

(PRIVATE BILL.)

Mr. JACOBS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37857 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act respecting a certain patent owned by Chester Earl Gray and Aage Jensen.

Preamble.

WHEREAS Chester Earl Gray, of Eureka, in the county of Humboldt, state of California, United States of America, and Aage Jensen, of Piedmont, Oakland, county of Alamede, State of California, United States of America, have by their petition represented that they are the owners of a patent for new and useful improvements in apparatus for desiccating liquids, being numbered 153,433 and dated February3rd, 1914 and issued under the provisions of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada, 1906, and under the seal of the Patent Office for a term of six years from the date thereof, that is until the 3rd day of February 1920; and that the said patent has expired by reason of the non-payment of fees and by the importation into Canada of the invention covered by the said patent, during the period between the 3rd day of February, 1915 and the 31st day of January, 1927, and have prayed that it may be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 69.

Extension of time for application to revive patent.

1. If the patentees designated by the patent mentioned in the preamble to this Act or their assignee or other legal representative make, within three months from the date of the passing of this Act, an application to the Commissioner of Patents for an order restoring and reviving the patent mentioned in the preamble to this Act notwithstanding non-payment of fees or the importation into Canada of the invention covered by the said patent, the provisions of section forty-seven of *The Patent Act*, chapter twenty-three of the statutes of 1923, except the two years' limitation of time for such application contained in that section, shall apply to such patent and complying with those provisions the Commissioner of Patents may make either an order restoring and reviving the said patent or an order dismissing the application.

1923, c. 23.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act respecting a certain patent owned by Chester Earl Gray and Aage Jensen.

AS PASSED BY THE HOUSE OF COMMONS, 6th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37878 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 148.

An Act respecting a certain patent owned by Chester Earl Gray and Aage Jensen.

Preamble.

WHEREAS Chester Earl Gray, of Eureka, in the county of Humboldt, state of California, United States of America, and Aage Jensen, of Piedmont, Oakland, county of Alamede, State of California, United States of America, have by their petition represented that they are the owners of a patent for new and useful improvements in apparatus for desiccating liquids, being numbered 153,433 and dated February3rd, 1914 and issued under the provisions of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada, 1906, and under the seal of the Patent Office for a term of six years from the date thereof, that is until the 3rd day of February 1920; and that the said patent has expired by reason of the non-payment of fees and by the importation into Canada of the invention covered by the said patent, during the period between the 3rd day of February, 1915 and the 31st day of January, 1927, and have prayed that it may be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 69.

Extension of time for application to revive patent.

1. If the patentees designated by the patent mentioned in the preamble to this Act or their assignee or other legal representative make, within three months from the date of the passing of this Act, an application to the Commissioner of Patents for an order restoring and reviving the patent mentioned in the preamble to this Act notwithstanding non-payment of fees or the importation into Canada of the invention covered by the said patent, the provisions of section forty-seven of *The Patent Act*, chapter twenty-three of the statutes of 1923, except the two years' limitation of time for such application contained in that section, shall apply to such patent and complying with those provisions the Commissioner of Patents may make either an order restoring and reviving the said patent or an order dismissing the application.

1923, c. 23.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 149.

An Act to amend The Special War Revenue Act, 1915.

First reading, March 15, 1927.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
36399 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 149.

An Act to amend The Special War Revenue Act, 1915.

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

Stamp tax reduced to flat rate of two cents.

1. The stamp tax on the following instruments, namely,

(i) cheques, imposed by subsection two of section twelve of The Special War Revenue Act, 1915, as enacted by section one of chapter seventy of the statutes of 1923,

(ii) bills and notes, imposed by subsection three *(a)* of said section twelve as enacted by section five of chapter forty-seven of the statutes of 1922,

(iii) receipts for money paid by a bank, imposed by subsection four of said section twelve as enacted by section one of chapter seventy of the statutes of 1923,

(iv) cheques as defined in subsection one *(e)* of said section twelve, imposed by subsection fourteen of said section twelve, as enacted by section three of chapter twenty-six of the statutes of 1925,

(v) bills of exchange drawn upon persons outside of Canada according to the tenor of the bills, imposed by subsection fifteen of said section twelve as enacted by section three of chapter twenty-six of the statutes of 1925,

(vi) money orders and traveller's cheques, imposed by subsection two of section thirteen of the said Act as enacted by section four of chapter twenty-six of the statutes of 1925,

(vii) post office money orders, imposed by subsection three of said section thirteen as enacted by section two of chapter seventy of the statutes of 1923,

shall on and after the first day of July, 1927, be two cents in respect of each such instrument, and the existing rates of stamp taxes on the said instruments shall be abolished on the said first day of July, 1927: Provided that after the said first day of July, 1927, the stamp tax shall not be

Explanatory Notes.

Section 1. On certain bills and notes the present rate is two cents for each $50.00 with no maximum. On all other instruments covered by section 1 of this Bill the rate is two cents per $50.00, with a maximum stamp tax of $1.00. On all these instruments the proposed new rate, effective July 1, 1927, will be two cents each, when the instrument is for an amount in excess of $10.00.

Section 1. Section 5 of chapter 26 of the statutes of 1925 exempts from the stamp tax, cheques, receipts for money paid to a depositor by a bank, post office money orders, postal notes and traveller's cheques, where the amount does not exceed $5.00. The proviso to section 1 of the Bill will after July 1, 1927, increase the exemption to $10.00 and extend it to all instruments covered by section 1 of this Bill.

payable in respect of any of the said instruments which is for an amount not exceeding ten dollars. Provided further that the stamp tax on postal notes shall not be payable in respect of any postal note which is for an amount not exceeding ten dollars.

2. Subsection one of section sixteen A of the said Act as enacted by section three of chapter forty-six of the statutes of 1918, and the proviso to the said subsection as enacted by section eleven of chapter forty-seven of the statutes of 1922, are repealed and the following substituted therefor:—

Tax on matches reduced.

"**16A.** (1) Every manufacturer and every importer of matches shall affix to every package of matches manufactured by him or imported into Canada an adhesive or other stamp of the value of three-fourths of one cent for each one hundred matches or fraction of one hundred matches contained in such package, and no manufacturer or importer shall sell or import matches unless they are in packages.

"Provided that when matches are put up in packages containing not more than sixty and not less than thirty matches each, the tax shall be payable at the rate of three-eighths of one cent for each package, and when matches are put up in packages containing less than thirty matches each, the tax shall be payable at the rate of three-sixteenths of one cent per package."

Tax on sales reduced.

3. Subsection one of section nineteen BBB of the said Act as enacted by section six of chapter seventy of the statutes of 1923 and amended by section one of chapter sixty-eight of the statutes of 1924, is amended by striking out the word "five" in the fourth line thereof and substituting therefor the word "four".

4. Subsection one of section nineteen BBB of the said Act is further amended by adding after the word "consumption" in the thirteenth line thereof the following:—

Printers, etc., to be deemed producers or manufacturers.

"For the purposes of this section, printers, publishers, lithographers and engravers shall be regarded as producers or manufacturers."

Repeal.

5. The said Act is further amended by repealing the following portions thereof, namely,

(i) paragraphs two and three of subsection two of section twelve as enacted by section four of chapter forty-seven of the statutes of 1922,

(ii) paragraph *(b)* of subsection three of said section twelve as enacted by section two of chapter twenty-six of the statutes of 1925,

SECTION 2. The present rate of tax on matches is:—

Matches contained in a package	one cent per 100 or fraction of 100.
Packages containing not more than 60 and not less than 30 matches	one-half cent per package.
Packages containing less than 30 matches	one-fourth of one cent per package.

SECTION 3. This section reduces the rate of the consumption or sales tax from 5 per cent to 4 per cent, effective February 18, 1927.

SECTION 4. This section is designed to remove doubt as to the interpretation of "producers or manufacturers".

SECTION 5. Para. (i) of this section repeals portions of subsection 2 of section 12 which will be unnecessary when the 2c. flat rate comes into force. The paragraphs repealed authorize an arrangement whereby persons receiving a license may use cheques on which are impressed words indicating that stamps of the requisite value have been duly paid. Such licensees account, under regulations, for the amount of tax payable.

The paragraph repealed by paragraph (ii) fixes a maximum tax of $1.00 on certain bills of exchange and is no longer necessary as such instruments will come under the flat 2c. rate.

(iii) paragraphs *(c)*, *(d)*, *(f)* and *(g)* of subsection three of said section twelve as enacted by section five of chapter forty-seven of the statutes of 1922,

(iv) paragraphs *(e)* and *(h)* of subsection three of said section twelve as enacted by section one of chapter seventy-one of the statutes of 1920,

(v) subsection ten *(a)* of said section twelve as enacted by section one of chapter seventy-one of the statutes of 1920,

(vi) subsection nineteen of said section twelve as enacted by section three of chapter twenty-six of the statutes of 1925,

(vii) section five of chapter twenty-six of the statutes of 1925.

6. Subsection eleven of said section twelve is repealed and the following substituted therefor:—

Bank omitting to cancel stamps on cheques, etc.

"(11) Every bank which omits or neglects to cancel, in accordance with the requirements of this section, the adhesive stamp affixed to

(a) a cheque,

(b) a bill of exchange or promissory note,

(c) a receipt for money,

shall be liable to a penalty of one hundred dollars."

When section 2, paragraphs (i), (ii) and (vii) of section 5 come into force.

7. The following portions of this amending Act, namely, section two,

paragraphs (i), (ii) and (vii) of section five

shall come into force on the first day of July, one thousand nine hundred and twenty-seven.

When section 3 comes into force.

8. Section three of this amending Act shall be deemed to have come into force on the eighteenth day of February, one thousand nine hundred and twenty-seven, and to have applied to all goods imported or taken out of warehouse for consumption on and after that date and to have applied to goods previously imported for which no entry for consumption was made before that date.

When section 4 comes into force.

9. Section four of this amending Act shall be deemed to have come into force on the eighteenth day of February, one thousand nine hundred and twenty-seven.

When paragraphs (iii), (iv), (v) and (vi) of section 5, and section 6 come into force.

10. The following portions of this amending Act, namely,

paragraphs (iii), (iv), (v) and (vi) of section five,

section six

shall come into force on the sixth day of July, one thousand nine hundred and twenty-seven.

The paragraphs repealed by paragraphs (iii) and (iv) impose a stamp tax on advances by a bank and on bank overdrafts; they also cover directions as to the method of accounting for and collecting the tax. These taxes will be abolished, but the 2c. rate will apply to promissory notes given in respect of such advances.

The subsection repealed by paragraph (v) provides a penalty for failure to prepare a statement and affix stamps. The statement referred to is that required under provisions repealed by paragraphs (iii) and (iv) of this section.

Subsection 19 imposes a tax on a person, not being a bank, similar to the tax imposed on bank advances.

See explanatory note opposite proviso to section 1 of this Bill.

SECTION **6.** The effect of the proposed amendment to subsection 11 is to eliminate the item "(d) a statement," the provision for the making of "a statement" being repealed. It also removes as part of the penalty "a penalty equal to the amount of the uncancelled stamps" which provision will be unnecessary under the flat two cent rate.

SECTION **10.** The stamp tax covered by the paragraphs mentioned in this section is payable in respect of business for the month or quarter, as the case may be, ending 30th June, 1927, and is determined by the amount shown on the statement to be rendered by a bank or person on the last day of such month "or within five days thereafter." The repeal of those provisions is therefore postponed to the sixth day of July in order that no doubt may arise as to liability for the quarter or month ending 30th June, 1927. It is not intended that the tax shall continue for the month or quarter beginning 1st July, 1927.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 149.

An Act to amend The Special War Revenue Act, 1915.

AS PASSED BY THE HOUSE OF COMMONS,
17th MARCH, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
36418 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 149.

An Act to amend The Special War Revenue Act, 1915.

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

Stamp tax reduced to flat rate of two cents.

1. The stamp tax on the following instruments, namely,

(i) cheques, imposed by subsection two of section twelve of The Special War Revenue Act, 1915, as enacted by section one of chapter seventy of the statutes of 1923,

(ii) bills and notes, imposed by subsection three *(a)* of said section twelve as enacted by section five of chapter forty-seven of the statutes of 1922,

(iii) receipts for money paid by a bank, imposed by subsection four of said section twelve as enacted by section one of chapter seventy of the statutes of 1923,

(iv) cheques as defined in subsection one *(e)* of said section twelve, imposed by subsection fourteen of said section twelve, as enacted by section three of chapter twenty-six of the statutes of 1925,

(v) bills of exchange drawn upon persons outside of Canada according to the tenor of the bills, imposed by subsection fifteen of said section twelve as enacted by section three of chapter twenty-six of the statutes of 1925,

(vi) money orders and traveller's cheques, imposed by subsection two of section thirteen of the said Act as enacted by section four of chapter twenty-six of the statutes of 1925,

(vii) post office money orders, imposed by subsection three of said section thirteen as enacted by section two of chapter seventy of the statutes of 1923,

shall on and after the first day of July, 1927, be two cents in respect of each such instrument, and the existing rates of stamp taxes on the said instruments shall be abolished on the said first day of July, 1927: Provided that after the said first day of July, 1927, the stamp tax shall not be

Explanatory Notes.

Section 1. On certain bills and notes the present rate is two cents for each $50.00 with no maximum. On all other instruments covered by section 1 of this Bill the rate is two cents per $50.00, with a maximum stamp tax of $1.00. On all these instruments the proposed new rate, effective July 1, 1927, will be two cents each, when the instrument is for an amount in excess of $10.00.

Section 1. Section 5 of chapter 26 of the statutes of 1925 exempts from the stamp tax, cheques, receipts for money paid to a depositor by a bank, post office money orders, postal notes and traveller's cheques, where the amount does not exceed $5.00. The proviso to section 1 of the Bill will after July 1, 1927, increase the exemption to $10.00 and extend it to all instruments covered by section 1 of this Bill.

payable in respect of any of the said instruments which is for an amount not exceeding ten dollars. Provided further that the stamp tax on postal notes shall not be payable in respect of any postal note which is for an amount not exceeding ten dollars.

2. Subsection one of section sixteen A of the said Act as enacted by section three of chapter forty-six of the statutes of 1918, and the proviso to the said subsection as enacted by section eleven of chapter forty-seven of the statutes of 1922, are repealed and the following substituted therefor:—

Tax on matches reduced.

"**16A.** (1) Every manufacturer and every importer of matches shall affix to every package of matches manufactured by him or imported into Canada an adhesive or other stamp of the value of three-fourths of one cent for each one hundred matches or fraction of one hundred matches contained in such package, and no manufacturer or importer shall sell or import matches unless they are in packages.

"Provided that when matches are put up in packages containing not more than sixty and not less than thirty matches each, the tax shall be payable at the rate of three-eighths of one cent for each package, and when matches are put up in packages containing less than thirty matches each, the tax shall be payable at the rate of three-sixteenths of one cent per package."

Tax on sales reduced.

3. Subsection one of section nineteen BBB of the said Act as enacted by section six of chapter seventy of the statutes of 1923 and amended by section one of chapter sixty-eight of the statutes of 1924, is amended by striking out the word "five" in the fourth line thereof and substituting therefor the word "four".

4. Subsection one of section nineteen BBB of the said Act is further amended by adding after the word "consumption" in the thirteenth line thereof the following:—

Printers, etc., to be deemed producers or manufacturers.

"For the purposes of this section, printers, publishers, lithographers and engravers shall be regarded as producers or manufacturers."

Repeal.

5. The said Act is further amended by repealing the following portions thereof, namely,

(i) paragraphs two and three of subsection two of section twelve as enacted by section four of chapter forty-seven of the statutes of 1922,

(ii) paragraph *(b)* of subsection three of said section twelve as enacted by section two of chapter twenty-six of the statutes of 1925,

SECTION 2. The present rate of tax on matches is:—

Matches contained in a package.....	one cent per 100 or fraction of 100.
Packages containing not more than 60 and not less than 30 matches.....	one-half cent per package.
Packages containing less than 30 matches.....	one-fourth of one cent per package.

SECTION 3. This section reduces the rate of the consumption or sales tax from 5 per cent to 4 per cent, effective February 18, 1927.

SECTION 4. This section is designed to remove doubt as to the interpretation of "producers or manufacturers".

SECTION 5. Para. (i) of this section repeals portions of subsection 2 of section 12 which will be unnecessary when the 2c. flat rate comes into force. The paragraphs repealed authorize an arrangement whereby persons receiving a license may use cheques on which are impressed words indicating that stamps of the requisite value have been duly paid. Such licensees account, under regulations, for the amount of tax payable.

The paragraph repealed by paragraph (ii) fixes a maximum tax of $1.00 on certain bills of exchange and is no longer necessary as such instruments will come under the flat 2c. rate.

(iii) paragraphs *(c)*, *(d)*, *(f)* and *(g)* of subsection three of said section twelve as enacted by section five of chapter forty-seven of the statutes of 1922,

(iv) paragraphs *(e)* and *(h)* of subsection three of said section twelve as enacted by section one of chapter seventy-one of the statutes of 1920,

(v) subsection ten *(a)* of said section twelve as enacted by section one of chapter seventy-one of the statutes of 1920,

(vi) subsection nineteen of said section twelve as enacted by section three of chapter twenty-six of the statutes of 1925,

(vii) section five of chapter twenty-six of the statutes of 1925.

6. Subsection eleven of said section twelve is repealed and the following substituted therefor:—

Bank omitting to cancel stamps on cheques, etc.

"(11) Every bank which omits or neglects to cancel, in accordance with the requirements of this section, the adhesive stamp affixed to

(a) a cheque,

(b) a bill of exchange or promissory note,

(c) a receipt for money,

shall be liable to a penalty of one hundred dollars."

When section 2, paragraphs (i), (ii) and (vii) of section 5 come into force.

7. The following portions of this amending Act, namely,

section two,

paragraphs (i), (ii) and (vii) of section five

shall come into force on the first day of July, one thousand nine hundred and twenty-seven.

When section 3 comes into force.

8. Section three of this amending Act shall be deemed to have come into force on the eighteenth day of February, one thousand nine hundred and twenty-seven, and to have applied to all goods imported or taken out of warehouse for consumption on and after that date and to have applied to goods previously imported for which no entry for consumption was made before that date.

When section 4 comes into force.

9. Section four of this amending Act shall be deemed to have come into force on the eighteenth day of February, one thousand nine hundred and twenty-seven.

When paragraphs (iii), (iv), (v) and (vi) of section 5, and section 6 come into force.

10. The following portions of this amending Act, namely,

paragraphs (iii), (iv), (v) and (vi) of section five,

section six

shall come into force on the sixth day of July, one thousand nine hundred and twenty-seven.

The paragraphs repealed by paragraphs (iii) and (iv) impose a stamp tax on advances by a bank and on bank overdrafts; they also cover directions as to the method of accounting for and collecting the tax. These taxes will be abolished, but the 2c. rate will apply to promissory notes given in respect of such advances.

The subsection repealed by paragraph (v) provides a penalty for failure to prepare a statement and affix stamps. The statement referred to is that required under provisions repealed by paragraphs (iii) and (iv) of this section.

Subsection 19 imposes a tax on a person, not being a bank, similar to the tax imposed on bank advances.

See explanatory note opposite proviso to section 1 of this Bill.

SECTION **6.** The effect of the proposed amendment to subsection 11 is to eliminate the item "(d) a statement," the provision for the making of "a statement" being repealed. It also removes as part of the penalty "a penalty equal to the amount of the uncancelled stamps" which provision will be unnecessary under the flat two cent rate.

SECTION **10.** The stamp tax covered by the paragraphs mentioned in this section is payable in respect of business for the month or quarter, as the case may be, ending 30th June, 1927, and is determined by the amount shown on the statement to be rendered by a bank or person on the last day of such month "or within five days thereafter." The repeal of those provisions is therefore postponed to the sixth day of July in order that no doubt may arise as to liability for the quarter or month ending 30th June, 1927. It is not intended that the tax shall continue for the month or quarter beginning 1st July, 1927.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

An Act to amend The Income War Tax Act, 1917.

First reading, March 15, 1927.

THE MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
36400 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

1917, c. 28; 1918, c. 25; 1919, c. 55; 1920, c. 49; 1921, c. 33; 1922, c. 25; 1923, c. 52; 1924, c. 46; 1925, c. 46; 1926, c. 10.

An Act to amend The Income War Tax Act, 1917.

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

1926 rates reduced.

1. The rates of tax provided for in subsections one and two of section four of The Income War Tax Act, 1917, as amended, shall, in respect of the income for the year 1926 and thereafter, be reduced by ten per centum.

Information to be laid by persons authorized.

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

"**3.** Any information or complaint in respect of causes arising under this Act may be laid or made by any person authorized thereto by the Minister."

Exemption for children.

3. (1) Paragraph *(c)* of subsection (1A) of section four of the said Act is repealed, and the following is substituted therefor:—

"*(c)* five hundred dollars for each child under twenty-one years of age who is dependent upon the taxpayer for support.

(2) This section shall be applicable to the taxation period 1926 and thereafter.

EXPLANATORY NOTE.

3. The only change in this paragraph is the substitution of *twenty-one* years for *eighteen*.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

An Act to amend The Income War Tax Act, 1917.

AS PASSED BY THE HOUSE OF COMMONS, 17th MARCH, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
36419 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 150.

1917, c. 28; 1918, c. 25; 1919, c. 55; 1920, c. 49; 1921, c. 33; 1922, c. 25; 1923, c. 52; 1924, c. 46; 1925, c. 46; 1926, c. 10.

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"*(c)* five hundred dollars for each child under twenty-one years of age who is dependent upon the taxpayer for support.

(2) This section shall be applicable to the taxation period 1926 and thereafter.

EXPLANATORY NOTE.

3. The only change in this paragraph is the substitution of *twenty-one* years for *eighteen*.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

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

First reading, March 15, 1927.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37866 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

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

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Viscount Willingdon, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and twenty-seven, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 4, 1926-27.*

$575,204.22 granted for 1926-27.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole five hundred and seventy-five thousand, two hundred and four dollars and twenty-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-six, to the thirty-first day of March, one thousand nine hundred and twenty-seven, not otherwise provided for and set forth in the Schedule to this Act.

Account to be rendered in detail.

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

SCHEDULE

Based on Further Supplementary Estimates, 1926-27. The amount hereby granted is $575,204.22.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1927, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	CIVIL GOVERNMENT	$ cts.	$ cts.
380	*Office of the Secretary to the Governor General*—		
	Salaries—		
	A. Seaby, Orderly, November 1, 1926, to March 31, 1927, at rate of $720 per annum	300 00	
	Contingencies—		
	Printing and stationery—Further amount required	4,000 00	
381	*Interior*—		
	Contingencies—		
	Clerical assistance—To pay Miss Gertrude Kinsella for two months' temporary employment after her retirement from the service under the Public Service Retirement Act	210 00	
382	*Labour*—		
	Contingencies—		
	Further amount required	5,000 00	
383	*Secretary of State*—		
	Contingencies—		
	Clerical assistance, including salary of Private Secretary from the 15th November, 1926, at $3,960 per annum—Further amount required	4,000 00	
384	*Trade and Commerce*—		
	Salaries—		
	Additional amount required to provide for the full salary of the Provate Secretary from September 26, 1926, to March 31, 1927	310 00	
	Additional amount required to provide for one Principal Translator for one year from April 1, 1926	270 00	
	Additional amount required to provide for one Clerk, Grade 2, for one year from April 1, 1926	60 00	
			14,150 00
	LEGISLATION		
	HOUSE OF COMMONS		
385	To authorize indemnity to the Right Honourable Arthur Meighen, Leader of the Opposition for the period January 1, to March 7, 1922, inclusive	1,854 83	
	GENERAL		
386	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the Senate and of the House of Commons who attended the first part of the present Session of an amount representing the actual moving or transportation expenses and reasonable living expenses of such members while on the journey between Ottawa and his place of residence after the adjournment of Parliament on December 15, 1926, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on the said date, or in case any such member did not return to his place of residence during the said recess an amount equivalent to what would have been his travelling expenses if he had returned to his place of residence during the said recess.		
	The Senate	3,075 00	
	House of Commons	15,000 00	
			19,929 83

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
	HEALTH	$ cts.	$ cts.
387	The administration of the Acts respecting Food and Drugs, Honey, Maple products, Opium and Narcotic Drugs and Proprietary or Patent Medicines—Further amount required		10,000 00
	SUPERANNUATION		
388	To provide for the payment to John R. Vicars from April 1, 1926, to March 31, 1927, of an annuity at the rate of $1,020.60 per annum, the said annuity, notwithstanding anything contained in the Consolidated Revenue and Audit Act, thereafter to be paid out of any unappropriated moneys in the Consolidated Revenue Fund as if the said John R. Vicars had been granted the annuity under the provisions of the Public Service Retirement Act		1,020 60
	PUBLIC WORKS—CHARGEABLE TO INCOME		
	PUBLIC BUILDINGS		
	Ontario		
389	Kitchener Public Building—Addition—Further amount required	500 00	
	RENTS, REPAIRS, FURNITURE, HEATING, ETC.		
390	*Dominion Public Buildings*— Supplies for caretakers, engineers, firemen, etc.—Further amount required	5,000 00	
	Victoria, B.C.—Astrophysical Observatory—(Little Saanich Mountain)—Maintenance, repairs and improvements	500 00	
	HARBOURS AND RIVERS		
	Nova Scotia		
391	Arisaig—Wharf—Further amount required	2,100 00	
	Arichat—Wharf repairs—Further amount required	1,400 00	
	Bayfield—Wharf repairs—Further amount required	800 00	
	Salmon River—Repairs to channel protection work—Further amount required	2,000 00	
	New Brunswick		
392	Grand Harbour (Ingall's Head)—Breakwater—Further amount required	1,300 00	
	Green Point—Pier—Further amount required	5,200 00	
	Mill's Point—Wharf enlargement and repairs—Further amount required	600 00	
	Palmer's—Wharf repairs—Further amount required	1,400 00	
	Port Elgin—Wharf—Further amount required	400 00	
	Quebec		
393	Grindstone (M.I.)—Wharf repairs—Further amount required	500 00	
	Les Eboulements—Wharf repairs—Further amount required	550 00	
393	Maria—Wharf reconstruction—Further amount required	3,000 00	
	Ste. Anne des Monts—Wharf repairs—Further amounts required	850 00	
	Trois Rivières—Dredging—Further amount required	500 00	
	Ontario		
394	Midland—Dredging—Further amount required	7,500 00	
	Port Stanley—Harbour improvements and repairs—Further amount required	19,000 00	
			53,100 00

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS	$ cts.	$ cts.
395	Mulgrave and Canso, steam service between—Additional amount required	4,625 00	
396	Mulgrave, Arichat and Petit de Grat, steam service between—Additional amount required	3,000 00	
397	Charlottetown and Pictou—steam service between—Additional amount required	6,346 15	
398	Dalhousie, N.B. and Carleton, Que., service between—Additional amount required	2,000 00	
			15,971 15
	GOVERNMENT OF THE NORTHWEST TERRITORIES		
399	Salaries and expenses connected with the administration of the Territories, etc. Further amount required	.....	15,000 00
	GOVERNMENT OF THE YUKON TERRITORY		
400	Amount required to pay compensation to John McIver in connection with the purchase of placer mining claims situated on Poker Creek, Yukon Territory	.....	3,000 00
	DOMINION LANDS AND PARKS		
	Engraving, lithographing, printing and preparation of maps, plans, reports and kindred publications of the Dominion, including salaries and necessary materials for same, etc. Further amount required	10,000 00	
	Protection of timber, tree culture, inspection and management of forest reserves, etc. Further amount required	110,000 00	
401	To provide for the transfer of buffalo from Buffalo Park, Wainwright, Alta., to the Wood Buffalo Park, near Fort Smith, N.W.T. Further amount required	3,000 00	
	To provide for the expenses connected with Canadian National Parks, etc. Further amount required	75,000 00	
	Costs of litigation and legal expenses. Further amount required	3,000 00	
			201,000 00
	MISCELLANEOUS		
402	Amount required for inquiry into Customs Department, including such living allowances for the Commissioners as may be authorized by the Governor in Council	155,000 00	
403	Amount required to pay the firm of Clarkson, Gordon and Dilworth for work in connection with the re-organization of the Department of Customs and Excise	77,232 64	
404	Grant towards the expenses of the publication of the Proceedings of the International Mathematical Congress held in Toronto in August, 1924	2,000 00	
405	Amount required to provide for a gratuity to Mr. A. F. Sladen, in lieu of retiring leave, equal to the difference between his superannuation allowance and his salary at retirement, for a period of one year	1,800 00	
			236,032 64
	TRADE AND COMMERCE		
406	Relief for Distressed Canadians—Isle of Pines	.....	1,000 00
	ADJUSTMENT OF WAR CLAIMS		
407	Department of the Secretary of State. Further amount required	.....	5,000 00
	Total	.....	575,204 22

151.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

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

AS PASSED BY THE HOUSE OF COMMONS, 17th MARCH, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38172 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 151.

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

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Viscount Willingdon, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and twenty-seven, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 4, 1926-27.*

$575,204.22 granted for 1926-27.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole five hundred and seventy-five thousand, two hundred and four dollars and twenty-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-six, to the thirty-first day of March, one thousand nine hundred and twenty-seven, not otherwise provided for and set forth in the Schedule to this Act.

Account to be rendered in detail.

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

SCHEDULE

Based on Further Supplementary Estimates, 1926-27. The amount hereby granted is $575,204.22.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1927, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	CIVIL GOVERNMENT	$ cts.	$ cts.
380	*Office of the Secretary to the Governor General*—		
	Salaries—		
	A. Seaby, Orderly, November 1, 1926, to March 31, 1927, at rate of $720 per annum	300 00	
	Contingencies—		
	Printing and stationery—Further amount required	4,000 00	
381	*Interior*—		
	Contingencies—		
	Clerical assistance—To pay Miss Gertrude Kinsella for two months' temporary employment after her retirement from the service under the Public Service Retirement Act	210 00	
382	*Labour*—		
	Contingencies—		
	Further amount required	5,000 00	
383	*Secretary of State*—		
	Contingencies—		
	Clerical assistance, including salary of Private Secretary from the 15th November, 1926, at $3,960 per annum—Further amount required	4,000 00	
384	*Trade and Commerce*—		
	Salaries—		
	Additional amount required to provide for the full salary of the Provate Secretary from September 26, 1926, to March 31, 1927	310 00	
	Additional amount required to provide for one Principal Translator for one year from April 1, 1926	270 00	
	Additional amount required to provide for one Clerk, Grade 2, for one year from April 1, 1926	60 00	
			14,150 00
	LEGISLATION		
	HOUSE OF COMMONS		
385	To authorize indemnity to the Right Honourable Arthur Meighen, Leader of the Opposition for the period January 1, to March 7, 1922, inclusive	1,854 83	
	GENERAL		
386	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the Senate and of the House of Commons who attended the first part of the present Session of an amount representing the actual moving or transportation expenses and reasonable living expenses of such members while on the journey between Ottawa and his place of residence after the adjournment of Parliament on December 15, 1926, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on the said date, or in case any such member did not return to his place of residence during the said recess an amount equivalent to what would have been his travelling expenses if he had returned to his place of residence during the said recess.		
	The Senate	3,075 00	
	House of Commons	15,000 00	
			19,929 83

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
	HEALTH	$ cts.	$ cts.
387	The administration of the Acts respecting Food and Drugs, Honey, Maple products, Opium and Narcotic Drugs and Proprietary or Patent Medicines—Further amount required		10,000 00
	SUPERANNUATION		
388	To provide for the payment to John R. Vicars from April 1, 1926, to March 31, 1927, of an annuity at the rate of $1,020.60 per annum, the said annuity, notwithstanding anything contained in the Consolidated Revenue and Audit Act, thereafter to be paid out of any unappropriated moneys in the Consolidated Revenue Fund as if the said John R. Vicars had been granted the annuity under the provisions of the Public Service Retirement Act		1,020 60
	PUBLIC WORKS—CHARGEABLE TO INCOME		
	PUBLIC BUILDINGS		
	Ontario		
389	Kitchener Public Building—Addition—Further amount required	500 00	
	RENTS, REPAIRS, FURNITURE, HEATING, ETC.		
390	*Dominion Public Buildings*— Supplies for caretakers, engineers, firemen, etc.—Further amount required	5,000 00	
	Victoria, B.C.—Astrophysical Observatory—(Little Saanich Mountain)—Maintenance, repairs and improvements	500 00	
	HARBOURS AND RIVERS		
	Nova Scotia		
391	Arisaig—Wharf—Further amount required	2,100 00	
	Arichat—Wharf repairs—Further amount required	1,400 00	
	Bayfield—Wharf repairs—Further amount required	800 00	
	Salmon River—Repairs to channel protection work—Further amount required	2,000 00	
	New Brunswick		
392	Grand Harbour (Ingall's Head)—Breakwater—Further amount required	1,300 00	
	Green Point—Pier—Further amount required	5,200 00	
	Mill's Point—Wharf enlargement and repairs—Further amount required	600 00	
	Palmer's—Wharf repairs—Further amount required	1,400 00	
	Port Elgin—Wharf—Further amount required	400 00	
	Quebec		
393	Grindstone (M.I.)—Wharf repairs—Further amount required	500 00	
	Les Eboulements—Wharf repairs—Further amount required	550 00	
393	Maria—Wharf reconstruction—Further amount required	3,000 00	
	Ste. Anne des Monts—Wharf repairs—Further amounts required	850 00	
	Trois Rivières—Dredging—Further amount required	500 00	
	Ontario		
394	Midland—Dredging—Further amount required	7,500 00	
	Port Stanley—Harbour improvements and repairs—Further amount required	19,000 00	
			53,100 00

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS	$ cts.	$ cts.
395	Mulgrave and Canso, steam service between—Additional amount required	4,625 00	
396	Mulgrave, Arichat and Petit de Grat, steam service between—Additional amount required	3,000 00	
397	Charlottetown and Pictou—steam service between—Additional amount required	6,346 15	
398	Dalhousie, N.B. and Carleton, Que., service between—Additional amount required	2,000 00	
			15,971 15
	GOVERNMENT OF THE NORTHWEST TERRITORIES		
399	Salaries and expenses connected with the administration of the Territories, etc. Further amount required	.....	15,000 00
	GOVERNMENT OF THE YUKON TERRITORY		
400	Amount required to pay compensation to John McIver in connection with the purchase of placer mining claims situated on Poker Creek, Yukon Territory	.....	3,000 00
	DOMINION LANDS AND PARKS		
	Engraving, lithographing, printing and preparation of maps, plans, reports and kindred publications of the Dominion, including salaries and necessary materials for same, etc. Further amount required	10,000 00	
	Protection of timber, tree culture, inspection and management of forest reserves, etc. Further amount required	110,000 00	
401	To provide for the transfer of buffalo from Buffalo Park, Wainwright, Alta., to the Wood Buffalo Park, near Fort Smith, N.W.T. Further amount required	3,000 00	
	To provide for the expenses connected with Canadian National Parks, etc. Further amount required	75,000 00	
	Costs of litigation and legal expenses. Further amount required	3,000 00	
			201,000 00
	MISCELLANEOUS		
402	Amount required for inquiry into Customs Department, including such living allowances for the Commissioners as may be authorized by the Governor in Council	155,000 00	
403	Amount required to pay the firm of Clarkson, Gordon and Dilworth for work in connection with the re-organization of the Department of Customs and Excise	77,232 64	
404	Grant towards the expenses of the publication of the Proceedings of the International Mathematical Congress held in Toronto in August, 1924	2,000 00	
405	Amount required to provide for a gratuity to Mr. A. F. Sladen, in lieu of retiring leave, equal to the difference between his superannuation allowance and his salary at retirement, for a period of one year	1,800 00	
			236,032 64
	TRADE AND COMMERCE		
406	Relief for Distressed Canadians—Isle of Pines	.....	1,000 00
	ADJUSTMENT OF WAR CLAIMS		
407	Department of the Secretary of State. Further amount required	.....	5,000 00
	Total	.....	575,204 22

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 153.

An Act respecting the Baptist Convention of Ontario and Quebec.

First reading, March 17, 1927.

(PRIVATE BILL.)

Mr. EDWARDS (Ottawa.)

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37959 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 153.

An Act respecting the Baptist Convention of Ontario and Quebec.

Preamble.

1889, c. 105.

1911, c. 38.

WHEREAS by an Act passed by the Parliament of Canada, in the fifty-second year of the reign of Her late Majesty Queen Victoria, chapter one hundred and five of the statutes of 1889, it was enacted as therein set forth; and whereas the said Act was amended by an Act passed by the Parliament of Canada in the first year of the reign of His Majesty, chapter thirty-eight of the statutes of 1911; and whereas doubts have arisen as to the extent of the powers of the Baptist Convention of Ontario and Quebec to make or pass rules, by-laws or resolutions; and whereas it is desirable that such doubts should be removed; and whereas a petition has been presented praying that it be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Proviso.

1. Section one of chapter one hundred and five of the Statutes of 1889 is amended by adding the following after the word "Quebec" where it appears in the last line thereof:—"provided that the said convention may from time to time at any annual or special meeting by resolution passed by a vote of three-fifths of the delegates present and voting declare that any church, the conduct or attitude of which, in the opinion of the said convention, is not in harmony and co-operation with the work and objects of the said convention, shall cease to be entitled to send any delegates to the said convention and thereupon any and all delegates of any such church in attendance at such meeting shall cease to be delegates and any such church shall cease to be entitled to send delegates to any meeting of the said convention. The said convention may in like manner at any subsequent annual or special meeting revoke any such resolution or resolutions."

2. Section two of the said chapter one hundred and five of the statutes of 1889, as amended by section one of chapter thirty-eight of the statutes of 1911 is amended by adding the following as sub-section three:—

General power to make or pass rules, by-laws or resolutions.

"(3) The said convention may from time to time make or pass rules, by-laws or resolutions not inconsistent with this Act, with regard to the conduct of the affairs of the said convention or to any matter to which the objects of the said convention extend, and may from time to time rescind, revoke, amend or vary any such rule, by-law or resolution and make others."

When Act comes into force.

3. (1) This Act shall not come into force unless and until accepted and approved by a resolution passed at an annual or special meeting of the said convention, and, if so accepted and approved, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution. A certificate of the President or the Secretary-Treasurer of the said convention as to such passing shall be filed with the Secretary of State.

(2) Notice of such acceptance and approval and of the day so fixed shall be published in the *Canada Gazette*.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 153.

An Act respecting the Baptist Convention of Ontario and Quebec.

AS PASSED BY THE HOUSE OF COMMONS, 1st APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38054 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 153.

An Act respecting the Baptist Convention of Ontario and Quebec.

Preamble.

1889, c. 105.

1911, c. 38.

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1. Section one of chapter one hundred and five of the Statutes of 1889 is amended by adding the following after the word "Quebec" where it appears in the last line thereof:—"provided that the said convention may from time to time at any annual or special meeting by resolution passed by a vote of three-fifths of the delegates present and voting declare that any church, the conduct or attitude of which, in the opinion of the said convention, is not in harmony and co-operation with the work and objects of the said convention, shall cease to be entitled to send any delegates to the said convention and thereupon any and all delegates of any such church in attendance at such meeting shall cease to be delegates and any such church shall cease to be entitled to send delegates to any meeting of the said convention. The said convention may in like manner at any subsequent annual or special meeting revoke any such resolution or resolutions."

2. Section two of the said chapter one hundred and five of the statutes of 1889, as amended by section one of chapter thirty-eight of the statutes of 1911 is amended by adding the following as sub-section three:—

General power to make or pass rules, by-laws or resolutions.

"(3) The said convention may from time to time make or pass rules, by-laws or resolutions not inconsistent with this Act, with regard to the conduct of the affairs of the said convention or to any matter to which the objects of the said convention extend, and may from time to time rescind, revoke, amend or vary any such rule, by-law or resolution and make others."

When Act comes into force.

3. (1) This Act shall not come into force unless and until accepted and approved by a resolution passed at an annual or special meeting of the said convention, and, if so accepted and approved, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution. A certificate of the President or the Secretary-Treasurer of the said convention as to such passing shall be filed with the Secretary of State.

(2) Notice of such acceptance and approval and of the day so fixed shall be published in the *Canada Gazette*.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to incorporate North American Relations Foundation.

First reading, March 17, 1927.

(PRIVATE BILL)

Mr. JACOBS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37957 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to incorporate North American Relations Foundation.

Preamble.

WHEREAS the persons hereinafter named, have, by their petition, prayed that they may be incorporated for the purpose of promoting, maintaining, and safeguarding international amity and friendly relations between the peoples of the United States of America and Canada, and the British Commonwealth of nations generally, and of fostering co-operation in all matters affecting the moral, social, and economical development of the peoples of these countries, and for other similar purposes, and it is expedient to grant the prayer of the said Petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. Livingston Farrand, M.A., M.D., L.L.D., Hon. William R. Riddell, M.A., K.C., L.L.B., L.H.B., D.C.L., L.L.D., S. P. Capen, M.A., P.L.D., L.H.D., L.L.D., Sir Henry M. Pellatt, K.B., C.V.O., D.C.L., James A. Russell, Esq., Prof. G. M. Wrong, M.A., D.C.L., L.L.D., H. P. Whidden, B.A., D.D., L.L.D., Major E. L. McCormick, V.D., E. L. Brooks, Esq., together with such persons as become shareholders in the corporation, are incorporated under the name of "North American Relations Foundation," hereinafter called "the Foundation".

Provisional directors.

Quorum.

Powers of provisional directors.

2. (1) The above named, James A. Russell, Esq., Major E. L. McCormick, E. L. Brooks, Esq., Dr. H. P. Whidden, and Joseph Montgomery, Esq., shall be the provisional directors of the company.

(2) A majority of such provisional directors shall form a quorum.

(3) The provisional directors may:

(a) forthwith open stock books, and procure subscriptions of stock for the undertaking;

(b) receive payments on account of stock subscribed;

(c) deposit in any chartered bank or trust company of Canada, moneys received by them on account of stock subscribed.

Withdrawal of funds.

(4) The moneys so received and deposited shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Foundation.

(5) The provisional directors shall hold office as such until the first election of directors.

Capital stock shares.

3. The capital stock of the Foundation shall be one million two hundred and fifty thousand dollars, and shall be divided into shares to be designated as follows, viz.: class A shares, which shall consist of two hundred shares of the par value of twelve hundred and fifty dollars each; class B shares, which shall consist of seven thousand five hundred shares of the par value of one hundred dollars each; and class C shares, which shall consist of five thousand shares of the par value of fifty dollars each.

Objects.

4. The objects of the Foundation are:—

(a) to promote, maintain, and safeguard international amity and friendly relations between the peoples of the United States and Canada, and other portions of the British Commonwealth of nations, and of fostering co-operation in all matters affecting the moral, social, and economic development of the peoples of these countries.

(b) To prepare, publish, and distribute, under the direction of an Advisory and Editorial Council, firstly, as a presentation volume to shareholders, and afterwards, to sell subsequent editions of the same, as a revenue-earning activity, a Centenary Volume of North America,—the said volume to be in the nature of a literary memorial to the hundred and more years of peace between Canada and the United States of America; and such other publications of a like nature, as may be determined from time to time.

(c) To collect, formulate, edit, publish, and otherwise disseminate timely information, and relevant and informative literature, relating to pertinent questions and situations of an international nature, which may from time to time arise; and to organize and direct the influence and activities of public spirited citizens of the aforesaid countries in regard thereto, with a view to the improvement of international understanding, and the avoidance of friction and ill-feeling in respect of such matters.

(d) To take such action from time to time as may appear advisable or expedient, for the purpose of neutralizing and counteracting pernicious propaganda, or agitation

of any kind, tending to prejudice or endanger Anglo-American relationships.

(e) To promote an exchange of associations amongst the educational institutions of both countries, by establishing international scholarships and lectureships, visitations and interchanges of teachers and students, and otherwise.

(f) To encourage international competitions in the several recognized fields of amateur athletics and sports, and the establishment of trophies and prize awards for the same.

(g) To encourage and assist the erecting at points along the international boundary and elsewhere, such markings or monuments as occasion may warrant, with the view of commemorating, emphasizing, and perpetuating the sentiment of friendship and good-will of the peoples of the aforesaid countries toward each other.

(h) And generally, to undertake all practical and effective means to promote, improve, and sustain at their highest levels, those standards and ideals of international relationship which are the common heritage of the peoples of these neighbouring countries, and to preserve the same intact and unbroken for all time to come.

Agreement with Trust Company.

5. The Foundation shall forthwith after organization, enter into agreement with the National Trust Company, Limited, or such other trust company in Canada as may be determined from time to time by the Foundation, to be designated "the Trustee", for the purpose of receiving, holding, investing, and administering the funds of the Foundation in such manner as may be determined by the Foundation or its duly constituted representatives from time to time, for the purposes and objects herein set forth.

Separate accounts.

6. The moneys received by the Foundation from sale of its shares, shall be paid in to the Trustee mentioned in the next preceding paragraph, and shall be deposited in three separate accounts: sixty-five per cent thereof to an account designated "Foundation Account"; twenty per cent thereof to an account designated "Publication Account", and fifteen per cent thereof to an account designated "Expense Account".

Expense account.

7. The said Expense Account shall be applied in payment of expenses of incorporation and organization of the Foundation, and the sale of shares, and any residue not so required, shall be paid over into the Foundation Account.

Publication account.

The Publication Account shall be applied, firstly, towards the compilation and publication of a Centennial Memorial Volume, to be distributed gratis to the original subscribers

to Foundation shares, and thereafter, to publication and sale of subsequent editions of the said volume, or of other publications of a similar nature, to be sold to shareholders and the public generally; and the profits of the "Publication Account", if any, and the residue of the said account, if any, not required for such purposes, shall likewise be paid over into the "Foundation Account".

Business not to be for gain.

8. The business of the Foundation shall not be carried on for the purpose of gain for the shareholders, and any profit arising from its business shall be applied solely in furtherance of the activities of the Foundation, in such manner as the directors may decide: and in the event of the directors deciding to discontinue the publishing business, any surplus remaining in the "Publication Account" after winding up the publishing business, shall be paid over into the "Foundation Account."

Head office.

9. The head office of the Foundation shall be in the city of Toronto, in the province of Ontario, but its business and activities may be carried on throughout Canada and the United States, and elsewhere.

Directors.

10. The affairs of the Foundation shall be managed by a board of not more than twelve and not less than three directors, and no person shall be elected as a director unless he is a shareholder owning at least one share absolutely in his own right, and not in arrears in respect of any call thereon; and at least three of the directors of the Foundation so chosen, shall at all times be persons resident in Canada, and subjects of His Majesty by birth or naturalization.

First and annual meeting of shareholders.

11. The first meeting of the shareholders shall be held as soon as practicable after ten per cent of the authorized capital is subscribed and paid in, and thereafter the annual meeting of shareholders shall be held on the first Tuesday in February of each year, or on such other date as shall be determined by by-law from time to time passed by the directors.

Votes at meetings.

12. At all meetings of shareholders the holders of Class A shares shall be entitled to twenty-five votes for each share, the holders of Class B shares, to two votes for each share, and the holders of Class C shares, to one vote for each share.

Meetings outside of Canada.

13. Meetings of shareholders, directors, or committees, may be held in any place outside of Canada if so desired.

Travelling expenses.

14. Directors and committee-men shall not be paid any fees for their services as such, but shall be entitled to pay-

ment of reasonable travelling expenses in attending meetings, or in the performance of any commission entrusted to them, or any of them, which expenses shall be paid out of the "Foundation Account".

Fees and expenses of administration and of trustee, etc.

15. All expenses in connection with the administration of the several accounts above mentioned, shall be paid out of such accounts respectively, including the reasonable and proper fees and expenses of the Trustee, and such servants, agents, counsel, and other expert advisers as it may see fit to employ, in so far as such expenses can, in the opinion of the directors, be appropriated or apportioned to the respective accounts, and all expenses of the Foundation which in the opinion of the directors cannot be so appropriated or apportioned, shall be paid out of the "Foundation Account".

Permanent committee.

16. The Foundation shall constitute a permanent committee, to be known as the Centennial Committee of One hundred, which shall be composed, in the first place, of the first one hundred subscribers to class A Foundation shares, and shall, thereafter be elected regularly from amongst the class A shareholders at the general meetings of the Foundation, which committee shall meet at least once a year, and shall act as an advisory committee to deal with such matters as may be submitted to them by the Directors, and may submit to the directors such suggestions and advice as the committee may think fit in regard to any other matters in connection with the administration of the fund heretofore classified as the "Foundation Account".

Financial and advisory council.

17. The Foundation shall likewise constitute and make provision regarding a financial and advisory council to be nominated by the directors from amongst themselves, with such other class "A" shareholders as they may see fit, to meet at least once a year, or oftener, as the directors see fit, to supervise and direct the activities of the directors and sub-committees in the matter of publication and distribution of the Centennial Volume referred to in section 7 of this Act, and such other publications as the Foundation may undertake.

Power to amalgamate.

18. The Foundation shall have power to amalgamate with any corporation incorporated in the United States of America, having similar objects—provided that such amalgamation shall not impair the identity or status of the Foundation.

Part II of the Companies Act to apply to the Foundation.

19. Part II of the *Companies Act*, chapter seventy-nine of the Revised Statutes, 1906, and amendments thereto, except sections 125, 126, 127 and 155 thereof, shall so far as applicable, and when not inconsistent with this Act,

apply to the Foundation and to its undertaking, and the Foundation shall have, and may exercise, all the powers conferred by the said Act so far as applicable to the Foundation, but none of the provisions of Part I of said Act shall apply to the Foundation.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to incorporate North American Relations Foundation.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38055 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to incorporate North American Relations Foundation.

Preamble.

WHEREAS the persons hereinafter named, have, by their petition, prayed that they may be incorporated for the purpose of promoting, maintaining, and safeguarding international amity and friendly relations between the peoples of the United States of America and Canada, and the British Commonwealth of nations generally, and of fostering co-operation in all matters affecting the moral, social, and economical development of the peoples of these countries, and for other similar purposes, and it is expedient to grant the prayer of the said Petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Livingston Farrand, M.A., M.D., L.L.D., Cornell University, Ithaca, New York; Hon. William R. Riddell, M.A., K.C., L.L.B., L.H.B., D.C.L., L.L.D., Osgoode Hall, Toronto, Ont.; S. P. Capen, M.A., P.L.D., L.H.D., L.L.D., University of Buffalo; Sir Henry M. Pellatt, K.B., C.V.O., D.C.L., McKinnon Building, Toronto, Ont.; James A. Russell, Esq., Akron, Ohio; Prof. G. M. Wrong, M.A., D.C.L., L.L.D., 73 Walmer Road, Toronto, Ont.; H. P. Whidden, B.A., D.D., L.L.D., McMaster University, Toronto, Ont.; Major E. L. McCormick, V.D., 8 Lawton Blvd., Toronto, Ont.; E. L. Brooks, Esq., Akron, Ohio; Joseph Montgomery, Toronto, Ont.; together with such persons as become shareholders in the corporation, are incorporated under the name of "North American Relations Foundation," hereinafter called "the Foundation".

Corporate name.

Provisional directors.

2. (1) The above named, James A. Russell, Esq., Major E. L. McCormick, E. L. Brooks, Esq., Dr. H. P. Whidden, and Joseph Montgomery, Esq., shall be the provisional directors of the company.

Quorum.

(2) A majority of such provisional directors shall form a quorum.

Powers of provisional directors.

(3) The provisional directors may:

(a) forthwith open stock books, and procure subscriptions of stock for the undertaking;

(b) receive payments on account of stock subscribed;

(c) deposit in any chartered bank or trust company of Canada, moneys received by them on account of stock subscribed.

Withdrawal of funds.

(4) The moneys so received and deposited shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Foundation.

(5) The provisional directors shall hold office as such until the first election of directors.

Capital stock shares.

3. The capital stock of the Foundation shall be one million two hundred and fifty thousand dollars, and shall be divided into shares to be designated as follows, viz.: class A shares, which shall consist of two hundred shares of the par value of twelve hundred and fifty dollars each; class B shares, which shall consist of seven thousand five hundred shares of the par value of one hundred dollars each; and class C shares, which shall consist of five thousand shares of the par value of fifty dollars each.

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(b) To prepare, publish, and distribute, under the direction of an Advisory and Editorial Council, firstly, as a presentation volume to shareholders, and afterwards, to sell subsequent editions of the same, as a revenue-earning activity, a Centenary Volume of North America,—the said volume to be in the nature of a literary memorial to the hundred and more years of peace between Canada and the United States of America; and such other publications of a like nature, as may be determined from time to time.

(c) To collect, formulate, edit, publish, and otherwise disseminate timely information, and relevant and informative literature, relating to pertinent questions and situations of an international nature, which may from time to time arise; and to organize and direct the influence and activities of public spirited citizens of the aforesaid countries in regard thereto, with a view to the improvement of international understanding, and the avoidance of friction and ill-feeling in respect of such matters.

(d) To promote an exchange of associations amongst the educational institutions of the United States of America and Canada, and the British Commonwealth of nations generally, by establishing international scholarships and lectureships, visitations and interchanges of teachers and students, and otherwise.

(e) To encourage international competitions in the several recognized fields of amateur athletics and sports, and the establishment of trophies and prize awards for the same.

(f) To encourage and assist the erecting at points along the international boundary and elsewhere, such markings or monuments as occasion may warrant, with the view of commemorating, emphasizing, and perpetuating the sentiment of friendship and good-will of the peoples of the aforesaid countries toward each other.

(g) And generally, to undertake all practical and effective means to promote, improve, and sustain at their highest levels, those standards and ideals of international relationship which are the common heritage of the peoples of these neighbouring countries, and to preserve the same intact and unbroken for all time to come.

Agreement with Trust Company.

5. The Foundation shall forthwith after organization, enter into agreement with the National Trust Company, Limited, or such other trust company in Canada as may be determined from time to time by the Foundation, to be designated "the Trustee", for the purpose of receiving, holding, investing, and administering the funds of the Foundation in such manner as may be determined by the Foundation or its duly constituted representatives from time to time, for the purposes and objects herein set forth.

Separate accounts.

6. The moneys received by the Foundation from sale of its shares, shall be paid in to the Trustee mentioned in the next preceding paragraph, and shall be deposited in three separate accounts: sixty-five per cent thereof to an account designated "Foundation Account"; twenty per cent thereof to an account designated "Publication Account", and fifteen per cent thereof to an account designated "Expense Account".

Expense account.

7. The said Expense Account shall be applied in payment of expenses of incorporation and organization of the Foundation, and the sale of shares, and any residue not so required, shall be paid over into the Foundation Account.

Publication account.

The Publication Account shall be applied, firstly, towards the compilation and publication of a Centennial Memorial Volume, to be distributed gratis to the original subscribers

to Foundation shares, and thereafter, to publication and sale of subsequent editions of the said volume, or of other publications of a similar nature, to be sold to shareholders and the public generally; and the profits of the "Publication Account", if any, and the residue of the said account, if any, not required for such purposes, shall likewise be paid over into the "Foundation Account".

Business not to be for gain.

8. The business of the Foundation shall not be carried on for the purpose of gain for the shareholders, and any profit arising from its business shall be applied solely in furtherance of the activities of the Foundation, in such manner as the directors may decide: and in the event of the directors deciding to discontinue the publishing business, any surplus remaining in the "Publication Account" after winding up the publishing business, shall be paid over into the "Foundation Account."

Head office.

9. The head office of the Foundation shall be in the city of Toronto, in the province of Ontario, but its business and activities may be carried on throughout Canada and the United States, and elsewhere.

Directors.

10. The affairs of the Foundation shall be managed by a board of not more than twelve and not less than three directors, and no person shall be elected as a director unless he is a shareholder owning at least one share absolutely in his own right, and not in arrears in respect of any call thereon; and at least one-half of the directors of the Foundation so chosen, shall at all times be persons resident in Canada, and subjects of His Majesty by birth or naturalization.

First and annual meeting of shareholders.

11. The first meeting of the shareholders shall be held as soon as practicable after ten per cent of the authorized capital is subscribed and paid in, and thereafter the annual meeting of shareholders shall be held on the first Tuesday in February of each year, or on such other date as shall be determined by by-law from time to time passed by the directors.

Votes at meetings.

12. At all meetings of shareholders the holders of Class A shares shall be entitled to twenty-five votes for each share, the holders of Class B shares, to two votes for each share, and the holders of Class C shares, to one vote for each share.

Meetings outside of Canada.

13. Meetings of shareholders, directors, or committees, may be held in any place outside of Canada if so desired.

Travelling expenses.

14. Directors and committee-men shall not be paid any fees for their services as such, but shall be entitled to pay-

ment of reasonable travelling expenses in attending meetings, or in the performance of any commission entrusted to them, or any of them, which expenses shall be paid out of the "Foundation Account".

Fees and expenses of administration and of trustee, etc.

15. All expenses in connection with the administration of the several accounts above mentioned, shall be paid out of such accounts respectively, including the reasonable and proper fees and expenses of the Trustee, and such servants, agents, counsel, and other expert advisers as it may see fit to employ, in so far as such expenses can, in the opinion of the directors, be appropriated or apportioned to the respective accounts, and all expenses of the Foundation which in the opinion of the directors cannot be so appropriated or apportioned, shall be paid out of the "Foundation Account".

Permanent committee.

16. The Foundation shall constitute a permanent committee, to be known as the Centennial Committee of One hundred, which shall be composed, in the first place, of the first one hundred subscribers to class A Foundation shares, and shall, thereafter be elected regularly from amongst the class A shareholders at the general meetings of the Foundation, which committee shall meet at least once a year, and shall act as an advisory committee to deal with such matters as may be submitted to them by the Directors, and may submit to the directors such suggestions and advice as the committee may think fit in regard to any other matters in connection with the administration of the fund heretofore classified as the "Foundation Account".

Financial and advisory council.

17. The Foundation shall likewise constitute and make provision regarding a financial and advisory council to be nominated by the directors from amongst themselves, with such other class "A" shareholders as they may see fit, to meet at least once a year, or oftener, as the directors see fit, to supervise and direct the activities of the directors and sub-committees in the matter of publication and distribution of the Centennial Volume referred to in section 7 of this Act, and such other publications as the Foundation may undertake.

Power to amalgamate.

18. The Foundation shall have power to amalgamate with any corporation incorporated in the United States of America, having similar objects—provided that such amalgamation shall not impair the identity or status of the Foundation.

Part II of the Companies Act to apply to the Foundation.

19. Part II of the *Companies Act*, chapter seventy-nine of the Revised Statutes, 1906, and amendments thereto, except sections 125, 126, 127 and 155 thereof, shall so far as applicable, and when not inconsistent with this Act,

apply to the Foundation and to its undertaking, and the Foundation shall have, and may exercise, all the powers conferred by the said Act so far as applicable to the Foundation, but none of the provisions of Part I of said Act shall apply to the Foundation.

Coming into force.

20. This Act shall come into force on the day of its sanction.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend the Trade Mark and Design Act.

First reading, March 17, 1927.

The MINISTER OF LABOUR.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37967 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend the Trade Mark and Design Act.

R.S., c. 71; 1919, c. 64; 1923, c. 28.

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

Definitions.

1. Section four of the *Trade Mark and Design Act*, chapter seventy-one of the Revised Statutes of Canada, 1906, is amended by inserting the following paragraphs immediately after paragraph *(b)* thereof:—

"Labour union" or "Union".

"*(c)* 'Labour union' or 'union' means any organization of employees engaged in the manufacture or production of goods formed for the purpose of regulating the relations between employers and employees;

"Label".

"*(d)* 'label' means any mark, term, design, emblem, figure, sign, seal, stamp, diagram, ticket, device or form of advertisement, adopted by a labour union,"

Label may be registered.

2. Section five of the said Act is amended by adding thereto the following subsections:—

Union to be considered proprietor of label.

"(2) Any label heretofore or hereafter adopted by any labour union to designate, make known, or distinguish any goods, wares, merchandise, or product of labour, wholly or partly manufactured, produced, or prepared by the labour of such union, or of any member or members thereof, may be registered for the exclusive use of such labour union in the manner herein provided; and the said union shall, for the purpose of this Act, be considered the proprietor of such label.

Consent of owner of goods.

"(3) No label shall be put or placed upon any goods, wares, merchandise, or product of labour, without the consent of the owner or proprietor of such goods, wares, or merchandise."

Explanatory Notes.

The object of this Bill is to permit of the registration of labour union labels under the Trade Mark and Design Act, in order to prevent the use of forgeries and counterfeits of these labels and to the intent that only those may avail themselves of the benefit ofthe label who are entitled to do so.

1. Section four reads as follows:—

"**4.** In this Part, unless the context otherwise requires,—

(a) 'general trade mark' means a trade mark used in connection with the sale of various articles in which a proprietor deals in his trade, business, occupation or calling generally;

(b) 'specific trade mark' means a trade mark used in connection with the sale of a class of merchandise of a particular description."

2. Section five reads as follows:—

"**5.** All marks, names, labels, brands, packages or other business devices, which are adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description manufactured, produced, compounded, packed or offered for sale by him, applied in any manner whatever either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatsoever containing the same, shall, for the purpose of this Act, be considered and known as trade marks."

Minister may refuse to register trade mark or label in certain cases.

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

"**11.** The Minister may refuse to register any trade mark or label,—

(a) if he is not satisfied that the applicant is undoubtedly entitled to the exclusive use of such trade mark or label;

(b) if the trade mark or label proposed for registration is identical with or resembles a trade mark or label already registered;

(c) if it appears that the trade mark or label is calculated to deceive or mislead the public;

(d) if the trade mark or label contains any immorality or scandalous figure;

(e) if the so-called trade mark does not contain the essentials necessary to constitute a trade mark, properly speaking.

How registration may be affected.

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

"(3) Every labour union may register a label by filing an application therefor, accompanied by a declaration made by the President, Secretary, or other executive officer of such union, specifying the name of the union on behalf of which such label is being registered, the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, and thereafter such union shall have the exclusive right of such label."

Certificate of registration.

5. Section fourteen of the said Act is amended by adding the following subsection thereto:—

Certificate to be evidence of label, etc.

"(2) The certificate of the registration of any label shall also set forth the name of the labour union registering such label, the number of such label and the number or letter employed, to denote or correspond to the registration, and such certificate, in the absence of proof to the contrary, shall be sufficient evidence of the label, of the name of the union, of the union named as proprietor, being proprietor, of the commencement and term or registry and of compliance with the provisions of this Act."

Assignment of trade marks. Union label not to be assigned.

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

"(3) *(a)* No label registered by any labour union may be assigned by any process of law or otherwise.

Authorization to use label.

(b) A labour union may authorize the use of any label registered by it and such authorization to use shall be subject to cancellation only upon twelve months' notice, unless otherwise specified in any agreement for

3. It is proposed to amend section eleven of the Act by inserting the underlined words "*or label*" after the word "mark" in the first line thereof, in the second line of paragraph *(a)* thereof, in the first and second lines of paragraph *(b)* thereof, and in the first lines of paragraphs *(c)* and *(d)* thereof.

4. Section thirteen reads as follows:—

"**13.** Subject to the foregoing provisions, the proprietor of a trade mark may, on forwarding to the Minister a drawing and description in duplicate of such trade mark, and a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof, together with the fee required by this Act in that behalf, and on otherwise complying with the provisions of this Act in relation to trade marks and with the rules and regulations made thereunder, have such trade mark registered for his own exclusive use.

"2. Thereafter such proprietor shall have the exclusive right to use the trade mark to designate articles manufactured or sold by him."

5. Section fourteen reads as follows:

"**14.** Upon any trade mark being registered under this Act, the Minister shall return to the proprietor registering the same one copy of the drawing and description forwarded to him with a certificate signed by the Minister to the effect that the said trade mark has been duly registered in accordance with the provisions of this Act; and the day, month and year of the entry of the trade mark in the register shall also be set forth in such certificate."

6. Section fifteen reads as follows:—

"**15.** Every trade mark registered in the office of the Minister shall be assignable in law.

"2. On the assignment being produced, and the fee by this Act prescribed therefor being paid, the Minister shall cause the name of the assignee, with the date of the assignment and such other details as he sees fit, to be entered in the margin of the register of trade marks on the folio where such trade mark is registered."

the use of such label; and any goods may be at any time sold bearing such label, if when such label was used in respect of such goods, the person, firm or corporation was so authorized."

7. Section eighteen of the said Act is amended by adding the following subsection thereto:—

Cancellation of registration by Exchequer Court.

"(3) The Exchequer Court of Canada may, on application and after investigation and hearing of the parties concerned, direct the cancellation of the registration of any label registered by a labour union under the provisions of this Act, if in the opinion of the Court such action is justified by all the circumstances of the case."

Suit of proprietor.

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

Suit by labour union.

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

Suit, etc., against labour union.

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

9. The said Act is amended by inserting the following section immediately after section twenty-one:—

Exclusive right of labour union to mark any goods, etc., with label.

"**21A.** (1) No person, firm, labour union, association, or corporation, other than the labour union registering such label, unless with the consent of such labour union, shall,

(a) Mark any goods or any articles of any description whatever with any such label or with any part thereof, whether by applying such label or any part thereof to the article itself or to any package or thing containing such article or by using any package or thing so marked which has been used by the labour union which has registered such label; or,

Imitation mark.

(b) keep or have in his possession for sale any goods, wares, merchandise, or product of labour, to which, or on which any such counterfeit or imitation is printed, painted, stamped, impressed or otherwise displayed; provided always that such person, firm, labour union, association, or corporation shall be liable only in cases where the label was counterfeit or imitation to his, their, or its knowledge; and provided further that any proceedings taken under this Act shall be against the person, firm, labour union, association, or corporation

7. Section eighteen reads as follows:—

"**18.** Any person who has registered a trade mark may petition for the cancellation of the same, and the Minister may, on receiving such petition, cause the said trade mark to be cancelled.

"2. Such trade mark shall, after such cancellation, be considered as if it had never been registered under the name of the said person."

8. Section nineteen reads as follows:—

"**19.** An action or suit may be maintained by any proprietor of a trade mark against any person who uses the registered trade mark of such proprietor, or any fraudulent imitation thereof, or who sells any article bearing such trade mark or any such imitation thereof, or contained in any package of such proprietor or purporting to be his, contrary to the provisions of this Act."

that originally attached the counterfeit or imitation label to such article;

Procuring the registration.

(c) procure either for himself or on behalf of any other person, firm, labour union, association or corporation, the registering of any label under the provisions of this Act by making any false or fraudulent representation or declaration verbally or in writing or by any fraudulent means whatever; or,

Dies, etc., for forging.

(d) make or cause to be made any die, block, machine or other instrument for the purpose of forging or being used for forging a label; or,

Disposing of such die.

(e) dispose of or have in his possession any die, block, machine or other instrument for the purpose of forging a label.

Offence.

(2) Every person, firm, labour union, association or corporation contravening the provisions or any of the provisions of this section shall be guilty of an offence and liable for each such offence on summary conviction to a fine of not less than twenty dollars and not exceeding five hundred dollars.

Complaint.

(3) Every complaint under the preceding subsection may be made by an executive officer of the labour union which has registered the label as in this Act provided."

Search warrants.

10. The following sections are inserted in the said Act immediately after section twenty-two:—

"**22A.** When a complaint in writing, verified by affidavit, is made to any court or officer having authority to issue search warrants, showing that complainant has reason to believe that counterfeits or imitations of any label registered by a labour union, as in this Act provided, or tools, cuts, plates, dies, blocks, machinery or materials prepared or provided for the making of such counterfeits or imitations, are concealed in any building, receptacle or place (particularly describing the same), such court or officer shall, if satisfied that there is reasonable cause for such belief, issue a warrant to search such building, receptacle or place for the articles described in the complaint.

Form.

"**22B.** Search warrants issued under this Act shall be in the form prescribed by the *Criminal Code*, so far as such form is applicable, and shall be directed to and be served and returned by the same officers in the same manner as search warrants in other cases in the said Code provided for; and the proceedings and practice after such return shall conform as nearly as may be to the practice and proceedings in regard to search warrants in such other cases."

10. Sections 488 and 629 of the Criminal Code authorize the issue of search warrants in cases where it is suspected that a trade mark has been forged or that dies, locks, machines or other instruments are on the premises for purposes of forging a trade mark.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend the Trade Mark and Design Act.

AS PASSED BY THE HOUSE OF COMMONS, 25th MARCH, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37997 1927

1st session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 171.

An Act to amend the Trade Mark and Design Act.

R.S., c. 71; 1919, c. 64; 1923, c. 28.

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

Definitions.

1. Section four of the *Trade Mark and Design Act*, chapter seventy-one of the Revised Statutes of Canada, 1906, is amended by inserting the following paragraphs immediately after paragraph *(b)* thereof:—

"Labour union" or "Union".

"*(c)* 'Labour union' or 'union' means any organization of employees engaged in the manufacture or production of goods formed for the purpose of regulating the relations between employers and employees;

"Label".

"*(d)* 'label' means any mark, term, design, emblem, figure, sign, seal, stamp, diagram, ticket, device or form of advertisement, adopted by a labour union,"

Label may be registered.

2. Section five of the said Act is amended by adding thereto the following subsections:—

Union to be considered proprietor of label.

"(2) Any label heretofore or hereafter adopted by any labour union to designate, make known, or distinguish any goods, wares, merchandise, or product of labour, wholly or partly manufactured, produced, or prepared by the labour of such union, or of any member or members thereof, may be registered for the exclusive use of such labour union in the manner herein provided; and the said union shall, for the purpose of this Act, be considered the proprietor of such label.

Consent of owner of goods.

"(3) No label shall be put or placed upon any goods, wares, merchandise, or product of labour, without the consent of the owner or proprietor of such goods, wares, or merchandise."

Explanatory Notes.

The object of this Bill is to permit of the registration of labour union labels under the Trade Mark and Design Act, in order to prevent the use of forgeries and counterfeits of these labels and to the intent that only those may avail themselves of the benefit ofthe label who are entitled to do so.

1. Section four reads as follows:—

"**4.** In this Part, unless the context otherwise requires,—

(a) 'general trade mark' means a trade mark used in connection with the sale of various articles in which a proprietor deals in his trade, business, occupation or calling generally;

(b) 'specific trade mark' means a trade mark used in connection with the sale of a class of merchandise of a particular description."

2. Section five reads as follows:—

"**5.** All marks, names, labels, brands, packages or other business devices, which are adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description manufactured, produced, compounded, packed or offered for sale by him, applied in any manner whatever either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatsoever containing the same, shall, for the purpose of this Act, be considered and known as trade marks."

Minister may refuse to register trade mark or label in certain cases.

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

"**11.** The Minister may refuse to register any trade mark or label,—

(a) if he is not satisfied that the applicant is undoubtedly entitled to the exclusive use of such trade mark or label;

(b) if the trade mark or label proposed for registration is identical with or resembles a trade mark or label already registered;

(c) if it appears that the trade mark or label is calculated to deceive or mislead the public;

(d) if the trade mark or label contains any immorality or scandalous figure;

(e) if the so-called trade mark does not contain the essentials necessary to constitute a trade mark, properly speaking.

How registration may be affected.

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

"(3) Every labour union may register a label by filing an application therefor, accompanied by a declaration made by the President, Secretary, or other executive officer of such union, specifying the name of the union on behalf of which such label is being registered, the class of merchandise and a description of the goods to which it has been or is intended to be appropriated. and thereafter such union shall have the exclusive right of such label."

Certificate of registration.

Certificate to be evidence of label, etc.

5. Section fourteen of the said Act is amended by adding the following subsection thereto:—

"(2) The certificate of the registration of any label shall also set forth the name of the labour union registering such label, the number of such label and the number or letter employed, to denote or correspond to the registration, and such certificate, in the absence of proof to the contrary, shall be sufficient evidence of the label, of the name of the union, of the union named as proprietor, being proprietor, of the commencement and term or registry and of compliance with the provisions of this Act."

Assignment of trade marks.

Union label not to be assigned.

Authorization to use label.

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

"(3) *(a)* No label registered by any labour union may be assigned by any process of law or otherwise.

(b) A labour union may authorize the use of any label registered by it and such authorization to use shall be subject to cancellation only upon twelve months' notice, unless otherwise specified in any agreement for

3. It is proposed to amend section eleven of the Act by inserting the underlined words "*or label*" after the word "mark" in the first line thereof, in the second line of paragraph *(a)* thereof, in the first and second lines of paragraph *(b)* thereof, and in the first lines of paragraphs *(c)* and *(d)* thereof.

4. Section thirteen reads as follows:—

"**13.** Subject to the foregoing provisions, the proprietor of a trade mark may, on forwarding to the Minister a drawing and description in duplicate of such trade mark, and a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof, together with the fee required by this Act in that behalf, and on otherwise complying with the provisions of this Act in relation to trade marks and with the rules and regulations made thereunder, have such trade mark registered for his own exclusive use.

"2. Thereafter such proprietor shall have the exclusive right to use the trade mark to designate articles manufactured or sold by him."

5. Section fourteen reads as follows:

"**14.** Upon any trade mark being registered under this Act, the Minister shall return to the proprietor registering the same one copy of the drawing and description forwarded to him with a certificate signed by the Minister to the effect that the said trade mark has been duly registered in accordance with the provisions of this Act; and the day, month and year of the entry of the trade mark in the register shall also be set forth in such certificate."

6. Section fifteen reads as follows:—

"**15.** Every trade mark registered in the office of the Minister shall be assignable in law.

"2. On the assignment being produced, and the fee by this Act prescribed therefor being paid, the Minister shall cause the name of the assignee, with the date of the assignment and such other details as he sees fit, to be entered in the margin of the register of trade marks on the folio where such trade mark is registered."

the use of such label; and any goods may be at any time sold bearing such label, if when such label was used in respect of such goods, the person, firm or corporation was so authorized."

7. Section eighteen of the said Act is amended by adding the following subsection thereto:—

Cancellation of registration by Exchequer Court.

"(3) The Exchequer Court of Canada may, on application and after investigation and hearing of the parties concerned, direct the cancellation of the registration of any label registered by a labour union under the provisions of this Act, if in the opinion of the Court such action is justified by all the circumstances of the case."

Suit of proprietor.

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

Suit by labour union.

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

Suit, etc., against labour union.

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

9. The said Act is amended by inserting the following section immediately after section twenty-one:—

Exclusive right of labour union to mark any goods, etc., with label.

"**21A.** (1) No person, firm, labour union, association, or corporation, other than the labour union registering such label, unless with the consent of such labour union, shall,

(a) Mark any goods or any articles of any description whatever with any such label or with any part thereof, whether by applying such label or any part thereof to the article itself or to any package or thing containing such article or by using any package or thing so marked which has been used by the labour union which has registered such label; or,

Imitation mark.

(b) keep or have in his possession for sale any goods, wares, merchandise, or product of labour, to which, or on which any such counterfeit or imitation is printed, painted, stamped, impressed or otherwise displayed; provided always that such person, firm, labour union, association, or corporation shall be liable only in cases where the label was counterfeit or imitation to his, their, or its knowledge; and provided further that any proceedings taken under this Act shall be against the person, firm, labour union, association, or corporation

7. Section eighteen reads as follows:—

"**18.** Any person who has registered a trade mark may petition for the cancellation of the same, and the Minister may, on receiving such petition, cause the said trade mark to be cancelled.

"2. Such trade mark shall, after such cancellation, be considered as if it had never been registered under the name of the said person."

8. Section nineteen reads as follows:—

"**19.** An action or suit may be maintained by any proprietor of a trade mark against any person who uses the registered trade mark of such proprietor, or any fraudulent imitation thereof, or who sells any article bearing such trade mark or any such imitation thereof, or contained in any package of such proprietor or purporting to be his, contrary to the provisions of this Act."

that originally attached the counterfeit or imitation label to such article;

Procuring the registration.

(c) procure either for himself or on behalf of any other person, firm, labour union, association or corporation, the registering of any label under the provisions of this Act by making any false or fraudulent representation or declaration verbally or in writing or by any fraudulent means whatever; or,

Dies, etc., for forging.

(d) make or cause to be made any die, block, machine or other instrument for the purpose of forging or being used for forging a label; or,

Disposing of such die.

(e) dispose of or have in his possession any die, block, machine or other instrument for the purpose of forging a label.

Offence.

(2) Every person, firm, labour union, association or corporation contravening the provisions or any of the provisions of this section shall be guilty of an offence and liable for each such offence on summary conviction to a fine of not less than twenty dollars and not exceeding five hundred dollars.

Complaint.

(3) Every complaint under the preceding subsection may be made by an executive officer of the labour union which has registered the label as in this Act provided."

Search warrants.

10. The following sections are inserted in the said Act immediately after section twenty-two:—

"**22A.** When a complaint in writing, verified by affidavit, is made to any court or officer having authority to issue search warrants, showing that complainant has reason to believe that counterfeits or imitations of any label registered by a labour union, as in this Act provided, or tools, cuts, plates, dies, blocks, machinery or materials prepared or provided for the making of such counterfeits or imitations, are concealed in any building, receptacle or place (particularly describing the same), such court or officer shall, if satisfied that there is reasonable cause for such belief, issue a warrant to search such building, receptacle or place for the articles described in the complaint.

Form.

"**22B.** Search warrants issued under this Act shall be in the form prescribed by the *Criminal Code*, so far as such form is applicable, and shall be directed to and be served and returned by the same officers in the same manner as search warrants in other cases in the said Code provided for; and the proceedings and practice after such return shall conform as nearly as may be to the practice and proceedings in regard to search warrants in such other cases."

10. Sections 488 and 629 of the Criminal Code authorize the issue of search warrants in cases where it is suspected that a trade mark has been forged or that dies, locks, machines or other instruments are on the premises for purposes of forging a trade mark.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 172.

An Act to amend the Customs Act.

First reading, March 17, 1927.

The MINISTER OF CUSTOMS AND EXCISE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37557 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 172.

R.S., c. 48; 1907, c. 10; 1908, c. 19; 1914, c. 25; 1917, c. 15; 1920, c. 10; 1921, c. 26; 1922, c. 22; 1924, c. 36; 1925, c. 39.

An Act to amend the Customs Act.

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

1. Paragraph *(o)* of section two of the *Customs Act*, chapter forty-eight of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:—

Value.

"*(o)* 'value' in respect of any penalty, punishment or forfeiture imposed by this Act and based upon the value of any goods or articles, means the duty paid value of such goods or articles at the time of the commission of the offence by which such penalty, punishment or forfeiture is incurred."

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

Board of Customs. Of whom to consist.

"**8.** (1) There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, who shall be the Chairman of the Board, the Commissioner of Excise, the Commissioner of Income Tax, the Assistant Commissioner of Customs, and such other duly qualified officer of Customs and Excise as the Governor in Council from time to time appoints."

3. Subsection two of section sixteen of the said Act is repealed, and the following is substituted therefor:—

Contents of report.

"(2) The report shall state, so far as any of the following particulars are or can be known to the master, the name, country, tonnage and port of registry of the vessel, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, the marks and numbers of every package and parcel of goods

Explanatory Notes.

1. This is the same as the present paragraph in the Act with the addition of the word "punishment" in two places as underlined.

Under section 206 of the Act, as amended in 1925, every one who smuggles good subject to duty of the value of $200, or over, is guilty of an indictable offence, and under section 219, any one who harbours, keeps, conceals, etc., any goods unlawfully imported into Canada, where such goods are of the value of $200, or over, is guilty of an indictable offence, and both under section 206 and 219 the party is liable to a term of imprisonment, but no fine is provided.

Magistrates have held that this term of imprisonment is not a penalty or forfeiture within the meaning of paragraph *(o)* of section 2, and consequently have dismissed charges where the value as distinguished from duty paid value was less than $200. The addition of the word "punishment" in this paragraph will have the effect of overcoming this difficulty.

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

"8. (1) There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, who shall be the chairman of the Board, and such other duly qualified officers of Customs as the Governor in Council from time to time appoints."

The change becomes necessary by reason of the proposed Bill establishing the Department of National Revenue. The Board will consist of five officers as heretofore, leaving only one officer to be appointed by the Governor in Council.

3. The subsection to be repealed reads as follows:—

"2. The report shall state, so far as any of the following particulars are or can be known to the master, the name, country, tonnage and port of registry of the vessel, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, *and if laden*, the marks and numbers of every package and parcel of goods on board, and where the same were laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, also the part of the cargo and the number and names of the passengers intended to be landed at that port, and at any other port in Canada, what part of the cargo, if any, is intended to be exported in the same, vessel, and what surplus stores remain on board."

The words in italics are being struck out and the words underlined in the new section are added.

The intention is to provide for fuller report by masters of vessels to include goods in possession of the crew and passengers, and to facilitate forfeiture of such goods when not reported.

on board, if any, the best description possible of all unmarked or unparcelled goods, whether the property of the importer, consumer, passengers, officers or members of the crew, and where the same were laden, and the particulars of any goods stowed loose, and, if consigned, where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, also the part of the cargo and the number and names of the passengers intended to be landed at that port, and at any other port in Canada, what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board: Provided, however, that this Section shall not be construed to require a report of the wearing apparel or personal effects in actual use by passengers, officers and members of the crew of vessels."

4. Section twenty-nine of the said Act is amended by repealing subsection two thereof, and substituting therefor the following:—

To be retained if perfect entry not made.

"(2) If the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held as duty accruing on such goods, and shall be dealt with and accounted for accordingly;"

and by adding thereto the following subsection:—

Penalty if invoice not produced.

"(3) Provided that in all cases where such goods are purchased or consigned a sufficient invoice therefor as provided in section thirty-one hereof, shall be produced within the said time appointed by the Collector, and in default thereof the importer shall be liable to a penalty equal to the amount so deposited with the Collector recoverable in any court of competent jurisdiction."

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

If importer swears that no invoice has been or can be produced.

"**30.** Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties on such goods; and such sum shall then be held as duties."

4. The subsection to be repealed reads as follows:—

"2. If the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held *to be the* duty accruing on such goods, and shall be dealt with and accounted for accordingly."

The words in italics are struck out and in place thereof the word "as" underlined in the new subsection is inserted.

It is not desired to treat this deposit as full payment of duty and the right is reserved to demand further payment of duty if the facts warrant.

It has been found that where bill of sight entries have been passed for want of an invoice and the importer afterwards gets possession of the invoice, he will invariably arrange for perfecting the entry if the value on the invoice is shown to be less than the value upon which duty was paid on the sight entry, but if the value shown on the invoice be more than the value used on the sight entry the sight entry may be allowed to stand without amendment. There should be some penalty provided for such an offence.

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

"**30.** Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties on such goods; and such sum shall then be held *to be the amount of such* duties."

The words in italics are being struck out, and in place thereof the word "as" is inserted.

The same explanation applies here as is given above in note to section 4 for change in subsection 2 of section 29.

6. Section fifty-six of the said Act is repealed, and the following is substituted therefor:—

If the importer is dissatisfied with the appraisement.

"**56.** (1) Except as in this Act otherwise provided, if the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made of any such goods by the appraiser, hereinbefore mentioned he may, within six days, give notice in writing to the collector of such dissatisfaction; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person familiar with the character and value of the goods in question, and the collector shall select a second person of similar knowledge, and notify such importer, owner, consignee or agent of such appointment.

Experienced valuators to be selected.

Their appraisement final.

"(2) The persons so selected, together with a third selected by the Minister from among the Dominion Appraisers, shall examine and appraise the goods in accordance with the provisions of this Act, and the decision of such persons, or of a majority of them if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly.

Shall apply to no other case.

"(3) Such decision shall in no way apply to any case, except that submitted for the consideration of such appraisers.

Oath of valuators

"(4) Every person who acts as an appraiser under this section, except a Dominion Appraiser selected by the Minister as aforesaid, shall take an oath, before a collector of Customs or a justice of the peace, to act without fear, favour or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in Canada."

7. Section fifty-seven of the said Act is repealed, and the following is substituted therefor:—

Remuneration of valuators.

"**57.** The said persons chosen by the importer and Collector to appraise shall each be entitled to the sum of fifteen dollars, which shall be paid by the person dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement, or if the value ascertained by such second appraisement exceeds by ten per centum, or more, the value of the goods for duty as appears by the invoice and bill of entry thereof; otherwise the same shall be paid by the collector out of any public moneys in his hands, and charged in his accounts."

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

"**56.** Except as in this Act otherwise provided, if the importer, owner, consignee or agent, having complied with the requirements of this Act is dissatisfied with the appraisement made of any such goods by the appraiser, hereinbefore mentioned, he may, within *three* days, give notice in writing to the collector of such dissatisfaction; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person familiar with the character and value of the goods in question, and the collector shall select a second person of similar knowledge, and notify such importer, owner, consignee, or agent of such appointment.

"2. The persons so selected, together with a third selected by the Minister from among the *members of the Board of Customs*, shall examine and appraise the goods in accordance with the provisions of this Act, and the decision of such persons, or of a majority of them if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly.

"3. Such decision shall in no way apply to any case, except that submitted for the consideration of such appraisers.

"4. Every person who acts as an appraiser under this section, except a *member of the Board of Customs* selected by the Minister as aforesaid, shall take an oath, before a collector of Customs or a justice of the peace, to act without fear, favour or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in Canada."

The words in italics are being struck out and in place thereof the words underlined in the new section are added.

Three days is in practice found to be too short a time to be allowed for the purposes of this section.

It is proposed to have the third member of the selected valuators to be the Dominion Appraiser, as a member of the Board of Customs is not always available for the purpose of such appraisals, while some Dominion Appraiser will always be available and in any event the Dominion Appraiser is the logical officer to be appointed for this purpose.

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

"**57.** The said persons chosen to appraise shall each be entitled to the sum of *five* dollars, which shall be paid by the person dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement, or if the value ascertained by such second appraisement exceeds by ten per centum, or more, the value of the goods for duty as appears by the invoice and bill of entry thereof; otherwise the same shall be paid by the collector out of any public moneys in his hands, and charged in his accounts."

The word "five" in italics is being struck out and in place thereof the word "fifteen" is inserted, and the words "by the importer and Collector" underlined in the proposed section are added.

It is not considered proper that the person dissatisfied with the first appraisement should be called upon to pay any sum to the Dominion Appraiser selected by the Minister to act as valuator and this provision is accordingly dropped.

The sum of $5 mentioned in the section as it stands at present is in view of present day conditions considered too small a remuneration for the service mentioned and it is accordingly proposed to raise this to $15.

8. Subsection one of section fifty-eight of the said Act is repealed, and the following is substituted therefor:—

Board of Customs may declare rate of duty, or that goods are free.

"**58.** (1) Whenever any difference arises or whenever any doubt exists as to whether any or what rate of duty is payable on any class of goods, and there is no previous decision upon the question by any competent tribunal, binding throughout Canada, the Board of Customs may declare the rate of duty payable on the class of goods in question, or that such goods are exempt from duty, subject in each case to an appeal within sixty days from date of such declaration, by any person interested, to the Governor in Council; and any such declaration of the Board of Customs when approved by the Minister after the expiration of sixty days from the date thereof, or any such declaration when made by any order in council upon appeal, shall have force and effect as if the same had been sanctioned by statute."

Time allowed for appeal.

Effect of order.

9. Section one hundred and one of the said Act, as amended by section six of chapter eighteen of the statutes of 1922, is amended by striking out the proviso at the end thereof, reading as follows:—

"This proviso, however, shall not apply to wines and spirituous liquors in a Canadian port, without entry thereat for warehouse and for no other purpose than their transportation in transitu on a through bill of lading from a port outside of Canada to another port of destination outside of Canada via a Canadian port or ports;"

and by adding to the section the following:—

Or on report outward whether landed or not.

"The provisions of this section as to wines, spirituous and fermented malt liquors shall also apply to wines, spirituous and fermented malt liquors reported outward at Customs by sea as cargo and other than ship's stores, whether landed or intended to be landed in Canada or not, the bond in such case to be given by the owner, shipper or consignor of the goods; and no Collector or officer of Customs shall grant a clearance to a vessel with wines, spirituous or fermented malt liquors as cargo until such bond has been given."

and by striking out the word "and" in the eighteenth line of the said section as amended and by inserting the words "and fermented malt" immediately after the word "spirituous" in the said eighteenth line.

8. The subsection to be repealed is the same as the new subsection except that the words underlined in the new subsection are added.

As this subsection stands at present there is room for a possible injustice being brought about by the Minister approving of a declaration of the Board of Customs before the party interested has had time to consider the situation and appeal to the Governor in Council, because it is provided that a declaration of the Board of Customs when approved by the Minister shall have the same force and effect as if sanctioned by statute. The Deputy Minister of Justice has drawn attention to this defect in the section and has suggested amendment. It is considered that the period of sixty days now proposed to be allowed for appeal will be quite sufficient for the purpose.

9. The latter half of the amended section 101 reads as follows:—

"Provided, however, that upon the entry outwards of wines and spirituous liquors to be exported from a Customs warehouse either by sea or by land or inland navigation, as the case may be, the person entering the same for such purpose shall give security by bond of an incorporated guarantee company authorized to do business in Canada, and whose bonds are acceptable to the Dominion Government, such bond to be in form approved by the Minister, in double the duties of importation on such goods, that the same shall, when the entry aforesaid is for exportation by sea, be actually exported to the place provided for in said entry, and when the entry aforesaid is for exportation by land or inland navigation, shall be landed and delivered at the place for which they are entered outwards, unless in either case the said goods were after leaving Canada lost and destroyed, and that such proof or certificate that such goods have been so exported, landed or delivered, or lost and destroyed, as the case may be, as shall be required by any regulation of the Minister, shall be produced to the collector or other proper officer within a period to be appointed in such bond. *This proviso, however, shall not apply to wines and spirituous liquors in a Canadian port, without entry thereat for warehouse and for no other purpose than their transportation in transitu on a through bill of lading from a port outside of Canada to another port of destination outside of Canada via a Canadian port or ports.*"

The clause in italics is being struck out and the clause underlined in the amendment is being added.

By striking out this proviso, in transitu shipments of wines and spirituous liquors, as they are exported from a Customs sufferance warehouse, will require to be covered by Guarantee Company bond to produce foreign landing certificates.

Investigations have shown that under terms of this proviso shipments have been made which have not been intended for exportation to the indicated port of destination but have afterwards been relanded in Canada.

The proposed addition to the section is aimed at the prevention of vessels engaged in rum-running into Canada and having liquor cargo from making a convenience of Canadian ports on one pretext or another but really as an aid to them in their enterprise.

If the voyage on which such vessel had been cleared is *bona fide*, the furnishing of the bond will not operate severely and will protect the revenue against unlawful landing in Canada.

10. Paragraph *(a)* of section one hundred and sixteen of the said Act is repealed, and the following is substituted therefor:—

Importation when completed.

"*(a)* the importation of any goods, if made by sea, coastwise or by inland navigation, in any vessel, shall be deemed to have been completed from the time such goods were brought within the limits of Canada, meaning when the waters are not international, within three miles of the coasts or shores of Canada, and if made by land, then from the time such goods were brought within the limits of Canada."

11. Section one hundred and seventeen of the said Act is amended by adding at the end thereof the following words:—

How recoverable.

"and any goods afterwards imported or exported by said owner shall be subject to a lien for such debt and may be withheld from delivery by Customs until such debt is paid."

Lien on subsequent importation.

12. Subsection one of section one hundred and thirty-one of the said Act is repealed, and the following is substituted therefor:—

No refund after fourteen days.

"**131.** (1) No refund of duty shall be allowed after the lapse of fourteen days from the time of entry for any alleged mis-description of goods in the invoice or entry thereof."

13. The said Act is further amended by inserting the following sections immediately after section one hundred and fifty-four thereof:—

Arrest without warrant for indictable offence.

"**154A.** Any Customs officer or person having the powers of a Customs officer may arrest without warrant any one found committing or who is suspected of having committed any offence declared by this Act to be an indictable offence."

Justification of officer making arrest.

"**154B.** Every Customs officer and every person having the powers of a Customs officer who on reasonable and probable grounds believes that an offence declared by this Act to be an indictable offence has been committed, whether it has been committed or not, and who on reasonable and probable grounds believes that any person has committed that offence is justified in arresting such person without warrant."

14. Section one hundred and seventy-seven of the said Act is amended by adding thereto the following subsection:—

Minister may delegate powers.

"(2) The Minister may by regulation authorize the Commissioner of Customs to exercise the powers conferred by this section upon the Minister."

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

"*(a)* the importation of any goods, if made by sea, coastwise or by inland navigation, in any *decked* vessel, shall be deemed to have been completed from the time *the vessel in which* such goods were *imported* came within the limits of *the port at which they ought to be reported*, and, if made by land *or by inland navigation in any undecked vessel*, then from the time such goods were brought within the limits of Canada."

The words in italics are being struck out and in place thereof the words underlined in the new paragraph are added.

See proposed amendments to section 16 in section 3 of this Bill. This is intended to overcome a difficulty experienced in obtaining convictions of crews of vessels and passengers for offence of smuggling, where goods are on search of the vessel found in their possession not landed. This difficulty has arisen on the Pacific coast, particularly with regard to narcotics and Oriental merchandise.

11. The present section reads as follows:—

"**117.** The true amount of Customs duties payable to His Majesty with respect to any goods imported into Canada or exported therefrom shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to His Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may, at any time, be recovered with full costs of suit, in any court of competent jurisdiction."

The authority provided by proposed additional clause is required for the further protection of the revenue in cases of undervaluation or other forms of evasion of payment of duty.

12. The subsection to be repealed reads as follows:—

"(1) No refund of duty shall be allowed after the lapse of fourteen days from the time of entry for any alleged misdescription of goods *by the importer*."

The words in italics are being struck out and in place thereof the words underlined in the new subsection are substituted.

Some doubt has arisen as to whether an "entry" includes the invoice as well as the form of the entry. This amendment will make it clear that the misdescription referred to covers a misdescription either in the invoice or entry form.

13. In view of the present day methods of operations by smugglers and the necessity for prompt action at all hours of the day or night, it is desirable that Customs officers be empowered to arrest smugglers and other offenders without the necessity of first obtaining a warrant.

Under the Act as it stands at present, officers may detain and seize goods which they suspect have been smuggled, but have probably not the power to arrest the person found smuggling without first securing a warrant. If an officer on detecting some persons or person in the act of smuggling goods into Canada or encountering some person whom he knew had smuggled goods into Canada, were obliged to first secure a warrant before he could arrest such persons, there is a grave possibility that the persons might escape and not be possible of arrest after the warrant had been secured.

Section 154B proposed is based on section 30 of the Criminal Code and it is desirable that it be incorporated in the Customs Acts for the protection of a Customs officer who in the performance of his duty makes an arrest.

Section 30 of the Criminal Code reads as follows:—

"**30.** Arrest by peace officer.—Every peace officer who, on reasonable and probable grounds, believes that an offence for which the offender may be arrested without warrant has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or not."

14. The section to be amended reads as follows:—

"**177.** The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the court for decision."

This subsection is desired in order to relieve the Minister from the enormous detail of considering the evidence and deciding all seizures, the greater number of which are formal only. It will still be open for the Commissioner of Customs to have decided by the Minister personally important cases which in his opinion should be drawn to the Minister's attention.

15. Section one hundred and eighty-seven of the said Act is amended by adding at the end thereof the following:—"and shall,—

Fine and imprisonment.

(a) If the value of the goods is under two hundred dollars, be further liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and

(b) If the value of the goods is two hundred dollars or over, be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars, and to imprisonment for a term not exceeding seven years and not less than one year."

16. Subsection two of section one hundred and ninety-two of the said Act is repealed, and the following is substituted therefor:—

If articles not found sum equal to the value forfeited.

"(2) If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles, shall forfeit a sum equal to the value of the articles, and shall, whether such articles are found or not

Further penalty if value under two hundred dollars.

(a) If the value of the articles is under two hundred dollars, be further liable on summary conviction before two justices of the z?ace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and,

Further penalty if value two hundred dollars or over.

(b) If the value of the goods is two hundred dollars or over be guilty of an indictable offence and liable on conviction to *d* fine of five hundred dollars, and to imprisonment for a term not exceeding seven years and not less than one year."

17. Subsection two of section one hundred and ninety-three of the said Act is repealed, and the following is substituted therefor:—

Forfeiture of sum equal to value if goods not found.

"(2) If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles, and shall, whether such articles are found or not

15. The section to be amended reads as follows:—

"**187.** If any goods,—

(a) are imported into Canada at any other place than at some port or place of entry at which a Custom-house is then lawfully established; or,

(b) being brought by land or inland navigation into a port or place of entry where a Custom-house is so established, are carried past such Custom-house, or removed from the place appointed for the examination of such goods by the collector or other proper officer at such port or place before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly;

such goods shall be seized and forfeited, and every person concerned in such unlawful importation or removal shall incur a penalty equal to the value of such goods."

It is desired to strengthen this section and bring it into line with section 206 as amended in 1925, by providing for additional penalties.

Section 285A proposed by section 38 of this Bill, will provide that the court shall be obliged to impose at least the minimum penalty in prosecutions under this Act and shall not have power to suspend sentences in the case of a conviction of any person charged with an indictable offence under this Act.

16. The section to be amended reads as follows:—

"**192.** If any goods are imported into Canada in any vehicle, other than a railway carriage, or upon the person, between sunset and sunrise on any day or at any time on a Sunday or a statutory holiday, except under a written permit from a collector of Customs, and under the supervision of an officer, such goods and the vehicle in which the same are imported, together with the fittings, furnishings and appurtenances, and the animals and the harness or tackle appertaining thereto shall be forfeited, and may be seized and dealt with accordingly.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles, shall forfeit a sum equal to the value of the articles, and shall *be further liable on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both.*"

The words in italics in present subsection 2 are being struck out and in place thereof the words underlined in the new subsection are substituted.

This change is desired to bring the section into line with section 206 as amended in 1925, by providing additional penalties.

17. This section 193 deals with the offence of failing to report at Custom-house where goods are brought into Canada by vehicle or by person and the penalties should be brought into line with those provided in section 206 of the Act as amended in 1925.

The subsection to be repealed reads as follows:—

"(2) If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles; and shall *be further liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both.*"

The words in italics above are being struck out and the words underlined in the new subsection are substituted therefor.

Further penalty if value under two hundred dollars.

(a) If the value of the articles is under two hundred dollars, be further liable on summary conviction before two justices of the peace to a penalty not exceeding five hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and,

Further penalty if value two hundred dollars or over.

(b) If the value of the goods is two hundred dollars or over, be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars, and to imprisonment for a term not exceeding seven years and not less than one year."

18. Subsection two of section one hundred and ninety-five of the said Act is repealed, and the following is substituted therefor:—

Conductor and employees.

"(2) Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall forfeit a sum equal to the value of the articles, and shall,—

Further penalty if value under two hundred dollars.

(a) If the value of the goods is under two hundred dollars, be further liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and,

Further penalty if value two hundred dollars or over.

(b) If the value of the goods is two hundred dollars or over, be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars and to imprisonment for a term not exceeding seven years and not less than one year."

19. Section one hundred and ninety-six of the said Act is repealed, and the following is substituted therefor:—

Vessels used in conveying liable to forfeiture.

"**196.** (1) All vessels, with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited.

Assisting in landing, etc., such goods.

"(2) Every person who assists or is otherwise concerned in the importing, unshipping, landing or removing, or in the harbouring of such goods, or into whose control or possession the same come without lawful excuse, the proof

18. The section at present reads as follows:—

"**195.** If any goods are unlawfully imported on any railway, they shall be seized and forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited.

"2. Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall, *upon summary conviction, be liable to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months, and not less than three months, or to both.*"

The words in italics in the present subsection 2 are being struck out and in place thereof the words underlined in the new subsection are substituted.

It is desirable that additional penalties be provided in this section to bring it into line with section 206 as amended in 1925, and by providing further for a forfeiture by the guilty party of a sum equal to the value of the goods.

19. The section repealed reads as follows:—

"**196.** All vessels, with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited.

2. Every person who assists or is otherwise concerned in the importing, unshipping, landing or removing, or in the harbouring of such goods, *or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars or a penalty equal to treble the value of such goods, at the election of the person who sues for the same.*

3. *The averment in any information, petition or pleading for the recovery of such penalty that such person has elected to sue for the sum mentioned in the information, petition or pleading, shall be sufficient proof of such election, without any other evidence of the fact.*"

The words in italics in the present section are being struck out and in place thereof the words underlined in the new section are substituted.

This section, which deals in part with persons assisting in smuggling operations, should be brought more into line with sections 206 and 219 of the Act as amended in 1925.

The provision in subsection 2 of section 196 as it stands at present for suing for treble value has never been exercised and may be dropped from the Act, in which case subsection 3 as appearing in italics above should be dropped also.

It is desirable that where smuggled goods are found in the possession of a person who claims that his possession thereof is innocent, the burden of proof to that effect should be placed on the person charged. See proposed amendment to section 219 in sections 26 and 27 of this Bill.

Penalty. Where value under two hundred dollars.

of which shall be on the person accused, shall in addition to any other penalty forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and where the value of such goods is under two hundred dollars, shall further be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one month, or to both fine and imprisonment."

Further penalty where value two hundred dollars or over.

"(3) Where the value of the goods so imported, unshipped, landed, removed, harboured or found, is of the value of two hundred dollars or over, such person shall be guilty of an indictable offence and liable in addition to other penalties to which he is subject for any such offence, to imprisonment for a term not exceeding seven years and not less than one year."

20. Section one hundred and ninety-seven of the said Act is repealed, and the following is substituted therefor:—

Procuring persons to assist in smuggling.

"**197.** Every person who, by any means, procures, hires, or induces any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs and Excise, shall be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars, for every person so procured, hired or induced, and to imprisonment for a term not exceeding seven years and not less than one year."

21. Subsection four of section two hundred and six of the said Act, as enacted by chapter thirty-nine of the statutes of 1925, is repealed, and the following subsection is inserted in lieu thereof:—

Time of importation by sea of liquors and narcotics.

"(4) The offence of smuggling wines, spirituous and fermented malt liquors and narcotics shall be deemed to be completely committed when any vessel, decked or undecked, containing any goods not reported pursuant to section sixteen of this Act, arrives within three miles of the coasts or shores of Canada."

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

"**197.** Every person who, by any means, procures, hires, or induces any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, *shall, for every person so procured, hired or induced, incur a penalty of one hundred dollars.*"

The words in italics in the present section are being struck out and in place thereof the words underlined in the new section are substituted.

It is desirable that the procuring of persons to smuggle should be made an indictable offence and that the penalty be made more severe and in line with the penalty for smuggling. It quite frequently happens that the persons or firms which profit by smuggling operations take no part in the actual smuggling but hire others to smuggle for them. Smuggling is an indictable offence under section 206 and the hiring of persons to smuggle should likewise be made an indictable offence.

21. Subsection 3 and subsection 4 of section 206 read as follows:—

"(3) Every one who smuggles or clandestinely introduces into Canada any goods subject to duty of the value of two hundred dollars or over is guilty of an indictable offence and liable in addition to any other penalty to which he is subject for any such offence to imprisonment for a term not exceeding seven years and not less than one year for a first offence, and to imprisonment for a term not exceeding ten years and not less than three years for a second and each subsequent offence, and such goods if found shall be seized and forfeited without power of remission, or if not found but the value thereof has been ascertained the person so offending shall forfeit without power of remission the value thereof as ascertained.

4. Notwithstanding the provisions of section one thousand and twenty-eight of the Criminal Code, or of any other statute or law, the court shall upon any proceeding by indictment under subsection three hereof have no power to impose less than the minimum penalties therein prescribed, and shall in all cases of conviction impose both fine and imprisonment."

This subsection 4 may now be dropped in view of the proposed section 285A herein dealing with minimum penalties.

The new subsection 4 proposed is required to overcome the difficulty in securing convictions for smuggling where goods not actually landed.

22. Section two hundred and seven of the said Act is repealed, and the following is substituted therefor:—

Possession of blank invoices certified.

"**207.** Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession, any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months and not less than one month."

Penalty.

23. Section two hundred and twelve of the said Act is repealed, and the following is substituted therefor:—

Placing dutiable goods in building upon the boundary line.

"**212.** If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith, any dutiable goods without payment of duty, or contrary to the provisions of this Act or of any Customs laws or regulations, such person shall be guilty of an indictable offence and liable on conviction to a penalty not exceeding one thousand dollars and not less than two hundred dollars, and to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

Penalty.

24. The said Act is amended by inserting the following section immediately after section 213A as enacted by chapter fifteen of the statutes of 1917:—

Customs officer may be stationed in building adjacent to boundary.

"**213B.** (1) The Minister shall have the right whenever he deems it advisable to station a Customs officer in any factory or building used for commercial purposes and situated adjacent to the boundary between Canada and the United States, to ensure that goods other than goods purchased in Canada brought into the factory are imported through a regularly established port of entry, and the records of the factory or other business shall be open at all times to inspection by officers of Customs.

Regulations.

"(2) The Minister shall have the power to make such regulations as he deems necessary or advisable for the protection of the revenue and enforcing the provisions of this section."

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

"**207.** Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession, any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months, *in the discretion of the court.*"

The words in italics above are being struck out and the words underlined in the new section are substituted in place thereof.

It is inconceivable that any person would have such invoices in their possession for any other object than to defraud the Customs revenue, and it is desirable to repeal the right now given the court to exercise discretion as to whether a term of imprisonment shall be imposed or not and fix the minimum term of imprisonment at one month.

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

"**212.** If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith, any dutiable goods without payment of duty, or contrary to the provisions of this Act or of any Customs laws or regulations, such person *shall incur a penalty not exceeding one thousand dollars, and not less than two hundred dollars.*

The words in italics above are being struck and in place thereof the words underlined in the new section are substituted.

Offences under this section should be made indictable and more severe penalties imposed to bring it into line with section 206 as amended in 1925. There is a large loss of Customs revenue through the operation of these line stores and heavier penalties should act as a deterrent.

24. This authority to place a Customs officer in any factory or building situated at or near the boundary between Canada and the United States is considered necessary to enable the Department to properly cope with the situation which now exists at certain border points.

25. Section two hundred and sixteen of the said Act is repealed, and the following is substituted therefor:—

Being on board of smuggling vessel.

"**216.** Every person who is proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into Canada, shall, unless such person establishes that his presence on such vessel or boat was innocent and further establishes that he was not concerned in any of such acts as aforesaid, be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

Penalty.

26. Subsection one of section two hundred and nineteen of the said Act, as enacted by chapter thirty-nine of the statutes of 1925, is repealed, and the following is substituted therefor:—

Keeping or selling, etc., goods unlawfully imported.

"**219.** (1) If any person, whether the owner or not, without lawful excuse, the proof of which shall be on the person accused, harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be seized and forfeited without power of remission, and, if such goods are not found, the person so offending shall forfeit the value thereof without power of remission: Provided that in all cases where the goods are wines, spirituous or fermented malt liquors or narcotics, the burden of proof that the duties lawfully payable on such goods have been paid shall rest upon the claimant thereof or the person in whose possession the goods are found."

Forfeiture.

Burden of proof where goods spirituous liquors or narcotics.

27. Section two hundred and nineteen of the said Act is further amended by adding thereto the following subsection, viz.:—

Time of importation of spirituous liquors and narcotics.

"(4) Unlawful importation of wines, spirituous and fermented malt liquors and narcotics into Canada by water shall be complete at the time any decked or undecked vessel containing any such goods not reported pursuant to section sixteen of this Act, arrives within three miles of the coasts or shores of Canada."

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

"**216.** Every person who is proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of Canada, having on board or attached thereto, or conveying or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into Canada, shall *incur a penalty of one hundred dollars, if he has been knowingly concerned in any of such acts.*"

The words in italics above are being struck out and in place thereof the words underlined in the new section are substituted.

The presence of any person on board a vessel engaged in smuggling should be *prima facie* evidence that such person had knowledge and was concerned in the doing of the things which cause the vessel to be subject to forfeiture. It is desirable that the section be strengthened by shifting the burden of proof from the Crown to the person proved to have been on board, by increasing the maximum fine from $100 to $200 and by giving the courts power to impose term of imprisonment.

26. Subsection 1 of section 219 at present reads as follows:—

"**219.** (1) If any person *knowingly* harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be seized and forfeited without power of remission, and, if such goods are not found, the person so offending shall forfeit the value thereof without power of remission."

The word in italics above is being struck out and the words underlined in the new subsection are substituted therefor and added.

"Knowingly"—This word has been the stumbling block in the way of obtaining convictions under this section, it being difficult in some cases to prove knowledge on the part of the accused that the goods were not duty paid. It is believed that the substituted clause will be an ample protection to the accused without offering the same opportunity of escape as is provided by the word "knowingly".

27. With regard to intoxicating liquors and narcotics, these being two more or less prohibited classes of goods, it is submitted that the burden of proof that duties have been paid should properly rest upon the claimant thereof or upon the person in whose possession the goods are found. The new subsection 4 is similar to the amendment proposed for section 206—see above, and the same explanation applies.

28. The said Act is further amended by inserting the following section immediately after section two hundred and twenty thereof:—

Smuggling carrying offensive weapons.

"**220A.** Every one is guilty of an indictable offence and liable to imprisonment for ten years, who while carrying offensive weapons is found with any goods liable to seizure or forfeiture under this Act or any law relating to the Customs, knowing such goods to be so liable."

29. Subsection one of section two hundred and forty-six of the said Act is repealed, and the following is substituted therefor:—

Vessel leaving without a clearance, etc.

"**246.** (1) If any vessel departs from any port or place in Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars, or if cargo comprises wines or spirituous liquors a penalty of one thousand dollars; and the vessel shall be detained in any port in Canada until the said penalty is paid."

Penalty. Detention.

30. Section two hundred and forty-seven of the said Act is repealed, and the following is substituted therefor:—

Contravention generally.

"**247.** All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to this Act, or to any regulation made by the Governor in Council, and all goods or vehicles, and all vessels under the value of four hundred dollars, with regard to which the requirements of this Act or any such regulation have not been complied with, shall be forfeited and may be seized."

Forfeiture.

31. Section two hundred and forty-eight of the said Act is repealed, and the following is substituted therefor:—

If vessel is of value of $400 master liable to penalty of $400.

"**248.** If, with regard to any vessel of the value of four hundred dollars or upwards, the requirements of this Act or of any such regulation have not been complied with, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and keeping and selling such vessel."

Vessel may be sold.

28. This is copied from section 117 of the Criminal Code. Customs officers, however, are not usually conversant with the provisions of the Code and it is therefore advisable that this section be incorporated in the Customs Act.

Section 117 of the Criminal Code reads as follows:—

"**117.** Smuggler carrying weapons.—Every one is guilty of an indictable offence and liable to imprisonment for ten years who, while carrying offensive weapons, is found with any goods liable to seizure or forfeiture under any law relating to inland revenue, the customs, trade or navigation, knowing such goods to be so liable."

29. The subsection to be repealed reads as follows:—

"**246.** (1) If any vessel departs from any port or place in Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars; and the vessel shall be detained in any port in Canada until the said penalty is paid."

The words underlined in the new subsection are inserted.

It is found at the present time that vessels carrying intoxicating liquors as cargo are quite ready to violate the provisions of this section 246 and suffer the maximum panalty of $400 therein provided. It is believed that the change from $400 to $1,000 where a cargo is wines or spirituous liquors will operate as a deterrant.

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

"**247.** All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles, and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized."

The words underlined in the new section are inserted.

As the section now stands a penalty is provided for contraventions of regulations made by the Governor in Council but is not provided anywhere in the Act for contraventions of the Act itself, and this should be remedied.

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

"**248.** If, with regard to any vessel of the value of four hundred dollars or upwards, the requirements of any such regulation have not been complied with, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and keeping and selling such vessel."

The words underlined in the new section are inserted.

Explanation same as 30 immediately above.

32. The said Act is amended by inserting the following section immediately after section two hundred and forty-eight:—

Contravention of Act in other respects.

"**248A.** Every person who violates any of the provisions of this Act or who neglects any duty imposed on him by this Act, for which violation or neglect no penalty is herein specially provided, shall be liable on summary conviction

Penalty.

before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

33. Section two hundred and fifty-two of the said Act is repealed, and the following is substituted therefor:—

Collusive seizure or release.

"**252.** (1) Every officer of the Customs and Excise, and every person employed, with the concurrence of the Minister, for the prevention of smuggling, who makes any collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who

Bribes.

takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of an indictable offence, and liable for every

Penalty.

such offence to a fine of one thousand dollars, and to imprisonment for a term not exceeding five years and not less than one year, and shall be incapable of serving His Majesty in any office whatsoever.

Persons bribing or tempting officers to neglect duty.

"(2) Every person who gives, offers or promises to give, or procures to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any Act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, may be evaded, is guilty of an indictable offence and liable for every such offence to a fine of one thousand dollars, and to imprisonment for a term not exceeding five years and not less than one year."

34. Section two hundred and fifty-three of the said Act is repealed, and the following is substituted therefor:—

Goods forfeited.

"**253.** If any entry passed by any Custom-house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be seized and forfeited."

32. Similar to section 123 of Excise Act. Hitherto there has been no such useful provision in the Customs Act.

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

"**252.** Every officer of the Customs, and every person employed, with the concurrence of the Minister, for the prevention of smuggling, who makes any collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of an indictable offence, and liable for every such offence to a fine of *five hundred* dollars, and to imprisonment for a term not exceeding *two years and not less than three months*, and shall be incapable of serving His Majesty in any office whatsoever.

2. Every person who gives, offers or promises to give, or procures to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, may be evaded, is guilty of an indictable offence and liable for every such offence to a fine of *five hundred* dollars, and to imprisonment for a term not exceeding *two years and not less than three months*."

The words in italics above are being struck out and the words underlined in the new section are substituted therefor.

Bribery of a Customs officer is a serious offence and severe punishment should be provided for any officer who is unfaithful to his trust and for any one who attempts to corrupt an officer. It is therefore recommended that the fine be increased from $500 to $1,000 and that the maximum term of imprisonment be increased from two to five years. The increased term of imprisonment is recommended in order that there shall be no conflict between this section and section 160 of the Criminal Code, which provides that a Customs officer who commits any fraud or breach of trust is guilty of an indictable offence and liable to five years' imprisonment.

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

"**253.** If any entry passed at any Custom-house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited."

The words underlined in the new section are inserted.

This will bring the wording in line with other sections of the Act.

35. Section two hundred and fifty-six of the said Act is amended by adding thereto the following subsection:—

Watchmen on board liquor-laden vessels in port.

"(2) The Collector or other proper officer of Customs may station Customs officers or other watchmen on board any vessel while within the limits of a port with cargo of wines, spirituous or fermented malt liquors, and the charges therefor shall be paid by the owners or Master of the said vessel and owner of the cargo, and clearance of the said vessel may be withheld until payment of such charges is made. In default of payment thereof such vessel and cargo may be sold to pay such charges and any expenses incurred in detaining, keeping and selling such vessel and cargo."

36. Section two hundred and sixty-four of the said Act is repealed, and the following is substituted therefor:—

Burden of proof.

Generally.

"**264.** The burden of proof that the proper duties payable with respect to any goods have been paid, and that all requirements of this Act with regard to the entry of any goods have been complied with and fulfilled shall, in all cases, lie upon the person whose duty it was to comply with and fulfil the same or in whose possession the goods

Particularly.

were found; and, without restricting the generality of the foregoing provision, if any prosecution or suit is brought for any penalty, punishment or forfeiture, or for the recovery of any duty under this Act, or any other law relating to the Customs, or to trade and navigation, or if any proceedings is taken against the Crown or any officer for the recovery of any goods seized or money deposited under the authority of this Act, or any other such law, and if any question arises as to the identity or origin of goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation of the same, or as to the doing or omission of any other thing by which such penalty, punishment or forfeiture or liability for duty would be incurred or avoided, the burden of proof shall lie on the owner or claimant of the goods seized or money deposited or on the party in whose possession the goods were found and not on the Crown or on the party representing the Crown."

37. Subsection one of section two hundred and seventy-two of the said Act is amended by adding at the end thereof the following words:—"including a reasonable counsel fee in the discretion of the Court."

35. This is necessary for protection of revenue to guarantee against the unlawful landing of liquors, and it is proper that the vessel and the cargo should incur the expense.

36. The words underlined in the new section are inserted.

There is no other change.

For insertion of word "punishment" see section 1 of this Bill.

Magistrates have held that where imprisonment only is imposed this is not a penalty or forfeiture within the meaning of these words as found in the Act.

"Or in whose possession the goods were found"—It has often arisen in practice that the party in whose possession the goods were found did not make any claim therefor and could not be proven to be the owner, with the consequence that prosecutions have failed in cases where they ought to have succeeded.

37. The section to be amended reads as follows:—

"**272.** In every prosecution, information, suit or proceeding brought under this Act for any penalty, or to declare or enforce any forfeiture, or upon any bond given under it, or in any matter relating to the Customs or to trade or navigation, His Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit.

2. All such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the court in which the prosecution is brought may be levied by execution; or payment thereof may be enforced by capias as satisfaciendum against the person of the defendant under the same conditions and in like manner."

This section as it stands at present provides that where successful in a prosecution the Crown is entitled to recover full costs of suit. It is recommended that these costs should include a reasonable counsel fee in the discretion of the Court. There is a precedent for this provision in The Food and Drugs Act.

38. The said Act is amended by inserting the following sections immediately after section two hundred and eighty-five thereof:—

Minimum penalty.

"**285A.** (1) Notwithstanding the provisions of the Criminal Code or of any other statute or law, the Court shall, in any prosecution, suit or proceeding under this Act, have no power to impose less than the minimum penalty prescribed.

(2) Notwithstanding the provisions of the Criminal Code or any other statute or law, the Court, in a case of the conviction of any person charged with an indictable offence under this Act, shall have no power to suspend sentences."

Suspended sentences.

Indictable offence.

"**285B.** Every one who is convicted of an indictable offence for any infraction of the Customs Act committed after a previous conviction for an indictable offence, is liable to imprisonment for a term not exceeding ten years and not less than three years."

Second conviction.

39. (1) Paragraph *(n)* of section two hundred and eighty-six of the said Act is repealed, and the following is substituted therefor:—

Distribution of proceeds.

"*(n)* Prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed, and providing for payment to informers forthwith after seizure of an award based upon the value of the goods seized and not dependent upon forfeiture or proceeds of forfeiture."

(2) Paragraph *(s)* of the said section is repealed, and the following is substituted therefor:—

Special Customs services.

"*(s)* Regulating and determining what shall be special Customs services for which charges shall be payable to His Majesty on account of the attendance of Customs officers on vessels or at wharfs, warehouses, stations, frontier highway bridges, or other places, and the scale or amount of such charge sand the conditions attaching to such special services; and in any such case the money received for such charges may be used for payment of the salaries or pay of Customs officers for the fiscal year in which the special Customs service is performed, notwithstanding anything in any Act."

40. Section three hundred and three of the said Act is repealed, and the following is substituted therefor:—

Baggage, etc., of travellers between Canada and United States.

"**303.** The Minister may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to travellers passing through a portion

38. Subsection 1 of section 285A makes general throughout the Act part of the provision now contained in subsection 4 of section 206 as enacted by chapter 39 of the statutes of 1925, now being repealed.

Subsection 2 proposed is intended to meet the situation which has arisen where in prosecutions for indictable offences after the accused has been committed for trial and the prosecution is carried on by the local Crown Attorney, who is not under the control of this Department, the accused though found guilty has been allowed his liberty on suspended sentence, contrary to the opinion and desire of the Department.

Section 285B is based on section 1053 of the Criminal Code dealing with second offences, which reads as follows:—

"**1053.** Punishment for second offence.—Every one who is convicted of an indictable offence not punishable with death, committed after a previous conviction for an indictable offence, is liable to imprisonment for ten years, unless some other punishment is directed by any statute for the particular offence.

2. Fixed by statute.—In such latter case the offender shall be liable to the punishment directed and not to any other."

It is suggested that this section should be inserted in the Customs Act, as when prosecutions are instituted for infractions of the Customs Act the courts quite naturally look to the Customs Act to ascertain what penalty should be imposed and would be very likely to overlook the penalty provided in the Criminal Code for second offences, unless their attention was specifically directed thereto. The Criminal Code section does not specify any minimum term but three years is sufficient to bring this section into line with section 206 of the Customs Act as enacted by chapter 39 of the statutes of 1925, where the minimum term provided for smuggling is three years.

39. Paragraph *(n)* to be repealed reads as follows:—

"*(n)* Prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed."

The words underlined in the new paragraph are added.

Informers, particularly with regard to offences against the liquor laws, take great risks of property and even life, and it is believed that if prompt awards could be paid as provided by this amendment the receiving of information would be facilitated.

Paragraph *(s)* to be repealed reads as follows:—

"*(s)* Regulating and determining what shall be special Customs services for which charges shall be payable to His Makesty on account of the attendance of Customs officers on vessels or at wharfs, warehouses, stations, or other places, and the scale or amount of such charges and the conditions attaching to such special services; and in any such case the money received for such charges may be used for payment of the salaries or pay of Customs officers for the fiscal year in which the special Customs service is performed, notwithstanding anything in any Act."

The words underlined in the new paragraph *(s)* are inserted.

The Deputy Minister of Justice has expressed doubts as to whether under the wording of this clause as it stands at present "frontier highway bridges" would be regarded as included within the meaning of the words "other places", and the amendment is intended to settle this point. Special Customs services on frontier highway bridges are becoming much more general at the present time than in the past.

40. At the present time, pleasure boats and automobiles are frequently used by travellers between the United States and Canada for temporary admission, and it is doubtful if the section as it stands at present strictly construed would apply to such conveyances. The word "vehicle" as defined by section 2 *(b)* of this Act, is sufficiently wide to cover automobiles.

The words underlined are in the proposed section are inserted. There is no other change.

of Canada, or coming into it with their vessels, vehicles, carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or, having gone to the United States from Canada, returning to Canada with such articles, and may direct under what circumstances duty shall or shall not be paid, and on what conditions it shall be remitted or returned."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 172.

An Act to amend the Customs Act.

AS PASSED BY THE HOUSE OF COMMONS,
1st APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37634 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 172.

R.S., c. 48; 1907, c. 10; 1908, c. 19; 1914, c. 25; 1917, c. 15; 1920, c. 10; 1921, c. 26; 1922, c. 22; 1924, c. 36; 1925, c. 39.

An Act to amend the Customs Act.

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

1. Paragraph *(o)* of section two of the *Customs Act*, chapter forty-eight of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:—

Value.

"*(o)* 'value' in respect of any penalty, punishment or forfeiture imposed by this Act and based upon the value of any goods or articles, means the duty paid value of such goods or articles at the time of the commission of the offence by which such penalty, punishment or forfeiture is incurred."

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

Board of Customs. Of whom to consist.

"**8.** (1) There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, who shall be the Chairman of the Board, the Commissioner of Excise, the Commissioner of Income Tax, the Assistant Commissioner of Customs, and such other duly qualified officer of Customs and Excise as the Governor in Council from time to time appoints."

3. Subsection two of section sixteen of the said Act is repealed, and the following is substituted therefor:—

Contents of report.

"(2) The report shall state, so far as any of the following particulars are or can be known to the master, the name, country, tonnage and port of registry of the vessel, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, the marks and numbers of every package and parcel of goods

Explanatory Notes.

1. This is the same as the present paragraph in the Act with the addition of the word "punishment" in two places as underlined.

Under section 206 of the Act, as amended in 1925, every one who smuggles good subject to duty of the value of $200, or over, is guilty of an indictable offence, and under section 219, any one who harbours, keeps, conceals, etc., any goods unlawfully imported into Canada, where such goods are of the value of $200, or over, is guilty of an indictable offence, and both under section 206 and 219 the party is liable to a term of imprisonment, but no fine is provided.

Magistrates have held that this term of imprisonment is not a penalty or forfeiture within the meaning of paragraph *(o)* of section 2, and consequently have dismissed charges where the value as distinguished from duty paid value was less than $200. The addition of the word "punishment" in this paragraph will have the effect of overcoming this difficulty.

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

"8. (1) There shall be a Board of Customs, which shall consist of the Commissioner of Customs, or any officer for the time being acting as such, who shall be the chairman of the Board, and such other duly qualified officers of Customs as the Governor in Council from time to time appoints."

The change becomes necessary by reason of the proposed Bill establishing the Department of National Revenue. The Board will consist of five officers as heretofore, leaving only one officer to be appointed by the Governor in Council.

3. The subsection to be repealed reads as follows:—

"2. The report shall state, so far as any of the following particulars are or can be known to the master, the name, country, tonnage and port of registry of the vessel, the name of the master, the country of the owners, the number and names of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, *and if laden*, the marks and numbers of every package and parcel of goods on board, and where the same were laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, also the part of the cargo and the number and names of the passengers intended to be landed at that port, and at any other port in Canada, what part of the cargo, if any, is intended to be exported in the same, vessel, and what surplus stores remain on board."

The words in italics are being struck out and the words underlined in the new section are added.

The intention is to provide for fuller report by masters of vessels to include goods in possession of the crew and passengers, and to facilitate forfeiture of such goods when not reported.

on board, if any, the best description possible of all unmarked or unparcelled goods, whether the property of the importer, consumer, passengers, officers or members of the crew, and where the same were laden, and the particulars of any goods stowed loose, and, if consigned, where and to whom consigned, and where any and what goods, if any, have been laden or unladen, or bulk has been broken, during the voyage, also the part of the cargo and the number and names of the passengers intended to be landed at that port, and at any other port in Canada, what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board: Provided, however, that this Section shall not be construed to require a report of the wearing apparel or personal effects in actual use by passengers, officers and members of the crew of vessels."

4. Section twenty-nine of the said Act is amended by repealing subsection two thereof, and substituting therefor the following:—

To be retained if perfect entry not made.

"(2) If the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held as duty accruing on such goods, and shall be dealt with and accounted for accordingly;"

and by adding thereto the following subsection:—

Penalty if invoice not produced.

"(3) Provided that in all cases where such goods are purchased or consigned a sufficient invoice therefor as provided in section thirty-one hereof, shall be produced within the said time appointed by the Collector, and in default thereof the importer shall be liable to a penalty equal to the amount so deposited with the Collector recoverable in any court of competent jurisdiction."

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

If importer swears that no invoice has been or can be produced.

"**30.** Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties on such goods; and such sum shall then be held as duties."

4. The subsection to be repealed reads as follows:—

"2. If the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held *to be the* duty accruing on such goods, and shall be dealt with and accounted for accordingly."

The words in italics are struck out and in place thereof the word "as" underlined in the new subsection is inserted.

It is not desired to treat this deposit as full payment of duty and the right is reserved to demand further payment of duty if the facts warrant.

It has been found that where bill of sight entries have been passed for want of an invoice and the importer afterwards gets possession of the invoice, he will invariably arrange for perfecting the entry if the value on the invoice is shown to be less than the value upon which duty was paid on the sight entry, but if the value shown on the invoice be more than the value used on the sight entry the sight entry may be allowed to stand without amendment. There should be some penalty provided for such an offence.

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

"**30.** Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms that the invoice has not been and cannot be produced, and pays to the collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties on such goods; and such sum shall then be held *to be the amount of such* duties."

The words in italics are being struck out, and in place thereof the word "as" is inserted.

The same explanation applies here as is given above in note to section 4 for change in subsection 2 of section 29.

6. Section fifty-six of the said Act is repealed, and the following is substituted therefor:—

If the importer is dissatisfied with the appraisement.

"**56.** (1) Except as in this Act otherwise provided, if the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made of any such goods by the appraiser, hereinbefore mentioned he may, within six days, give notice in writing to the collector of such dissatisfaction; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person familiar with the character and value of the goods in question, and the collector shall select a second person of similar knowledge, and notify such importer, owner, consignee or agent of such appointment.

Experienced valuators to be selected.

Their appraisement final.

"(2) The persons so selected, together with a third selected by the Minister from among the Dominion Appraisers, shall examine and appraise the goods in accordance with the provisions of this Act, and the decision of such persons, or of a majority of them if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly.

Shall apply to no other case.

"(3) Such decision shall in no way apply to any case, except that submitted for the consideration of such appraisers.

Oath of valuators

"(4) Every person who acts as an appraiser under this section, except a Dominion Appraiser selected by the Minister as aforesaid, shall take an oath, before a collector of Customs or a justice of the peace, to act without fear, favour or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in Canada."

7. Section fifty-seven of the said Act is repealed, and the following is substituted therefor:—

Remuneration of valuators.

"**57.** The said persons chosen by the importer and Collector to appraise shall each be entitled to the sum of fifteen dollars, which shall be paid by the person dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement, or if the value ascertained by such second appraisement exceeds by ten per centum, or more, the value of the goods for duty as appears by the invoice and bill of entry thereof; otherwise the same shall be paid by the collector out of any public moneys in his hands, and charged in his accounts."

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

"**56.** Except as in this Act otherwise provided, if the importer, owner, consignee or agent, having complied with the requirements of this Act is dissatisfied with the appraisement made of any such goods by the appraiser, hereinbefore mentioned, he may, within *three* days, give notice in writing to the collector of such dissatisfaction; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person familiar with the character and value of the goods in question, and the collector shall select a second person of similar knowledge, and notify such importer, owner, consignee, or agent of such appointment.

"2. The persons so selected, together with a third selected by the Minister from among the *members of the Board of Customs*, shall examine and appraise the goods in accordance with the provisions of this Act, and the decision of such persons, or of a majority of them if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly.

"3. Such decision shall in no way apply to any case, except that submitted for the consideration of such appraisers.

"4. Every person who acts as an appraiser under this section, except a *member of the Board of Customs* selected by the Minister as aforesaid, shall take an oath, before a collector of Customs or a justice of the peace, to act without fear, favour or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in Canada."

The words in italics are being struck out and in place thereof the words underlined in the new section are added.

Three days is in practice found to be too short a time to be allowed for the purposes of this section.

It is proposed to have the third member of the selected valuators to be the Dominion Appraiser, as a member of the Board of Customs is not always available for the purpose of such appraisals, while some Dominion Appraiser will always be available and in any event the Dominion Appraiser is the logical officer to be appointed for this purpose.

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

"**57.** The said persons chosen to appraise shall each be entitled to the sum of *five* dollars, which shall be paid by the person dissatisfied with the first appraisement, if the value ascertained by the second appraisement is equal to or greater than that ascertained by such first appraisement, or if the value ascertained by such second appraisement exceeds by ten per centum, or more, the value of the goods for duty as appears by the invoice and bill of entry thereof; otherwise the same shall be paid by the collector out of any public moneys in his hands, and charged in his accounts."

The word "five" in italics is being struck out and in place thereof the word "fifteen" is inserted, and the words "by the importer and Collector" underlined in the proposed section are added.

It is not considered proper that the person dissatisfied with the first appraisement should be called upon to pay any sum to the Dominion Appraiser selected by the Minister to act as valuator and this provision is accordingly dropped.

The sum of $5 mentioned in the section as it stands at present is in view of present day conditions considered too small a remuneration for the service mentioned and it is accordingly proposed to raise this to $15.

8. Subsection one of section fifty-eight of the said Act is repealed, and the following is substituted therefor:—

Board of Customs may declare rate of duty, or that goods are free.

"**58.** (1) Whenever any difference arises or whenever any doubt exists as to whether any or what rate of duty is payable on any class of goods, and there is no previous decision upon the question by any competent tribunal, binding throughout Canada, the Board of Customs may declare the rate of duty payable on the class of goods in question, or that such goods are exempt from duty, subject in each case to an appeal within sixty days from date of such declaration, by any person interested, to the Governor in Council; and any such declaration of the Board of Customs when approved by the Minister after the expiration of sixty days from the date thereof, or any such declaration when made by any order in council upon appeal, shall have force and effect as if the same had been sanctioned by statute."

Time allowed for appeal.

Effect of order.

9. Section one hundred and one of the said Act, as amended by section six of chapter eighteen of the statutes of 1922, is amended by striking out the proviso at the end thereof, reading as follows:—

"This proviso, however, shall not apply to wines and spirituous liquors in a Canadian port, without entry thereat for warehouse and for no other purpose than their transportation in transitu on a through bill of lading from a port outside of Canada to another port of destination outside of Canada via a Canadian port or ports;"

and by adding to the section the following:—

Or on report outward whether landed or not.

"The provisions of this section as to wines, spirituous and fermented malt liquors shall also apply to wines, spirituous and fermented malt liquors reported outward at Customs by sea as cargo and other than ship's stores, whether landed or intended to be landed in Canada or not, the bond in such case to be given by the owner, shipper or consignor of the goods; and no Collector or officer of Customs shall grant a clearance to a vessel with wines, spirituous or fermented malt liquors as cargo until such bond has been given."

and by striking out the word "and" in the eighteenth line of the said section as amended and by inserting the words "and fermented malt" immediately after the word "spirituous" in the said eighteenth line.

8. The subsection to be repealed is the same as the new subsection except that the words underlined in the new subsection are added.

As this subsection stands at present there is room for a possible injustice being brought about by the Minister approving of a declaration of the Board of Customs before the party interested has had time to consider the situation and appeal to the Governor in Council, because it is provided that a declaration of the Board of Customs when approved by the Minister shall have the same force and effect as if sanctioned by statute. The Deputy Minister of Justice has drawn attention to this defect in the section and has suggested amendment. It is considered that the period of sixty days now proposed to be allowed for appeal will be quite sufficient for the purpose.

9. The latter half of the amended section 101 reads as follows:—

"Provided, however, that upon the entry outwards of wines and spirituous liquors to be exported from a Customs warehouse either by sea or by land or inland navigation, as the case may be, the person entering the same for such purpose shall give security by bond of an incorporated guarantee company authorized to do business in Canada, and whose bonds are acceptable to the Dominion Government, such bond to be in form approved by the Minister, in double the duties of importation on such goods, that the same shall, when the entry aforesaid is for exportation by sea, be actually exported to the place provided for in said entry, and when the entry aforesaid is for exportation by land or inland navigation, shall be landed and delivered at the place for which they are entered outwards, unless in either case the said goods were after leaving Canada lost and destroyed, and that such proof or certificate that such goods have been so exported, landed or delivered, or lost and destroyed, as the case may be, as shall be required by any regulation of the Minister, shall be produced to the collector or other proper officer within a period to be appointed in such bond. *This proviso, however, shall not apply to wines and spirituous liquors in a Canadian port, without entry thereat for warehouse and for no other purpose than their transportation in transitu on a through bill of lading from a port outside of Canada to another port of destination outside of Canada via a Canadian port or ports.*"

The clause in italics is being struck out and the clause underlined in the amendment is being added.

By striking out this proviso, in transitu shipments of wines and spirituous liquors, as they are exported from a Customs sufferance warehouse, will require to be covered by Guarantee Company bond to produce foreign landing certificates.

Investigations have shown that under terms of this proviso shipments have been made which have not been intended for exportation to the indicated port of destination but have afterwards been relanded in Canada.

The proposed addition to the section is aimed at the prevention of vessels engaged in rum-running into Canada and having liquor cargo from making a convenience of Canadian ports on one pretext or another but really as an aid to them in their enterprise.

If the voyage on which such vessel had been cleared is *bona fide*, the furnishing of the bond will not operate severely and will protect the revenue against unlawful landing in Canada.

10. Paragraph *(a)* of section one hundred and sixteen of the said Act is repealed, and the following is substituted therefor:—

Importation when completed.

"*(a)* the importation of any goods, if made by sea, coastwise or by inland navigation, in any vessel, shall be deemed to have been completed from the time such goods were brought within the limits of Canada, meaning when the waters are not international, within three miles of the coasts or shores of Canada, and if made by land, then from the time such goods were brought within the limits of Canada."

11. Section one hundred and seventeen of the said Act is amended by adding at the end thereof the following words:—

How recoverable.

"and any goods afterwards imported or exported by said owner shall be subject to a lien for such debt and may be withheld from delivery by Customs until such debt is paid."

Lien on subsequent importation.

12. Subsection one of section one hundred and thirty-one of the said Act is repealed, and the following is substituted therefor:—

No refund after fourteen days.

"**131.** (1) No refund of duty shall be allowed after the lapse of fourteen days from the time of entry for any alleged mis-description of goods in the invoice or entry thereof."

13. The said Act is further amended by inserting the following sections immediately after section one hundred and fifty-four thereof:—

Arrest without warrant for indictable offence.

"**154A.** Any Customs officer or person having the powers of a Customs officer may arrest without warrant any one found committing or who is suspected of having committed any offence declared by this Act to be an indictable offence."

Justification of officer making arrest.

"**154B.** Every Customs officer and every person having the powers of a Customs officer who on reasonable and probable grounds believes that an offence declared by this Act to be an indictable offence has been committed, whether it has been committed or not, and who on reasonable and probable grounds believes that any person has committed that offence is justified in arresting such person without warrant."

14. Section one hundred and seventy-seven of the said Act is amended by adding thereto the following subsection:—

Minister may delegate powers.

"(2) The Minister may by regulation authorize the Commissioner of Customs to exercise the powers conferred by this section upon the Minister."

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

"*(a)* the importation of any goods, if made by sea, coastwise or by inland navigation, in any *decked* vessel, shall be deemed to have been completed from the time *the vessel in which* such goods were *imported* came within the limits of *the port at which they ought to be reported*, and, if made by land *or by inland navigation in any undecked vessel*, then from the time such goods were brought within the limits of Canada."

The words in italics are being struck out and in place thereof the words underlined in the new paragraph are added.

See proposed amendments to section 16 in section 3 of this Bill. This is intended to overcome a difficulty experienced in obtaining convictions of crews of vessels and passengers for offence of smuggling, where goods are on search of the vessel found in their possession not landed. This difficulty has arisen on the Pacific coast, particularly with regard to narcotics and Oriental merchandise.

11. The present section reads as follows:—

"**117.** The true amount of Customs duties payable to His Majesty with respect to any goods imported into Canada or exported therefrom shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to His Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may, at any time, be recovered with full costs of suit, in any court of competent jurisdiction."

The authority provided by proposed additional clause is required for the further protection of the revenue in cases of undervaluation or other forms of evasion of payment of duty.

12. The subsection to be repealed reads as follows:—

"(1) No refund of duty shall be allowed after the lapse of fourteen days from the time of entry for any alleged misdescription of goods *by the importer*."

The words in italics are being struck out and in place thereof the words underlined in the new subsection are substituted.

Some doubt has arisen as to whether an "entry" includes the invoice as well as the form of the entry. This amendment will make it clear that the misdescription referred to covers a misdescription either in the invoice or entry form.

13. In view of the present day methods of operations by smugglers and the necessity for prompt action at all hours of the day or night, it is desirable that Customs officers be empowered to arrest smugglers and other offenders without the necessity of first obtaining a warrant.

Under the Act as it stands at present, officers may detain and seize goods which they suspect have been smuggled, but have probably not the power to arrest the person found smuggling without first securing a warrant. If an officer on detecting some persons or person in the act of smuggling goods into Canada or encountering some person whom he knew had smuggled goods into Canada, were obliged to first secure a warrant before he could arrest such persons, there is a grave possibility that the persons might escape and not be possible of arrest after the warrant had been secured.

Section 154B proposed is based on section 30 of the Criminal Code and it is desirable that it be incorporated in the Customs Acts for the protection of a Customs officer who in the performance of his duty makes an arrest.

Section 30 of the Criminal Code reads as follows:—

"**30.** Arrest by peace officer.—Every peace officer who, on reasonable and probable grounds, believes that an offence for which the offender may be arrested without warrant has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or not."

14. The section to be amended reads as follows:—

"**177.** The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the court for decision."

This subsection is desired in order to relieve the Minister from the enormous detail of considering the evidence and deciding all seizures, the greater number of which are formal only. It will still be open for the Commissioner of Customs to have decided by the Minister personally important cases which in his opinion should be drawn to the Minister's attention.

15. Section one hundred and eighty-seven of the said Act is amended by adding at the end thereof the following:—"and shall,—

Fine and imprisonment.

(a) If the value for duty of the goods is under two hundred dollars, be further liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and

(b) If the value for duty of the goods is two hundred dollars or over, be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars, or to imprisonment for a term not exceeding seven years and not less than one year, or to both fine and imprisonment."

16. Subsection two of section one hundred and ninety-two of the said Act is repealed, and the following is substituted therefor:—

If articles not found sum equal to the value forfeited.

"(2) If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles, shall forfeit a sum equal to the value of the articles, and shall, whether such articles are found or not

Further penalty if value under two hundred dollars.

(a) If the value for duty of the articles is under two hundred dollars, be further liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and

Further penalty if value two hundred dollars or over.

(b) If the value for duty of the goods is two hundred dollars or over be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars or to imprisonment for a term not exceeding seven years and not less than one year, or to both fine and imprisonment."

17. Subsection two of section one hundred and ninety-three of the said Act is repealed, and the following is substituted therefor:—

Forfeiture of sum equal to value if goods not found.

"(2) If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles, and shall, whether such articles are found or not

15. The section to be amended reads as follows:—

"**187.** If any goods,—

(a) are imported into Canada at any other place than at some port or place of entry at which a Custom-house is then lawfully established; or,

(b) being brought by land or inland navigation into a port or place of entry where a Custom-house is so established, are carried past such Custom-house, or removed from the place appointed for the examination of such goods by the collector or other proper officer at such port or place before the same have been examined by the proper officer, and all duties thereon paid and a permit given accordingly;

such goods shall be seized and forfeited, and every person concerned in such unlawful importation or removal shall incur a penalty equal to the value of such goods."

It is desired to strengthen this section and bring it into line with section 206 as amended in 1925, by providing for additional penalties.

Section 285A proposed by section 38 of this Bill, will provide that the court shall be obliged to impose at least the minimum penalty in prosecutions under this Act and shall not have power to suspend sentences in the case of a conviction of any person charged with an indictable offence under this Act.

16. The section to be amended reads as follows:—

"**192.** If any goods are imported into Canada in any vehicle, other than a railway carriage, or upon the person, between sunset and sunrise on any day or at any time on a Sunday or a statutory holiday, except under a written permit from a collector of Customs, and under the supervision of an officer, such goods and the vehicle in which the same are imported, together with the fittings, furnishings and appurtenances, and the animals and the harness or tackle appertaining thereto shall be forfeited, and may be seized and dealt with accordingly.

2. If the articles so forfeited or any of them are not found, the owner at the time of importation, and the importer, and every other person who has been in any way connected with the unlawful importation of such articles, shall forfeit a sum equal to the value of the articles, and shall *be further liable on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both.*"

The words in italics in present subsection 2 are being struck out and in place thereof the words underlined in the new subsection are substituted.

This change is desired to bring the section into line with section 206 as amended in 1925, by providing additional penalties.

17. This section 193 deals with the offence of failing to report at Custom-house where goods are brought into Canada by vehicle or by person and the penalties should be brought into line with those provided in section 206 of the Act as amended in 1925.

The subsection to be repealed reads as follows:—

"(2) If the articles so forfeited or any of them are not found, the owner at the time of importation and the importer, and every other person who has been in any way connected with the unlawful importation of such articles shall forfeit a sum equal to the value of the articles; and shall *be further liable, on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both.*"

The words in italics above are being struck out and the words underlined in the new subsection are substituted therefor.

Further penalty if value under two hundred dollars.

(a) If the value for duty of the articles is under two hundred dollars, be further liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and,

Further penalty if value two hundred dollars or over.

(b) If the value for duty of the goods is two hundred dollars or over, be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars or to imprisonment for a term not exceeding seven years and not less than one year, or both fine and imprisonment."

18. Subsection two of section one hundred and ninety-five of the said Act is repealed, and the following is substituted therefor:—

Conductor and employees.

"(2) Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall forfeit a sum equal to the value of the articles, and shall,—

Further penalty if value under two hundred dollars.

(a) If the value for duty of the goods is under two hundred dollars, be further liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment; and,

Further penalty if value two hundred dollars or over.

(b) If the value for duty of the goods is two hundred dollars or over, be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars or to imprisonment for a term not exceeding seven years and not less than one year, or both fine and imprisonment."

19. Section one hundred and ninety-six of the said Act is repealed, and the following is substituted therefor:—

Vessels used in conveying liable to forfeiture.

"**196.** (1) All vessels, with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited.

Assisting in landing, etc., such goods.

"(2) Every person who assists or is otherwise concerned in the importing, unshipping, landing or removing, or in the harbouring of such goods, or into whose control or

18. The section at present reads as follows:—

"**195.** If any goods are unlawfully imported on any railway, they shall be seized and forfeited, and the car in which such goods were so imported shall be seized and detached from the train and forfeited.

"2. Every conductor, baggage-master, or officer or servant employed on any railway, and every officer or servant employed by any express company, who is privy to or aids or abets in such unlawful importation, shall, *upon summary conviction, be liable to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding twelve months, and not less than three months, or to both.*"

The words in italics in the present subsection 2 are being struck out and in place thereof the words underlined in the new subsection are substituted.

It is desirable that additional penalties be provided in this section to bring it into line with section 206 as amended in 1925, and by providing further for a forfeiture by the guilty party of a sum equal to the value of the goods.

19. The section repealed reads as follows:—

"**196.** All vessels, with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and cattle made use of in the importation or unshipping or landing or removal of any goods liable to forfeiture under this Act, shall be seized and forfeited.

2. Every person who assists or is otherwise concerned in the importing, unshipping, landing or removing, or in the harbouring of such goods, *or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars or a penalty equal to treble the value of such goods, at the election of the person who sues for the same.*

3. *The averment in any information, petition or pleading for the recovery of such penalty that such person has elected to sue for the sum mentioned in the information, petition or pleading, shall be sufficient proof of such election, without any other evidence of the fact.*"

The words in italics in the present section are being struck out and in place thereof the words underlined in the new section are substituted.

This section, which deals in part with persons assisting in smuggling operations, should be brought more into line with sections 206 and 219 of the Act as amended in 1925.

The provision in subsection 2 of section 196 as it stands at present for suing for treble value has never been exercised and may be dropped from the Act, in which case subsection 3 as appearing in italics above should be dropped also.

It is desirable that where smuggled goods are found in the possession of a person who claims that his possession thereof is innocent, the burden of proof to that effect should be placed on the person charged. See proposed amendment to section 219 in sections 26 and 27 of this Bill.

possession the same come without lawful excuse, the proof of which shall be on the person accused, shall in addition to any other penalty forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction, and where the value for duty of such goods is under two hundred dollars, shall further be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one month, or to both fine and imprisonment."

Penalty. Where value under two hundred dollars.

Further penalty where value two hundred dollars or over.

"(3) Where the value of the goods so imported, unshipped, landed, removed, harboured or found, is of the value for duty of two hundred dollars or over, such person shall be guilty of an indictable offence and liable in addition to other penalties to which he is subject for any such offence, to a fine of five hundred dollars, or to imprisonment for a term not exceeding seven years and not less than one year, or to both fine and imprisonment."

20. Section one hundred and ninety-seven of the said Act is repealed, and the following is substituted therefor:—

Procuring persons to assist in smuggling.

"**197.** Every person who, by any means, procures, hires, or induces any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs shall,—

(a) If the value for duty of the goods is under two hundred dollars, be liable on summary conviction before two justices of the peace, to a penalty not exceeding two hundred dollars and not less than fifty dollars for every person so procured, hired or induced, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment, and,

(b) If the value for duty of the goods is two hundred dollars or over, be guilty of an indictable offence and liable on conviction to a fine of five hundred dollars for every person so procured, hired or induced, or to imprisonment for a term not exceeding seven years and not less than one year, or to both fine and imprisonment."

21. Subsection four of section two hundred and six of the said Act, as enacted by chapter thirty-nine of the statutes of 1925, is repealed, and the following subsection is inserted in lieu thereof:—

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

"**197.** Every person who, by any means, procures, hires, or induces any person or persons to be concerned in the landing, unshipping, carrying or conveying of any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, *shall, for every person so procured, hired or induced, incur a penalty of one hundred dollars.*"

The words in italics in the present section are being struck out and in place thereof the words underlined in the new section are substituted.

It is desirable that the procuring of persons to smuggle should be made an indictable offence and that the penalty be made more severe and in line with the penalty for smuggling. It quite frequently happens that the persons or firms which profit by smuggling operations take no part in the actual smuggling but hire others to smuggle for them. Smuggling is an indictable offence under section 206 and the hiring of persons to smuggle should likewise be made an indictable offence.

Time of importation by sea of liquors and narcotics.

"(4) The offence of smuggling wines, spirituous and fermented malt liquors and narcotics shall be deemed to be completely committed when any vessel, decked or undecked, containing any goods not reported pursuant to section sixteen of this Act, arrives within three miles of the coasts or shores of Canada."

Possession of blank invoices certified.

22. Section two hundred and seven of the said Act is repealed, and the following is substituted therefor:—

"**207.** Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession, any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months and not less than one month."

Penalty.

Placing dutiable goods in building upon the boundary line.

23. Section two hundred and twelve of the said Act is repealed, and the following is substituted therefor:—

"**212.** If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith, any dutiable goods without payment of duty, or contrary to the provisions of this Act or of any Customs laws or regulations, such person shall be guilty of an indictable offence and liable on conviction to a penalty not exceeding one thousand dollars or not less than two hundred dollars, and to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

Penalty.

24. The said Act is amended by inserting the following section immediately after section 213A as enacted by chapter fifteen of the statutes of 1917:—

Customs officer may be stationed in building adjacent to boundary.

"**213B.** (1) The Minister shall have the right whenever he deems it advisable to station a Customs officer in any factory or building used for commercial purposes and situated adjacent to the boundary between Canada and the United States, to ensure that goods other than goods purchased in Canada brought into the factory are imported through a regularly established port of entry, and the

21. Subsection 3 and subsection 4 of section 206 read as follows:—

"(3) Every one who smuggles or clandestinely introduces into Canada any goods subject to duty of the value of two hundred dollars or over is guilty of an indictable offence and liable in addition to any other penalty to which he is subject for any such offence to imprisonment for a term not exceeding seven years and not less than one year for a first offence, and to imprisonment for a term not exceeding ten years and not less than three years for a second and each subsequent offence, and such goods if found shall be seized and forfeited without power of remission, or if not found but the value thereof has been ascertained the person so offending shall forfeit without power of remission the value thereof as ascertained.

4. Notwithstanding the provisions of section one thousand and twenty-eight of the Criminal Code, or of any other statute or law, the court shall upon any proceeding by indictment under subsection three hereof have no power to impose less than the minimum penalties therein prescribed, and shall in all cases of conviction impose both fine and imprisonment."

This subsection 4 may now be dropped in view of the proposed section 285A herein dealing with minimum penalties.

The new subsection 4 proposed is required to overcome the difficulty in securing convictions for smuggling where goods not actually landed.

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

"**207.** Any person who, without lawful excuse, the proof of which shall be on the person accused, sends or brings into Canada, or who, being in Canada, has in his possession, any bill-heading, or other paper appearing to be a heading or blank, capable of being filled up and used as an invoice, and bearing any certificate purporting to show, or which may be used to show, that the invoice which may be made from such bill-heading or blank is correct or authentic, is guilty of an indictable offence, and liable to a penalty of five hundred dollars, and to imprisonment for a term not exceeding twelve months, *in the discretion of the court.*"

The words in italics above are being struck out and the words underlined in the new section are substituted in place thereof.

It is inconceivable that any person would have such invoices in their possession for any other object than to defraud the Customs revenue, and it is desirable to repeal the right now given the court to exercise discretion as to whether a term of imprisonment shall be imposed or not and fix the minimum term of imprisonment at one month.

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

"**212.** If, within the limits of Canada, any person deposits, places or carries, or causes to be deposited, placed or carried in, through or into any building upon the boundary line between Canada and any foreign country, or the premises connected therewith, any dutiable goods without payment of duty, or contrary to the provisions of this Act or of any Customs laws or regulations, such person *shall incur a penalty not exceeding one thousand dollars, and not less than two hundred dollars.*

The words in italics above are being struck and in place thereof the words underlined in the new section are substituted.

Offences under this section should be made indictable and more severe penalties imposed to bring it into line with section 206 as amended in 1925. There is a large loss of Customs revenue through the operation of these line stores and heavier penalties should act as a deterrent.

24. This authority to place a Customs officer in any factory or building situated at or near the boundary between Canada and the United States is considered necessary to enable the Department to properly cope with the situation which now exists at certain border points.

Regulations.

records of the factory or other business shall be open at all times to inspection by officers of Customs.

"(2) The Minister shall have the power to make such regulations as he deems necessary or advisable for the protection of the revenue and enforcing the provisions of this section."

25. Subsection one of section two hundred and nineteen of the said Act, as enacted by chapter thirty-nine of the statutes of 1925, is repealed, and the following is substituted therefor:—

Keeping or selling, etc., goods unlawfully imported.

"**219.** (1) If any person, whether the owner or not, without lawful excuse, the proof of which shall be on the person accused, harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be seized and forfeited without power of remission, and, if such goods are not found, the person so offending shall forfeit the value thereof without power of remission: Provided that in all cases where the goods are wines, spirituous or fermented malt liquors or narcotics, the burden of proof that the duties lawfully payable on such goods have been paid shall rest upon the claimant thereof or the person in whose possession the goods are found."

Forfeiture.

Burden of proof where goods spirituous liquors or narcotics.

26. Section two hundred and nineteen of the said Act is further amended by adding thereto the following subsection, viz.:—

Time of importation of spirituous liquors and narcotics.

"(4) Unlawful importation of wines, spirituous and fermented malt liquors and narcotics into Canada by water shall be complete at the time any decked or undecked vessel containing any such goods not reported pursuant to section sixteen of this Act, arrives within three miles of the coasts or shores of Canada."

27. The said Act is further amended by inserting the following section immediately after section two hundred and twenty thereof:—

Smuggling carrying offensive weapons.

"**220A.** Every one is guilty of an indictable offence and liable to imprisonment for ten years, who while carrying offensive weapons is found with any goods liable to seizure or forfeiture under this Act or any law relating to the Customs, knowing such goods to be so liable."

25. Subsection 1 of section 219 at present reads as follows:—

"**219.** (1) If any person *knowingly* harbours, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into Canada, whether such goods are dutiable or not, or whereon the duties lawfully payable have not been paid, such goods, if found, shall be seized and forfeited without power of remission, and, if such goods are not found, the person so offending shall forfeit the value thereof without power of remission."

The word in italics above is being struck out and the words underlined in the new subsection are substituted therefor and added.

"Knowingly"—This word has been the stumbling block in the way of obtaining convictions under this section, it being difficult in some cases to prove knowledge on the part of the accused that the goods were not duty paid. It is believed that the substituted clause will be an ample protection to the accused without offering the same opportunity of escape as is provided by the word "knowingly".

26. With regard to intoxicating liquors and narcotics, these being two more or less prohibited classes of goods, it is submitted that the burden of proof that duties have been paid should properly rest upon the claimant thereof or upon the person in whose possession the goods are found. The new subsection 4 is similar to the amendment proposed for section 206—see above, and the same explanation applies.

27. This is copied from section 117 of the Criminal Code. Customs officers, however, are not usually conversant with the provisions of the Code and it is therefore advisable that this section be incorporated in the Customs Act.

Section 117 of the Criminal Code reads as follows:—

"**117.** Smuggler carrying weapons.—Every one is guilty of an indictable offence and liable to imprisonment for ten years who, while carrying offensive weapons, is found with any goods liable to seizure or forfeiture under any law relating to inland revenue, the customs, trade or navigation, knowing such goods to be so liable."

28. Subsection one of section two hundred and forty-six of the said Act is repealed, and the following is substituted therefor:—

Vessel leaving without a clearance, etc.

"**246.** (1) If any vessel departs from any port or place in Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars, or if cargo comprises wines or spirituous liquors a penalty of two thousand dollars; and the vessel shall be detained in any port in Canada until the said penalty is paid."

Penalty.

Detention.

29. Section two hundred and forty-seven of the said Act is repealed, and the following is substituted therefor:—

Contravention generally.

"**247.** All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to this Act, or to any regulation made by the Governor in Council, and all goods or vehicles, and all vessels under the value of four hundred dollars, with regard to which the requirements of this Act or any such regulation have not been complied with, shall be forfeited and may be seized."

Forfeiture.

30. Section two hundred and forty-eight of the said Act is repealed, and the following is substituted therefor:—

If vessel is of value of $400 master liable to penalty of $400.

"**248.** If, with regard to any vessel of the value of four hundred dollars or upwards, the requirements of this Act or of any such regulation have not been complied with, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and keeping and selling such vessel."

Vessel may be sold.

31. The said Act is amended by inserting the following section immediately after section two hundred and forty-eight:—

Contravention of Act in other respects.

"**248A.** Every person who violates any of the provisions of this Act or who neglects any duty imposed on him by this Act, for which violation or neglect no penalty is herein specially provided, shall be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

Penalty.

28. The subsection to be repealed as follows:—

"**246.** (1) If any vessel departs from any port or place in Canada without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if, having received a clearance, such vessel adds to her cargo, or takes another vessel in tow, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars: and the vessel shall be detained in any port in Canada until the said penalty is paid."

The words underlined in the new subsection are inserted.

It is found at the present time that vessels carrying intoxicating liquors as cargo are quite ready to violate the provisions of this section 246 and suffer the maximum penalty of $400 therein provided. It is believed that the change from $400 to $1,000 where a cargo is wines or spirituous liquors will operate as a deterrent.

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

"**247.** All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles, and all vessels under the value of four hundred dollars, with regard to which the requirements of any such regulation have not been complied with shall be forfeited and may be seized."

The words underlined in the new section are inserted.

As the section now stands a penalty is provided for contraventions of regulations made by the Governor in Council but is not provided anywhere in the Act for contraventions of the Act itself, and this should be remedied.

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

"**248.** If, with regard to any vessel of the value of four hundred dollars or upwards, the requirements of any such regulation have not been complied with, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and, unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in making the seizure and keeping and selling such vessel."

The words underlined in the new section are inserted.

Explanation same as 30 immediately above.

31. Similar to section 123 of Excise Act. Hitherto there has been no such useful provision in the Customs Act.

32. Section two hundred and fifty-two of the said Act is repealed, and the following is substituted therefor:—

Collusive seizure or release.

"**252.** (1) Every officer of the Customs and Excise, and every person employed, with the concurrence of the Minister, for the prevention of smuggling, who makes any collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of an indictable offence, and liable for every such offence to a fine of one thousand dollars, and to imprisonment for a term not exceeding five years and not less than one year, and shall be incapable of serving His Majesty in any office whatsoever.

Bribes.

Penalty.

Persons bribing or tempting officers to neglect duty.

"(2) Every person who gives, offers or promises to give, or procures to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any Act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, may be evaded, is guilty of an indictable offence and liable for every such offence to a fine of one thousand dollars, and to imprisonment for a term not exceeding five years and not less than one year."

33. Section two hundred and fifty-three of the said Act is repealed, and the following is substituted therefor:—

Goods forfeited.

"**253.** If any entry passed by any Custom-house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be seized and forfeited."

34. Section two hundred and fifty-six of the said Act is amended by adding thereto the following subsection:—

Watchmen on board liquor-laden vessels in port.

"(2) The Collector or other proper officer of Customs may station Customs officers or other watchmen on board any vessel while within the limits of a port with cargo of wines, spirituous or fermented malt liquors, and the charges therefor shall be paid by the owners or Master of the said vessel and owner of the cargo, and clearance of the said vessel may be withheld until payment of such charges is made. In default of payment thereof such vessel and cargo may be sold to pay such charges and any expenses incurred in detaining, keeping and selling such vessel and cargo."

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

"**252.** Every officer of the Customs, and every person employed, with the concurrence of the Minister, for the prevention of smuggling, who makes any collusive seizure, or delivers up, or makes any agreement to deliver up, or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of an indictable offence, and liable for every such offence to a fine of *five hundred* dollars, and to imprisonment for a term not exceeding *two years and not less than three months*, and shall be incapable of serving His Majesty in any office whatsoever.

2. Every person who gives, offers or promises to give, or procures to be given, any bribe, recompense or reward to, or makes any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Act, or any law relating to the Customs, trade or navigation, may be evaded, is guilty of an indictable offence and liable for every such offence to a fine of *five hundred* dollars, and to imprisonment for a term not exceeding *two years and not less than three months*."

The words in italics above are being struck out and the words underlined in the new section are substituted therefor.

Bribery of a Customs officer is a serious offence and severe punishment should be provided for any officer who is unfaithful to his trust and for any one who attempts to corrupt an officer. It is therefore recommended that the fine be increased from $500 to $1,000 and that the maximum term of imprisonment be increased from two to five years. The increased term of imprisonment is recommended in order that there shall be no conflict between this section and section 160 of the Criminal Code, which provides that a Customs officer who commits any fraud or breach of trust is guilty of an indictable offence and liable to five years' imprisonment.

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

"**253.** If any entry passed at any Custom-house is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included, or which ought to have been included in such entry, shall be forfeited."

The words underlined in the new section are inserted.

This will bring the wording in line with other sections of the Act.

34. This is necessary for protection of revenue to guarantee against the unlawful landing of liquors, and it is proper that the vessel and the cargo should incur the expense.

35. Section two hundred and sixty-four of the said Act is repealed, and the following is substituted therefor:—

Burden of proof.

"**264.** The burden of proof that the proper duties payable with respect to any goods have been paid, and

Generally.

that all requirements of this Act with regard to the entry of any goods have been complied with and fulfilled shall, in all cases, lie upon the person whose duty it was to comply with and fulfil the same or in whose possession the goods

Particularly.

were found; and, without restricting the generality of the foregoing provision, if any prosecution or suit is brought for any penalty, punishment or forfeiture, or for the recovery of any duty under this Act, or any other law relating to the Customs, or to trade and navigation, or if any proceedings is taken against the Crown or any officer for the recovery of any goods seized or money deposited under the authority of this Act, or any other such law, and if any question arises as to the identity or origin of goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation of the same, or as to the doing or omission of any other thing by which such penalty, punishment or forfeiture or liability for duty would be incurred or avoided, the burden of proof shall lie on the owner or claimant of the goods seized or money deposited or on the party in whose possession the goods were found and not on the Crown or on the party representing the Crown."

36. The said Act is amended by inserting the following sections immediately after section two hundred and eighty-five thereof:—

Minimum penalty.

"**285A.** Notwithstanding the provisions of the Criminal Code or of any other statute or law, the Court shall, in any prosecution, suit or proceeding under this Act, have no power to impose less than the minimum penalty prescribed.

Indictable offence.

"**285B.** Every one who is convicted of an indictable offence for any infraction of the Customs Act committed

Second conviction.

after a previous conviction for an indictable offence, is liable to imprisonment for a term not exceeding ten years and not less than three years."

37. (1) Paragraph *(n)* of section two hundred and eighty-six of the said Act is repealed, and the following is substituted therefor:—

Distribution of proceeds.

"*(n)* Prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed, and

35. The words underlined in the new section are inserted.

There is no other change.

For insertion of word "punishment" see section 1 of this Bill.

Magistrates have held that where imprisonment only is imposed this is not a penalty or forfeiture within the meaning of these words as found in the Act.

"Or in whose possession the goods were found"—It has often arisen in practice that the party in whose possession the goods were found did not make any claim therefor and could not be proven to be the owner, with the consequence that prosecutions have failed in cases where they ought to have succeeded.

36. Section 285A makes general throughout the Act part of the provision now contained in subsection 4 of section 206 as enacted by chapter 39 of the statutes of 1925, now being repealed.

Section 285B is based on section 1053 of the Criminal Code dealing with second offences, which reads as follows:—

"**1053.** Punishment for second offence.—Every one who is convicted of an indictable offence not punishable with death, committed after a previous conviction for an indictable offence, is liable to imprisonment for ten years, unless some other punishment is directed by any statute for the particular offence.

2. Fixed by statute.—In such latter case the offender shall be liable to the punishment directed and not to any other."

It is suggested that this section should be inserted in the Customs Act, as when prosecutions are instituted for infractions of the Customs Act the courts quite naturally look to the Customs Act to ascertain what penalty should be imposed and would be very likely to overlook the penalty provided in the Criminal Code for second offences, unless their attention was specifically directed thereto. The Criminal Code section does not specify any minimum term but three years is sufficient to bring this section into line with section 206 of the Customs Act as enacted by chapter 39 of the statutes of 1925, where the minimum term provided for smuggling is three years.

37. Paragraph *(n)* to be repealed reads as follows:—

"*(n)* Prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed."

The words underlined in the new paragraph are added.

Informers, particularly with regard to offences against the liquor laws, take great risks of property and even life, and it is believed that if prompt awards could be paid as provided by this amendment the receiving of information would be facilitated.

providing for payment to informers forthwith after seizure of an award based upon the value of the goods seized and not dependent upon forfeiture or proceeds of forfeiture."

(2) Paragraph *(s)* of the said section is repealed, and the following is substituted therefor:—

Special Customs services.

"*(s)* Regulating and determining what shall be special Customs services for which charges shall be payable to His Majesty on account of the attendance of Customs officers on vessels or at wharfs, warehouses, stations, frontier highway bridges, or other places, and the scale or amount of such charge sand the conditions attaching to such special services; and in any such case the money received for such charges may be used for payment of the salaries or pay of Customs officers for the fiscal year in which the special Customs service is performed, notwithstanding anything in any Act."

38. Section three hundred and three of the said Act is repealed, and the following is substituted therefor:—

Baggage, etc., of travellers between Canada and United States.

"**303.** The Minister may, from time to time, and as occasion requires, make such regulations as to him seem meet, with respect to travellers passing through a portion of Canada, or coming into it with their vessels, vehicles, carriages, horses or other cattle drawing the same, and personal baggage, with the intention of forthwith returning to the United States, or, having gone to the United States from Canada, returning to Canada with such articles, and may direct under what circumstances duty shall or shall not be paid, and on what conditions it shall be remitted or returned."

Paragraph *(s)* to be repealed reads as follows:—

"*(s)* Regulating and determining what shall be special Customs services for which charges shall be payable to His Makesty on account of the attendance of Customs officers on vessels or at wharfs, warehouses, stations, or other places, and the scale or amount of such charges and the conditions attaching to such special services; and in any such case the money received for such charges may be used for payment of the salaries or pay of Customs officers for the fiscal year in which the special Customs service is performed, notwithstanding anything in any Act."

The words underlined in the new paragraph *(s)* are inserted.

The Deputy Minister of Justice has expressed doubts as to whether under the wording of this clause as it stands at present "frontier highway bridges" would be regarded as included within the meaning of the words "other places", and the amendment is intended to settle this point. Special Customs services on frontier highway bridges are becoming much more general at the present time than in the past.

38. At the present time, pleasure boats and automobiles are frequently used by travellers between the United States and Canada for temporary admission, and it is doubtful if the section as it stands at present strictly construed would apply to such conveyances. The word "vehicle" as defined by section 2 *(b)* of this Act, is sufficiently wide to cover automobiles.

The words underlined are in the proposed section are inserted. There is no other change.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act to incorporate the Red Lake and Northwestern Railway Company.

First reading, March 18, 1927.

(PRIVATE BILL.)

Mr. LAPIERRE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37369 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act to incorporate the Red Lake and Northwestern Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth and it is expedient to grant the prayer of said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. John H. Cassidy, Charles B. Hibbard and Frederick R. Brown, all of the city of Montreal, together with such other persons as may become shareholders of the Company are incorporated under the name of the "Red Lake and Northwestern Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be one million dollars.

Head office.

4. The head office of the Company shall be in the City of Ottawa.

Annual meeting.

5. The annual meeting of the shareholders shall be held in the city of Ottawa on the second Tuesday in the month of March.

Number of directors.

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

Power.

7. The Company may lay out, construct and operate by means of steam, electricity, or other motive power a

railway or tramway, from a point at, or near the village of Quibell in the township of Wabigoon, in the province of Ontario, thence in a northerly direction by the most feasible and advantageous route to a point at or near Red Lake a distance of about one hundred miles, then in a generally northerly and westerly direction to a point on the Hudson Bay division of the Canadian National Railway at or east of Le Pas, in the province of Manitoba.

Securities.

8. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements.

1919, c. 68.

9. Subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of *The Railway Act, 1919*, the Company may enter into agreements with other companies for any of the purposes specified in the said sections one hundred and fifty-one and one hundred and fifty-two.

Telegraph and telephone messages.

10. Subject to the provisions of section three hundred and sixty-nine of *The Railway Act, 1919*, the Company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor.

Bridges.

11. The Company shall have power to construct the bridges required for its railway at such points as it may deem expedient and to make such bridges suitable for the passage of horses, vehicles and foot passengers. In the event of any such bridges being open to the public as a toll bridge, a tariff of tolls shall be fixed by the Board of Railway Commissioners for Canada.

Limitation of time for commencement of construction, etc.

12. If the construction of the railway is not commenced and ten per cent of the amount of the capital stock is not expended thereon in survey, purchase of right-of-way and actual construction work within one year from the passing of this Act, then the powers granted by this Act shall cease and be null and void.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 175.

An Act to incorporate The Independent Order "Fior d'Italia."

First reading, March 21, 1927.

(PRIVATE BILL).

Mr. ODETTE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38160 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

The HOUSE OF COMMONS OF CANADA.

BILL 175.

An Act to incorporate The Independent Order "Fior d'Italia."

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated as a benevolent society under the name of The Independent Order "Fior d'Italia", and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Name.

1. Frank Santoni, clerk; Constantino Picco, miner; Innocente Basso, miner; Luigi Schianni, miner, Michele Guzzi, miner; all of the city of Fernie, in the province of British Columbia, together with such other persons as become members of the society hereby incorporated are incorporated under the name of "The Independent Order 'Fior d'talia'," hereinafter called "the society."

Head office.

2. The head office of the society shall be in the city of Fernie, in the province of British Columbia.

Fraternal benefit society.

3. The society shall be a fraternal benefit society carried on solely for the protection of its members, their families and beneficiaries and not for profit, and a lodge system with such ritualistic form of work as its duly adopted constitution and laws from time to time provide.

Powers.

4. The society shall have power throughout Canada,—

(a) to promote the welfare, social and fraternal, of its members;

(b) to establish, maintain and administer an insurance fund for the payment of

(i) 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 a certain number of years;

(ii) 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 member of the age of sixty-five years; or, payable in the case of the death of a member prior to the expiration of the endowment period;

(iii) a life annuity benefit not exceeding five hundred dollars per annum, payable on or after the attainment by the member of the age of sixty-five years;

(iv) a benefit to members in cases 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 a member being reduced by the amount paid as such disability benefit.

(c) to establish, maintain and administer a fund for the payment of—

(i) a sick benefit to members not exceeding ten dollars per week, and a sick benefit payable to any member for the sickness of his wife or children or children dependent upon him, not exceeding five dollars per week;

(ii) a benefit to any member for the funeral expenses of his wife and children or children dependent upon him, not exceeding one hundred and seventy-five dollars;

(d) to help to spread the Italian language and culture, by instituting and subsidizing evening schools and public libraries and by holding educational lectures.

(e) to secure for its members such other advantages and to establish, maintain and administer such other fund or funds as may be provided by the by-laws of the society and as may be necessary to the attainment of the foregoing objects, and generally to act as a fraternal, charitable and benevolent society.

Government of society.

5. (1) The society shall be governed:

(a) by the Great Convention, which shall constitute the final legislative body of the society and shall make the by-laws and shall be the final judge in all questions concerning the society.

Great Convention.

6. The Great Convention shall consist of:—

(a) the members of the *Grand Council;* and

(b) the delegates chosen by the local lodges, the said delegates to be chosen in accordance with the by-laws of the society.

Administration.

7. The affairs of the society shall be administered by a *Grand Council* composed of the Great Venerable, the Assistant to the Great Venerable, the Great Orator, the

Secretary Archivist, the Great Secretary of Finance, the Great Treasurer, three Great Curators and the late Great Venerable, all of whom shall be elected from the members of the society for such terms and in such manner as by by-law may be determined.

By-laws.

8. The society shall have power from time to time to make, amend, and repeal by-laws and regulations for governing the election of officers and trustees and prescribing and defining their duties and powers, the holding of meetings, the admission of members, fixing and refixing of the amounts of the premiums, dues and assessments to be paid by its members, and generally for the governing of and respecting all the activities, business and affairs of the society.

General fund.

9. (1) The society 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 and all expenses of the society shall be payable out of such fund.

In case of deficiency.

(2) The society may make provision in its by-laws whereby in the event of there being a deficiency in the general fund and a surplus above all liabilities in any one or more of the benefit funds, the Great Convention of the society may in any year provide for the allocation to the general fund of such portion as the actuary of the society may recommend of the premiums or assessments, falling due during the succeeding twelve months in any benefit fund or funds in which there is a surplus, the amount so allocated to the general fund during the said period not to exceed, however, two months' premiums in the said benefit fund or funds.

Notice.

(3) Notice of intention to make an allocation to the general fund of any premiums or assessments or portions thereof as provided in the last preceding subsection, shall be given in the official organ of the society or given by mail to the members of the society at least one month before such allocation is made.

Application of surplus in benefit fund.

10. The society may make provision in its constitution whereby such portion as shall be approved by the actuary of the society, of the surplus above all liabilities in any benefit fund, may be applied to grant new or additional benefits to the members of the society or to the remission of premiums or a portion thereof.

Loans on policies.

11. The society may make provision in its constitution for the granting of loans on policies or certificates of insurance for the purpose of paying the premiums thereof, and with respect to policies or contracts of insurance which have

been in force for three years for the granting of paid-up policies and automatic non-forfeiture privileges or other equities or benefits in lieu thereof.

The Insurance Act, 1917, to copy.

12. *The Insurance Act, 1917*, shall apply to the society.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 175.

An Act to incorporate The Independent Order "Fior d'Italia."

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38219 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

The HOUSE OF COMMONS OF CANADA.

BILL 175.

An Act to incorporate The Independent Order "Fior d'Italia."

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated as a benevolent society under the name of The Independent Order "Fior d'Italia", and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Name.

1. Frank Santoni, clerk; Constantino Picco, miner; Innocente Basso, miner; Luigi Schianni, miner, Michele Guzzi, miner; all of the city of Fernie, in the province of British Columbia, together with such other persons as become members of the society hereby incorporated are incorporated under the name of "The Independent Order 'Fior d'talia'," hereinafter called "the society."

Head office.

2. The head office of the society shall be in the city of Fernie, in the province of British Columbia.

Fraternal benefit society.

3. The society shall be a fraternal benefit society carried on solely for the protection of its members, their families and beneficiaries and not for profit, and may maintain a lodge system with such ritualistic form of work as its duly adopted constitution and laws from time to time provide.

Powers.

4. The society shall have power throughout Canada,—

(a) to promote the welfare, social and fraternal, of its members;

(b) to establish, maintain and administer an insurance fund for the payment of

(i) 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 a certain number of years;

(ii) 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 member of the age of sixty-five years; or, payable in the case of the death of a member prior to the expiration of the endowment period;

(iii) a life annuity benefit not exceeding five hundred dollars per annum, payable on or after the attainment by the member of the age of sixty-five years;

(iv) a benefit to members in cases 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 a member being reduced by the amount paid as such disability benefit.

(c) to establish, maintain and administer a fund for the payment of—

(i) a sick benefit to members not exceeding ten dollars per week, and a sick benefit payable to any member for the sickness of his wife or children or children dependent upon him, not exceeding five dollars per week;

(ii) a benefit to any member for the funeral expenses of his wife and children or children dependent upon him, not exceeding one hundred and seventy-five dollars;

(d) to help to spread the Italian language and culture, by instituting and subsidizing evening schools and public libraries and by holding educational lectures.

(e) to secure for its members such other advantages and to establish, maintain and administer such other fund or funds as may be provided by the by-laws of the society and as may be necessary to the attainment of the foregoing objects, and generally to act as a fraternal, charitable and benevolent society.

Government of society.

5. (1) The society shall be governed:

(a) by the Great Convention, which shall constitute the final legislative body of the society and shall make the by-laws and shall be the final judge in all questions concerning the society.

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6. The Great Convention shall consist of:—

(a) the members of the *Grand Council;* and

(b) the delegates chosen by the local lodges, the said delegates to be chosen in accordance with the by-laws of the society.

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7. The affairs of the society shall be administered by a *Grand Council* composed of the Great Venerable, the Assistant to the Great Venerable, the Great Orator, the

Secretary Archivist, the Great Secretary of Finance, the Great Treasurer, three Great Curators and the late Great Venerable, all of whom shall be elected from the members of the society for such terms and in such manner as by by-law may be determined.

By-laws.

8. The society shall have power from time to time to make, amend, and repeal by-laws and regulations for governing the election of officers and trustees and prescribing and defining their duties and powers, the holding of meetings, the admission of members, fixing and refixing of the amounts of the premiums, dues and assessments to be paid by its members, and generally for the governing of and respecting all the activities, business and affairs of the society.

General fund.

9. (1) The society 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 and all expenses of the society shall be payable out of such fund.

In case of deficiency.

(2) The society may make provision in its by-laws whereby in the event of there being a deficiency in the general fund and a surplus above all liabilities in any one or more of the benefit funds, the Great Convention of the society may in any year provide for the allocation to the general fund of such portion as the actuary of the society may recommend of the premiums or assessments, falling due during the succeeding twelve months in any benefit fund or funds in which there is a surplus, the amount so allocated to the general fund during the said period not to exceed, however, two months' premiums in the said benefit fund or funds.

Notice.

(3) Notice of intention to make an allocation to the general fund of any premiums or assessments or portions thereof as provided in the last preceding subsection, shall be given in the official organ of the society or given by mail to the members of the society at least one month before such allocation is made.

Application of surplus in benefit fund.

10. The society may make provision in its constitution whereby such portion as shall be approved by the actuary of the society, of the surplus above all liabilities in any benefit fund, may be applied to grant new or additional benefits to the members of the society or to the remission of premiums or a portion thereof.

Loans on policies.

11. The society may make provision in its constitution for the granting of loans on policies or certificates of insurance for the purpose of paying the premiums thereof, and with respect to policies or contracts of insurance which have

been in force for three years for the granting of paid-up policies and automatic non-forfeiture privileges or other equities or benefits in lieu thereof.

The Insurance Act, 1917, to copy.

12. *The Insurance Act, 1917,* shall apply to the society.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA

BILL 176.

An Act to amend the Canadian National Railways Act, 1919.

First reading, March 21, 1927.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37965 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 176.

An Act to amend the Canadian National Railways Act, 1919.

1919, c. 13; 1920, c. 39; 1923, cc. 6, 7, 37; 1924, c. 13.

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

1. Section fourteen of the *Canadian National Railways Act, 1919*, chapter thirteen of the statutes of 1919, is amended by adding thereto the following subsection:—

Application of The Railway Act to Canadian Government Railways.

"(2) The provisions of *The Railway Act, 1919*, chapter sixty-eight of the statutes of 1919, respecting maintenance of a railway shall also apply to such railways during the time aforementioned in so far as such maintenance affects the safety and protection of railway employes and the passengers upon the railway."

EXPLANATORY NOTE.

This subsection as added to section fourteen gives to the Board of Railway Commissioners jurisdiction over maintenance on the Government Railways to the extent stated. At the present time the jurisdiction over maintenance on such railways is vested in the Minister of Railways under the Government Railways Act.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA

BILL 176.

An Act to amend the Canadian National Railways Act, 1919.

AS PASSED BY THE HOUSE OF COMMONS, 22nd MARCH, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37999 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 176.

An Act to amend the Canadian National Railways Act, 1919.

1919, c. 13; 1920, c. 39; 1923, cc. 6, 7, 37; 1924, c. 13.

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

1. Section fourteen of the *Canadian National Railways Act, 1919*, chapter thirteen of the statutes of 1919, is amended by adding thereto the following subsection:—

Application of The Railway Act to Canadian Government Railways.

"(2) The provisions of *The Railway Act, 1919*, chapter sixty-eight of the statutes of 1919, respecting maintenance of a railway shall also apply to such railways during the time aforementioned in so far as such maintenance affects the safety and protection of railway employes and the passengers upon the railway."

EXPLANATORY NOTE.

This subsection as added to section fourteen gives to the Board of Railway Commissioners jurisdiction over maintenance on the Government Railways to the extent stated. At the present time the jurisdiction over maintenance on such railways is vested in the Minister of Railways under the Government Railways Act.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to incorporate The Free Methodist Church in Canada.

First reading, March 22, 1927.

(PRIVATE BILL.)

Mr. CARMICHAEL.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38161 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to incorporate The Free Methodist Church in Canada.

Preamble.

WHEREAS certain Conferences of The Free Methodist Church in Canada have been incorporated by Acts of the Legislatures of the various provinces in which they are constituted, and whereas other Conferences exist in the various provinces, and the said Conferences have agreed to unite under the name of The Free Methodist Church in Canada on the basis of the rules, regulations and discipline set forth or referred to in Schedule "A" to this Act, and the Executive Committee of the said conferences have by petition set forth that they are desirous of having the said union ratified and that they may be incorporated under the name of The Free Methodist Church in Canada with power to hold all the property, real and personal, belonging to the said conferences upon the trusts and for the purposes hereinafter set out, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The President and clerical and lay members of and in the West Ontario Annual Conference of The Free Methodist Church, the East Ontario Annual Conference of The Free Methodist Church, the Saskatchewan Annual Conference of The Free Methodist Church and the Alberta Annual Conference of The Free Methodist Church are hereby constituted and declared to be a body corporate and politic with the name of "The Free Methodist Church in Canada."

Corporate name.

Objects.

2. The objects of the said corporation are set out in Schedule "A" hereto and the rules, regulations and discipline.

Copies to be *prima facie* evidence.

3. All copies of the rules, regulations and discipline or any amendments or alterations hereto published in any book

or discipline or journal of conference under the direction or authority of the General Conference of the said Church or a copy of any by-law or resolution of the said General Conference undre the seal of the corporation and signed by the Secretary shall be *prima facie* evidence in all courts of the contents thereof.

Property to be rested in corporation.

4. From and after the passing of this Act all the Estate, real and personal, belonging to or held in trust for or to the use of The West Ontario Annual Conference of The Free Methodist Church, The East Ontario Annual Conference of The Free Methodist Church, The Saskatchewan Annual Conference of The Free Methodust Church, and The Alberta Annual Conference of The Free Methodist Church shall thenceforth be held and vested in the said corporation for the benefit of The Free Methodist Church, and the Trustees thereof shall hold, use and administer the same upon the trusts set forth in Schedule "B" to this Act, and all property, real and personal, thereafter acquired for or belonging to or held by or in trust for or to the use of any congregation of The Free Methodist Church in Canada shall be held and used and administered for the benefit of the said congregation as a part of The Free Methodist Church in Canada upon the said trusts and subject to the said terms and provisions. Provided that any property, real or personal, held at the time of the coming into force of this Act, or thereafter acquired by devise, bequest, transfer or gift, in trust for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect thereof not being contrary to law, or to any by-law, rule or regulation of The Free Methodist Church in Canada until otherwise directed by the General Conference upon the advice of the Board or Committee having charge of the fund.

Form of words in died or conveyance.

5. In any deed or conveyance to the said Trustees the form of words contained in column one of Schedule "B" and distinguished by any number therein shall be taken to be equivalent to the form of words contained in column two of the said Schedule "B" and distingushed by the same number.

Officers.

6. Subject to the provisions of the said Schedule "A" the said Corporation may from time to time appoint, and as they see occasion remove all officers, agents and servants and from time to time make, alter or vary any by-laws, rules or regulations touching and concerning the time and place of holding meetings and notices thereof and for the good ordering, discipline and government of the said church and the performance of divine worship in any of the churches of the said Corporation, and all matters

Meetings, etc.

respecting the same and all other matters and things which to them seem good, fit and useful for the well ordering, governing and advancement of the said Church.

Boards.

7. The said corporation may appoint Boards or Committees composed of the members thereof to take charge of, or deal with and dispose of the respective funds, including book and publishing interests, and other interests belonging to the said church and may establish such other funds as may be deemed expedient, and may appoint Boards or Committees of the members of the said Corporation to take charge of, deal with and dispose of the said funds so formed in accordance with the provisions of the said Schedule "A".

Board of Trustees.

8. The said Corporation may authorize and empower any Annual Conference, District Quarterly Conference, Society or group of Societies, of a circuit within any Annual Conference from time to time existing, to establish by resolution of the said Conference, a Board of Trustees consisting of three, six or nine Trustees, one third of the said Board to be appointed for one year; one third to be appointed for two years, and one third to be appointed for three years, and an election shall be held each year within three months of the meeting of the Annual Conference for the purpose of filling the vacancy or vacancies occurring by reason of the retirement of Trustees as aforesaid. Provided that no Trustee shall hold office for more than three consecutive years, unless re-elected, and further provided that at least two thirds of the Trustees so elected shall be full members of the Free Methodist Church.

Proviso.

Assuming control of certain property.

9. The said Corporation may authorize and empower any Annual Conference, upon resolution passed by a majority of two-thirds of such Conference, to assume control of the property of any circuit or society within the Conference which may for any reason cease to be self supporting, and the Trustees or Evangelistic Board of such Conference, as the Annual Conference may direct, shall be at liberty to alienate, mortgage or otherwise deal with the said property as they may see fit, provided that any authority so granted may be revoked at any time by a majority of two-thirds of such Annual Conference.

New conferences.

10. The said Corporation shall have authority to organize and develop new conferences from time to time in any of the provinces or territories in the Dominion of Canada.

Voluntary Conveyances and holding of real estate. Proviso.

11. The Corporation may receive voluntary conveyances of and may purchase, hold and convey such real estate as the purposes of the said Corporation require: Provided

that the Corporation shall, within ten years after its acquisition of any such real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation or other like purposes of the Corporation, and further provided that the said property shall be held upon the trusts and subject to the provisions set forth in Schedule "B" to this Act.

Transfer of lands, etc.

12. The said Corporation shall have authority to alienate exchange, demise, let or lease for any term of years, such messuages lands, tenements, hereditaments, and immovable property as shall be given, granted, purchased, appropriated, divised or bequeathed to the said Corporation for all or any of the purposes thereof, subject to the proviso in section eleven contained.

Advances.

13. The said Corporation shall have power to make advances by way of loan or gift, out of its funds not required to meet ordinary expenses and disbursements, to assist in the erection or maintenance of colleges, schools, or parsonages, as the General Conference or Board having charge of the fund may direct; and may take or hold any real or personal estate, or securities thereon, mortgaged or assigned to the said corporation to secure payment of any debts or demands due to the said corporation, and may proceed on such mortgages, assignments or other securities for the recovery of the money thereby secured, either at law or in equity or otherwise, and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand, due to the said Corporation, as any individual or body corporate, may by law, take or use for like purpose.

Loans.

14. The said Corporation may, for the purpose of investment, lend money upon the security of real estate, purchase debentures, of municipal or public schools corporations, or Dominion or provincial stock or securities, may sell any such securities as to which it may seem advisable, and for that purpose may execute such assignments or other instruments as are necessary for carrying the same into effect; and for such purposes of investment, may make advances to any person or persons or body corporate, upon any of the above mentioned securities at such rate of interest, not exceeding eight per cent per annum, as is agreed upon: Provided, however, that nothing in this Act contained shall be construed to limit the power of such corporation to make such investments of its capital or surplus income, which it otherwise has by virtue of its corporate existence.

Proviso.

Borrowing powers.

15. The said Corporation shall have power to borrow any sum or sums of money from banks or other corporations, or from private persons, as in the opinions of the General Conference or Board or Committee having charge of any of the funds of the said Corporation, may be required for the purposes thereof, and may under the direction of the said General Conference, or Committee having charge of such fund, hypothecate, mortgage or pledge so much of the real or personal property held in trust for such fund as is necessary to secure any sum or sums of money so borrowed.

Seal.

16. The said Corporation may provide a duplicate of the seal thereof for each of the Annual Conferences from time to time existing, and the custody of the said seal shall be as may be directed by the said Corporation; and the same may be affixed by such officers as the said General Conference by by-law or resolution directs: and until directions by the said General Conference, the same may be affixed to any conveyance of property within the bounds of any of the said Annual Conferences, by the President or Secretary of such Annual Conference, and may, for the purpose of conveying any property in charge of any Board or Committee of the said Corporation, be affixed by the Chairman of the said Board or Committee, or such other officer as the Board or Committee directs.

Resolution of General Conference.

17. All resolutions passed by the General Conference of the said Corporation shall have the force and effect of by-laws, and no formal by-law shall be required for the purpose of managing the affairs of the said Corporation.

Corporation not responsible for certain debts.

18. The said Corporation in receiving, taking or holding any property heretofore held by any of the said Conferences, shall not in any wise become responsible or liable for the debts or obligations which have been contracted in respect thereto, but the property specially charged with the said debts, and persons who have become liable in respect to the said debts or obligations shall remain liable in the same manner and to the same degree as if the said union had not been effected, or this Act had not been passed, save in so far as the said Corporation, in Schedule "A" hereto, has undertaken the payment of any such debts or obligations.

SCHEDULE A.

ARTICLES OF RELIGION.

ARTICLE I.—*Of Faith in the Holy Trinity.*—There is but one living and true God, everlasting, without body or parts, of infinite power, wisdom and goodness, the maker and preserver of all things, visible and invisible. And in unity of this Godhead there are three persons of one substance, power and eternity—the Father, the Son, and the Holy Ghost.

ARTICLE II.—*Of the Word, or Son of God, Who Was Made Very Man.*—The Son, who is the Word of the Father, the very and eternal God, of one substance with the Father, took man's nature in the womb of the blessed virgin, so that the two whole and perfect natures, that is to say, the Godhead and manhood, were joined together in one person, never to be divided, whereof is one Christ, very God and very man, who truly suffered, was crucified, dead and buried, to reconcile his Father to us, and to be a sacrifice, not only for the original guilt, but also for the actual sins of men.

ARTICLE III.—*Of the Resurrection of Christ.*—Christ did truly rise again from the dead, and took again his body, with all things appertaining to the perfection of man's nature, wherewith he ascended into heaven, and there sitteth until he returns to judge all men at the last day.

ARTICLE IV.—*Of the Holy Ghost.*—The Holy Ghost, proceeding from the Father and the Son, is of one substance, majesty and glory with the Father and the Son, very and eternal God.

ARTICLE V.—*The Sufficiency of the Holy Scriptures for Salvation.*—The Holy Scriptures contain all things necessary to salvation; so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of faith, or be thought requisite or necessary to salvation. By the term Holy Scriptures we understand those canonical books of the Old and New Testaments of whose authority there was never any doubt in the Church.

The names of the canonical books are: Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, the First Book of Samuel, the Second Book of Samuel, the First Book of Kings, the Second Book of Kings, the First Book of Chronicles, the Second Book of Chronicles, the Book of Ezra, the Book of Nehemiah, the Book of Esther, the Book of Job, the Psalms, the Proverbs, Ecclesiastes, or the Preacher, Canticles, or the Song of Solomon, Four Prophets the greater, Twelve Prophets the less.

All the books of the New Testament, as they are commonly received, we de receive and account canonical.

Article VI.—*Of the Old Testament.*—The Old Testament is not contrary to the New; for in both the Old and New Testaments everlasting life is offered to mankind by Christ, who is the only Mediator between God and man. Wherefore they are not to be heard who feign that the old fathers did look only for transitory promises. Although the law given from God by Moses, as touching ceremonies and rites, doth not bind Christians, nor ought the civil precepts thereof, of necessity to be received in any commonwealth; yet, notwithstanding, no Christian whatsoever is free from obedience to the commandments which are called moral.

Article VII.—*Of Original or Birth Sin.*—Original sin standeth not in the following of Adam, as the Pelagians do vainly talk, but it is the corruption of the nature of every man that naturally is engendered of the offspring of Adam, whereby man is very far gone from original righteousness, and of his own nature inclined to evil and that continually.

Article VIII.—*Of Free Will.*—The condition of man after the fall of Adam is such that he cannot turn and prepare himself by his own natural strength and works to faith and calling upon God; wherefore we have no power to do good works, pleasing and acceptable to God, without the grace of God by Christ enabling us, that we may have a good will, and working with us, when we have that good will.

Article IX.—*Of the Justification of Man.*—We are accounted righteous before God only for the merit of our Lord and Saviour Jesus Christ by faith, and not for our own works or deservings; wherefore, that we are justified by faith only, is a most wholesome doctrine, and very full of comfort.

Article X.—*Of Good Works.*—Although good works, which are the fruits of faith, and follow after justification, cannot put away our sins and endure the severity of God's judgments, yet they are pleasing and acceptable to God in Christ, and spring out of a true and lively faith, insomuch that by them a lively faith may be as evidently known as a tree is discerned by its fruit.

Article XI.—*Of Works of Supererogation.*—Voluntary works—besides, over and above God's commandments—which are called works of supererogation, cannot be taught without arrogancy and impiety. For by them men do declare that they do not only render unto God as much as they are bound to do, but that they do more for his sake than of bounden duty is required; whereas Christ saith plainly, "When ye have done all that is commanded you, say, We are unprofitable servants."

Article XII.—*Of Sin after Justification.*—Not every sin willingly committed after justification is the sin against the

Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after justification. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God rise again and amend our lives. Therefore they are to be condemned who say they can no more sin as long as they live here, or who deny the place of forgiveness to such as truly repent.

ARTICLE XIII.—*Entire Sanctification.*—Justified persons, while they do not outwardly commit sin, are nevertheless conscious of sin still remaining in the heart. They feel a natural tendency to evil, a probeness to depart from God and cleave to the things of earth. Those who are sanctified wholly are saved from all inward sin—from evil thoughts and evil tempers. No wrong temper, none contrary to love remains in the soul. All their thoughts, words and actions are governed by pure love.

Entire sanctification takes place subsequently to justification, and is the work of God wrought instantaneously upon the consecrated, believing soul. After a soul is cleansed from all sin, it is then fully prepared to grow in grace.

ARTICLE XIV.—*Future Reward and Punishment.*—God has appointed a day in which he will judge the world in righteousness by Jesus Christ, according to the gospel. The righteous shall have in heaven an inheritance incorruptible, undefiled, and that fadeth not away. The wicked shall go away into everlasting punishment, where their worm dieth not, and the fire is not quenched.

ARTICLE XV.—*Of speaking in the Congregation in such a Tongue as the People Understand.*—It is a thing plainly repugnant to the word of God and the custom of the primitive Church, to have public prayer in the Church or to minister the sacrament in a tongue not understood by the people.

ARTICLE XVI.—*Of the Church.*—The visible Church of Christ is a congregation of pure men, in which the pure word of God is preached, and the sacraments are duly administered, according to Christ's ordinance, in all those things that of necessity are requisite to the same.

ARTICLE XVII.—*Of the Sacraments.*—Sacraments ordained of Christ are not only badges or tokens of Christian men's profession, but also they are certain signs of grace, and of God's good will towards us, by the which he doth work invisibly in us, and doth not only quicken but also strengthen and confirm our faith in him.

ARTICLE XVIII.—*Of Baptism.*—Baptism is not only a sign of profession and mark of difference, whereby Christians are distinguished from others that are not baptised, but it is also a sign of regeneration or the new birth. The baptism of young children is to be retained in the church.

ARTICLE XIX.—*Of the Lord's Supper.*—The Supper of the Lord is not merely a sign of the love that Christians ought to have among themselves one to another, but rather is a sacrament of our redemption by Christ's death, insomuch that, to such as rightly, worthily, and with faith receive the same, the bread which we break is a partaking of the body of Christ; and likewise the cup of blessing is a partaking of the blood of Christ.

Transubstantiation, or the change of the substance of bread and wine in the Supper of our Lord, cannot be proved by holy writ, but it is repugnant to the plain word of the Scripture, overthroweth the nature of a sacrament, and hath given occasion to many superstitions.

The body of Christ is given, taken and eaten in the Supper, only after a heavenly and spiritual manner; and the means whereby the body of Christ is received and eaten in the Supper, is faith. The sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

ARTICLE XX.—*Of the One Oblation of Christ, Finished upon the Cross.*—The offering of Christ, once made, is a perfect redemption, propitiation and satisfaction for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin but that alone. Wherefore the sacrifice of the masses, in the which it is said that the priest doth offer Christ for the quick and the dead, to have remission of pain or guilt, is a blasphemous and dangerous deceit.

ARTICLE XXI.—*Of the Rites and Ceremonies of Churches*—It is not necessary that rites and ceremonies should in all places be the same, or exactly alike; for they have been always different, and may be changed according to the diversity of countries, times and men's manners, so that nothing be ordained against God's word. Whosoever through his private judgment, willingly and purposely doth openly break the rites and ceremonies of the church to which he belongs, which are not repugnant to the word of God, and are ordained and approved by common authority, ought to be rebuked openly, that others may fear to do the like, as one that offendeth against the common order of the church, and woundeth the consciences of the weak brethren. Every particular church may ordain, change or abolish rites and ceremonies so that all things may be done to edification.

ARTICLE XXII.—*Of Christian Men's Goods.*—The riches and goods of Christians are not common, as touching the right, title and possession of the same, as some do falsely boast. Notwithstanding, every man ought, of such things as he possesseth, liberally to give alms to the poor according to his ability.

ARTICLE XXIII.—*Of a Christian Man's Oath.*—As we confess that vain and rash swearing is forbidden Christian men by our Lord Jesus Christ, and James the apostle; so we hold that the Christian religion doth not prohibit, but that a man may swear when the magistrate requireth in a case of faith and charity, so it be done according to the prophet's teaching, in justice, judgment and truth.

ORGANIZATION AND GOVERNMENT.

Pastoral Charges, Quaterly and Annual Conferences.

1. The lay membership of the church shall be divided into local societies, one or more of which shall constitute a pastoral charge.

2. The pastoral charges embraced within each annual conference shall be grouped into districts, and a quarterly conference shall be organized in each district, composed of such official members of the several pastoral charges and invested with such powers as the general conference shall direct.

3. The general conference shall organize the work at large into annual conferences, of which the preachers (not being members of any local societies) shall be permanent members; and to which, at each session, one lay delegate shall be admitted from each pastoral charge, and in case there be more than one preacher in full membership appointed to a pastoral charge, such pastoral charge shall be entitled to one additional lay delegate for every such additional preacher.

The General Conference.

1. The general conference shall be composed of the bishops and ministerial and lay delegates, to be chosen as hereinafter provided.

2. Each annual conference shall be entitled to one ministerial delegate in the general conference; and whenever an annual conference shall reach an aggregate of eight hundred full members, it shall be entitled to two ministerial delegates, and to an additional ministerial delegate for every subsequent six hundred full members, provided, however, that in no case shall a preacher be counted more than once in the election of delegates.

3. The ministerial delegates shall be elected by the ministers of the annual conference by ballot. Such delegates shall be elders, and at the time of their election, as also at the time of the general conference, shall be members of the annual conference which elected them.

4. Each annual conference shall be entitled to the same number of lay as of ministerial degelates in the general conference.

5. Lay delegates to the general conference shall be elected by the lay delegates of the annual conferences they are respectively to represent. They shall be elected by ballot, from the members of the church in full relation within the bounds of the annual conferences to which they respectively belong, and must be members of the church within the conference which elected them at the time of the general conference.

6. The secretaries of the several annual conferences shall furnish certificates of election to the delegates severally, signed by the president and secretary of each annual conference, as the credentials upon which they are to be admitted to the general conference.

7. The general conference shall meet on the second Wednesday in June, in every fourth year from the year 1927, and at such time and place as shall have been determined by the preceding general conference, or by the executive committee, which shall also have the power, in case of emergency, to change the time and place for the meeting of the general conference.

8. The bishop or bishops, or if there be none, the secretary of the general conference, shall, whenever two-thirds of the annual conferences shall demand it, call an extra session of the general conference, fixing the date thereof, and the time of assembling, later than the next ensuing session of each of the annual conferences.

9. The general conference shall elect, by ballot, one or more travelling elders to the office of bishop; and the bishops shall preside at various sittings of the general conference in such order as they may determine; but in case no bishop be present, the general conference shall elect, by ballot, an elder as president pro tem. In case of the election of a new bishop or bishops the term of office of such bishop or bishops shall begin at the close of the general conference session at which they were elected.

10. The general conference may elect a missionary bishop or bishops, whose duties and official relation shall be confined to the field to which they are respectively elected.

11. The general conference shall elect, by ballot, a secretary, a treasurer, an editor of the Free Methodist Church in Canada, an editor of our Sunday school literature, a publishing agent, a missionary secretary, an educational secretary, trustees of general conference, and such other general officers as it shall decide upon. The secretary of the general conference shall continue in office until his successor is elected, and shall be the custodian of the general conference records, journal and seal. The general

conference may elect, by ballot, one or more general conference evangelists.

12. The general conference shall also elect one travelling elder and one lay member from each of the general conference districts, who were members of the general conference which elected them; and who, with the bishops, shall constitute the executive committee; and one travelling elder and one lay member from each of the general conference districts to act on the missionary board. The membership of the general missionary board shall not be restricted to members of the general conference electing them.

13. At all times when the general conference is in session, it shall require two-thirds of all the delegates elected by the annual conferences to form a quorum to do business; but a smaller number may adjourn from time to time, until a quorum is obtained.

14. The members of the general conference shall deliberate and vote as one body; nevertheless, upon the call of a majority of the members present and voting, the house shall divide; and it shall require a majority of the ministerial and of the lay delegates to pass any vote, or transact any business, provided, nevertheless, that for changes of the constitution, a vote of two-thirds of the general conference shall be sufficient.

15. The general conference shall have full power to make rules and regulations for the Free Methodist Church in Canada, under the following limitations and restrictigns:—

(1) The general conference shall not revoke, alter, or change our articles of religion, or the general rules of the united societies, or establish any standards or rules of doctrine contrary to our present existing and established standards of doctrine.

(2) It shall not change or alter any part or rule of our government, so as to do away with lay delegation, or any itinerant ministry, or the general superintendency, or the free-seat system in our churches.

(3) It shall not have power to deprive our preachers or members of the right of trial by an impartial committee, or of the right of an appeal.

16. The concurrent recommendation of three-fourths of all the members of the several annual conferences, who shall be present and vote on such recommendation, shall suffice to authorize the next ensuing general conference, by a two-thirds vote, to alter any of the foregoing restrictive rules, except the last; and also whenever such alteration, or alterations, shall have been recommended first by a two-thirds vote of the general conference, then so soon as three-fourths of the members of the several annual conferences, who were present and voted on such recommendation, or

recommendations, shall have concurred therein, such alteration, or alterations, shall take effect.

The Executive Committee.

1. The executive committee hereinbefore referred to shall meet annually, and whenever the bishops or one-third of the committee shall deem it necessary so to do. A majority of the members elected shall constitute a quorum for transacting business.

2. The executive committee shall have power to accept resignations from any of its members, or from any of the general conference officers during the interim of the general conference sessions, and fill all vacancies occurring, either in its own body or in any of the general conference elective offices.

3. The executive committee may elect by ballot an assistant publishing agent; the publishing agent may nominate. They shall also annually elect by ballot a board of seven directors of the Publishing House, not more than two of whom shall be bishops.

4. It shall be the duty of the secretary of the executive committee to make a full report of its proceedings during the quadrennium to the general conference.

5. The executive committee shall constitute a court of appeals, which shall, if necessary, hold a session once a year, for the purpose of trying all appeals that may be taken thereto by any travelling preachers, from the decision of an annual conference. One of the bishops shall preside at the trial of appeal cases. Eight members of the committee on appeals shall constitute a quorum.

6. The executive committee shall have the power to decide all questions of law referred to it in the interim of the general conference. In case of any alleged legal irregularities in a trial court, where such court shall deliver a verdict against the church, the prosecution may upon a written recital of such irregularities, apply to the executive committee or the general conference for a writ of review, and it shall be the province of that body receiving such application to review the proceedings of the lower court as recited, and if such body shall find the alleged irregularities to exist, the case may be remanded for a new trial, but such case can be remanded but once.

7. The executive committee shall also constitute the board of conference claimants and the church extension society.

8. The executive committee shall have general supervision of the publishing interests of the church during the interim of the general conference sessions, and shall carefully examine into their condition. It shall not, however, have power to change the site of the publishing house,

except with the consent of three-fourths of all the members who shall be present at a regularly called meeting. The salary of all general conference officers shall be fixed by the executive committee except that of the bishops and of the missionary secretary.

Annual Conferences.

1. The annual conference shall consist of,

(a) All preachers within its bounds, who have been duly received into full membership.

(b) Lay delegates from each circuit, provided whenever there shall be more than one preacher in full relation travelling upon a circuit, the circuit shall be entitled to one additional delegate for every such additional preacher.

(c) Women evangelists, who are recommended by quarterly conferences.

2. Whenever a new society shall be organized near the boundary line between any two conferences, and the conference in whose territory the new society is located shall have no organized work within forty miles of said new society, such new society shall be permitted to decide for itself to which conference it shall belong.

3. Each annual conference shall appoint the place, and, with the concurrence of the bishops, the time of its own sessions. If for any reason a conference cannot be held at the place appointed, the determination of the place shall be left with the district elders and the secretary of the last conference.

4. *(a)* In the absence of the bishop, or of the elder whom he may have appointed, the conference shall elect, by ballot, an elder from their own number, to preside

(b) It shall elect a secretary, who may be elected by ballot, who shall record in a suitable book the proceedings of the annual conference, and send said record to the general conference for examination. He shall continue in office until his successor is elected and shall be the custodian of the conference records and journal.

(c) It shall elect a treasurer, and in case of a vacancy in said office the district elders of the conference may appoint a treasurer to act until the next session.

(d) It shall elect an auditor who shall carefully audit the accounts of the treasurer and report at the close of each annual session.

5. It shall be the duty of the secretary of each annual conference holding its session next preceding the session of general conference to transcribe from the annual conference records all the decisions of disciplinary law rendered by the bishops during the quadrennium, giving the number of page or pages upon which such decisions are

recorded, and forward the same with the conference records to the seat of general conference.

6. The ministers and lay members composing the annual conference shall deliberate and vote as one body; but at the call of a majority of all the members present and voting, the house shall divide, and the ministers and lay members vote separately; and it shall require a majority of both branches to constitute a vote of the conference.

7. The territory embraced by each annual conference shall be divided into districts, and over each of these one of the elders shall be appointed by the conference as district elder.

8. The district elders and an equal number of lay members to be elected by ballot the first day of the session, together with the president of the conference, shall constitute a stationing committee, of which the president shall be chairman, and have a casting vote. If for any reason a district elder is not able to serve on the stationing committee, the conference shall elect one of its elders to take his place. No person who is recommended to the annual conference to be received on trial, nor a supply, though acting as a delegate, shall be eligible to serve on the stationing committee. It shall be the duty of the stationing committee to appoint the preachers to their several fields of labour. No preacher shall be appointed to the same circuit more than three years in succession, except in the case of appointments among foreign speaking or coloured people. No minister who refuses to serve a charge or circuit when appointed by his conference shall be appointed to any work by another conference or district elder without the consent of the district elder of the circuit which he refused to serve.

9. It shall be the duty of each annual conference having claimants, to appoint a committee at each annual session on claimants and claims, composed of the president of the conference and two ministers and two lay members nominated by the president and elected by the conference. No minister shall be placed on the superannuated list without having first been recommended by this committee. It shall also be the duty of this committee at the session dufing which it serves, to report as to who are claimants and to estimate the amount necessary for their support for the ensuing year, subject to the approval of the conference, which shall forward the estimate to the secretary of the board of claimants.

10. An annual conference may, upon the unanimous recommendation of the stationing committee, leave a preacher without an appointment. Any preacher so left without an appointment two years in succession may be located by vote of the annual conference.

11. When a preacher is located, or discontinued by an annual conference, the stationing committee shall fix the place of his membership. When an unordained preacher on trial and in good standing in the annual conference is discontinued from the travelling connection by his conference, he shall sustain the relation of local preacher until the ensuing session of his quarterly conference.

12. A preacher may be appointed to a circuit without having charge of the same; in such cases the administration of the circuit shall devolve upon the district elder and the official board.

13. Each annual conference is required to organize a conference evangelistic board which shall be authorized to carry on aggressive evangelistic work within its bounds. This board shall have power to raise funds and to employ evangelists, band workers and helpers to labour within the conference bounds, who, with the concurrence of the district elders, shall be authorized to establish new societies where the interests of the cause of God require, providing that it make provision and be responsible for the support of all the labourers which it employs.

14. A woman holding an evangelist's license and duly recommended by the quarterly conference may be received into full membership and be ordained a deacon, in the same manner as a man be so received, provided always that this ordination of women will not be regarded as a step toward ordination as elder, and provided further, that no woman whose husband is a member of an annual conference either on trial, or in full relation shall be eligible to be received into the conference.

15. Members of an annual conference may be appointed as evangelists. They shall be entitled to the rights and privileges of those appointed to circuits, and shall be subject to the same rules and regulations, so far as they apply to their circumstances. No preacher, however, shall be granted an evangelist's relation to the conference who does not intend to devote all his time to evangelistic work.

16. It shall be the duty of each annual conference to devise a plan to raise its quota of the Special Stewardship Fund ordered by the last general conference.

The Quarterly Conference

1. The quarterly conference shall be composed of the travelling preachers and the members of the official boards of the district.

2. Four sessions of the quarterly conference shall be held each year, in connection with the general quarterly meetings, at such times and places as it may designate, provided, however, that upon the written request of one-half of the

preachers on the district and an equal number of lay members, who are members of the quarterly conference, the district elder may call a special session.

3. The district elder shall be president of the quarterly conference, and in his absence, or in the absence of an elder whom he may appoint, the quarterly conference shall elect one of its members amenable to the annual conference to preside.

4. A secretary shall be elected by the quarterly conference, who shall keep a faithful record of its proceedings, and shall send the said record to the annual conference for its examination. The quarterly conference shall also elect a treasurer for the district.

5. The quarterly conference shall,

(a) Hear complaints.

(b) Try appeals.

(c) Grant and renew licenses to preach.

(d) License band workers.

(e) Recommend suitable persons to the annual conference to be employed as travelling preachers.

(f) Recommend suitable persons to the annual conference to receive deaconess' license.

(g) Recommend suitable persons to the annual conference to receive ordination as deacons or elders.

(h) In connection with the district elder, appoint and hold camp meetings as the interests of the cause of God may require.

6. No person shall be licensed as a local preacher until he has been previously licensed as an exhorter and has been recommended by the official board of the circuit to which he belongs, and until he has first been examined by the quarterly conference, or district elder, in regard to his soundness in doctrine and his piety, gifts and usefulness have been duly considered. No one shall be licensed until satisfactory answers are given to the following questions:—

(a) Have they gifts as well as grace for the work?

(b) Have they some intolerant degree of sound understanding, a right judgment in the things of God and a just consecration of salvation by faith?

(c) Has God given them any degree of utterance?

(d) Do they speak justly, readily and clearly?

(e) Have they fruit?

(f) Are any truly convinced of sin, and converted to God by their preaching? and are they holy in all manner of conversation?

The Official Board

1. An official meeting, composed of the pastors, local preachers, exhorters, evangelists, deaconesses, stewards, class leaders, Sunday-school superintendents who are

members of our church and belong on the circuit, and trustees of church property when such trustees are members of our church on the circuit where the church property is located, shall be held in each circuit once a month whenever practicable.

2. The preacher in charge shall be chairman of the official meeting, and in his absence a chairman shall be elected.

3. A secretary and treasurer shall be elected by the official board. The secretary shall keep in a suitable book, provided for that purpose, faithful minutes of the proceedings of the official board, and also of the meetings of the circuit and shall properly record all marriages and baptisms. The treasurer shall keep a record of all money raised on the circuit for religious purposes, and of the manner in which the same was expended, and give a full report of the same at the annual circuit meeting.

4. The official board shall look after the spiritual and temporal interests of the circuit.

The Circuit Meeting

1. Every circuit shall have, within three months prior to the session of the annual conference to which it belongs, an annual circuit meeting, of which the preacher in charge shall be chairman, but cannot vote, and the secretary of the official board shall be secretary. Such circuit meeting shall be announced in each society at least ten days before said meeting shall be held.

2. At this meeting the members of the church in full relation on the circuit shall elect, by ballot, one or more of their number to represent them in the annual conference. No person on trial in an annual conference shall be eligible to election as a delegate.

3. The annual circuit meeting shall decide the number of stewards to be elected upon the circuit, and also the number to be elected by each society. Where there is but one society, stewards and Sunday-school superintendents may be elected by the annual circuit meeting. Any vacancy that may occur shall be filled by the society in which such vacancy occurs.

4. At this meeting there shall be a full report presented by the trustees of the church property.

5. The preacher in charge of a circuit, or in his absence or refusal to do it, a majority of the official board, may call a meeting of the circuit, whenever in their judgment the interests of the church require it.

Congregation or Society Meeting

1. The society meeting shall be composed of all the members of the church in full relation, composing a single society.

2. The preacher in charge shall be chairman of the society meeting, and a record of its proceedings shall be kept by a secretary elected for that purpose.

3. It shall be the duty of the society meeting to recommend suitable persons for exhorters' and evangelists' licenses, for deaconess' license and for band workers; to elect the number of stewards directed by the annual circuit meeting; elect Sunday-school superintendents; to select persons to act as a committee in case of the trial of members; decide the propriety of incorporating; elect trustees subject in all cases to the statutes of the territory, in which the society is located.

4. The preacher in charge of a circuit, or in his absence or refusal to do it, a majority of the official board, may call a meeting of the society, whenever in their judgment the interests of the church require it.

Administration

The rules, regulations and discipline as published in 1923 by the Free Methodist Publishing House, except in so far as the same may be inconsistent with the purposes and intent of the Free Methodist Church in Canada, and subject to such alterations, as may from time to time be made by General Conference, shall be the rules, regulations and discipline of the church.

SCHEDULE B.

TRUSTS OF MODEL DEED

AND it is hereby declared that the said trustees and their successors, or the trustee or trustees for the time being, acting in the trusts herein shall hold the said lands upon the following trusts:—

COLUMN ONE	COLUMN TWO
1. Upon trust to use the trust property for purposes directed by congregation, and maintenance of public worship.	1. For the use and benefit of the said church, charge, circuit or congregation, as the case may be, as a part of the Free Methodist Church in Canada, as well for the site of a church, parsonage, school or other buildings for religious, charitable, educational, congregational or social purposes, or for a burial ground, as the congregation may direct, as for the support and maintenance of public worship and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of the Free Methodist Church in Canada.
2. To erect and repair buildings.	2. And upon further trust out of moneys received by them for that purpose to build, add to, or alter any of the buildings aforesaid from time to time, as they may deem expedient and where they deem it necessary to remove any of said buildings for any of the purposes aforesaid.
3. To obey all lawful orders and directions.	3. And upon further trusts, they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building, or buildings, at any time thereon, or to any burial ground, the lawful orders and directions respectively, of the Official Board of the said circuit and the Conference within whose bounds and under whose ecclesiastical jurisdiction the said congregation shall from time to time be, and of the General Conference of the Free Methodist Church in Canada.
4. To permit use of the trust property for church, parsonage and Sunday School purposes.	4. And upon further trust, to permit, in conformity with the doctrines, rules and regulations of the Free Methodist Church in Canada, and not otherwise, the following:— *(a)* The use of the said church or meeting house, as a place of religious worship by a congregation of the Free Methodist Church in Canada, and for meetings or services of religious or spiritual character, or such other benevolent or educational purposes as may be approved by the society meeting of such congregation, and the conduct of the public worship and various services and ordinances of religious worship therein by the minister of said congregation, or with the approval of the minister by any other minister of the Free Methodist Church in Canada, or by any minister of any other religious denomination. *(b)* The performance of burial services in any burial ground belonging to or under the control of the congregation. *(c)* The use of the parsonage or minister's dwelling with the appurtenances thereof by the minister of the congregation free from payment of any rent. *(d)* The use of any church meeting house, school or other building for the purpose of Sunday School, at such hours and times as will not interfere with public worship. *(e)* The use of any buildings erected upon the said lands other than church or meeting house for such purposes as may from time to time be approved by society meeting.
5. To sell burial plots and to let parsonages.	5. And upon further trust, to let any buildings not required for purposes of worship at a reasonable rent, if so authorized by the Official Board of the Circuit, and if there shall be a burial ground or cemetery, to sell or rent tombs and burial plots at a reasonable price, and to account for and pay all moneys received for said rent or sale, less any expense incurred in the execution of these trusts to the Treasurer of the congregation, or if there be no treasurer, then to the Official Board of the circuit to be applied towards paying of and satisfying the board and lodging of the minister or ministers

of the circuit or station, or towards paying the rent of a more suitable and convenient residence or residences for such minister or ministers.

6. The trustees or a majority of them may, but only with consent in writing of the Conference within the bounds wherein the lands are situate (such consent to be under the hand of the presiding officer or clerk thereof) sell the said lands, or any part thereof, either by public sale or private contract, and either for cash or upon credit, and upon such terms as to price and for such price, and upon such terms as to payment or otherwise, as they may deem expedient, mortgage, hypothecate or exchange the said lands, or any part thereof, let any church or meeting house upon the same, for such rent and upon such terms as they may deem expedient, and make all such conveyances, mortgages, leases and assurances, as may be required to complete any such sale, mortgage, hypothecation, exchange or lease. The said trustees after first paying or otherwise providing for all indebtedness of the trustees, shall apply the moneys arising from such sale, mortgage, hypothecation, lease or exchange, for the purposes of such congregation, as the Official Board of the circuit shall direct, but should such congregation cease to exist as an organized body, such proceeds, less any expense incurred in the execution of these trusts, shall be paid to the Free Methodist Church in Canada to be applied for such purposes for the benefit of the Free Methodist Church in Canada, as the Conference within the bounds of which the said lands may be situated may determine under the by-laws, rules and regulations of the General Conference. Every application by trustees for the consent of a Conference as aforesaid shall be in writing and shall state the purpose for which the moneys arising from such intended sale, mortgage, hypothecation, lease or exchange will be applied. Any decision of the Conference with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof, will be subject to appeal to the General Conference at the instance of not fewer than any ten members of the congregation affected thereby. In every case where the consent of such Conference has been obtained, as aforesaid, it shall not be encumbent upon the purchaser, mortgagee, or lessee of the said lands, or any part thereof, to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the trustees. A certificate of the Secretary or Clerk of any Conference, that any such consent has been given, shall be sufficient and conclusive evidence of such consent.

6. The trustees shall have power to sell, mortgage, exchange, or lease the trust property with consent of the Conference.

7. The said trustees shall keep a proper book or books of account, showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the congregation, and by the Official Board, and any person or persons named by them or either of them, and the said minister or said Official Board, and any person named by them, or either of them, as aforesaid shall have the right to make such copies of, or extracts from the said accounts or minutes as he or they may desire, and upon request from the Official Board, the trustees shall submit all books of accounts and minutes and all vouchers, receipts, papers and documents relating to the said accounts for audit by the Official Board, or such person or persons as the said Official Board may appoint for the purpose.

7. The trustees shall keep proper accounts and minutes.

8. Every meeting of trustees for considering the making of any alteration of, or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of vaults, tombs, or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each member shall be entitled

8. The trustees shall have ten days' notice of all special meetings and three days notice of other meetings.

to ten days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each trustee, or mailed to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least three days notice in writing to each trustee in the manner aforesaid, or by public announcement at a service for public worship at least three days prior to such meeting. Meetings may be called by the minister in charge of the congregation, or by at least two of the trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any trustee. All questions shall be determined by the majority vote of the trustees present at a meeting and the chairman shall have a casting vote in the event of a tie. The minister of such congregation shall have the right to preside as chairman at all meetings of trustees, and may appoint a deputy to act in his place in his absence, and in the absence of the minister and any such deputy, the trustees present may elect a chairman among themselves.

9. The number of said trustees shall not be fewer than three or more than nine, provided that where the number of existing trustees is more than nine, all such trustees shall remain in office, but that no vacancy in the office of trustees shall be filled until the number of trustees is reduced below nine, in which case the number shall not again exceed nine. In case any of the said trustees or any trustee, appointed under this provision shall during his or her term of office, die, resign, or, having been, cease to be a full member of the Free Methodist Church in Canada, or removed to such a distance as shall in the opinion of his co-trustees expressed by a two-thirds vote of said co-trustees render it inexpedient for him to remain a trustee, or in case the congregation shall think proper to remove a trustee from his office as trustee, it shall be lawful for the said congregation at any meeting called by notice from the pulpit during public worship on each of the two next preceding Sundays, on which public worship is held, to declare by the votes of two-thirds of the members then present, that such trustee has ceased to be a trustee, of the said congregation, and such person shall thereupon cease to be a trustee, and at the same meeting it shall be lawful for the said congregation by a like vote to appoint a successor to such trustee, provided however, that no trustee, who is personally liable for payment of any indebtedness in respect of the property of a congregation shall be removed without his consent, unless indemnified to his satisfaction in respect of any such liability, and unless at least ten days notice in writing of such meeting shall have been mailed to each of the trustees at his last address, which notice shall state the business to be transacted at such meeting. If no successor shall be appointed at such meeting, a meeting may be called in like manner for the purpose of filling such vacancy, and at such meeting a new trustee or trustees shall be appointed by the votes of a majority of the members then present. The notice calling a meeting for the purpose of declaring, or filling a vacancy or vacancies in the office of trustee shall be read from the pulpit by the minister or person officiating as minister, at the request of any trustee, or of any seven members of the congregation, and every such meeting may be adjourned from time to time by the vote of the majority of the members present. During any vacancy in the office of trustee the remaining trustees, not being fewer than three in number shall have all the powers of the full board. The majority of the trustees shall form a quorum. At least two-thirds of the trustees shall be full members of the Free Methodist Church in Canada. A minute of every such appointment of a trustee shall be entered in a book to be kept for that purpose and signed by the person presiding

9. The number of trustees shall not be fewer than three, or more than nine, and vacancies shall be filled by election by the congregation, or in default of such election, by the Official Board, and the property of a congregation which ceases to exist shall be subject to the trusts determined by the Conference.

at the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named, was or were elected at such meeting, but any omission or neglect to make or sign such minute, shall not invalidate such appointment or election.

And it is hereby further delcared that in case there shall be at any time fewer than three trustees, the presiding officer of the annual Conference within whose bounds and under whose jurisdiction the said congregation shall be, shall, with the remaining trustee or trustees, be the trustees under these presents until the full board is duly appointed, and at any time thereafter the Conference may cause notice to be given from the pulpit on two consecutive Sundays, requiring the said congregation to proceed with the appointment of new trustees. And if the said congregation shall not in the meantime have appointed new trustees in the manner hereinbefore provided, it shall be lawful for the said Conference at any time after four weeks after the last giving of such notice by resolution duly entered in the minutes of the Conference to appoint new trustees. Such appointment shall be communicated to the congregation by notice from the pulpit as soon as conveniently may be thereafter, and from the time of such communication a trustee or trustees so appointed shall be a trustee or trustees hereunder.

And it is further declared that if at any time there shall cease to be an organized congregation entitled to the use, benefit and enjoyment of the said lands, it shall be lawful at any time or times for the said Conference to fill any vacancy in the number of trustees, and the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of the Free Methodist Church in Canada as the Conference within the bounds of which the said lands are situated may determine under the by-laws, rules and regulations of the General Conference.

10. A trustee shall not be responsible for the failure of any investment or security made or taken by the trustees, or for anything done in connection with the trust estate, except for his own acts and to account for any moneys coming into his hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.

10. Trustees shall not be liable for involuntary loss.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to incorporate The Free Methodist Church in Canada.

Reprinted as Amended and Reported by the Select Standing Committee on Miscellaneous Private Bills.

(PRIVATE BILL.)

Mr. CARMICHAEL.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39407 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to incorporate The Free Methodist Church in Canada.

Preamble.

WHEREAS certain Conferences of The Free Methodist Church in Canada have been incorporated by Acts of the Legislatures of the various provinces in which they are constituted, and whereas other Conferences exist in the various provinces, and the said Conferences have agreed to unite under the name of The Free Methodist Church in Canada on the basis of the rules, regulations and discipline set forth or referred to in Schedule "A" to this Act, and the Executive Committee of the said conferences have by petition set forth that they are desirous of having the said union ratified and that they may be incorporated under the name of The Free Methodist Church in Canada with power to hold all the property, real and personal, belonging to the said conferences upon the trusts and for the purposes hereinafter set out, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. The President and clerical and lay members of and in the West Ontario Annual Conference of The Free Methodist Church, the East Ontario Annual Conference of The Free Methodist Church, the Saskatchewan Annual Conference of The Free Methodist Church and the Alberta Annual Conference of The Free Methodist Church are hereby constituted and declared to be a body corporate and politic with the name of "The Free Methodist Church in Canada."

Creed.

2. (1) The religious belief and creed of the said Church is that set forth in articles I to XXIII inclusive in Schedule "A".

Rules, etc.

(2) The rules, regulations and discipline of the said Church are those set forth in Schedule A hereto annexed.

Copies to be *prima facie* evidence.

3. All copies of the rules, regulations and discipline or any amendments or alterations hereto published in any book

or discipline or journal of conference under the direction or authority of the General Conference of the said Church or a copy of any by-law or resolution of the said General Conference under the seal of the corporation and signed by the Secretary shall be *prima facie* evidence in all courts of the contents thereof.

Property to be rested in corporation.

4. From and after the passing of this Act all the property, real and personal, under the jurisdiction of the Parliament of Canada, belonging to or held in trust for or to the use of The West Ontario Annual Conference of The Free Methodist Church, The East Ontario Annual Conference of The Free Methodist Church, The Saskatchewan Annual Conference of The Free Methodist Church, and The Alberta Annual Conference of The Free Methodist Church shall thenceforth be held and vested in the said corporation for the benefit of The Free Methodist Church in Canada and the Trustees thereof shall hold, use and administer the same upon the trusts set forth in Schedule "b" to this Act, and all property, real and personal, thereafter acquired for or belonging to or held by or in trust for or to the use of any congregation of The Free Methodist Church in Canada shall be held and used and administered for the benefit of the said congregation as a part of The Free Methodist Church in Canada upon the said trusts and subject to the said terms and provisions. Provided that any property, real or personal, held at the time of the coming into force of this Act, or thereafter acquired by devise, bequest, transfer or gift, in trust for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect thereof not being contrary to law, or to any by-law, rule or regulation of The Free Methodist Church in Canada until otherwise directed by the General Conference upon the advice of the Board or Committee having charge of the fund.

Form of words in deed or conveyance.

5. In any deed or conveyance to the said Trustees the form of words contained in column one of Schedule "B" and distinguished by any number therein shall be taken to be equivalent to the form of words contained in column two of the said Schedule "B" and distingushed by the same number.

Officers.

6. Subject to the provisions of the said Schedule "A" the said Corporation may from time to time appoint, and as they see occasion remove all officers, agents and servants and from time to time make, alter or vary any by-laws, rules or regulations touching and concerning the time and place of holding meetings and notices thereof and for the good ordering, discipline and government of the said church and the performance of divine worship in any of the churches of the said Corporation, and all matters

Meetings, etc.

respecting the same and all other matters and things which to them seem good, fit and useful for the well ordering, governing and advancement of the said Church.

Boards.

7. The said corporation may appoint Boards or Committees composed of the members thereof to take charge of, or deal with and dispose of the respective funds, including book and publishing interests, and other interests belonging to the said church and may establish such other funds as may be deemed expedient, and may appoint Boards or Committees of the members of the said Corporation to take charge of, deal with and dispose of the said funds so formed in accordance with the provisions of the said Schedule "A".

Board of Trustees.

8. The said Corporation may authorize and empower any Annual Conference, District Quarterly Conference, Society or group of Societies, of a circuit within any Annual Conference from time to time existing, to establish by resolution of the said Conference, a Board of Trustees consisting of three, six or nine Trustees, one third of the said Board to be appointed for one year; one third to be appointed for two years, and one third to be appointed for three years, and an election shall be held each year within three months of the meeting of the Annual Conference for the purpose of filling the vacancy or vacancies occurring by reason of the retirement of Trustees as aforesaid.

Proviso.

Provided that no Trustee shall hold office for more than three consecutive years, unless re-elected, and further provided that at least two thirds of the Trustees so elected shall be full members of the Free Methodist Church.

Assuming control of certain property.

9. The said Corporation may authorize and empower any Annual Conference, upon resolution passed by a majority of two-thirds of such Conference, to assume control of the property of any circuit or society within the Conference which may for any reason cease to be self supporting, and the Trustees or Evangelistic Board of such Conference, as the Annual Conference may direct, shall be at liberty to alienate, mortgage or otherwise deal with the said property as they may see fit, provided that any authority so granted may be revoked at any time by a majority of two-thirds of such Annual Conference.

New conferences.

10. The said Corporation shall have authority to organize and develop new conferences from time to time in any of the provinces or territories in the Dominion of Canada.

Voluntary Conveyances and holding of real estate.

11. The Corporation may receive voluntary conveyances of and may purchase, hold and convey such real estate as the purposes of the said Corporation require: Provided

Proviso.

that the Corporation shall, within ten years after its acquisition of any such real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation or other like purposes of the Corporation, and further provided that the said property shall be held upon the trusts and subject to the provisions set forth in Schedule "B" to this Act.

Transfer of lands, etc.

12. The said Corporation shall have authority to alienate exchange, demise, let or lease for any term of years, such messuages lands, tenements, hereditaments, and immovable property as shall be given, granted, purchased, appropriated, divised or bequeathed to the said Corporation for all or any of the purposes thereof, subject to the proviso in section eleven contained.

Advances.

13. The said Corporation shall have power to make advances by way of loan or gift, out of its funds not required to meet ordinary expenses and disbursements, to assist in the erection or maintenance of colleges, schools, or parsonages, as the General Conference or Board having charge of the fund may direct; and may take or hold any real or personal estate, or securities thereon, mortgaged or assigned to the said corporation to secure payment of any debts or demands due to the said corporation, and may proceed on such mortgages, assignments or other securities for the recovery of the money thereby secured, either at law or in equity or otherwise, and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand, due to the said Corporation, as any individual or body corporate, may by law, take or use for like purpose.

Loans.

14. The said Corporation may, for the purpose of investment, lend money upon the security of real estate, purchase debentures, of municipal or public schools corporations, or Dominion or provincial stock or securities, may sell any such securities as to which it may seem advisable, and for that purpose may execute such assignments or other instruments as are necessary for carrying the same into effect; and for such purposes of investment, may make advances to any person or persons or body corporate, upon any of the above mentioned securities at such rate of interest, not exceeding eight per cent per annum, as is agreed upon: Provided, however, that nothing in this Act contained shall be construed to limit the power of such corporation to make such investments of its capital or surplus income, which it otherwise has by virtue of its corporate existence.

Proviso.

Borrowing powers.

15. The said Corporation shall have power to borrow any sum or sums of money from banks or other corporations, or from private persons, as in the opinions of the General Conference or Board or Committee having charge of any of the funds of the said Corporation, may be required for the purposes thereof, and may under the direction of the said General Conference, or Committee having charge of such fund, hypothecate, mortgage or pledge so much of the real or personal property held in trust for such fund as is necessary to secure any sum or sums of money so borrowed.

Seal.

16. The said Corporation may provide a duplicate of the seal thereof for each of the Annual Conferences from time to time existing, and the custody of the said seal shall be as may be directed by the said Corporation; and the same may be affixed by such officers as the said General Conference by by-law or resolution directs: and until directions by the said General Conference, the same may be affixed to any conveyance of property within the bounds of any of the said Annual Conferences, by the President or Secretary of such Annual Conference, and may, for the purpose of conveying any property in charge of any Board or Committee of the said Corporation, be affixed by the Chairman of the said Board or Committee, or such other officer as the Board or Committee directs.

Resolution of General Conference.

17. All resolutions passed by the General Conference of the said Corporation shall have the force and effect of by-laws, and no formal by-law shall be required for the purpose of managing the affairs of the said Corporation.

Corporation not responsible for certain debts.

18. The said Corporation in receiving, taking or holding any property heretofore held by any of the said Conferences, shall not in any wise become responsible or liable for the debts or obligations which have been contracted in respect thereto, but the property specially charged with the said debts, and persons who have become liable in respect to the said debts or obligations shall remain liable in the same manner and to the same degree as if the said union had not been effected, or this Act had not been passed, save in so far as the said Corporation, in Schedule "A" hereto, has undertaken the payment of any such debts or obligations.

Provisions effective as far as Parliament has jurisdiction.

19. Inasmuch as questions may arise as to the powers of the Parliament of Canada under the *British North America Act* to give legislative effect to the provisions of this Act, it is hereby declared that it is intended by this Act to sanction the provisions therein contained in so far and in so far only as it is competent to the Parliament so to do. If it be found that Parliament has exceeded its powers in the enactment of one or more of the provisions of this Act, none of the other or remaining provisions of the Act shall therefore be held to be inoperative or *ultra vires*.

SCHEDULE A.

ARTICLES OF RELIGION.

ARTICLE I.—*Of Faith in the Holy Trinity.*—There is but one living and true God, everlasting, without body or parts, of infinite power, wisdom and goodness, the maker and preserver of all things, visible and invisible. And in unity of this Godhead there are three persons of one substance, power and eternity—the Father, the Son, and the Holy Ghost.

ARTICLE II.—*Of the Word, or Son of God, Who Was Made Very Man.*—The Son, who is the Word of the Father, the very and eternal God, of one substance with the Father, took man's nature in the womb of the blessed virgin, so that the two whole and perfect natures, that is to say, the Godhead and manhood, were joined together in one person, never to be divided, whereof is one Christ, very God and very man, who truly suffered, was crucified, dead and buried, to reconcile his Father to us, and to be a sacrifice, not only for the original guilt, but also for the actual sins of men.

ARTICLE III.—*Of the Resurrection of Christ.*—Christ did truly rise again from the dead, and took again his body, with all things appertaining to the perfection of man's nature, wherewith he ascended into heaven, and there sitteth until he returns to judge all men at the last day.

ARTICLE IV.—*Of the Holy Ghost.*—The Holy Ghost, proceeding from the Father and the Son, is of one substance, majesty and glory with the Father and the Son, very and eternal God.

ARTICLE V.—*The Sufficiency of the Holy Scriptures for Salvation.*—The Holy Scriptures contain all things necessary to salvation; so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of faith, or be thought requisite or necessary to salvation. By the term Holy Scriptures we understand those canonical books of the Old and New Testaments of whose authority there was never any doubt in the Church.

The names of the canonical books are: Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, the First Book of Samuel, the Second Book of Samuel, the First Book of Kings, the Second Book of Kings, the First Book of Chronicles, the Second Book of Chronicles, the Book of Ezra, the Book of Nehemiah, the Book of Esther, the Book of Job, the Psalms, the Proverbs, Ecclesiastes, or the Preacher, Canticles, or the Song of Solomon, Four Prophets the greater, Twelve Prophets the less.

All the books of the New Testament, as they are commonly received, we de receive and account canonical.

ARTICLE VI.—*Of the Old Testament.*—The Old Testament is not contrary to the New; for in both the Old and New Testaments everlasting life is offered to mankind by Christ, who is the only Mediator between God and man. Wherefore they are not to be heard who feign that the old fathers did look only for transitory promises. Although the law given from God by Moses, as touching ceremonies and rites, doth not bind Christians, nor ought the civil precepts thereof, of necessity to be received in any commonwealth; yet, notwithstanding, no Christian whatsoever is free from obedience to the commandments which are called moral.

ARTICLE VII.—*Of Original or Birth Sin.*—Original sin standeth not in the following of Adam, as the Pelagians do vainly talk, but it is the corruption of the nature of every man that naturally is engendered of the offspring of Adam, whereby man is very far gone from original righteousness, and of his own nature inclined to evil and that continually.

ARTICLE VIII.—*Of Free Will.*—The condition of man after the fall of Adam is such that he cannot turn and prepare himself by his own natural strength and works to faith and calling upon God; wherefore we have no power to do good works, pleasing and acceptable to God, without the grace of God by Christ enabling us, that we may have a good will, and working with us, when we have that good will.

ARTICLE IX.—*Of the Justification of Man.*—We are accounted righteous before God only for the merit of our Lord and Saviour Jesus Christ by faith, and not for our own works or deservings; wherefore, that we are justified by faith only, is a most wholesome doctrine, and very full of comfort.

ARTICLE X.—*Of Good Works.*—Although good works, which are the fruits of faith, and follow after justification, cannot put away our sins and endure the severity of God's judgments, yet they are pleasing and acceptable to God in Christ, and spring out of a true and lively faith, insomuch that by them a lively faith may be as evidently known as a tree is discerned by its fruit.

ARTICLE XI.—*Of Works of Supererogation.*—Voluntary works—besides, over and above God's commandments—which are called works of supererogation, cannot be taught without arrogancy and impiety. For by them men do declare that they do not only render unto God as much as they are bound to do, but that they do more for his sake than of bounden duty is required; whereas Christ saith plainly, "When ye have done all that is commanded you, say, We are unprofitable servants."

ARTICLE XII.—*Of Sin after Justification.*—Not every sin willingly committed after justification is the sin against the

Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after justification. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God rise again and amend our lives. Therefore they are to be condemned who say they can no more sin as long as they live here, or who deny the place of forgiveness to such as truly repent.

ARTICLE XIII.—*Entire Sanctification.*—Justified persons, while they do not outwardly commit sin, are nevertheless conscious of sin still remaining in the heart. They feel a natural tendency to evil, a probeness to depart from God and cleave to the things of earth. Those who are sanctified wholly are saved from all inward sin—from evil thoughts and evil tempers. No wrong temper, none contrary to love remains in the soul. All their thoughts, words and actions are governed by pure love.

Entire sanctification takes place subsequently to justification, and is the work of God wrought instantaneously upon the consecrated, believing soul. After a soul is cleansed from all sin, it is then fully prepared to grow in grace.

ARTICLE XIV.—*Future Reward and Punishment.*—God has appointed a day in which he will judge the world in righteousness by Jesus Christ, according to the gospel. The righteous shall have in heaven an inheritance incorruptible, undefiled, and that fadeth not away. The wicked shall go away into everlasting punishment, where their worm dieth not, and the fire is not quenched.

ARTICLE XV.—*Of speaking in the Congregation in such a Tongue as the People Understand.*—It is a thing plainly repugnant to the word of God and the custom of the primitive Church, to have public prayer in the Church or to minister the sacrament in a tongue not understood by the people.

ARTICLE XVI.—*Of the Church.*—The visible Church of Christ is a congregation of pure men, in which the pure word of God is preached, and the sacraments are duly administered, according to Christ's ordinance, in all those things that of necessity are requisite to the same.

ARTICLE XVII.—*Of the Sacraments.*—Sacraments ordained of Christ are not only badges or tokens of Christian men's profession, but also they are certain signs of grace, and of God's good will towards us, by the which he doth work invisibly in us, and doth not only quicken but also strengthen and confirm our faith in him.

ARTICLE XVIII.—*Of Baptism.*—Baptism is not only a sign of profession and mark of difference, whereby Christians are distinguished from others that are not baptised, but it is also a sign of regeneration or the new birth. The baptism of young children is to be retained in the church.

ARTICLE XIX.—*Of the Lord's Supper.*—The Supper of the Lord is not merely a sign of the love that Christians ought to have among themselves one to another, but rather is a sacrament of our redemption by Christ's death, insomuch that, to such as rightly, worthily, and with faith receive the same, the bread which we break is a partaking of the body of Christ; and likewise the cup of blessing is a partaking of the blood of Christ.

Transubstantiation, or the change of the substance of bread and wine in the Supper of our Lord, cannot be proved by holy writ, but it is repugnant to the plain word of the Scripture, overthroweth the nature of a sacrament, and hath given occasion to many superstitions.

The body of Christ is given, taken and eaten in the Supper, only after a heavenly and spiritual manner; and the means whereby the body of Christ is received and eaten in the Supper, is faith. The sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

ARTICLE XX.—*Of the One Oblation of Christ, Finished upon the Cross.*—The offering of Christ, once made, is a perfect redemption, propitiation and satisfaction for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin but that alone. Wherefore the sacrifice of the masses, in the which it is said that the priest doth offer Christ for the quick and the dead, to have remission of pain or guilt, is a blasphemous and dangerous deceit.

ARTICLE XXI.—*Of the Rites and Ceremonies of Churches*—It is not necessary that rites and ceremonies should in all places be the same, or exactly alike; for they have been always different, and may be changed according to the diversity of countries, times and men's manners, so that nothing be ordained against God's word. Whosoever through his private judgment, willingly and purposely doth openly break the rites and ceremonies of the church to which he belongs, which are not repugnant to the word of God, and are ordained and approved by common authority, ought to be rebuked openly, that others may fear to do the like, as one that offendeth against the common order of the church, and woundeth the consciences of the weak brethren. Every particular church may ordain, change or abolish rites and ceremonies so that all things may be done to edification.

ARTICLE XXII.—*Of Christian Men's Goods.*—The riches and goods of Christians are not common, as touching the right, title and possession of the same, as some do falsely boast. Notwithstanding, every man ought, of such things as he possesseth, liberally to give alms to the poor according to his ability.

ARTICLE XXIII.—*Of a Christian Man's Oath.*—As we confess that vain and rash swearing is forbidden Christian men by our Lord Jesus Christ, and James the apostle; so we hold that the Christian religion doth not prohibit, but that a man may swear when the magistrate requireth in a case of faith and charity, so it be done according to the prophet's teaching, in justice, judgment and truth.

ORGANIZATION AND GOVERNMENT.

Pas ora' Charges, Quaterly and Annual Conferences.

1. The lay membership of the church shall be divided into local societies, one or more of which shall constitute a pastoral charge.

2. The pastoral charges embraced within each annual conference shall be grouped into districts, and a quarterly conference shall be organized in each district, composed of such official members of the several pastoral charges and invested with such powers as the general conference shall direct.

3. The general conference shall organize the work at large into annual conferences, of which the preachers (not being members of any local societies) shall be permanent members; and to which, at each session, one lay delegate shall be admitted from each pastoral charge, and in case there be more than one preacher in full membership appointed to a pastoral charge, such pastoral charge shall be entitled to one additional lay delegate for every such additional preacher.

The General Conference.

1. The general conference shall be composed of the ministerial and lay delegates, to be chosen as hereinafter provided.

2. Each annual conference shall be entitled to one ministerial delegate in the general conference; and whenever an annual conference shall reach an aggregate of eight hundred full members, it shall be entitled to two ministerial delegates, and to an additional ministerial delegate for every subsequent six hundred full members, provided, however, that in no case shall a preacher be counted more than once in the election of delegates.

3. The ministerial delegates shall be elected by the ministers of the annual conference by ballot. Such delegates shall be elders, and at the time of their election, as also at the time of the general conference, shall be members of the annual conference which elected them.

4. Each annual conference shall be entitled to the same number of lay as of ministerial degelates in the general conference.

5. Lay delegates to the general conference shall be elected by the lay delegates of the annual conferences they are respectively to represent. They shall be elected by ballot, from the members of the church in full relation within the bounds of the annual conferences to which they respectively belong, and must be members of the church within the conference which elected them at the time of the general conference.

6. The secretaries of the several annual conferences shall furnish certificates of election to the delegates severally, signed by the president and secretary of each annual conference, as the credentials upon which they are to be admitted to the general conference.

7. The first session of the Annual Conference shall be held as, and when the executive committee shall deem it expedient.

8. At all times when the general conference is in session, it shall require two-thirds of all the delegates elected by the annual conferences to form a quorum to do business; but a smaller number may adjourn from time to time, until a quorum is obtained.

9. The members of the general conference shall deliberate and vote as one body; nevertheless, upon the call of a majority of the members present and voting, the house shall divide; and it shall require a majority of the ministerial and of the lay delegates to pass any vote, or transact any business, provided, nevertheless, that for changes of the constitution, a vote of two-thirds of the general conference shall be sufficient.

10. The general conference shall have full power to make rules and regulations for the Free Methodist Church in Canada, under the following limitations and restrictigns:—

(1) The general conference shall not revoke, alter, or change our articles of religion, or the general rules of the united societies, or establish any standards or rules of doctrine contrary to our present existing and established standards of doctrine.

(2) It shall not change or alter any part or rule of our government, so as to do away with lay delegation, or an itinerant ministry, or the free-seat system in our churches.

(3) It shall not have power to deprive our preachers or members of the right of trial by an impartial committee, or of the right of an appeal.

11. The concurrent recommendation of three-fourths of all the members of the several annual conferences, who shall be present and vote on such recommendation, shall suffice to authorize the next ensuing general conference, by a two-

thirds vote, to alter any of the foregoing restrictive rules, except the last; and also whenever such alteration, or alterations, shall have been recommended first by a two-thirds vote of the general conference, then so soon as three-fourths of the members of the several annual conferences, who were present and voted on such recommendation, or recommendations, shall have concurred therein, such alteration, or alterations, shall take effect.

Executive Committee.

1. The Executive Committee shall be composed of members elected by the several annual conferences, as follows:—

At the session ensuing next after the passing of this Act, and once each four years thereafter each Annual Conference shall elect, one ordained elder and one lay member to represent the Conference on said Committee, provided that when a conference shall reach an aggregate of one thousand members, including ministers who are full members of the Annual Conference, and lay members in full connection within the bounds of the Conference, such Conference shall be entitled to one additional ministerial member and one additional lay member on the Executive Committee.

2. Each Conference shall elect its members on the Executive Committee by either of the following methods:—

(a) The nominating Committee shall nominate and when such nominations are confirmed by the Annual Conference, members so nominated shall be declared elected.

(b) By ballot, in which event the house shall divide and the ministerial members shall be elected by the ministers and the lay members by the lay delegates.

3. Upon a member of the Executive Committee ceasing to be a member of the Free Methodist Church in Canada, or of the Conference which he represents, his place may be declared vacant, and such vacancy, shall be filled by the Annual Conference at its next session.

4. The Executive Committee shall have power to fix the amount of the various assessed claims and it shall be the duty of those having charge of circuits to see that such claims are raised in full.

5. The Executive Committee shall have power to accept resignations from any of the general officers of the Free Methodist Church in Canada, and shall fill all vacancies occurring by reason of such resignations or otherwise.

6. The Executive Committee hereinbefore referred to shall meet annually, or whenever one-third of the committee

shall deem it necessary so to do. A majority of the members elected shall constitute a quorum for transacting business.

7. The Executive Committee shall also constitute the board of conference claimants and the church extension society.

8. The Executive Committee shall have general supervision of the publishing interests of the church and shall carefully examine into their condition. The salary of all general officers shall be fixed by the Executive Committee.

Annual Conferences.

1. The annual conference shall consist of,

(a) All preachers within its bounds, who have been duly received into full membership.

(b) Lay delegates from each circuit, provided whenever there shall be more than one preacher in full relation travelling upon a circuit, the circuit shall be entitled to one additional delegate for every such additional preacher.

2. Whenever a new society shall be organized near the boundary line between any two conferences, and the conference in whose territory the new society is located shall have no organized work within forty miles of said new society, such new society shall be permitted to decide for itself to which conference it shall belong.

3. Each annual conference shall appoint the place, and, with the occurrence of the President, the time of its own sessions. If for any reason a conference cannot be held at the place appointed, the determination of the place shall be left with the district elders and the secretary of the last conference.

4. The ministers and lay members composing the annual conference shall deliberate and vote as one body; but at the call of a majority of all the members present and voting, the house shall divide, and the ministers and lay members vote separately; and it shall require a majority of both branches to constitute a vote of the conference.

5. The territory embraced by each annual conference shall be divided into districts, and over each of these one of the elders shall be appointed by the conference as district elder.

6. The district elders and an equal number of lay members to be elected by ballot the first day of the session, together with the president of the conference, shall constitute a stationing committee, of which the president shall be chairman, and have a casting vote. If for any reason a district elder is not able to serve on the stationing committee, the conference shall elect one of its elders to take his place. No person who is recommended to the annual conference to be received on trial, nor a supply, though

acting as a delegate, shall be eligible to serve on the stationing committee. It shall be the duty of the stationing committee to appoint the preachers to their several fields of labour.

7. It shall be the duty of each annual conference having claimants, to appoint a committee at each annual session on claimants and claims, composed of the president of the conference and two ministers and two lay members nominated by the president and elected by the conference. No minister shall be placed on the superannuated list without having first been recommended by this committee. It shall also be the duty of this committee at the session dufing which it serves, to report as to who are claimants and to estimate the amount necessary for their support for the ensuing year, subject to the approval of the conference, which shall forward the estimate to the secretary of the board of claimants.

8. An annual conference may, upon the unanimous recommendation of the stationing committee, leave a preacher without an appointment. Any preacher so left without an appointment two years in succession may be located by vote of the annual conference.

9. When a preacher is located, or discontinued by an annual conference, the stationing committee shall fix the place of his membership. When an unordained preacher on trial and in good standing in the annual conference is discontinued from the travelling connection by his conference, he shall sustain the relation of local preacher until the ensuing session of his quarterly conference.

10. A preacher may be appointed to a circuit without having charge of the same; in such cases the administration of the circuit shall devolve upon the district elder and the official board.

11. A woman holding an evangelist's license and duly recommended by the quarterly conference may be received into full membership and be ordained a deacon, in the same manner as a man be so received, provided always that this ordination of women will not e regarded as a step toward ordination as elder, and provided further, that no woman whose husband is a member of an annual conference either on trial, or in full relation shall be eligible to be received into the conference.

12. Members of an annual conference may be appointed as evangelists. They shall be entitled to the rights and privileges of those appointed to circuits, and shall be subject to the same rules and regulations, so far as they apply to their circumstances.

13. It shall be the duty of each annual conference to devise a plan to raise its quota of the Special Stewardship Fund or any other special fund ordered by the Executive Committee.

The Quarterly Conference

1. The quarterly conference shall be composed of the travelling preachers and the members of the official boards of the district.

2. Four sessions of the quarterly conference shall be held each year, in connection with the general quarterly meetings, at such times and places as it may designate, provided, however, that upon the written request of one-half of the preachers on the district and an equal number of lay members, who are members of the quarterly conference, the district elder may call a special session.

3. The district elder shall be president of the quarterly conference, and in his absence, or in the absence of an elder whom he may appoint, the quarterly conference shall elect one of its members amenable to the annual conference to preside.

4. A secretary shall be elected by the quarterly conference, who shall keep a faithful record of its proceedings, and shall send the said record to the annual conference for its examination. The quarterly conference shall also elect a treasurer for the district.

5. The quarterly conference shall,

(a) Hear complaints.

(b) Try appeals.

(c) Grant and renew licenses to preach.

(d) License band workers.

(e) Recommend suitable persons to the annual conference to be employed as travelling preachers.

(f) Recommend suitable persons to the annual conference to receive deaconess' license.

(g) Recommend suitable persons to the annual conference to receive ordination as local deacons or elders.

(h) In connection with the district elder, appoint and hold camp meetings as the interests of the cause of God may require.

6. No person shall be licensed as a local preacher until he has been previously licensed as an exhorter and has been recommended by the official board of the circuit to which he belongs, and until he has first been examined by the quarterly conference, or district elder, in regard to his soundness in doctrine and his piety, gifts and usefulness have been duly considered. No one shall be licensed until satisfactory answers are given to the following questions:—

(a) Have they gifts as well as grace for the work?

(b) Have they some tolerable degree of sound understanding, a right judgment in the things of God and a just conception of salvation by faith?

(c) Has God given them any degree of utterance?

(d) Do they speak justly, readily and clearly?

(e) Have they fruit?

(f) Are any truly convinced of sin, and converted to God by their preaching? and are they holy in all manner of conversation?

The Official Board

1. An official meeting, composed of the pastors, local preachers, exhorters, evangelists, deaconesses, stewards, class leaders, Sunday-school superintendents who are members of our church and belong on the circuit, and trustees of church property when such trustees are members of our church on the circuit where the church property is located, shall be held in each circuit once a month whenever practicable.

2. The preacher in charge shall be chairman of the official meeting, and in his absence a chairman shall be elected, except at meetings which may be called by the district elder according to the provision of the discipline.

3. A secretary and treasurer shall be elected by the official board. The secretary shall keep in a suitable book, provided for that purpose, faithful minutes of the proceedings of the official board, and also of the meetings of the circuit and shall properly record all marriages and baptisms. The treasurer shall keep a record of all money raised on the circuit for religious purposes, and of the manner in which the same was expended, and give a full report of the same at the annual circuit meeting.

4. The official board shall look after the spiritual and temporal interests of the circuit.

The Circuit Meeting

1. Every circuit shall have, within three months prior to the session of the annual conference to which it belongs, an annual circuit meeting, of which the preacher in charge shall be chairman, but cannot vote, and the secretary of the official board shall be secretary. Such circuit meeting shall be announced in each society at least ten days before said meeting shall be held.

2. At this meeting the members of the church in full relation on the circuit shall elect, by ballot, one or more of their number to represent them in the annual conference. No person on trial in an annual conference shall be eligible to election as a delegate.

3. The annual circuit meeting shall decide the number of stewards to be elected upon the circuit, and also the number to be elected by each society. Where there is but one society, stewards and Sunday-school superintendents may be elected by the annual circuit meeting. Any vacancy

that may occur shall be filled by the society in which such vacancy occurs.

4. At this meeting there shall be a full report presented by the trustees of the church property.

5. The preacher in charge of a circuit, or in his absence or refusal to do it, a majority of the official board, may call a meeting of the circuit, whenever in their judgment the interests of the church require it.

Society Meeting

1. The society meeting shall be composed of all the members of the church in full relation, composing a single society.

2. The preacher in charge shall be chairman of the society meeting, and a record of its proceedings shall be kept by a secretary elected for that purpose.

3. It shall be the duty of the society meeting to recommend suitable persons for exhorters' and evangelists' licenses, for deaconess' license and for band workers; to elect class leaders; to elect the number of stewards directed by the annual circuit meeting; to elect Sunday-school superintendents; to elect persons to act as a committee in case of the trial of members; and to elect trustees.

4. The preacher in charge of a circuit, or in his absence or refusal to do it, a majority of the official board, may call a meeting of the society, whenever in their judgment the interests of the church require it.

Administration

The rules, regulations and discipline as published in 1923 by the Free Methodist Publishing House, except in so far as the same may be inconsistent with the purposes and intent of the Free Methodist Church in Canada, and subject to such alterations, as may from time to time be made by General Conference, shall be the rules, regulations and discipline of the church.

SCHEDULE B.

TRUSTS OF MODEL DEED

AND it is hereby declared that the said trustees and their successors, or the trustee or trustees for the time being, acting in the trusts herein shall hold the said lands upon the following trusts:—

COLUMN ONE	COLUMN TWO
1. Upon trust to use the trust property for purposes directed by society, and maintenance of public worship.	1. For the use and benefit of the said church, conference, district, circuit or society, as the case may be, as a part of the Free Methodist Church in Canada, as well for the site of a church, parsonage, school or other buildings for religious, charitable, educational, congregational or social purposes, or for a burial ground, as the society may direct, as for the support and maintenance of public worship and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of the Free Methodist Church in Canada.
2. To erect and repair buildings.	2 And upon further trust out of moneys received by them for that purpose to build, add to, or alter any of the buildings aforesaid from time to time, as they may deem expedient and where they deem it necessary to remove any of said buildings for any of the purposes aforesaid.
3. To obey all lawful orders and directions.	3. And upon further trusts, they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building, or buildings, at any time thereon, or to any burial ground, the lawful orders and directions respectively, of the Official Board of the said circuit and the Conference within whose bounds and under whose ecclesiastical jurisdiction the said society shall from time to time be, and of the General Conference of the Free Methodist Church in Canada.
4. To permit use of the trust property for church, parsonage and Sunday School purposes.	4. And upon further trust, to permit, in conformity with the doctrines, rules and regulations of the Free Methodist Church in Canada, and not otherwise, the following:— *(a)* The use of the said church or meeting house, as a place of religious worship by a society of the Free Methodist Church in Canada, and for meetings or services of religious or spiritual character, or such other benevolent or educational purposes as may be approved by the society meeting of such society, and the conduct of the public worship and various services and ordinances of religious worship therein by the minister of said society, or with the approval of the minister by any other minister of the Free Methodist Church in Canada, or by any minister of any other religious denomination. *(b)* The performance of burial services in any burial ground belonging to or under the control of the society. *(c)* The use of the parsonage or minister's dwelling with the appurtenances thereof by the minister of the society free from payment of any rent. *(d)* The use of any church meeting house, school or other building for the purpose of Sunday School, at such hours and times as will not interfere with public worship. *(e)* The use of any buildings erected upon the said lands other than church or meeting house for such purposes as may from time to time be approved by society meeting.
5. To sell burial plots and to let church property.	5. And upon further trust, to let any church property not required for purposes of worship at a reasonable rent, if so authorized by the Official Board of the Circuit and the district elder, and if there shall be a burial ground or cemetery, to sell or rent tombs and burial plots at a reasonable price, and to account for and pay all moneys received for said rent or sale, less any expense incurred in the execution of these trusts to the Treasurer of the society, or if there be no treasurer, then to the Official Board of the circuit to be applied as that body may direct.

6. The trustees or a majority of them may, sell the said lands, or any part thereof, either by public sale or private contract, and either for cash or upon credit, and upon such terms as to price and for such price, and upon such terms as to payment or otherwise, as they may deem expedient, and may mortgage, hypothecate or exchange the said lands, or any part thereof, and make all such conveyances, mortgages, and assurances, as may be required to complete any such sale, mortgage, hypothecation, or exchange provided, however, that no church property shall be sold without the consent of the society, and of the district elder and the approval of the Annual Conference; such approval to be under the hand of the President and Secretary of said Annual Conference and in all cases the proceeds of such sale, after first paying or otherwise providing for all indebtedness of the trustees, shall be used by the trustees either for the purchase or improvement of property for the same uses and deeded to the same corporation or trustees, or if not so used, shall be held subject to the order of the Annual Conference in whose territory the property may be situated. In every case where the consent of such Conference has been obtained, as aforesaid, it shall not be encumbent upon the purchaser, or mortgagee, or of the said lands, or any part thereof, to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the trustees. A certificate of the Secretary of any Conference, that any such consent has been given, shall be sufficient and conclusive evidence of such consent.

6. The trustees shall have power to mortgage, or exchange, or lease the trust property or to sell such property with consent of the Conference.

7. In no case shall the church or parsonage property be sold, mortgaged or encumbered for current expenses.

7. Not to mortgage for current expenses.

8. The said trustees shall keep a proper book or books of account, showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the society, and by the Official Board, and any person or persons named by them or either of them, and the said minister or said Official Board, and any person named by them, or either of them, as aforesaid shall have the right to make such copies of, or extracts from the said accounts or minutes as he or they may desire, and upon request from the Official Board, the trustees shall submit all books of accounts and minutes and all vouchers, receipts, papers and documents relating to the said accounts for audit by the Official Board, or such person or persons as the said Official Board may appoint for the purpose.

8. The trustees shall keep proper accounts and minutes.

9. Every meeting of trustees for considering the making of any alteration of, or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of vaults, tombs, or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each member shall be entitled to ten days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each trustee, or mailed to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least three days notice in writing to each trustee in the manner aforesaid, or by public announcement at a service for public worship at least three days prior to such meeting. Meetings may be called by the minister in charge of the society, or by at least two of the trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any trustee. All questions shall be determined by the majority vote of the trustees present at a meeting and the chairman shall

9. The trustees shall have ten days' notice of all special meetings and three days notice of other meetings.

have a casting vote in the event of a tie. The minister of such society shall have the right to preside as chairman at all meetings of trustees, and may appoint a deputy to act in his place in his absence, and in the absence of the minister and any such deputy, the trustees present may elect a chairman among themselves.

10. The number of said trustees shall not be fewer than three or more than nine. In case any of the said trustees or any trustee, shall during his term of office, die, resign, or, having been, cease to be a full member of the Free Methodist Church in Canada, or removed to such a distance as shall in the opinion of his co-trustees expressed by a two-thirds vote of the said co-trustees render it inexpedient for him to remain a trustee, or in case the society shall think proper to remove a trustee from his office as trustee, it shall be lawful for the said society at any meeting regularly called shall be lawful for the said society by a like vote to appoint a successor to such trustee, provided however, that no trustee, who is personally liable for payment of any indebtedness in respect of the property of a society shall be removed without his consent, unless indemnified to his satisfaction in respect of any such liability. During any vacancy in the office of trustee the remaining trustees, not being fewer than three in number shall have all the powers of the full board. The majority of the trustees shall form a quorum. At least two-thirds of the trustees shall be full members of the Free Methodist Church in Canada. A minute of every such appointment of a trustee shall be entered in a book to be kept for that purpose and signed by the Secretary of the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named, was or were elected at such meeting, but any omission or neglect to make or sign such minute, shall not invalidate such appointment or election, and in the event that the society shall at any time neglect to fill a vacancy or vacancies in the Board of Trustees, the Official Board of the Circuit may appoint a trustee or trustees to such vacancy, provided that if there be no Official Board, or if for any reason the vacancy shall be filled, it shall be the duty of the Quarterly Conference to fill such vacancy.

10. The number of trustees shall not be fewer than three, or more than nine, except in case of schools and property jointly held, and vacancies shall be filled by election by the society, or in default of such election, by the Official Board, and the property of a society which ceases to exist shall be subject to the trusts determined by the Conference.

And it is further declared that if at any time there shall cease to be an organized society entitled to the use, benefit and enjoyment of the said lands, the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of the Free Methodist Church in Canada as the Conference within the bounds of which the said lands are situated may determine under the by-laws, rules and regulations of the General Conference.

11. A trustee shall not be responsible for the failure of any investment or security made or taken by the trustees, or for anything done in connection with the trust estate, except for his own acts and to account for any moneys coming into his hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.

11. Trustees shall not be liable for involuntary loss.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to incorporate The Free Methodist Church in Canada.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1927

38220

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to incorporate The Free Methodist Church in Canada.

Preamble.

WHEREAS certain Conferences of The Free Methodist Church in Canada have been incorporated by Acts of the Legislatures of the various provinces in which they are constituted, and whereas other Conferences exist in the various provinces, and the said Conferences have agreed to unite under the name of The Free Methodist Church in Canada on the basis of the rules, regulations and discipline set forth or referred to in Schedule "A" to this Act, and the Executive Committee of the said conferences have by petition set forth that they are desirous of having the said union ratified and that they may be incorporated under the name of The Free Methodist Church in Canada with power to hold all the property, real and personal, belonging to the said conferences upon the trusts and for the purposes hereinafter set out, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The President and clerical and lay members of and in the West Ontario Annual Conference of The Free Methodist Church, the East Ontario Annual Conference of The Free Methodist Church, the Saskatchewan Annual Conference of The Free Methodist Church and the Alberta Annual Conference of The Free Methodist Church are hereby constituted and declared to be a body corporate and politic with the name of "The Free Methodist Church in Canada."

Corporate name.

Rules, regulations and discipline.

2. The rules, regulations and discipline of the said Church are those set forth in Schedule A hereto.

Copies to be *prima facie* evidence.

3. All copies of the rules, regulations and discipline or any amendments or alterations hereto published in any book

of discipline or journal of conference under the direction or authority of the General Conference of the said Church or a copy of any by-law or resolution of the said General Conference under the seal of the corporation and signed by the Secretary shall be *prima facie* evidence in all courts of the contents thereof.

Property to be rested in corporation.

4. From and after the passing of this Act all the property, real and personal, under the jurisdiction of the Parliament of Canada, belonging to or held in trust for or to the use of The West Ontario Annual Conference of The Free Methodist Church, The East Ontario Annual Conference of The Free Methodist Church, The Saskatchewan Annual Conference of The Free Methodist Church, and The Alberta Annual Conference of The Free Methodist Church shall thenceforth be held and vested in the said corporation for the benefit of The Free Methodist Church in Canada and the Trustees thereof shall hold, use and administer the same upon the trusts set forth in Schedule "b" to this Act, and all property, real and personal, thereafter acquired for or belonging to or held by or in trust for or to the use of any congregation of The Free Methodist Church in Canada shall be held and used and administered for the benefit of the said congregation as a part of The Free Methodist Church in Canada upon the said trusts and subject to the said terms and provisions. Provided that any property, real or personal, held at the time of the coming into force of this Act, or thereafter acquired by devise, bequest, transfer or gift, in trust for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect thereof not being contrary to law, or to any by-law, rule or regulation of The Free Methodist Church in Canada until otherwise directed by the General Conference upon the advice of the Board or Committee having charge of the fund.

Form of words in deed or conveyance.

5. In any deed or conveyance to the said Trustees the form of words contained in column one of Schedule "B" and distinguished by any number therein shall be taken to be equivalent to the form of words contained in column two of the said Schedule "B" and distingushed by the same number.

Officers

6. Subject to the provisions of the said Schedule "A" the said Corporation may from time to time appoint, and as they see occasion remove all officers, agents and servants and from time to time make, alter or vary any by-laws, rules or regulations touching and concerning the time and place of holding meetings and notices thereof and for the good ordering, discipline and government of the said church and the performance of divine worship in any of the churches of the said Corporation, and all matters

Meetings, etc.

respecting the same and all other matters and things which to them seem good, fit and useful for the well ordering, governing and advancement of the said Church.

Boards.

7. The said corporation may appoint Boards or Committees composed of the members thereof to take charge of, or deal with and dispose of the respective funds, including book and publishing interests, and other interests belonging to the said church and may establish such other funds as may be deemed expedient, and may appoint Boards or Committees of the members of the said Corporation to take charge of, deal with and dispose of the said funds so formed in accordance with the provisions of the said Schedule "A".

Board of Trustees.

8. The said Corporation may authorize and empower any Annual Conference, District Quarterly Conference, Society or group of Societies, of a circuit within any Annual Conference from time to time existing, to establish by resolution of the said Conference, a Board of Trustees consisting of three, six or nine Trustees, one third of the said Board to be appointed for one year; one third to be appointed for two years, and one third to be appointed for three years, and an election shall be held each year within three months of the meeting of the Annual Conference for the purpose of filling the vacancy or vacancies occurring by reason of the retirement of Trustees as aforesaid.

Proviso.

Provided that no Trustee shall hold office for more than three consecutive years, unless re-elected, and further provided that at least two thirds of the Trustees so elected shall be full members of the Free Methodist Church.

Assuming control of certain property.

9. The said Corporation may authorize and empower any Annual Conference, upon resolution passed by a majority of two-thirds of such Conference, to assume control of the property of any circuit or society within the Conference which may for any reason cease to be self supporting, and the Trustees or Evangelistic Board of such Conference, as the Annual Conference may direct, shall be at liberty to alienate, mortgage or otherwise deal with the said property as they may see fit, provided that any authority so granted may be revoked at any time by a majority of two-thirds of such Annual Conference.

New conferences.

10. The said Corporation shall have authority to organize and develop new conferences from time to time in any of the provinces or territories in the Dominion of Canada.

Voluntary Conveyances and holding of real estate.

11. The Corporation may receive voluntary conveyances of and may purchase, hold and convey such real estate as the purposes of the said Corporation require: Provided

Proviso.

that the Corporation shall, within ten years after its acquisition of any such real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation or other like purposes of the Corporation, and further provided that the said property shall be held upon the trusts and subject to the provisions set forth in Schedule "B" to this Act.

Transfer of lands, etc.

12. The said Corporation shall have authority to alienate exchange, demise, let or lease for any term of years, such messuages lands, tenements, hereditaments, and immovable property as shall be given, granted, purchased, appropriated, divised or bequeathed to the said Corporation for all or any of the purposes thereof, subject to the proviso in section eleven contained.

Advances.

13. The said Corporation shall have power to make advances by way of loan or gift, out of its funds not required to meet ordinary expenses and disbursements, to assist in the erection or maintenance of colleges, schools, or parsonages, as the General Conference or Board having charge of the fund may direct; and may take or hold any real or personal estate, or securities thereon, mortgaged or assigned to the said corporation to secure payment of any debts or demands due to the said corporation, and may proceed on such mortgages, assignments or other securities for the recovery of the money thereby secured, either at law or in equity or otherwise, and generally may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand, due to the said Corporation, as any individual or body corporate, may by law, take or use for like purpose.

Loans.

14. The said Corporation may, for the purpose of investment, lend money upon the security of real estate, purchase debentures, of municipal or public schools corporations, or Dominion or provincial stock or securities, may sell any such securities as to which it may seem advisable, and for that purpose may execute such assignments or other instruments as are necessary for carrying the same into effect; and for such purposes of investment, may make advances to any person or persons or body corporate, upon any of the above mentioned securities at such rate of interest, not exceeding eight per cent per annum, as is agreed upon: Provided, however, that nothing in this Act contained shall be construed to limit the power of such corporation to make such investments of its capital or surplus income, which it otherwise has by virtue of its corporate existence.

Proviso.

Borrowing powers.

15. The said Corporation shall have power to borrow any sum or sums of money from banks or other corporations, or from private persons, as in the opinions of the General Conference or Board or Committee having charge of any of the funds of the said Corporation, may be required for the purposes thereof, and may under the direction of the said General Conference, or Committee having charge of such fund, hypothecate, mortgage or pledge so much of the real or personal property held in trust for such fund as is necessary to secure any sum or sums of money so borrowed.

Seal.

16. The said Corporation may provide a duplicate of the seal thereof for each of the Annual Conferences from time to time existing, and the custody of the said seal shall be as may be directed by the said Corporation; and the same may be affixed by such officers as the said General Conference by by-law or resolution directs: and until directions by the said General Conference, the same may be affixed to any conveyance of property within the bounds of any of the said Annual Conferences, by the President or Secretary of such Annual Conference, and may, for the purpose of conveying any property in charge of any Board or Committee of the said Corporation, be affixed by the Chairman of the said Board or Committee, or such other officer as the Board or Committee directs.

Resolution of General Conference.

17. All resolutions passed by the General Conference of the said Corporation shall have the force and effect of by-laws, and no formal by-law shall be required for the purpose of managing the affairs of the said Corporation.

Corporation not responsible for certain debts.

18. The said Corporation in receiving, taking or holding any property heretofore held by any of the said Conferences, shall not in any wise become responsible or liable for the debts or obligations which have been contracted in respect thereto, but the property specially charged with the said debts, and persons who have become liable in respect to the said debts or obligations shall remain liable in the same manner and to the same degree as if the said union had not been effected, or this Act had not been passed, save in so far as the said Corporation, in Schedule "A" hereto, has undertaken the payment of any such debts or obligations.

Provisions effective as far as Parliament has jurisdiction.

19. Inasmuch as questions may arise as to the powers of the Parliament of Canada under the *British North America Act* to give legislative effect to the provisions of this Act, it is hereby declared that it is intended by this Act to sanction the provisions therein contained in so far and in so far only as it is competent to the Parliament so to do. If it be found that Parliament has exceeded its powers in the enactment of one or more of the provisions of this Act, none of the other or remaining provisions of the Act shall therefore be held to be inoperative or *ultra vires*.

SCHEDULE A.

ARTICLES OF RELIGION.

The Articles of Religion of the Free Methodist Church in Canada shall be those contained in the Doctrines and Discipline of the Free Methodist Church, edition of 1923, Division I from page 11 to page 18.

ORGANIZATION AND GOVERNMENT.

Pastoral Charges, Quarterly and Annual Conferences.

1. The lay membership of the church shall be divided into local societies, one or more of which shall constitute a pastoral charge.

2. The pastoral charges embraced within each annual conference shall be grouped into districts, and a quarterly conference shall be organized in each district, composed of such official members of the several pastoral charges and invested with such powers as the general conference shall direct.

3. The general conference shall organize the work at large into annual conferences, of which the preachers (not being members of any local societies) shall be permanent members; and to which, at each session, one lay delegate shall be admitted from each pastoral charge, and in case there be more than one preacher in full membership appointed to a pastoral charge, such pastoral charge shall be entitled to one additional lay delegate for every such additional preacher.

The General Conference.

1. The general conference shall be composed of the ministerial and lay delegates, to be chosen as hereinafter provided.

2. Each annual conference shall be entitled to one ministerial delegate in the general conference; and whenever an annual conference shall reach an aggregate of eight hundred full members, it shall be entitled to two ministerial delegates, and to an additional ministerial delegate for every subsequent six hundred full members, provided, however, that in no case shall a preacher be counted more than once in the election of delegates.

3. The ministerial delegates shall be elected by the ministers of the annual conference by ballot. Such delegates shall be elders, and at the time of their election, as also at the time of the general conference, shall be members of the annual conference which elected them.

4. Each annual conference shall be entitled to the same number of lay as of ministerial degelates in the general conference.

5. Lay delegates to the general conference shall be elected by the lay delegates of the annual conferences they are respectively to represent. They shall be elected by ballot, from the members of the church in full relation within the bounds of the annual conferences to which they respectively belong, and must be members of the church within the conference which elected them at the time of the general conference.

6. The secretaries of the several annual conferences shall furnish certificates of election to the delegates severally, signed by the president and secretary of each annual conference, as the credentials upon which they are to be admitted to the general conference.

7. The first session of the Annual Conference shall be held as, and when the executive committee shall deem it expedient.

8. At all times when the general conference is in session, it shall require two-thirds of all the delegates elected by the annual conferences to form a quorum to do business; but a smaller number may adjourn from time to time, until a quorum is obtained.

9. The members of the general conference shall deliberate and vote as one body; nevertheless, upon the call of a majority of the members present and voting, the house shall divide; and it shall require a majority of the ministerial and of the lay delegates to pass any vote, or transact any business, provided, nevertheless, that for changes of the constitution, a vote of two-thirds of the general conference shall be sufficient.

10. The general conference shall have full power to make rules and regulations for the Free Methodist Church in Canada, under the following limitations and restrictigns:—

(1) The general conference shall not revoke, alter, or change our articles of religion, or the general rules of the united societies, or establish any standards or rules of doctrine contrary to our present existing and established standards of doctrine.

(2) It shall not change or alter any part or rule of our government, so as to do away with lay delegation, or an itinerant ministry, or the free-seat system in our churches.

(3) It shall not have power to deprive our preachers or members of the right of trial by an impartial committee, or of the right of an appeal.

11. The concurrent recommendation of three-fourths of all the members of the several annual conferences, who shall be present and vote on such recommendation, shall suffice to authorize the next ensuing general conference, by a two-

thirds vote, to alter any of the foregoing restrictive rules, except the last; and also whenever such alteration, or alterations, shall have been recommended first by a two-thirds vote of the general conference, then so soon as three-fourths of the members of the several annual conferences, who were present and voted on such recommendation, or recommendations, shall have concurred therein, such alteration, or alterations, shall take effect.

Executive Committee.

1. The Executive Committee shall be composed of members elected by the several annual conferences, as follows:—

At the session ensuing next after the passing of this Act, and once each four years thereafter each Annual Conference shall elect, one ordained elder and one lay member to represent the Conference on said Committee, provided that when a conference shall reach an aggregate of one thousand members, including ministers who are full members of the Annual Conference, and lay members in full connection within the bounds of the Conference, such Conference shall be entitled to one additional ministerial member and one additional lay member on the Executive Committee.

2. Each Conference shall elect its members on the Executive Committee by either of the following methods:—

(a) The nominating Committee shall nominate and when such nominations are confirmed by the Annual Conference, members so nominated shall be declared elected.

(b) By ballot, in which event the house shall divide and the ministerial members shall be elected by the ministers and the lay members by the lay delegates.

3. Upon a member of the Executive Committee ceasing to be a member of the Free Methodist Church in Canada, or of the Conference which he represents, his place may be declared vacant, and such vacancy, shall be filled by the Annual Conference at its next session.

4. The Executive Committee shall have power to fix the amount of the various assessed claims and it shall be the duty of those having charge of circuits to see that such claims are raised in full.

5. The Executive Committee shall have power to accept resignations from any of the general officers of the Free Methodist Church in Canada, and shall fill all vacancies occurring by reason of such resignations or otherwise.

6. The Executive Committee hereinbefore referred to shall meet annually, or whenever one-third of the committee

shall deem it necessary so to do. A majority of the members elected shall constitute a quorum for transacting business.

7. The Executive Committee shall also constitute the board of conference claimants and the church extension society.

8. The Executive Committee shall have general supervision of the publishing interests of the church and shall carefully examine into their condition. The salary of all general officers shall be fixed by the Executive Committee.

Annual Conferences.

1. The annual conference shall consist of,

(a) All preachers within its bounds, who have been duly received into full membership.

(b) Lay delegates from each circuit, provided whenever there shall be more than one preacher in full relation travelling upon a circuit, the circuit shall be entitled to one additional delegate for every such additional preacher.

2. Whenever a new society shall be organized near the boundary line between any two conferences, and the conference in whose territory the new society is located shall have no organized work within forty miles of said new society, such new society shall be permitted to decide for itself to which conference it shall belong.

3. Each annual conference shall appoint the place, and, with the occurrence of the President, the time of its own sessions. If for any reason a conference cannot be held at the place appointed, the determination of the place shall be left with the district elders and the secretary of the last conference.

4. The ministers and lay members composing the annual conference shall deliberate and vote as one body; but at the call of a majority of all the members present and voting, the house shall divide, and the ministers and lay members vote separately; and it shall require a majority of both branches to constitute a vote of the conference.

5. The territory embraced by each annual conference shall be divided into districts, and over each of these one of the elders shall be appointed by the conference as district elder.

6. The district elders and an equal number of lay members to be elected by ballot the first day of the session, together with the president of the conference, shall constitute a stationing committee, of which the president shall be chairman, and have a casting vote. If for any reason a district elder is not able to serve on the stationing committee, the conference shall elect one of its elders to take his place. No person who is recommended to the annual conference to be received on trial, nor a supply, though

acting as a delegate, shall be eligible to serve on the stationing committee. It shall be the duty of the stationing committee to appoint the preachers to their several fields of labour.

7. It shall be the duty of each annual conference having claimants, to appoint a committee at each annual session on claimants and claims, composed of the president of the conference and two ministers and two lay members nominated by the president and elected by the conference. No minister shall be placed on the superannuated list without having first been recommended by this committee. It shall also be the duty of this committee at the session dufing which it serves, to report as to who are claimants and to estimate the amount necessary for their support for the ensuing year, subject to the approval of the conference, which shall forward the estimate to the secretary of the board of claimants.

8. An annual conference may, upon the unanimous recommendation of the stationing committee, leave a preacher without an appointment. Any preacher so left without an appointment two years in succession may be located by vote of the annual conference.

9. When a preacher is located, or discontinued by an annual conference, the stationing committee shall fix the place of his membership. When an unordained preacher on trial and in good standing in the annual conference is discontinued from the travelling connection by his conference, he shall sustain the relation of local preacher until the ensuing session of his quarterly conference.

10. A preacher may be appointed to a circuit without having charge of the same; in such cases the administration of the circuit shall devolve upon the district elder and the official board.

11. A woman holding an evangelist's license and duly recommended by the quarterly conference may be received into full membership and be ordained a deacon, in the same manner as a man be so received, provided always that this ordination of women will not e regarded as a step toward ordination as elder, and provided further, that no woman whose husband is a member of an annual conference either on trial, or in full relation shall be eligible to be received into the conference.

12. Members of an annual conference may be appointed as evangelists. They shall be entitled to the rights and privileges of those appointed to circuits, and shall be subject to the same rules and regulations, so far as they apply to their circumstances.

13. It shall be the duty of each annual conference to devise a plan to raise its quota of the Special Stewardship Fund or any other special fund ordered by the Executive Committee.

The Quarterly Conference

1. The quarterly conference shall be composed of the travelling preachers and the members of the official boards of the district.

2. Four sessions of the quarterly conference shall be held each year, in connection with the general quarterly meetings, at such times and places as it may designate, provided, however, that upon the written request of one-half of the preachers on the district and an equal number of lay members, who are members of the quarterly conference, the district elder may call a special session.

3. The district elder shall be president of the quarterly conference, and in his absence, or in the absence of an elder whom he may appoint, the quarterly conference shall elect one of its members amenable to the annual conference to preside.

4. A secretary shall be elected by the quarterly conference, who shall keep a faithful record of its proceedings, and shall send the said record to the annual conference for its examination. The quarterly conference shall also elect a treasurer for the district.

5. The quarterly conference shall,

(a) Hear complaints.

(b) Try appeals.

(c) Grant and renew licenses to preach.

(d) License band workers.

(e) Recommend suitable persons to the annual conference to be employed as travelling preachers.

(f) Recommend suitable persons to the annual conference to receive deaconess' license.

(g) Recommend suitable persons to the annual conference to receive ordination as local deacons or elders.

(h) In connection with the district elder, appoint and hold camp meetings as the interests of the cause of God may require.

6. No person shall be licensed as a local preacher until he has been previously licensed as an exhorter and has been recommended by the official board of the circuit to which he belongs, and until he has first been examined by the quarterly conference, or district elder, in regard to his soundness in doctrine and his piety, gifts and usefulness have been duly considered. No one shall be licensed until satisfactory answers are given to the following questions:—

(a) Have they gifts as well as grace for the work?

(b) Have they some tolerable degree of sound understanding, a right judgment in the things of God and a just conception of salvation by faith?

(c) Has God given them any degree of utterance?

(d) Do they speak justly, readily and clearly?

(e) Have they fruit?

(f) Are any truly convinced of sin, and converted to God by their preaching? and are they holy in all manner of conversation?

The Official Board

1. An official meeting, composed of the pastors, local preachers, exhorters, evangelists, deaconesses, stewards, class leaders, Sunday-school superintendents who are members of our church and belong on the circuit, and trustees of church property when such trustees are members of our church on the circuit where the church property is located, shall be held in each circuit once a month whenever practicable.

2. The preacher in charge shall be chairman of the official meeting, and in his absence a chairman shall be elected, except at meetings which may be called by the district elder according to the provision of the discipline.

3. A secretary and treasurer shall be elected by the official board. The secretary shall keep in a suitable book, provided for that purpose, faithful minutes of the proceedings of the official board, and also of the meetings of the circuit and shall properly record all marriages and baptisms. The treasurer shall keep a record of all money raised on the circuit for religious purposes, and of the manner in which the same was expended, and give a full report of the same at the annual circuit meeting.

4. The official board shall look after the spiritual and temporal interests of the circuit.

The Circuit Meeting

1. Every circuit shall have, within three months prior to the session of the annual conference to which it belongs, an annual circuit meeting, of which the preacher in charge shall be chairman, but cannot vote, and the secretary of the official board shall be secretary. Such circuit meeting shall be announced in each society at least ten days before said meeting shall be held.

2. At this meeting the members of the church in full relation on the circuit shall elect, by ballot, one or more of their number to represent them in the annual conference. No person on trial in an annual conference shall be eligible to election as a delegate.

3. The annual circuit meeting shall decide the number of stewards to be elected upon the circuit, and also the number to be elected by each society. Where there is but one society, stewards and Sunday-school superintendents may be elected by the annual circuit meeting. Any vacancy

that may occur shall be filled by the society in which such vacancy occurs.

4. At this meeting there shall be a full report presented by the trustees of the church property.

5. The preacher in charge of a circuit, or in his absence or refusal to do it, a majority of the official board, may call a meeting of the circuit, whenever in their judgment the interests of the church require it.

Society Meeting

1. The society meeting shall be composed of all the members of the church in full relation, composing a single society.

2. The preacher in charge shall be chairman of the society meeting, and a record of its proceedings shall be kept by a secretary elected for that purpose.

3. It shall be the duty of the society meeting to recommend suitable persons for exhorters' and evangelists' licenses, for deaconess' license and for band workers; to elect class leaders; to elect the number of stewards directed by the annual circuit meeting; to elect Sunday-school superintendents; to elect persons to act as a committee in case of the trial of members; and to elect trustees.

4. The preacher in charge of a circuit, or in his absence or refusal to do it, a majority of the official board, may call a meeting of the society, whenever in their judgment the interests of the church require it.

Administration

The rules, regulations and discipline as published in 1923 by the Free Methodist Publishing House, except in so far as the same may be inconsistent with the purposes and intent of the Free Methodist Church in Canada, and subject to such alterations, as may from time to time be made by General Conference, shall be the rules, regulations and discipline of the church.

SCHEDULE B.

TRUSTS OF MODEL DEED

AND it is hereby declared that the said trustees and their successors, or the trustee or trustees for the time being, acting in the trusts herein shall hold the said lands upon the following trusts:—

COLUMN ONE	COLUMN TWO
1. Upon trust to use the trust property for purposes directed by society, and maintenance of public worship.	1. For the use and benefit of the said church, conference, district, circuit or society, as the case may be, as a part of the Free Methodist Church in Canada, as well for the site of a church, parsonage, school or other buildings for religious, charitable, educational, congregational or social purposes, or for a burial ground, as the society may direct, as for the support and maintenance of public worship and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of the Free Methodist Church in Canada.
2. To erect and repair buildings.	2. And upon further trust out of moneys received by them for that purpose to build, add to, or alter any of the buildings aforesaid from time to time, as they may deem expedient and where they deem it necessary to remove any of said buildings for any of the purposes aforesaid.
3. To obey all lawful orders and directions.	3. And upon further trusts, they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building, or buildings, at any time thereon, or to any burial ground, the lawful orders and directions respectively, of the Official Board of the said circuit and the Conference within whose bounds and under whose ecclesiastical jurisdiction the said society shall from time to time be, and of the General Conference of the Free Methodist Church in Canada.
4. To permit use of the trust property for church, parsonage and Sunday School purposes.	4. And upon further trust, to permit, in conformity with the doctrines, rules and regulations of the Free Methodist Church in Canada, and not otherwise, the following:— *(a)* The use of the said church or meeting house, as a place of religious worship by a society of the Free Methodist Church in Canada, and for meetings or services of religious or spiritual character, or such other benevolent or educational purposes as may be approved by the society meeting of such society, and the conduct of the public worship and various services and ordinances of religious worship therein by the minister of said society, or with the approval of the minister by any other minister of the Free Methodist Church in Canada, or by any minister of any other religious denomination. *(b)* The performance of burial services in any burial ground belonging to or under the control of the society. *(c)* The use of the parsonage or minister's dwelling with the appurtenances thereof by the minister of the society free from payment of any rent. *(d)* The use of any church meeting house, school or other building for the purpose of Sunday School, at such hours and times as will not interfere with public worship. *(e)* The use of any buildings erected upon the said lands other than church or meeting house for such purposes as may from time to time be approved by society meeting.
5. To sell burial plots and to let church property.	5. And upon further trust, to let any church property not required for purposes of worship at a reasonable rent, if so authorized by the Official Board of the Circuit and the district elder, and if there shall be a burial ground or cemetery, to sell or rent tombs and burial plots at a reasonable price, and to account for and pay all moneys received for said rent or sale, less any expense incurred in the execution of these trusts to the Treasurer of the society, or if there be no treasurer, then to the Official Board of the circuit to be applied as that body may direct.

6. The trustees or a majority of them may, sell the said lands, or any part thereof, either by public sale or private contract, and either for cash or upon credit, and upon such terms as to price and for such price, and upon such terms as to payment or otherwise, as they may deem expedient, and may mortgage, hypothecate or exchange the said lands, or any part thereof, and make all such conveyances, mortgages, and assurances, as may be required to complete any such sale, mortgage, hypothecation, or exchange provided, however, that no church property shall be sold without the consent of the society, and of the district elder and the approval of the Annual Conference; such approval to be under the hand of the President and Secretary of said Annual Conference and in all cases the proceeds of such sale, after first paying or otherwise providing for all indebtedness of the trustees, shall be used by the trustees either for the purchase or improvement of property for the same uses and deeded to the same corporation or trustees, or if not so used, shall be held subject to the order of the Annual Conference in whose territory the property may be situated. In every case where the consent of such Conference has been obtained, as aforesaid, it shall not be encumbent upon the purchaser, or mortgagee, or of the said lands, or any part thereof, to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the trustees. A certificate of the Secretary of any Conference, that any such consent has been given, shall be sufficient and conclusive evidence of such consent.

6. The trustees shall have power to mortgage, or exchange, or lease the trust property or to sell such property with consent of the Conference.

7. In no case shall the church or parsonage property be sold, mortgaged or encumbered for current expenses.

7. Not to mortgage for current expenses.

8. The said trustees shall keep a proper book or books of account, showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the society, and by the Official Board, and any person or persons named by them or either of them, and the said minister or said Official Board, and any person named by them, or either of them, as aforesaid shall have the right to make such copies of, or extracts from the said accounts or minutes as he or they may desire, and upon request from the Official Board, the trustees shall submit all books of accounts and minutes and all vouchers, receipts, papers and documents relating to the said accounts for audit by the Official Board, or such person or persons as the said Official Board may appoint for the purpose.

8. The trustees shall keep proper accounts and minutes.

9. Every meeting of trustees for considering the making of any alteration of, or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of vaults, tombs, or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each member shall be entitled to ten days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each trustee, or mailed to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least three days notice in writing to each trustee in the manner aforesaid, or by public announcement at a service for public worship at least three days prior to such meeting. Meetings may be called by the minister in charge of the society, or by at least two of the trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any trustee. All questions shall be determined by the majority vote of the trustees present at a meeting and the chairman shall

9. The trustees shall have ten days' notice of all special meetings and three days notice of other meetings.

have a casting vote in the event of a tie. The minister of such society shall have the right to preside as chairman at all meetings of trustees, and may appoint a deputy to act in his place in his absence, and in the absence of the minister and any such deputy, the trustees present may elect a chairman among themselves.

10. The number of said trustees shall not be fewer than three or more than nine. In case any of the said trustees or any trustee, shall during his term of office, die, resign, or, having been, cease to be a full member of the Free Methodist Church in Canada, or removed to such a distance as shall in the opinion of his co-trustees expressed by a two-thirds vote of the said co-trustees render it inexpedient for him to remain a trustee, or in case the society shall think proper to remove a trustee from his office as trustee, it shall be lawful for the said society at any meeting regularly called shall be lawful for the said society by a like vote to appoint a successor to such trustee, provided however, that no trustee, who is personally liable for payment of any indebtedness in respect of the property of a society shall be removed without his consent, unless indemnified to his satisfaction in respect of any such liability. During any vacancy in the office of trustee the remaining trustees, not being fewer than three in number shall have all the powers of the full board. The majority of the trustees shall form a quorum. At least two-thirds of the trustees shall be full members of the Free Methodist Church in Canada. A minute of every such appointment of a trustee shall be entered in a book to be kept for that purpose and signed by the Secretary of the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named, was or were elected at such meeting, but any omission or neglect to make or sign such minute, shall not invalidate such appointment or election, and in the event that the society shall at any time neglect to fill a vacancy or vacancies in the Board of Trustees, the Official Board of the Circuit may appoint a trustee or trustees to such vacancy, provided that if there be no Official Board, or if for any reason the vacancy shall be filled, it shall be the duty of the Quarterly Conference to fill such vacancy.

10. The number of trustees shall not be fewer than three, or more than nine, except in case of schools and property jointly held, and vacancies shall be filled by election by the society, or in default of such election, by the Official Board, and the property of a society which ceases to exist shall be subject to the trusts determined by the Conference.

And it is further declared that if at any time there shall cease to be an organized society entitled to the use, benefit and enjoyment of the said lands, the said lands shall thenceforth be held subject to such trusts and for such purposes 1or the benefit of the Free Methodist Church in Canada as the Conference within the bounds of which the said lands are situated may determine under the by-laws, rules and regulations of the General Conference.

11. A trustee shall not be responsible for the failure of any investment or security made or taken by the trustees, or for anything done in connection with the trust estate, except for his own acts and to account for any moneys coming into his hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.

11. Trustees shall not be liable for involuntary loss.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 178.

An Act to amend an Act respecting the Construction of a Canadian National Railway Line, being a joint section from Rosedale southeasterly in the Province of Alberta.

First reading, March 22, 1927.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37559 1927

1st Session, 16th Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 178.

An Act to amend an Act respecting the Construction of a Canadian National Railway Line, being a joint section from Rosedale southeasterly in the Province of Alberta.

1924, c. 30.

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

1. Section one of chapter thirty of the statutes of 1924, is hereby repealed, and the following is substituted therefor:

Extension of time for completion.

"**1.** The Governor in Council may provide for the construction or completion prior to the thirty-first day of August, one thousand nine hundred and twenty-nine, by the Canadian National Railway Company (hereinafter called 'the Company'), jointly with the Canadian Pacific Railway Company, of a line of railway (hereinafter called 'the said line of railway') mentioned or referred to in the schedule to this Act."

EXPLANATORY NOTE.

This Bill is merely an extension of time. The Bull Pound joint section was authorized in 1924 and should be completed prior to the 31st of August, 1927. The extension of time is for two years. The agreement for the joint construction and use to be made with the Canadian Pacific has been drafted and practically settled but has not yet been executed.

The schedule to the original Act is as follows:—

SCHEDULE.

Location.	Mileage.	Estimates.		
		Mileage including existing grades.	To be expended (one-half of total) by the Company.	Average expenditure per mile (one-half).
			$ cts.	$ cts.
Joint Section with C.P.R. from Rosedale in a southeasterly direction to a point on Bullpoint Creek in township 25, Range 14, west of the 4th Meridian, in the province of Alberta.....	0	39	915,000 00	23,462 00

178.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 178.

An Act to amend an Act respecting the Construction of a Canadian National Railway Line, being a joint section from Rosedale southeasterly in the Province of Alberta.

AS PASSED BY THE HOUSE OF COMMONS, 1st APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37637 1927

1st Session, 16th Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 178.

An Act to amend an Act respecting the Construction of a Canadian National Railway Line, being a joint section from Rosedale southeasterly in the Province of Alberta.

1924, c. 30.

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

1. Section one of chapter thirty of the statutes of 1924, is hereby repealed, and the following is substituted therefor:

Extension of time for completion.

"**1.** The Governor in Council may provide for the construction or completion prior to the thirty-first day of August, one thousand nine hundred and twenty-nine, by the Canadian National Railway Company (hereinafter called 'the Company'), jointly with the Canadian Pacific Railway Company, of a line of railway (hereinafter called 'the said line of railway') mentioned or referred to in the schedule to this Act."

EXPLANATORY NOTE.

This Bill is merely an extension of time. The Bull Pound joint section was authorized in 1924 and should be completed prior to the 31st of August, 1927. The extension of time is for two years. The agreement for the joint construction and use to be made with the Canadian Pacific has been drafted and practically settled but has not yet been executed.

The schedule to the original Act is as follows:—

SCHEDULE.

Location.	Mileage.	Estimates.		
		Mileage including existing grades.	To be expended (one-half of total) by the Company.	Average expenditure per mile (one-half).
			$ cts.	$ cts.
Joint Section with C.P.R. from Rosedale in a southeasterly direction to a point on Bullpoint Creek in township 25, Range 14, west of the 4th Meridian, in the province of Alberta.....	0	39	915,000 00	23,462 00

First Session, Sixteenth Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 214.

An Act to incorporate Guardian Trust Company.

First reading, March 24, 1927.

(PRIVATE BILL)

Mr. KAY.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38570 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 214.

An Act to incorporate Guardian Trust Company.

Preamble.

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

Incorporation.

Corporate name.

1. That Samuel William Jacobs, advocate and King's Counsel; Peter Bercovitch, advocate and King's Counsel; Henry Weinfield, advocate; Nathan Gordon, advocate, and Alan Judah Hart, manager, all of the city of Westmount in the province of Quebec, together with such persons as become shareholders in the company are, incorporated under the name of "Guardian Trust Company," hereinafter called "the Company."

Provisional directors.

2. The persons named in section one of this Act shall be the provisional directors of the company.

Capital stock.

3. The capital stock of the company shall be one million dollars.

Head office.

4. The head office of the company shall be in the city of Montreal in the province of Quebec.

Provisions to apply.

1914, c. 55.

5. The company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of *The Trust Companies Act, 1914*.

First Session, Sixteenth Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 214.

An Act to incorporate Guardian Trust Corporation of Montreal.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38592 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 214.

An Act to incorporate Guardian Trust Corporation of Montreal.

Preamble.

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

Incorporation.

Corporate name.

1. That Samuel William Jacobs, advocate and King's Counsel; Peter Bercovitch, advocate and King's Counsel; Henry Weinfield, advocate; Nathan Gordon, advocate, and Alan Judah Hart, manager, all of the city of Westmount in the province of Quebec, together with such persons as become shareholders in the corporation are, incorporated under the name of "Guardian Trust Corporation of Montreal," hereinafter called "the Corporation."

Provisional directors.

2. The persons named in section one of this Act shall be the provisional directors of the Corporation.

Capital stock.

3. The capital stock of the Corporation shall be one million dollars.

Head office.

4. The head office of the Corporation shall be in the city of Montreal in the province of Quebec.

Provisions to apply.

1914, c. 55.

5. The Corporation shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of *The Trust Companies Act, 1914*.

First Session, Sixteenth Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 215.

An Act to provide for a loan to the Vancouver Harbour Commissioners.

First reading, March 24, 1927.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37228 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 215.

An Act to provide for a loan to the Vancouver Harbour Commissioners.

1913, c. 54; 1914, c. 17; 1916, c. 9; 1919, c. 74; 1922, c. 52; 1923, c. 29; 1924, c. 72.

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 Vancouver Harbour Loan Act, 1927.*

Loan of $4,000,000 to Harbour Commissioners for terminal facilities.

2. The Governor in Council may from time to time loan to the Corporation of the Vancouver Harbour Commissioners, hereinafter called "the Corporation," in addition to the moneys heretofore authorized to be advanced to the Corporation for the construction of harbour improvements by existing legislation 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 four million dollars, as may be required to enable the Corporation to complete the construction of terminal facilities in the harbour of Vancouver, for which the 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 may be likewise approved as necessary, further to properly equip the said port.

Interest during construction to be charged to capital account.

3. During the period of construction of the works referred to in the preceding section, the interest payable on the debentures deposited with the Minister of Finance and Receiver General under the provisions of this Act in respect of the construction of such works shall be deemed to be money required to enable the Corporation to construct the said works and to be a part of the cost of the construction thereof, and the said interest may be paid out of the said sum of four million dollars; the period of construction herein referred to shall begin on the day when the first advance is

made on account of the said construction, and shall terminate on such date as the Governor in Council shall fix and determine.

Plans, etc., to be approved before work commenced.

4. No such loan shall be paid in respect of the construction of terminal facilities, unless such detailed plans, specifications and estimates, for the works to be performed by the Corporation and on which the money so to be loaned is to be expended, as are satisfactory to the Minister of Marine and Fisheries, have been submitted to and approved by the Governor in Council before any work on the same has been commenced.

Monthly applications for advances with other statements as required.

5. The Corporation shall submit to the Minister of Marine and Fisheries, for approval, monthly applications for loans on account of the different items of construction of terminal facilities, accompanied by statements showing the total expenditure on these different items in detail, for the month which the loan is to cover, and any other statements required in such form as the Minister shall direct; and upon approval of the application, authority for the payment of the amount so applied for may be granted by the Governor in Council.

Debentures to be deposited with Minister of Finance.

6. The Corporation shall, upon any loan being made, deposit with the Minister of Finance and Receiver General debentures of the Corporation equal in par value to the loan so made (which debentures the Corporation is hereby authorized to issue), and such debentures so issued shall be of such amounts as the Minister of Finance and Receiver General determines, and shall bear date on the day when such loan is made, and shall be repayable within twenty-five years from the date of their issue, and in the meantime shall bear interest at the rate of five per centum per annum, such interest to be payable half yearly, on the first day of July and the first day of January in each year.

Advances to be a charge against revenue and property of corporation.

7. The principal and interest of the sums loaned the Corporation under the authority of this Act shall be payable by the Corporation out of all its property and assets and out of all its tolls, rates, dues, penalties and other sources of revenue and income, and shall rank as a charge thereon and have precedence in regard to payment, next after payments provided for in section twenty-seven of chapter fifty-four of the statutes of 1913, equally with the advances made under authority of chapter seventy-four of the statutes of 1919 and chapter twenty-nine of the statutes of 1923, and chapter seventy-two of the statutes of 1924.

1913, c. 54.
1923, c. 29.

8. Section seven of chapter seventy-four of the statutes of 1919 and section seven of chapter twenty-nine of the statutes of 1923, are hereby repealed, and the following is substituted therefor in each of the said Acts:—

Repayment of loans.

Rank of securities.

"**7.** The principal and interest of the sums advanced to the Corporation under the authority of this Act shall be payable by the Corporation out of all its property and assets, and out of all its tolls, rates, dues, penalties and other sources of revenue and income, and shall rank as a charge thereon and have precedence in regard to payment, equally, next after the payments provided for in section twenty-seven of chapter fifty-four of the statutes of 1913."

First Session, Sixteenth Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 215.

An Act to provide for a loan to the Vancouver Harbour Commissioners.

AS PASSED BY THE HOUSE OF COMMONS, 6th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37266 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 215.

An Act to provide for a loan to the Vancouver Harbour Commissioners.

1913, c. 54; 1914, c. 17; 1916, c. 9; 1919, c. 74; 1922, c. 52; 1923, c. 29; 1924, c. 72.

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 Vancouver Harbour Loan Act, 1927.*

Loan of $4,000,000 to Harbour Commissioners for terminal facilities.

2. The Governor in Council may from time to time loan to the Corporation of the Vancouver Harbour Commissioners, hereinafter called "the Corporation," in addition to the moneys heretofore authorized to be advanced to the Corporation for the construction of harbour improvements by existing legislation 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 four million dollars, as may be required to enable the Corporation to complete the construction of terminal facilities in the harbour of Vancouver, for which the 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 may be likewise approved as necessary, further to properly equip the said port.

Interest during construction to be charged to capital account.

3. During the period of construction of the works referred to in the preceding section, the interest payable on the debentures deposited with the Minister of Finance and Receiver General under the provisions of this Act in respect of the construction of such works shall be deemed to be money required to enable the Corporation to construct the said works and to be a part of the cost of the construction thereof, and the said interest may be paid out of the said sum of four million dollars; the period of construction herein referred to shall begin on the day when the first advance is

made on account of the said construction, and shall terminate on such date as the Governor in Council shall fix and determine.

Plans, etc., to be approved before work commenced.

4. No such loan shall be paid in respect of the construction of terminal facilities, unless such detailed plans, specifications and estimates, for the works to be performed by the Corporation and on which the money so to be loaned is to be expended, as are satisfactory to the Minister of Marine and Fisheries, have been submitted to and approved by the Governor in Council before any work on the same has been commenced.

Monthly applications for advances with other statements as required.

5. The Corporation shall submit to the Minister of Marine and Fisheries, for approval, monthly applications for loans on account of the different items of construction of terminal facilities, accompanied by statements showing the total expenditure on these different items in detail, for the month which the loan is to cover, and any other statements required in such form as the Minister shall direct; and upon approval of the application, authority for the payment of the amount so applied for may be granted by the Governor in Council.

Debentures to be deposited with Minister of Finance.

6. The Corporation shall, upon any loan being made, deposit with the Minister of Finance and Receiver General debentures of the Corporation equal in par value to the loan so made (which debentures the Corporation is hereby authorized to issue), and such debentures so issued shall be of such amounts as the Minister of Finance and Receiver General determines, and shall bear date on the day when such loan is made, and shall be repayable within twenty-five years from the date of their issue, and in the meantime shall bear interest at the rate of five per centum per annum, such interest to be payable half yearly, on the first day of July and the first day of January in each year.

Advances to be a charge against revenue and property of corporation.

7. The principal and interest of the sums loaned the Corporation under the authority of this Act shall be payable by the Corporation out of all its property and assets and out of all its tolls, rates, dues, penalties and other sources of revenue and income, and shall rank as a charge thereon and have precedence in regard to payment, next after payments provided for in section twenty-seven of chapter fifty-four of the statutes of 1913, equally with the advances made under authority of chapter seventy-four of the statutes of 1919 and chapter twenty-nine of the statutes of 1923, and chapter seventy-two of the statutes of 1924.

1913, c. 54.
1923, c. 29.

8. Section seven of chapter seventy-four of the statutes of 1919 and section seven of chapter twenty-nine of the statutes of 1923, are hereby repealed, and the following is substituted therefor in each of the said Acts:—

Repayment of loans.

Rank of securities.

"**7.** The principal and interest of the sums advanced to the Corporation under the authority of this Act shall be payable by the Corporation out of all its property and assets, and out of all its tolls, rates, dues, penalties and other sources of revenue and income, and shall rank as a charge thereon and have precedence in regard to payment, equally, next after the payments provided for in section twenty-seven of chapter fifty-four of the statutes of 1913."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 224.

An Act respecting the Canadian National Railways and the tariffs of tolls to be charged on certain Eastern lines.

First reading, March 25, 1927.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38258 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 224.

An Act respecting the Canadian National Railways and the tariffs of tolls to be charged on certain Eastern lines.

Preamble.

WHEREAS the Royal Commission on Maritime claims by its report, dated September 23rd, 1926, has, in effect, advised that a balanced study of the events and pronouncements prior to Confederation, and at its consummation, and of the lower level of rates which prevailed on the Intercolonial system prior to 1912, has in its opinion, confirmed the representations submitted to the Commission on behalf of the Maritime Provinces, namely, that the Intercolonial Railway was designed, among other things, to give to Canada in times of national and imperial need an outlet and inlet on the Atlantic Ocean, and to afford to Maritime merchants, traders and manufacturers the larger market of the whole Canadian people instead of the restricted market of the Maritimes themselves, also that strategic considerations determined a longer route than was actually necessary, and therefore that to the extent that commercial considerations were subordinated to national, imperial and strategic conditions the cost of the railway should be borne by the Dominion, and not by the traffic which might pass over the line; And whereas the Commission has, in such report, made certain recommendations respecting transportation and freight rates, for the purpose of removing a burden imposed upon the trade and commerce of such Provinces since 1912, which, the Commission finds, in view of the pronouncements and obligations undertaken at Confederation, it was never intended such commerce should bear; And whereas it is expedient that effect should be given to such recommendations, in so far as it is reasonably possible so to do without disturbing unduly the general rate structure in Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Maritime Freight Rates Act, 1927.*

Explanatory Notes.

1. Preamble. First Recital. This first recital is taken from the Report of the Royal Commission on Maritime Claims as contained in the blue book and printed at the foot of page 20 and the top of page 21. The language used by the Commission has been considerably summarized since it was too long to insert in full, but the effect is as stated in the recital.

Preamble. Second Recital. This second recital is taken from the foot of page 21 in the paragraph numbered 10 which also has been summarized.

The recommendations on freight rates are shown on page 22 of the Report, particularly the paragraph in the middle of the page beginning—"We recommend, therefore."

Eastern lines.

2. For the purposes of this Act the lines of railway now operated as a part of the Canadian National Railways and situated within the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and the lines of railway, similarly operated, in the Province of Quebec extending from the southern provincial boundary near Matapedia and near Courchesne to Diamond Junction and Levis are collectively designated as the "Eastern lines."

Cancellation of tariffs and substitution of tariffs reduced by 20% on preferred movements.

3. (1) All persons or companies controlling, or concerned in the preparation and issue of tariffs of tolls to be charged in respect of the movements of freight traffic, whether on behalf of His Majesty or otherwise, upon or over the Eastern lines specified in section four of this Act, and hereinafter called "preferred movements," are hereby authorized and directed upon and after the first day of July, 1927, to—

(a) Cancel all existing freight tariffs in respect of such preferred movements;

(b) Substitute other tariffs for the tariffs so cancelled showing a reduction in such tariffs of approximately twenty per cent;

Powers of Board.

and the Board of Railway Commissioners, hereinafter called the Board, is authorized and empowered to—

To approve cancellation and substituted tariffs.

(c) Approve such cancellations, and, subject to the provisions of *The Railway Act, 1919* (hereinafter called "the Railway Act"), respecting tariffs of tolls for the carriage of freight, where not inconsistent with this Act, to approve all tariffs of tolls so substituted;

Maintain substituted tariffs on general level of 20% below existing rates.

(d) Maintain or cause to be maintained such substituted tariffs (subject to all provisions of the Railway Act respecting tariffs of tolls not inconsistent with this Act) on the general rate level of approximately twenty per cent below the tolls or rates existing on the first day of July, 1927, while the cost of railway operation in Canada remains approximately the same as at the date of this Act, but the Board may allow the increase or reduction of such tolls or tariffs from time to time to meet increases or reductions, as the case may be, in such cost of operations.

Adjust rr vary tariffs.

(e) Adjust or vary such substituted tolls or rates from time to time as new industrial or traffic conditions arise, but always in conformity with the intent of this Act as outlined in the preamble to this Act and expressed in sections seven and eight and other relative sections hereof.

Substituted tariffs to continue until declared by Board to be

(2) Since questions may arise whether substituted tariffs prepared and submitted to the Board are consistent or not consistent with this Act, it is declared that the finding of the Board that any tariff so filed is inconsistent shall take

2. Section 2. In the recommendations on freight rates on page 22 of the Report the Commission recommended the extension of the reduction privileges to Diamond Junction and Levis, that is, they took in the whole Atlantic Region of the Canadian National Railways but added certain mileage beyond Riviere du Loup and Monk where the Atlantic Region now ends. For this reason it was necessary to make a new designation of this combined mileage and for the purposes of this Act the designation of "Eastern lines" has been adopted.

3. Section 3. The recommendation was that an immediate reduction of 20% should be made on rates charged on certain specified traffic. This section directs the cancellation of existing freight tariffs on and after the first of July next and substitutes other tariffs showing a reduction of approximately 20%. The Board is given power to approve these tariffs and to maintain the substituted tariffs on the general rate level of 20% below the tolls in effect on the first of July, 1927. Provisions is made for the fluctuation of the substituted rates to accord with the cost of railway operation in Canada, since otherwise the rates would be "frozen rates" and would be unchangeable.

3. Subsection 2. There will be a number of tariffs filed with the Board and coming into effect on the first of July, 1927, under this Act which the Board will nave to study carefully in order to make sure that they are consistent with this Act. Pending the completion of the study of any particular tariff such tariff remains in effect. This is to avoid confusion.

inconsistent with this Act, and proper tariffs substituted.

effect only upon such finding, and the tariff in question shall be deemed to be the lawful tariff until disallowed by the Board as inconsistent, and until a proper substituted tariff satisfactory to the Board is filed.

Preferred movements.

4. (1) The following are preferred movements as referred to in section three and other sections of this Act:—

Local traffic, all rail.

(a) Local traffic, all rail—Between points on the Eastern lines; for example, Sydney to Newcastle.

Traffic moving outward, westbound, all rail.

(b) Traffic moving outward, westbound, all rail—From points on the Eastern lines westbound to points in Canada beyond the limit of the Eastern lines at Diamond Junction or Levis; for example, Moncton to Montreal—the twenty per cent reduction shall be based upon the Eastern lines proportion of the through rate or in this example upon the rate applicable from Moncton west as far as Diamond Junction or Levis.

Traffic moving outward, export traffic, rail and sea.

(c) Traffic moving outward, export traffic, rail and sea—From points on the Eastern lines through ocean ports on the Eastern lines destined overseas; for example, Fredericton to Liverpool via St. John—the rate affected shall be that applicable from Fredericton to St. John.

Car ferries.

(2) Traffic moving over the car ferries shall be treate as all rail traffic.

Movements not preferred.

5. For greater clearness, but without intending to enlarge by any omission the scope of section four of this Act, it is declared that the following are not preferred movements:—

To or from U.S., all rail.

(a) Traffic moving inward or outward to or from the United States, all rail—From or to points in the United States to or from points on the Eastern lines.

Inward from Canada, eastbound, all rail.

(b) Traffic moving inward, eastbound, from Canada, all rail—From points in Canada not on the Eastern lines eastbound to points on the Eastern lines; for example—Toronto to Moncton.

Imports to Canada from points overseas.

(c) Import traffic to Canada, originating at points overseas; for example, Liverpool to Moncton or to Toronto.

Passenger and express.

(d) Passenger movements and express movements.

Separate accounts to be kept.

6. For accounting purposes, but without affecting the management and operation of any of the Eastern lines, the revenues and expenses of the Eastern lines (including the reductions herein authorized which shall be borne by the Eastern lines) shall be kept separately from all other accounts respecting the construction, operation or management of the Canadian National Railways. In the event of any deficit occurring in any fiscal year in respect of the Eastern lines the amount of such deficit shall be included in a separate item in the estimates submitted to Parliament

Deficits to be included in separate item in estimates.

4. Section 4. This section designates the movements which are entitled to the reduction. They are called "preferred movements" for convenience. An endeavour has been made to follow closely as practicable the recommendations on page 22 of the printed Report, but the language which the Commission has used is not quite as clear as it might be, and in an important statute such as this the greatest possible clearness is desirable.

5. Section 5. This section is introduced simply in the interests of greater clearness. It specifies movements which are not preferred and not entitled to the reduction of 20%.

6. Section 6. This section withdraws the accounts of the Eastern lines from the Canadian National Railway accounts and provides for their inclusion in a separate item of the Canadian National Railway Budget. The reason for this is that the management of the Railways should not be held responsible for increased deficits which may occur upon the Eastern lines by reason of the statutory reductions.

for or on behalf of the Canadian National Railways at the first session of Parliament following the close of such fiscal year.

Rates are to be statutory rates.

7. The rates specified in the tariffs of tolls, in this Act provided for, in respect of preferred movements, shall be deemed to be statutory rates, not based on any principle of fair return to the railway for services rendered in the carriage of traffic. No argument shall accordingly be made, nor considered in respect of the reasonableness of such rates with regard to other rates, nor of other rates having regard to the rates authorized by this Act.

Purpose of Act to give statutory advantages in select territory.

8. The purpose of this Act is to give certain statutory advantages in rates to persons and industries in the three Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and in addition upon the lines in the Province of Quebec mentioned in section two (together hereinafter called "select territory"), accordingly the Board shall not approve nor allow any tariffs which may destroy or prejudicially affect such advantages in favour of persons or industries located elsewhere than in such select territory.

Other companies may make competing tariffs.

9. Nothing in this Act shall prevent other companies owning or operating lines of railway in the select territory from filing tariffs of tolls respecting freight movements in the select territory, meeting the statutory rates referred to in section seven of this Act, nor prevent the Board from approving them, and in such event the provisions of section seven of this Act shall apply to the tolls and rates authorized by this section.

Certain other lines of railway may be included within Eastern lines, or withdrawn therefrom.

10. Other lines of railway from time to time operated within the select territory as part of the Canadian National Railways may be included within the Eastern lines as designated in section two of this Act and made subject to this Act by an Order or Orders of the Governor in Council; and any lines designated as Eastern lines may upon such lines ceasing to be operated as a part of the Canadian National Railways, be from time to time withdrawn from such designation of Eastern lines by similar Order or Orders. The Governor in Council is hereby authorized at any time or times at discretion to pass any Order in Council for the purposes and with the effect mentioned in this section.

Board to decide questions, subject to appeals.

11. The Board may hear and determine all questions arising under this Act subject to such rights of appeal as are provided in the Railway Act.

Interpretation.

12. The interpretation clauses of the Railway Act shall apply to all words or expressions used in this Act.

7. Section 7. Under the Railway Act unjust discrimination in favour of a particular locality is prohibited. Under this Act, however, Parliament is dictating a scale of rates which shall be adopted on the Eastern lines and it therefore becomes necessary to state that these favourable rates are not to be adopted as a standard of fair return nor made the basis of any argument for their application elsewhere.

8. Section 8. This section prevents the advantages given under the Act to the select territory, consisting of the three Provinces and the lines terminating near Levis, from being destroyed or prejudiced by special tariffs filed in other localities for the purpose of meeting or neutralizing the effect of tne preferred rates.

9. Section 9. This section enables competing Railways in the select territory to likewise reduce their tariffs of tolls (for movements similar to the preferred movements) by 20%, if they see fit to do so. If it were not for this section the discriminatory clauses of the Railway Act would prevent this reduction.

10. Section 10. This section permits the addition of lines in the select territory which may subsequently be operated as part of the Canadian National Railways to be added to the Eastern lines as designated by the Act, and also enables the withdrawal of any of the Eastern lines when they cease to be operated as a part of the Canadian National Railways.

11. Section 11. Doubtless many questions will arise under this Act which should be determined by the Board in the first place and not by the Courts.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 224.

An Act respecting the Canadian National Railways and the tariffs of tolls to be charged on certain Eastern lines.

(Reprinted before second reading, as proposed to be amended in Committee of the Whole House.)

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38900 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 224.

An Act respecting the Canadian National Railways and the tariffs of tolls to be charged on certain Eastern lines.

Preamble.

WHEREAS the Royal Commission on Maritime claims by its report, dated September 23rd, 1926, has, in effect, advised that a balanced study of the events and pronouncements prior to Confederation, and at its consummation, and of the lower level of rates which prevailed on the Intercolonial system prior to 1912, has in its opinion, confirmed the representations submitted to the Commission on behalf of the Maritime Provinces, namely, that the Intercolonial Railway was designed, among other things, to give to Canada in times of national and imperial need an outlet and inlet on the Atlantic Ocean, and to afford to Maritime merchants, traders and manufacturers the larger market of the whole Canadian people instead of the restricted market of the Maritimes themselves, also that strategic considerations determined a longer route than was actually necessary, and therefore that to the extent that commercial considerations were subordinated to national, imperial and strategic conditions the cost of the railway should be borne by the Dominion, and not by the traffic which might pass over the line; And whereas the Commission has, in such report, made certain recommendations respecting transportation and freight rates, for the purpose of removing a burden imposed upon the trade and commerce of such Provinces since 1912, which, the Commission finds, in view of the pronouncements and obligations undertaken at Confederation, it was never intended such commerce should bear; And whereas it is expedient that effect should be given to such recommendations, in so far as it is reasonably possible so to do without disturbing unduly the general rate structure in Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Maritime Freight Rates Act, 1927.*

Reprint.

In this reprint the changes in section 3 are underlined, and section 9 is new. There are no other changes.

Explanatory Notes.

1. Preamble. First Recital. This first recital is taken from the Report of the Royal Commission on Maritime Claims as contained in the blue book and printed at the foot of page 20 and the top of page 21. The language used by the Commission has been considerably summarized since it was too long to insert in full, but the effect is as stated in the recital.

Preamble. Second Recital. This second recital is taken from the foot of page 21 in the paragraph numbered 10 which also has been summarized.

The recommendations on freight rates are shown on page 22 of the Report, particularly the paragraph in the middle of the page beginning—"We recommend, therefore."

Eastern lines.

2. For the purposes of this Act the lines of railway now operated as a part of the Canadian National Railways and situated within the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and the lines of railway, similarly operated, in the Province of Quebec extending from the southern provincial boundary near Matapedia and near Courchesne to Diamond Junction and Levis are collectively designated as the "Eastern lines."

Cancellation of tariffs and substitution of tariffs reduced by 20% on preferred movements.

3. (1) All persons or companies controlling, or concerned in the preparation and issue of tariffs of tolls to be charged in respect of the movements of freight traffic, whether on behalf of His Majesty or otherwise, upon or over the Eastern lines specified in section four of this Act, and hereinafter called "preferred movements," are hereby authorized and directed upon and after the first day of July, 1927, to—

(a) Cancel all existing freight tariffs in respect of such preferred movements;

(b) Substitute other tariffs for the tariffs so cancelled showing a reduction in such tariffs of approximately twenty per cent;

Powers of Board.

and the Board of Railway Commissioners, hereinafter called the Board, is authorized and directed to—

To approve cancellation and substituted tariffs.

(c) Approve such cancellations, and, subject to the provisions of *The Railway Act, 1919* (hereinafter called "the Railway Act"), respecting tariffs of tolls for the carriage of freight, where not inconsistent with this Act, to approve all tariffs of tolls so substituted;

Maintain substituted tariffs on general level of 20% below existing rates.

(d) Maintain or cause to be maintained such substituted tariffs (subject to all provisions of the Railway Act respecting tariffs of tolls not inconsistent with this Act) on the general rate level of approximately twenty per cent below the tolls or rates existing on the first day of July, 1927, while the cost of railway operation in Canada remains approximately the same as at the date of this Act, but the Board may allow the increase or reduction of such tolls or tariffs from time to time to meet increases or reductions, as the case may be, in such cost of operations.

Adjust rr vary tariffs.

(e) Adjust or vary such substituted tolls or rates from time to time as new industrial or traffic conditions arise, but always in conformity with the intent of this Act as outlined in the preamble to this Act and expressed in sections seven and eight and other relative sections hereof.

Substituted tariffs to continue until declared by Board to be

(2) Since questions may arise whether substituted tariffs prepared and submitted to the Board are consistent or not consistent with this Act, it is declared that the finding of the Board that any tariff so substituted and approved is

2. Section 2. In the recommendations on freight rates on page 22 of the Report the Commission recommended the extension of the reduction privileges to Diamond Junction and Levis, that is, they took in the whole Atlantic Region of the Canadian National Railways but added certain mileage beyond Riviere du Loup and Monk where the Atlantic Region now ends. For this reason it was necessary to make a new designation of this combined mileage and for the purposes of this Act the designation of "Eastern lines" has been adopted.

3. Section 3. The recommendation was that an immediate reduction of 20% should be made on rates charged on certain specified traffic. This section directs the cancellation of existing freight tariffs on and after the first of July next and substitutes other tariffs showing a reduction of approximately 20%. The Board is given power to approve these tariffs and to maintain the substituted tariffs on the general rate level of 20% below the tolls in effect on the first of July, 1927. Provisions is made for the fluctuation of the substituted rates to accord with the cost of railway operation in Canada, since otherwise the rates would be "frozen rates" and would be unchangeable.

3. Subsection 2. There will be a number of tariffs filed with the Board and coming into effect on the first of July, 1927, under this Act which the Board will nave to study carefully in order to make sure that they are consistent with this Act. Pending the completion of the study of any particular tariff such tariff remains in effect. This is to avoid confusion.

inconsistent with this Act, and proper tariffs substituted.

inconsistent shall take effect only upon such finding, and the tariff in question shall be deemed to be the lawful tariff until disallowed by the Board as inconsistent, and until a proper substituted tariff satisfactory to the Board is filed and approved.

Preferred movements.

4. (1) The following are preferred movements as referred to in section three and other sections of this Act:—

Local traffic, all rail.

(a) Local traffic, all rail—Between points on the Eastern lines; for example, Sydney to Newcastle.

Traffic moving outward, westbound, all rail.

(b) Traffic moving outward, westbound, all rail—From points on the Eastern lines westbound to points in Canada beyond the limit of the Eastern lines at Diamond Junction or Levis; for example, Moncton to Montreal—the twenty per cent reduction shall be based upon the Eastern lines proportion of the through rate or in this example upon the rate applicable from Moncton west as far as Diamond Junction or Levis.

Traffic moving outward, export traffic, rail and sea.

(c) Traffic moving outward, export traffic, rail and sea—From points on the Eastern lines through ocean ports on the Eastern lines destined overseas; for example, Fredericton to Liverpool via St. John—the rate affected shall be that applicable from Fredericton to St. John.

Car ferries.

(2) Traffic moving over the car ferries shall be treated as all rail traffic.

Movements not preferred.

5. For greater clearness, but without intending to enlarge by any omission the scope of section four of this Act, it is declared that the following are not preferred movements:—

To or from U.S., all rail.

(a) Traffic moving inward or outward to or from the United States, all rail—From or to points in the United States to or from points on the Eastern lines.

Inward from Canada, eastbound, all rail.

(b) Traffic moving inward, eastbound, from Canada, all rail—From points in Canada not on the Eastern lines eastbound to points on the Eastern lines; for example—Toronto to Moncton.

Imports to Canada from points overseas.

(c) Import traffic to Canada, originating at points overseas; for example, Liverpool to Moncton or to Toronto.

Passenger and express.

(d) Passenger movements and express movements.

Separate accounts to be kept.

6. For accounting purposes, but without affecting the management and operation of any of the Eastern lines, the revenues and expenses of the Eastern lines (including the reductions herein authorized which shall be borne by the Eastern lines) shall be kept separately from all other accounts respecting the construction, operation or management of the Canadian National Railways. In the event of any deficit occurring in any fiscal year in respect of the Eastern lines the amount of such deficit shall be included

Deficits to be included in separate item in estimates.

4. Section 4. This section designates the movements which are entitled to the reduction. They are called "preferred movements" for convenience. An endeavour has been made to follow closely as practicable the recommendations on page 22 of the printed Report, but the language which the Commission has used is not quite as clear as it might be, and in an important statute such as this the greatest possible clearness is desirable.

5. Section 5. This section is introduced simply in the interests of greater clearness. It specifies movements which are not preferred and not entitled to the reduction of 20%.

6. Section 6. This section withdraws the accounts of the Eastern lines from the Canadian National Railway accounts and provides for their inclusion in a separate item of the Canadian National Railway Budget. The reason for this is that the management of the Railways should not be held responsible for increased deficits which may occur upon the Eastern lines by reason of the statutory reductions.

in a separate item in the estimates submitted to Parliament for or on behalf of the Canadian National Railways at the first session of Parliament following the close of such fiscal year.

Rates are to be statutory rates.

7. The rates specified in the tariffs of tolls, in this Act provided for, in respect of preferred movements, shall be deemed to be statutory rates, not based on any principle of fair return to the railway for services rendered in the carriage of traffic. No argument shall accordingly be made, nor considered in respect of the reasonableness of such rates with regard to other rates, nor of other rates having regard to the rates authorized by this Act.

Purpose of Act to give statutory advantages in select territory.

8. The purpose of this Act is to give certain statutory advantages in rates to persons and industries in the three Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and in addition upon the lines in the Province of Quebec mentioned in section two (together hereinafter called "select territory"), accordingly the Board shall not approve nor allow any tariffs which may destroy or prejudicially affect such advantages in favour of persons or industries located elsewhere than in such select territory.

Other Companies may make competing tariffs.

9. (1) Other companies owning or operating lines of railway in or extending into the select territory may file with the Board tariffs of tolls respecting freight movements similar to the preferred movements, meeting the statutory rates referred to in section seven of this Act. The Board, subject to all the provisions of the Railway Act respecting tariff of tolls, not inconsistent with this Act, shall approve the tariffs of tolls filed under this section.

Sections 3 (2) and 7 and 8 to apply.

(2) The provisions of subsection two of section three and of sections seven and eight of this Act shall apply to the tariffs of tolls filed under this section.

Board to certify normal tolls, and difference between tariff and normal tolls.

(3) The Board on approving any tariff under this section shall certify the normal tolls which but for this Act would have been effective and shall, in the case of each company, at the end of each calendar year promptly ascertain and certify to the Minister of Railways and Canals the amount of the difference between the tariff tolls and the normal tolls above referred to on all traffic moved by the Company during such year under the tariff so approved. The Company shall be entitled to payment of the amount of the difference so certified, and the Minister of Railways and Canals shall submit such amount to Parliament if then in session (or if not, then at the first session following the end of such calendar year) as an item of the estimates of the Department of Railways and Canals.

Difference to be paid and included in estimates.

7. Section 7. Under the Railway Act unjust discrimination in favour of a particular locality is prohibited. Under this Act, however, Parliament is dictating a scale of rates which shall be adopted on the Eastern lines and it therefore becomes necessary to state that these favourable rates are not to be adopted as a standard of fair return nor made the basis of any argument for their application elsewhere.

8. Section 8. This section prevents the advantages given under the Act to the select territory, consisting of the three Provinces and the lines terminating near Levis, from being destroyed or prejudiced by special tariffs filed in other localities for the purpose of meeting or neutralizing the effect of the preferred rates.

9. Section 9. This section enables competing Railways in the select territory to likewise reduce their tariffs of tolls (for movements similar to the preferred movements) by 20%, if they see fit to do so. It provides for payment to any such railway, upon certificate of the Board, of the amount of the difference between the tariff tolls and the normal tolls which would have been effective if it were not for this Act. If it were not for this section the discriminatory clauses of the Railway Act would prevent this reduction.

Revision of normal tolls.

(4) The Board shall, in every third year and at any time upon the request of the Governor in Council, ascertain and certify to the Minister of Railways and Canals whether under the provisions of the Railway Act, the normal tolls referred to in subsection three hereof, should be revised and in the event of such revision the revised normal tolls shall thereafter be used instead of the normal tolls referred to in the said subsection in calculating the difference to be paid to the Company thereunder.

Certain other lines of railway may be included within Eastern lines, or withdrawn therefrom.

10. Other lines of railway from time to time operated within the select territory as part of the Canadian National Railways may be included within the Eastern lines as designated in section two of this Act and made subject to this Act by an Order or Orders of the Governor in Council; and any lines designated as Eastern lines may upon such lines ceasing to be operated as a part of the Canadian National Railways, be from time to time withdrawn from such designation of Eastern lines by similar Order or Orders. The Governor in Council is hereby authorized at any time or times at discretion to pass any Order in Council for the purposes and with the effect mentioned in this section.

Board to decide questions, subject to appeals.

11. The Board may hear and determine all questions arising under this Act subject to such rights of appeal as are provided in the Railway Act.

Interpretation.

12. The interpretation clauses of the Railway Act shall apply to all words or expressions used in this Act.

10. Section 10. This section permits the addition of lines in the select territory which may subsequently be operated as part of the Canadian National Railways to be added to the Eastern lines as designated by the Act, and also enables the withdrawal of any of the Eastern lines when they cease to be operated as a part of the Canadian National Railways.

11. Section 11. Doubtless many questions will arise under this Act which should be determined by the Board in the first place and not by the Courts.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 224.

An Act respecting the Canadian National Railways and the tariffs of tolls to be charged on certain Eastern lines.

AS PASSED BY THE HOUSE OF COMMONS, 5th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38266 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 224.

An Act respecting the Canadian National Railways and the tariffs of tolls to be charged on certain Eastern lines.

Preamble.

WHEREAS the Royal Commission on Maritime claims by its report, dated September 23rd, 1926, has, in effect, advised that a balanced study of the events and pronouncements prior to Confederation, and at its consummation, and of the lower level of rates which prevailed on the Intercolonial system prior to 1912, has in its opinion, confirmed the representations submitted to the Commission on behalf of the Maritime Provinces, namely, that the Intercolonial Railway was designed, among other things, to give to Canada in times of national and imperial need an outlet and inlet on the Atlantic Ocean, and to afford to Maritime merchants, traders and manufacturers the larger market of the whole Canadian people instead of the restricted market of the Maritimes themselves, also that strategic considerations determined a longer route than was actually necessary, and therefore that to the extent that commercial considerations were subordinated to national, imperial and strategic conditions the cost of the railway should be borne by the Dominion, and not by the traffic which might pass over the line; And whereas the Commission has, in such report, made certain recommendations respecting transportation and freight rates, for the purpose of removing a burden imposed upon the trade and commerce of such Provinces since 1912, which, the Commission finds, in view of the pronouncements and obligations undertaken at Confederation, it was never intended such commerce should bear; And whereas it is expedient that effect should be given to such recommendations, in so far as it is reasonably possible so to do without disturbing unduly the general rate structure in Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Maritime Freight Rates Act, 1927.*

Reprint.

In this reprint the changes in section 3 are underlined, and section 9 is new. There are no other changes.

Explanatory Notes.

1. Preamble. First Recital. This first recital is taken from the Report of the Royal Commission on Maritime Claims as contained in the blue book and printed at the foot of page 20 and the top of page 21. The language used by the Commission has been considerably summarized since it was too long to insert in full, but the effect is as stated in the recital.

Preamble. Second Recital. This second recital is taken from the foot of page 21 in the paragraph numbered 10 which also has been summarized.

The recommendations on freight rates are shown on page 22 of the Report, particularly the paragraph in the middle of the page beginning—"We recommend, therefore."

Eastern lines.

2. For the purposes of this Act the lines of railway now operated as a part of the Canadian National Railways and situated within the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and the lines of railway, similarly operated, in the Province of Quebec extending from the southern provincial boundary near Matapedia and near Courchesne to Diamond Junction and Levis are collectively designated as the "Eastern lines."

Cancellation of tariffs and substitution of tariffs reduced by 20% on preferred movements.

3. (1) All persons or companies controlling, or concerned in the preparation and issue of tariffs of tolls to be charged in respect of the movements of freight traffic, whether on behalf of His Majesty or otherwise, upon or over the Eastern lines specified in section four of this Act, and hereinafter called "preferred movements," are hereby authorized and directed upon and after the first day of July, 1927, to—

(a) Cancel all existing freight tariffs in respect of such preferred movements;

(b) Substitute other tariffs for the tariffs so cancelled showing a reduction in such tariffs of approximately twenty per cent;

Powers of Board.

and the Board of Railway Commissioners, hereinafter called the Board, is authorized and directed to—

To approve cancellation and substituted tariffs.

(c) Approve such cancellations, and, subject to the provisions of *The Railway Act, 1919* (hereinafter called "the Railway Act"), respecting tariffs of tolls for the carriage of freight, where not inconsistent with this Act, to approve all tariffs of tolls so substituted;

Maintain substituted tariffs on general level of 20% below existing rates.

(d) Maintain or cause to be maintained such substituted tariffs (subject to all provisions of the Railway Act respecting tariffs of tolls not inconsistent with this Act) on the general rate level of approximately twenty per cent below the tolls or rates existing on the first day of July, 1927, while the cost of railway operation in Canada remains approximately the same as at the date of this Act, but the Board may allow the increase or reduction of such tolls or tariffs from time to time to meet increases or reductions, as the case may be, in such cost of operations.

Adjust or vary tariffs.

(e) Adjust or vary such substituted tolls or rates from time to time as new industrial or traffic conditions arise, but always in conformity with the intent of this Act as outlined in the preamble to this Act and expressed in sections seven and eight and other relative sections hereof.

Substituted tariffs to continue until declared by Board to be

(2) Since questions may arise whether substituted tariffs prepared and submitted to the Board are consistent or not consistent with this Act, it is declared that the finding of the Board that any tariff so substituted and approved is

2. Section 2. In the recommendations on freight rates on page 22 of the Report the Commission recommended the extension of the reduction privileges to Diamond Junction and Levis, that is, they took in the whole Atlantic Region of the Canadian National Railways but added certain mileage beyond Riviere du Loup and Monk where the Atlantic Region now ends. For this reason it was necessary to make a new designation of this combined mileage and for the purposes of this Act the designation of "Eastern lines" has been adopted.

3. Section 3. The recommendation was that an immediate reduction of 20% should be made on rates charged on certain specified traffic. This section directs the cancellation of existing freight tariffs on and after the first of July next and substitutes other tariffs showing a reduction of approximately 20%. The Board is given power to approve these tariffs and to maintain the substituted tariffs on the general rate level of 20% below the tolls in effect on the first of July, 1927. Provisions is made for the fluctuation of the substituted rates to accord with the cost of railway operation in Canada, since otherwise the rates would be "frozen rates" and would be unchangeable.

3. Subsection 2. There will be a number of tariffs filed with the Board and coming into effect on the first of July, 1927, under this Act which the Board will have to study carefully in order to make sure that they are consistent with this Act. Pending the completion of the study of any particular tariff such tariff remains in effect. This is to avoid confusion.

inconsistent with this Act, and proper tariffs substituted.

inconsistent shall take effect only upon such finding, and the tariff in question shall be deemed to be the lawful tariff until disallowed by the Board as inconsistent, and until a proper substituted tariff satisfactory to the Board is filed and approved.

Preferred movements.

4. (1) The following are preferred movements as referred to in section three and other sections of this Act:—

Local traffic, all rail.

(a) Local traffic, all rail—Between points on the Eastern lines; for example, Sydney to Newcastle.

Traffic moving outward, westbound, all rail.

(b) Traffic moving outward, westbound, all rail—From points on the Eastern lines westbound to points in Canada beyond the limit of the Eastern lines at Diamond Junction or Levis; for example, Moncton to Montreal—the twenty per cent reduction shall be based upon the Eastern lines proportion of the through rate or in this example upon the rate applicable from Moncton west as far as Diamond Junction or Levis.

Traffic moving outward, export traffic, rail and sea.

(c) Traffic moving outward, export traffic, rail and sea—From points on the Eastern lines through ocean ports on the Eastern lines destined overseas; for example, Fredericton to Liverpool via St. John—the rate affected shall be that applicable from Fredericton to St. John.

Car ferries.

(2) Traffic moving over the car ferries shall be treated as all rail traffic.

Movements not preferred.

5. For greater clearness, but without intending to enlarge by any omission the scope of section four of this Act, it is declared that the following are not preferred movements:—

To or from U.S., all rail.

(a) Traffic moving inward or outward to or from the United States, all rail—From or to points in the United States to or from points on the Eastern lines.

Inward from Canada, eastbound, all rail.

(b) Traffic moving inward, eastbound, from Canada, all rail—From points in Canada not on the Eastern lines eastbound to points on the Eastern lines; for example—Toronto to Moncton.

Imports to Canada from points overseas.

(c) Import traffic to Canada, originating at points overseas; for example, Liverpool to Moncton or to Toronto.

Passenger and express.

(d) Passenger movements and express movements.

Separate accounts to be kept.

6. For accounting purposes, but without affecting the management and operation of any of the Eastern lines, the revenues and expenses of the Eastern lines (including the reductions herein authorized which shall be borne by the Eastern lines) shall be kept separately from all other accounts respecting the construction, operation or management of the Canadian National Railways. In the event of any deficit occurring in any Railway fiscal year in respect of the Eastern lines the amount of such deficit shall be included

Deficits to be included in separate item in estimates.

4. Section 4. Tnis section designates the movements which are entitled to the reduction. They are called "preferred movements" for convenience. An endeavour has been made to follow closely as practicable the recommendations on page 22 of the printed Report, but the language which the Commission has used is not quite as clear as it might be, and in an important statute such as this the greatest possible clearness is desirable.

5. Section 5. This section is introduced simply in the interests of greater clearness. It specifies movements which are not preferred and not entitled to the reduction of 20%.

6. Section 6. This section withdraws the accounts of the Eastern lines from the Canadian National Railway accounts and provides for their inclusion in a separate item of the Canadian National Railway Budget. The reason for this is that the management of the Railways should not be held responsible for increased deficits which may occur upon the Eastern lines by reason of the statutory reductions.

in a separate item in the estimates submitted to Parliament for or on behalf of the Canadian National Railways at the first session of Parliament following the close of such fiscal year.

Rates are to be statutory rates.

7. The rates specified in the tariffs of tolls, in this Act provided for, in respect of preferred movements, shall be deemed to be statutory rates, not based on any principle of fair return to the railway for services rendered in the carriage of traffic. No argument shall accordingly be made, nor considered in respect of the reasonableness of such rates with regard to other rates, nor of other rates having regard to the rates authorized by this Act.

Purpose of Act to give statutory advantages in select territory.

8. The purpose of this Act is to give certain statutory advantages in rates to persons and industries in the three Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and in addition upon the lines in the Province of Quebec mentioned in section two (together hereinafter called "select territory"), accordingly the Board shall not approve nor allow any tariffs which may destroy or prejudicially affect such advantages in favour of persons or industries located elsewhere than in such select territory.

Other Companies may make competing tariffs.

9. (1) Other companies owning or operating lines of railway in or extending into the select territory may file with the Board tariffs of tolls respecting freight movements similar to the preferred movements, meeting the statutory rates referred to in section seven of this Act. The Board, subject to all the provisions of the Railway Act respecting tariff of tolls, not inconsistent with this Act, shall approve the tariffs of tolls filed under this section.

Sections 3 (2) and 7 and 8 to apply.

(2) The provisions of subsection two of section three and of sections seven and eight of this Act shall apply to the tariffs of tolls filed under this section.

Board to certify normal tolls, and difference between tariff and normal tolls.

(3) The Board on approving any tariff under this section shall certify the normal tolls which but for this Act would have been effective and shall, in the case of each company, at the end of each calendar year promptly ascertain and certify to the Minister of Railways and Canals the amount of the difference between the tariff tolls and the normal tolls above referred to on all traffic moved by the company during such year under the tariff so approved. The company shall be entitled to payment of the amount of the difference so certified, and the Minister of Railways and Canals shall submit such amount to Parliament if then in session (or if not, then at the first session following the end of such calendar year) as an item of the estimates of the Department of Railways and Canals.

Difference to be paid and included in estimates.

7. Section 7. Under the Railway Act unjust discrimination in favour of a particular locality is prohibited. Under this Act, however, Parliament is dictating a scale of rates which shall be adopted on the Eastern lines and it therefore becomes necessary to state that these favourable rates are not to be adopted as a standard of fair return nor made the basis of any argument for their application elsewhere.

8. Section 8. This section prevents the advantages given under the Act to the select territory, consisting of the three Provinces and the lines terminating near Levis, from being destroyed or prejudiced by special tariffs filed in other localities for the purpose of meeting or neutralizing the effect of the preferred rates.

9. Section 9. This section enables competing Railways in the select territory to likewise reduce their tariffs of tolls (for movements similar to the preferred movements) by 20%, if they see fit to do so. It provides for payment to any such railway, upon certificate of the Board, of the amount of the difference between the tariff tolls and the normal tolls which would have been effective if it were not for this Act. If it were not for this section the discriminatory clauses of the Railway Act would prevent this reduction.

Revision of normal tolls.

(4) The Board shall, in every third year and at any time upon the request of the Governor in Council, ascertain and certify to the Minister of Railways and Canals whether under the provisions of the Railway Act, the normal tolls referred to in subsection three hereof, should be revised and in the event of such revision the revised normal tolls shall thereafter be used instead of the normal tolls referred to in the said subsection in calculating the difference to be paid to the Company thereunder.

Certain other lines of railway may be included within Eastern lines, or withdrawn therefrom.

10. Other lines of railway from time to time operated within the select territory as part of the Canadian National Railways may be included within the Eastern lines as designated in section two of this Act and made subject to this Act by an Order or Orders of the Governor in Council; and any lines designated as Eastern lines may upon such lines ceasing to be operated as a part of the Canadian National Railways, be from time to time withdrawn from such designation of Eastern lines by similar Order or Orders. The Governor in Council is hereby authorized at any time or times at discretion to pass any Order in Council for the purposes and with the effect mentioned in this section.

Board to decide questions, subject to appeals.

11. The Board may hear and determine all questions arising under this Act subject to such rights of appeal as are provided in the Railway Act.

Interpretation.

12. The interpretation clauses of the Railway Act shall apply to all words or expressions used in this Act.

10. Section 10. This section permits the addition of lines in the select territory which may subsequently be operated as part of the Canadian National Railways to be added to the Eastern lines as designated by the Act, and also enables the withdrawal of any of the Eastern lines when they cease to be operated as a part of the Canadian National Railways.

11. Section 11. Doubtless many questions will arise under this Act which should be determined by the Board in the first place and not by the Courts.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA

BILL 225.

An Act respecting the Halifax Harbour Commissioners.

First reading, March 25, 1927.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38163 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 225.

An Act respecting the Halifax Harbour Commissioners.

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

1. This Act may be cited as *The Halifax Harbour Commissioners' Act, 1927.*

2. Chapter forty-two of the statutes of 1872, chapter twelve of the statutes of 1873, chapter forty-nine of the statutes of 1882, chapter seventy-eight of the statutes of 1885 and chapter twenty-three of the statutes of 1919 are hereby repealed.

3. The Commissioners appointed in accordance with this Act are hereby incorporated under the name of the "Halifax Harbour Commissioners", hereinafter called "the Corporation".

INTERPRETATION.

Interpretation.

4. In this Act and in any by-law or regulation made hereunder, unless the context otherwise requires—

"Commissioner."
(a) "commissioner" means a member of the Corporation.

"Corporation."
(b) "corporation" means the Halifax Harbour Commissioners.

"By-law."
(c) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act, when duly confirmed as required by section fifteen.

"Vessel."
(d) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft.

"Raft."
(e) "raft" includes any raft, crib, dram or bag-boom of logs, timber or lumber of any kind; and logs, timber or lumber in boom or being towed.

"Goods."
(f) "goods" includes all personal property and movables other than vessels.

"Minister." *(g)* "minister" means the Minister of Marine and Fisheries.

"Rates." *(h)* "rates" means any rate or toll leviable under or imposed by authority of this Act.

"Harbour." *(i)* "harbour" means the harbour of Halifax as defined by this Act.

CONSTITUTION OF THE CORPORATION.

Commissioners. **5.** *(a)* The Corporation shall consist of three commissioners to be appointed by the Governor in Council on the recommendation of the Minister. They shall hold office during pleasure.

Quorum. *(b)* Two Commissioners shall constitute a quorum. If a quorum be present and act, vacancies in the Corporation shall not prevent or impair the effect of such action. It shall not be necessary for more than two Commissioners to sign any debenture, bond or other security that may be issued by the Corporation.

President. *(c)* The Governor in Council may from time to time appoint one of the Commissioners to be President of the Corporation.

Payment of Commissioners. *(d)* The President and the other Commissioners may be paid out of the revenue of the harbour such remuneration for their services as the Governor in Council determines.

Resignations. *(e)* A Commissioner may resign his office by notice in writing to the Minister.

Oath of office. *(f)* Before any Commissioner enters upon the execution of his duties, he shall take and subscribe the following oath:—

I, ... make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a Commissioner (or as President) of the Corporation of the Commissioners of the Harbour of Halifax.

The said oath shall be filed on record in the office of the Corporation and a copy shall be forwarded to the Minister.

Evidence of presidency. *(g)* A certificate under the seal of the Corporation that the person named therein is President or presiding officer thereof, as the case may be, shall be conclusive evidence of such fact.

Harbour limits defined. **6.** For the purposes of this Act, the harbour shall include all the waters lying Northwest of a line running North 56° East and distant 3,500 feet Southeasterly from Pleasant Point, and including the waters of Bedford Basin and the Northwest Arm, together with all lands and land under water, the title to which at the time of the passing of this Act is vested in His Majesty in the right of his Dominion

of Canada, and which is not under the jurisdiction of any Department of Government.

OFFICERS AND EMPLOYEES.

Officers, etc.

7. The Corporation may appoint a harbour master, a deputy harbour master, and such other officers, assistants, engineers, clerks and servants as it may consider necessary to carry out the objects and provisions of this Act, and may, by by-law, allow them such compensation or salaries as it considers proper; and may require them to furnish such security for the due and faithful performance of their respective duties as it thinks necessary.

Salaries.

Security.

GENERAL POWERS.

Jurisdiction.

8. The Corporation shall, for the purpose of and as provided for 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 property belonging to the harbour; but nothing herein shall be deemed to give the Corporation jurisdiction or control respecting private properties or rights within the said limits or the right to enter upon or deal with any property of the Crown except when by Order in Council authorized so to do.

Power to establish a certain limit in the waters of the harbour.

9. The Corporation may, with the approval of the Governor in Council, establish a limit in the waters of the harbour beyond which construction from the shore may not be produced and shall designate such limit as the harbour headline for any section or the whole of the harbour.

Powers as to property required for harbour.

10. The Corporation may, with the approval of the Governor in Council, acquire by expropriation, lease, purchase or otherwise, and may, likewise, sell or lease, such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, hold, possess and build such movable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, etc.

11. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances,

apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

Powers.

12. The Corporation may, either by itself or in co-operation with others—

(a) Construct, maintain and operate 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 may acquire such tracks by purchase, lease or otherwise;

(b) Enter into an agreement with any Railway Company for the operation by any motive power by such Company, of the tracks of the Corporation, so as at all times to afford all other Railway Companies, whose lines reach the harbour, the same facilities for traffic as those enjoyed by such Company;

(c) Make arrangements with Railway Companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between Companies' railways and those of the Corporation for the maintenance, management, control and working of the tracks of the Corporation by the parties to such agreement severally, or any of them jointly; and for the use by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in the harbour.

EXPROPRIATION OF LANDS.

Expropriation of lands.

13. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act, should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of *The Railway Act, 1919*, relating to the taking of land by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

CONDITIONAL POWERS.

Conditional powers.

14. Any elevator, wharf, pier or other building or structure; or any machinery and equipment of His Majesty in the right of the Government of Canada within the limits of the harbour under the control of the Corporation, and any foreshore, water lot, or other real property, may be transferred by the Governor in Council to the jurisdiction of the Corporation, at their request and under such terms and conditions as may be mutually agreed upon, to be

subject to the control of and administration by the Corporation upon and from such date as may be fixed by the Governor in Council, and any moneys derived therefrom shall be paid to and become a part of the revenue of the Corporation upon and from the date so fixed.

BY-LAWS.

By-laws.

15. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:—

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;

(c) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(d) The compensation or salaries to be paid the officers, assistants, engineers, clerks and servants appointed by the Corporation;

(e) The regulation of the construction and maintenance of wharves, piers, buildings or any other structures within the harbour limits, and anything incidental thereto;

(f) The imposition and collection of rates and tolls on vessels entering, using or leaving the harbour and their cargoes; and on goods or cargo of any kind landed, shipped or stored in the harbour; and for the use of any buildings, plant or facilities of the Corporation.

(g) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and control of the harbour and harbour services under its jurisdiction.

(h) Prescribing 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 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.

Coming into force.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and, upon such confirmation and publication, any by-law made in accordance with this Act shall have the same force and effect as if enacted in this Act.

COLLECTION OF RATES.

Collection and commuting of rates.

16. (1) The Corporation may levy such rates as are fixed by by-law, and may by by-law commute any rates authorized by this Act to be levied, on such terms and conditions and for such sums of money as the Corporation deems expedient.

Payment of rates, as to sea-going vessels.

(2) The rates on goods landed or shipped from sea-going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid.

Other vessels.

(3) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it sees fit to do so.

Collection through collector of customs.

17. (1) The Corporation may, if deemed expedient, require the collector of customs at Halifax to receive on its behalf any rates authorized by this Act to be levied on a vessel at such time as the master, owner or person in charge of such vessel may make application to him for clearance, and no clearance shall be granted to any vessel liable for the payment of such rate under any by-law of the Corporation until payment is made to the Collector or until the party applying for the clearance exhibits to him a receipt or produces evidence to his satisfaction that such rate has been paid.

Payments and returns by collector.

(2) All collections so made for the account of the Corporation shall be paid over to them at their office on or about the first day of each month, with a statement showing the amounts paid and from whom and on account of what vessel they were received.

BORROWING POWERS.

Borrowing powers.

18. To enable it to construct, acquire, repair or improve wharves and other works and structures in the harbour, the Corporation may, after the approval by the Governor in Council, on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work proposed, and the amount proposed to be borrowed; borrow

money at such rates of interest, as it finds expedient, and may for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable.

Debentures.

In payment of money borrowed.

19. (1) The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by or under this Act for and on account of the harbour or out of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

(a) The payment of all necessary expenses incurred in the collection of the said revenue, and in the management and operation of the harbour services, and in the maintenance and ordinary repair of its works and facilities,—the expenditure of all revenue to be subject to the supervision and control of the Minister;

(b) The payment of interest on any debentures issued under the authority of this Act.

Sinking fund.

(2) After the payment of the charges above provided for, the surplus revenue shall be applied to the establishment of a sinking fund for the repayment of the principal of any debentures issued under the authority of this Act, in such a manner as the Minister may direct.

Estimate of contemplated expenditure to be submitted.

20. If and when the gross revenue of the Corporation reaches a total sum of $50,000 per annum, the Corporation shall, when so requested by the Minister, prepare and submit, at or before the beginning of each current year, an estimate of its total contemplated expenditure for that year on each of the different services of the harbour, for expenditures to be made from revenue; and a similar estimate for expenditures to be made from loans authorized or other sources of capital funds—which estimates shall be subject to the approval of the Minister, who may require the Corporation to reduce any item of the estimates should the same in his opinion be desirable; and the Corporation shall confine its expenditures during that year to a total within the estimates so approved.

Separate detailed accounts.

21. *(a)* The Corporation shall keep separate detailed accounts of its receipts and disbursements on capital account of all moneys, including moneys borrowed

or otherwise acquired under the authority of any Act or legislation; and likewise of all moneys received and disbursed by it from revenue derived from the operation of the harbour, its services and facilities; and all such accounts, vouchers and other documents required in connection therewith shall be produced for audit by an officer of the Department of Marine and Fisheries when desired by such officer, and the Corporation shall place at the disposal of such officer the necessary facilities and clerical assistance, if required, for the purpose of making such audit, and said officer shall be given such assistance as he may require from time to time to enable him to make inspection of any of the works of the Corporation upon which expenditure may be made, either from capital or revenue account.

Establishment list to be filed with the Department.

(b) The Corporation shall file with the Department on or before the first of each year after coming into force of this Act, a complete establishment list of all persons in their employ, in such form as the Minister may direct, giving the total personnel of all permanent employees, with the salaries paid, their nationality, length of service and such other particulars as the Minister may direct, and shall promptly advise any succeeding changes in or additions to their establishment which may from time to time occur, in the same form.

ENFORCEMENT AND COLLECTION OF PENALTIES.

Seizure and detention of vessels.

22. (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of Nova Scotia:—

(a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;

(b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has rendered himself liable to a penalty;

(c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under order of their superior officers, to any property of the Corporation;

(d) Whenever any obstruction whatever has been offered or made to the operations of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under order of their superior officer.

Effects of seizure.

(2) In a case coming within paragraphs *(a)* or *(d)* sub-section one of this section, the vessel may be seized and detained until the injury so done has been repaired by the

master or crew or by the other persons interested, and until all damages thereby directly or indirectly caused to the Corporation (including the expense of following, searching for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

Special privilege for rates and penalties.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the Canada Shipping Act) for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon the judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

In whose hands seizure may be made.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates or commutation thereof or penalties accrued, or in the charge or possession or the property of any third person.

Prescription.

(6) The rights conferred by this section shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became exigible.

Seizure and detention of goods.

23. The Corporation may seize and detain any goods in case,—

(a) any sum is due for rates in respect of such goods, and is unpaid; or

(b) any provision of this Act or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

Seizure and detention to be at owner's charge.

24. (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the infringement of any provisions of this

Act or any by-law in force under this Act, have been paid in full.

May be made with or without action.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever.

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 Nova Scotia;

(d) The said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order.

Service of process.

25. (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew.

Vessels of H.M. 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.

Penalties to be paid over.

26. (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the Court or magistrate before whom the penalty has been recovered.

Application of receipts.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue.

Administration of oaths.

27. Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths.

Powers of Corporation not to be restricted by provincial statutes.

28. Notwithstanding anything contained in any Act of the late province of Nova Scotia or of the new province of Nova Scotia, with respect to the city of Halifax, no by-law of the Corporation of such city shall restrict or affect in any manner the exercise of the powers conferred upon the Corporation of Harbour Commissioners under this Act.

Penalties, etc. to be recovered in summary manner.

29. (1) All money due and 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*.

Prescription.

(2) In the case of any violation of this Act or of any by-law in force under this Act, however, no complaint or information shall be made or laid under Part XV of the *Criminal Code* after two years from the time when the matter of complaint or information arose.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA

BILL 225.

An Act respecting the Halifax Harbour Commissioners.

AS PASSED BY THE HOUSE OF COMMONS, 5th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38231 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 225.

An Act respecting the Halifax Harbour Commissioners.

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

1. This Act may be cited as *The Halifax Harbour Commissioners' Act, 1927.*

2. Chapter forty-two of the statutes of 1872, chapter twelve of the statutes of 1873, chapter forty-nine of the statutes of 1882, chapter seventy-eight of the statutes of 1885 and chapter twenty-three of the statutes of 1919 are hereby repealed.

3. The Commissioners appointed in accordance with this Act are hereby incorporated under the name of the "Halifax Harbour Commissioners", hereinafter called "the Corporation".

INTERPRETATION.

Interpretation.

4. In this Act and in any by-law or regulation made hereunder, unless the context otherwise requires—

"Commissioner."
(a) "commissioner" means a member of the Corporation.

"Corporation."
(b) "corporation" means the Halifax Harbour Commissioners.

"By-law."
(c) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act, when duly confirmed as required by section fifteen.

"Vessel."
(d) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft.

"Raft."
(e) "raft" includes any raft, crib, dram or bag-boom of logs, timber or lumber of any kind; and logs, timber or lumber in boom or being towed.

"Goods."
(f) "goods" includes all personal property and movables other than vessels.

"Minister." *(g)* "minister" means the Minister of Marine and Fisheries.

"Rates." *(h)* "rates" means any rate or toll leviable under or imposed by authority of this Act.

"Harbour." *(i)* "harbour" means the harbour of Halifax as defined by this Act.

CONSTITUTION OF THE CORPORATION.

Commissioners. **5.** *(a)* The Corporation shall consist of three commissioners to be appointed by the Governor in Council on the recommendation of the Minister. They shall hold office during pleasure.

Quorum. *(b)* Two Commissioners shall constitute a quorum. If a quorum be present and act, vacancies in the Corporation shall not prevent or impair the effect of such action. It shall not be necessary for more than two Commissioners to sign any debenture, bond or other security that may be issued by the Corporation.

President. *(c)* The Governor in Council may from time to time appoint one of the Commissioners to be President of the Corporation.

Payment of Commissioners. *(d)* The President and the other Commissioners may be paid out of the revenue of the harbour such remuneration for their services as the Governor in Council determines.

Resignations. *(e)* A Commissioner may resign his office by notice in writing to the Minister.

Oath of office. *(f)* Before any Commissioner enters upon the execution of his duties, he shall take and subscribe the following oath:—

I, ... make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a Commissioner (or as President) of the Corporation of the Commissioners of the Harbour of Halifax.

The said oath shall be filed on record in the office of the Corporation and a copy shall be forwarded to the Minister.

Evidence of presidency. *(g)* A certificate under the seal of the Corporation that the person named therein is President or presiding officer thereof, as the case may be, shall be conclusive evidence of such fact.

Harbour limits defined. **6.** For the purposes of this Act, the harbour shall include all the waters lying Northwest of a line running North 56° East and distant 3,500 feet Southeasterly from Pleasant Point, and including the waters of Bedford Basin and the Northwest Arm, together with all lands and land under water, the title to which at the time of the passing of this Act is vested in His Majesty in the right of his Dominion

of Canada, and which is not under the jurisdiction of any Department of Government.

OFFICERS AND EMPLOYEES.

Officers, etc.

7. 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

Salaries.

may, by by-law, allow them such compensation or salaries as it considers proper; and may require them to furnish

Security.

such security for the due and faithful performance of their respective duties as it thinks necessary.

GENERAL POWERS.

Jurisdiction.

8. The Corporation shall, for the purpose of and as provided for 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 property belonging to the harbour; but nothing herein shall be deemed to give the Corporation jurisdiction or control respecting private properties or rights within the said limits or the right to enter upon or deal with any property of the Crown except when by Order in Council authorized so to do.

Power to establish a certain limit in the waters of the harbour.

9. The Corporation may, with the approval of the Governor in Council, establish a limit in the waters of the harbour beyond which construction from the shore may not be produced and shall designate such limit as the harbour headline for any section or the whole of the harbour.

Powers as to property required for harbour.

10. The Corporation may, with the approval of the Governor in Council, acquire by expropriation, lease, purchase or otherwise, and may, likewise, sell or lease, such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, hold, possess and build such movable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, etc.

11. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances,

apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

Powers.

12. The Corporation may, either by itself or in co-operation with others—

(a) Construct, maintain and operate 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 may acquire such tracks by purchase, lease or otherwise;

(b) Enter into an agreement with any Railway Company for the operation by any motive power by such Company, of the tracks of the Corporation, so as at all times to afford all other Railway Companies, whose lines reach the harbour, the same facilities for traffic as those enjoyed by such Company;

(c) Make arrangements with Railway Companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between Companies' railways and those of the Corporation for the maintenance, management, control and working of the tracks of the Corporation by the parties to such agreement severally, or any of them jointly; and for the use by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in the harbour.

EXPROPRIATION OF LANDS.

Expropriation of lands.

13. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act, should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of *The Railway Act, 1919,* relating to the taking of land by railway companies shall, *mutatis mutandis,* be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

CONDITIONAL POWERS.

Conditional powers.

14. Any elevator, wharf, pier or other building or structure; or any machinery and equipment of His Majesty in the right of the Government of Canada within the limits of the harbour under the control of the Corporation, and any foreshore, water lot, or other real property, may be transferred by the Governor in Council to the jurisdiction of the Corporation, at their request and under such terms and conditions as may be mutually agreed upon, to be

subject to the control of and administration by the Corporation upon and from such date as may be fixed by the Governor in Council, and any moneys derived therefrom shall be paid to and become a part of the revenue of the Corporation upon and from the date so fixed.

BY-LAWS.

By-laws.

15. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:—

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;

(c) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(d) The compensation or salaries to be paid the officers, assistants, engineers, clerks and servants appointed by the Corporation;

(e) The regulation of the construction and maintenance of wharves, piers, buildings or any other structures within the harbour limits, and anything incidental thereto;

(f) The imposition and collection of rates and tolls on vessels entering, using or leaving the harbour and their cargoes; and on goods or cargo of any kind landed, shipped or stored in the harbour; and for the use of any buildings, plant or facilities of the Corporation.

(g) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and control of the harbour and harbour services under its jurisdiction.

(h) Prescribing 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 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.

Coming into force.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and, upon such confirmation and publication, any by-law made in accordance with this Act shall have the same force and effect as if enacted in this Act.

COLLECTION OF RATES.

Collection and commuting of rates.

16. (1) The Corporation may levy such rates as are fixed by by-law, and may by by-law commute any rates authorized by this Act to be levied, on such terms and conditions and for such sums of money as the Corporation deems expedient.

Payment of rates, as to sea-going vessels.

(2) The rates on goods landed or shipped from sea-going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid.

Other vessels.

(3) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it sees fit to do so.

Collection through collector of customs.

17. (1) The Corporation may, if deemed expedient, require the collector of customs at Halifax to receive on its behalf any rates authorized by this Act to be levied on a vessel at such time as the master, owner or person in charge of such vessel may make application to him for clearance, and no clearance shall be granted to any vessel liable for the payment of such rate under any by-law of the Corporation until payment is made to the Collector or until the party applying for the clearance exhibits to him a receipt or produces evidence to his satisfaction that such rate has been paid.

Payments and returns by collector.

(2) All collections so made for the account of the Corporation shall be paid over to them at their office on or about the first day of each month, with a statement showing the amounts paid and from whom and on account of what vessel they were received.

BORROWING POWERS.

Borrowing powers.

18. To enable it to construct, acquire, repair or improve wharves and other works and structures in the harbour, the Corporation may, after the approval by the Governor in Council, on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work proposed, and the amount proposed to be borrowed; borrow

money at such rates of interest, as it finds expedient, and may for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable.

Debentures.

In payment of money borrowed.

19. (1) The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by or under this Act for and on account of the harbour or out of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

(a) The payment of all necessary expenses incurred in the collection of the said revenue, and in the management and operation of the harbour services, and in the maintenance and ordinary repair of its works and facilities,—the expenditure of all revenue to be subject to the supervision and control of the Minister;

(b) The payment of interest on any debentures issued under the authority of this Act.

Sinking fund.

(2) After the payment of the charges above provided for, the surplus revenue shall be applied to the establishment of a sinking fund for the repayment of the principal of any debentures issued under the authority of this Act, in such a manner as the Minister may direct.

Estimate of contemplated expenditure to be submitted.

20. If and when the gross revenue of the Corporation reaches a total sum of $50,000 per annum, the Corporation shall, when so requested by the Minister, prepare and submit, at or before the beginning of each current year, an estimate of its total contemplated expenditure for that year on each of the different services of the harbour, for expenditures to be made from revenue; and a similar estimate for expenditures to be made from loans authorized or other sources of capital funds—which estimates shall be subject to the approval of the Minister, who may require the Corporation to reduce any item of the estimates should the same in his opinion be desirable; and the Corporation shall confine its expenditures during that year to a total within the estimates so approved.

Separate detailed accounts.

21. *(a)* The Corporation shall keep separate detailed accounts of its receipts and disbursements on capital account of all moneys, including moneys borrowed

or otherwise acquired under the authority of any Act or legislation; and likewise of all moneys received and disbursed by it from revenue derived from the operation of the harbour, its services and facilities; and all such accounts, vouchers and other documents required in connection therewith shall be produced for audit by an officer of the Department of Marine and Fisheries when desired by such officer, and the Corporation shall place at the disposal of such officer the necessary facilities and clerical assistance, if required, for the purpose of making such audit, and said officer shall be given such assistance as he may require from time to time to enable him to make inspection of any of the works of the Corporation upon which expenditure may be made, either from capital or revenue account.

Establishment list to be filed with the Department.

(b) The Corporation shall file with the Department on or before the first of each year after coming into force of this Act, a complete establishment list of all persons in their employ, in such form as the Minister may direct, giving the total personnel of all permanent employees, with the salaries paid, their nationality, length of service and such other particulars as the Minister may direct, and shall promptly advise any succeeding changes in or additions to their establishment which may from time to time occur, in the same form.

ENFORCEMENT AND COLLECTION OF PENALTIES.

Seizure and detention of vessels.

22. (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of Nova Scotia:—

(a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;

(b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has rendered himself liable to a penalty;

(c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under order of their superior officers, to any property of the Corporation;

(d) Whenever any obstruction whatever has been offered or made to the operations of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under order of their superior officer.

Effects of seizure.

(2) In a case coming within paragraphs *(a)* or *(d)* sub-section one of this section, the vessel may be seized and detained until the injury so done has been repaired by the

master or crew or by the other persons interested, and until all damages thereby directly or indirectly caused to the Corporation (including the expense of following, searching for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damages, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

Special privilege for rates and penalties.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the Canada Shipping Act) for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon the judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

In whose hands seizure may be made.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates or commutation thereof or penalties accrued, or in the charge or possession or the property of any third person.

Prescription.

(6) The rights conferred by this section shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became exigible.

Seizure and detention of goods.

23. The Corporation may seize and detain any goods in case,—

(a) any sum is due for rates in respect of such goods, and is unpaid; or

(b) any provision of this Act or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

Seizure and detention to be at owner's charge.

24. (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the infringement of any provisions of this

Act or any by-law in force under this Act, have been paid in full.

May be made with or without action.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever.

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 Nova Scotia;

(d) The said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order.

Service of process.

25. (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew.

Vessels of H.M. 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.

Penalties to be paid over.

26. (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the Court or magistrate before whom the penalty has been recovered.

Application of receipts.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue.

Administration of oaths.

27. Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths.

Powers of Corporation not to be restricted by provincial statutes.

28. Notwithstanding anything contained in any Act of the late province of Nova Scotia or of the new province of Nova Scotia, with respect to the city of Halifax, no by-law of the Corporation of such city shall restrict or affect in any manner the exercise of the powers conferred upon the Corporation of Harbour Commissioners under this Act.

Penalties, etc. to be recovered in summary manner.

29. (1) All money due and 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*.

Prescription.

(2) In the case of any violation of this Act or of any by-law in force under this Act, however, no complaint or information shall be made or laid under Part XV of the *Criminal Code* after two years from the time when the matter of complaint or information arose.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 226.

An Act relating to the Harbour of Saint John in the Province of New Brunswick.

First reading, March 25, 1927.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38162 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 226.

An Act relating to the Harbour of Saint John in the Province of New Brunswick.

Preamble. 1882, c. 51, N. Brunswick 1875, c. 95.

WHEREAS under the charter of the city of Saint John, in the province of New Brunswick, granted by His late Majesty, King George the Third, in the year one thousand seven hundred and eighty-five, certain rights and powers in and over the harbour of Saint John, within the limits of the said city were vested in the Corporation of the mayor, aldermen and commonalty of the city of Saint John (hereinafter called "the City") and in the said mayor; and whereas the City is also the owner of certain water-lots and wharf properties; and whereas the City has agreed to make a transfer of the said rights, powers, titles and interests aforesaid to His Majesty under the conditions hereinafter set out; and whereas it is expedient to constitute the Corporation of the commissioners for the port and harbour of Saint John for the management and improvement of the said harbour, and that the said harbour and any rights or powers over the same now vested in the City or in the said mayor should, upon the transfer of the same by the City, be vested in and exercisable by the commissioners constituted under this Act: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Saint John Harbour Commissioners Act, 1927.*

Statutes repealed.

2. Chapter fifty-one of the statutes of 1882 and chapter seventy of the statutes of 1919 are hereby repealed.

Incorporation.

Name.

3. The Commissioners appointed in accordance with this Act are hereby incorporated under the name of the "Saint John Harbour Commissioners," hereinafter called the Corporation.

INTERPRETATION.

Interpretation

4. In this Act and in any by-law or regulation made hereunder, unless the context otherwise requires—

"Commissioner."
(a) "commissioner" means a member of the Corporation.

"Corporation."
(b) "corporation" means the Saint John Harbour Commissioners.

"By-law."
(c) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act, when duly confirmed as required by section eighteen.

"Vessel."
(d) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft.

"Raft."
(e) "raft" includes any raft, crib, dram or bag-boom of logs, timber or lumber of any kind; and logs, timber or lumber in boom or being towed.

"Goods."
(f) "goods" includes all personal property and movables other than vessels.

"Minister."
(g) "minister" means the Minister of Marine and Fisheries.

"Rates."
(h) "rates" means any rate or toll leviable under or imposed by authority of this Act.

"Harbour."
(i) "harbour" means the harbour of Saint John as defined by this Act.

"City."
(j) "city" means the corporation of the mayor, aldermen and commonalty of the city of Saint John in the province of New Brunswick.

CONSTITUTION OF THE CORPORATION.

Commissioners.
5. *(a)* The Corporation shall consist of three commissioners to be appointed by the Governor in Council on the recommendation of the Minister. They shall hold office during pleasure.

Quorum.
(b) Two Commissioners shall constitute a quorum. If a quorum be present and act, vacancies in the Corporation shall not prevent or impair the effect of such action. It shall not be necessary for more than two Commissioners to sign any debenture, bond or other security that may be issued by the Corporation.

President.
(c) The Governor in Council may from time to time appoint one of the Commissioners to be President of the Corporation.

Payment of commissioner.
(d) The President and the other Commissioners may be paid out of the revenue of the harbour such remuneration for their services as the Governor in Council determines.

Resignations.
(e) A Commissioner may resign his office by notice in writing to the Minister.

Oath of office.
(f) Before any Commissioner enters upon the execution of his duties, he shall take and subscribe the following oath:—

I, ... make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a Commissioner (or as President) of the Corporation of the Commissioners of the Harbour of Saint John.

The said oath shall be filed on record in the office of the Corporation and a copy shall be forwarded to the Minister.

Evidence of presidency.

(g) A certificate under the seal of the Corporation that the person named therein is President or presiding officer thereof, as the case may be, shall be conclusive evidence of such fact.

Limits of Harbour.

6. The boundaries of the harbour of Saint John, for the purposes of this Act, shall be as follows:—

The northerly limit of said harbour shall be a line drawn due northeast (astronomically) from the middle of the Dominion Government lighthouse tower erected in 1896 on the westerly bank of Saint John river, at Green Head, to the easterly bank of said river.

The southerly and westerly limits of said harbour shall be as follows:—Beginning at the intersection with high water mark of the westerly face of the Government breakwater at Negro Point; thence due south (astronomically) four thousand four hundred and fifty (4,450 ft.) feet, more or less, to an intersection with a line drawn due southwest (astronomically) from the middle of the Dominion Government Lighthouse Tower erected on Partridge island; thence due east (astronomically) six thousand (6,000 ft.) feet more or less, to an intersection with a line drawn due southwest (astronomically) from a point where the easterly boundary of the Military Grounds at Red Head cuts high water mark; thence due northeast (astronomically) nine thousand (9,000 ft.) feet more or less, to high water mark.

OFFICERS AND EMPLOYEES.

Officers, etc.

7. 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,

Salaries.

by by-law, allow them such compensation or salaries as it considers proper; and may require them to furnish such

Security.

security for the due and faithful performance of their respective duties as it thinks necessary.

GENERAL POWERS.

Jurisdiction.

8. The Corporation shall, for the purpose of and as provided for in this Act, have jurisdiction within the limits of the said harbour; and shall, likewise, have the admin-

istration and control of the harbour and of all property belonging to the harbour; but nothing herein shall be deemed to give the Corporation jurisdiction or control respecting private properties or rights within the said limits or the right to enter upon or deal with any property of the Crown except when by Order in Council authorized so to do.

Power to establish a certain limit in the waters of the harbour.

9. The Corporation may, with the approval of the Governor in Council, establish a limit in the waters of the harbour beyond which construction from the shore may not be produced and shall designate such limit as the harbour headline for any section or the whole of the harbour.

Powers as to property required for harbours.

10. The Corporation may, with the approval of the Governor in Council, acquire by expropriation, lease, purchase or otherwise, and may, likewise, sell or lease, such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, hold, possess and build such movable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, etc.

11. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

Powers.

12. The Corporation may, either by itself or in co-operation with others—

(a) Construct, maintain and operate 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 may acquire such tracks by purchase, lease or otherwise;

(b) Enter into an agreement with any Railway Company for the operation by any motive power by such Company, of the tracks of the Corporation, so as at all times to afford all other Railway Companies, whose lines reach the harbour, the same facilities for traffic as those enjoyed by such Company;

(c) Make arrangements with Railway Companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between Companies'

railways and those of the Corporation for the maintenance, management, control and working of the tracks of the Corporation by the parties to such agreement severally, or any of them jointly; and for the use by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in the harbour.

EXPROPRIATION OF LANDS.

Expropriation of lands.

13. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act; should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of *The Railway Act, 1919*, relating to the taking of land by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

CONDITIONAL POWERS.

Conditional powers.

14. Any elevator, wharf, pier or other building or structure; or any machinery and equipment of His Majesty in the right of the Government of Canada within the limits of the harbour under the control of the Corporation, and any foreshore, water lot, or other real property, may be transferred by the Governor in Council to the jurisdiction of the Corporation, at their request and under such terms and conditions as may be mutually agreed upon, to be subject to the control of and administration by the Corporation upon and from such date as may be fixed by the Governor in Council, and any moneys derived therefrom shall be paid to and become a part of the revenue of the Corporation upon and from the date so fixed.

Consideration for the transfer of harbour.

15. The consideration for the transfer of the harbour property and privileges to His Majesty shall be two million, one hundred and thirty-five thousand, one hundred and eighteen dollars, payable as follows:—

The present bonded indebtedness of the city in connection with harbour development, shall be assumed and taken over by the Corporation, and the Corporation shall pay the interest on the said bonds and the principal of the same as they mature; and for any balance of the total consideration above named over the amount of the city's bonded indebtedness so assumed, the Corporation shall issue to the city its debentures payable at the end of twenty-five years from the day of issue and bearing interest at the rate

of five per centum per annum, payable half yearly, which debentures the Corporation are hereby authorized to issue, in such form and for such amounts as the Minister of Finance of Canada may approve, and if any of the bonds or debentures assumed or issued by the Corporation, and the interest thereon, are not paid by the Corporation at maturity or when due, such bonds or debentures and interest shall be paid by His Majesty, in such manner as the Governor in Council, on the advice of the Minister of Finance, may determine; and the assumption of the said bonded indebtedness by the Corporation and the issue of the said debentures by the Corporation to the city shall be deemed to be payment in full for the harbour, harbour property, rights, rents and privileges to be conveyed to His Majesty by the city.

Transfer.

16. In consideration of the above, the city is to transfer to His Majesty all its right, title and interest in all land and land covered by water, as shown on a certain plan and in accordance with the description thereto attached, both the plan and the description being signed by the mayor of the said city and the Deputy Minister of the Department of Marine and Fisheries, dated March 10, A.D. 1927,—one copy of which is deposited in the office of the Registrar General of Canada and the other delivered to the said city; also including the rights and interests of the said city under a certain tri-partite indenture dated 12th September, 1911, made between His Majesty the King the said city and the Canadian Pacific Railway Company, for the width shown.

Fisheries lots to remain under control of city until required.

17. The fisheries lots now the property of the city are to remain under the control of the city authorities until such time as said lots or any part thereof may be required for public purposes, and possession of the whole or any part thereof shall be yielded up to the use and control of the Corporation after six months on the serving of notice to that effect in writing by the corporation of the city. Likewise there is to be reserved to the city the right to use, for ferry purposes, the following property:—

Certain rights reserved to the city.

On the west side of the harbour—a right-of-way for traffic purposes from Union street to the Toll House, about 50′ wide by 1,150 long covering the sidewalk, paved roadway and street railway trestle. Also the toll house, tool shed, floats, ferry slip and cribwork backing to wings of ferry slip. All as shown on the plan dated January 1916, and signed by the City Engineer, attached to the plan referred to in Section 16 of this Act;

Also, on the east side of the harbour, an approach from Saint John (Water street), and the ferry building, floats, ferry slip, cribwork backing to wing of ferry slip, and property acquired for building the cribwork support for

the North wing;—as shown on similar plan also attached to the plan referred to in section 16 of this Act; so long as the city shall operate and maintain in connection therewith, a ferry across the harbour, using as its terminii the property mentioned, or until the Canadian National Railways or any Government authority shall construct a bridge across, or tunnel under any part of the harbour not farther north or west than Hilyard's reef and Navy island,—or at such other point as may be agreed to by the city,—by which provision shall be made for a street railway service and free accommodation for foot passenger and other vehicular service; then and in such case, the city shall convey to the Crown the said lands and rights above reserved. In the meantime, the city shall be responsible for the maintenance of the property, so reserved, in its present condition at its own expense.

BY-LAWS.

By-laws.

18. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:—

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;

(c) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(d) The compensation or salaries to be paid the officers, assistants, engineers, clerks and servants appointed by the Corporation;

(e) The regulation of the construction and maintenance of wharves, piers, buildings or any other structures within the harbour limits, and anything incidental thereto;

(f) The imposition and collection of rates and tolls on vessels entering, using or leaving the harbour and their cargoes; and on goods or cargo of any kind landed, shipped or stored in the harbour; and for the use of any buildings, plant or facilities of the Corporation.

(g) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and control of the harbour and harbour services under its jurisdiction.

(h) Prescribing 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 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.

Coming into force.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and, upon such confirmation and publication, any by-law made in accordance with this Act shall have the same force and effect as if enacted in this Act.

COLLECTION OF RATES.

Collection and commuting of rates.

19. (1) The Corporation may levy such rates as are fixed by by-law, and may by by-law commute any rates authorized by this Act to be levied, on such terms and conditions and for such sums of money as the Corporation deems expedient.

Payment of rates as to sea-going vessels.

(2) The rates on goods landed or shipped from sea-going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid.

Other vessels.

(3) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it sees fit to do so.

Collection through collector of customs.

20. (1) The Corporation may, if deemed expedient, require the collector of customs at Saint John to receive on its behalf any rates authorized by this Act to be levied on a vessel at such time as the master, owner or person in charge of such vessel may make application to him for clearance, and no clearance shall be granted to any vessel liable for the payment of such rate under any by-law of the Corporation until payment is made to the Collector or until the party applying for the clearance exhibits to him a receipt or produces evidence to his satisfaction that such rate has been paid.

Payments and returns by collector.

(2) All collections so made for the account of the Corporation shall be paid over to them at their office on or about the first day of each month, with a statement showing the amounts paid and from whom and on account of what vessel they were received.

BORROWING POWERS.

Borrowing powers.

21. To enable it to construct, acquire, repair or improve wharves and other works and structures in the harbour, the Corporation may, after the approval by the Governor in Council, on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work proposed, and the amount proposed to be borrowed; borrow money at such rates of interest, as it finds expedient, and may for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable.

Debentures.

In payment of money borrowed.

22. (1) The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by or under this Act for and on account of the harbour or out of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

(a) The payment of all necessary expenses incurred in the collection of the said revenue, and in the management and operation of the harbour services, and in the maintenance and ordinary repair of its works and facilities,—the expenditure of all revenue to be subject to the supervision and control of the Minister;

(b) The payment of interest on any debentures issued under the authority of this Act.

Sinking fund.

(2) After the payment of the charges above provided for, the surplus revenue shall be applied to the establishment of a sinking fund for the repayment of the principal of any debentures issued under the authority of this Act, in such a manner as the Minister may direct.

Estimate of contemplated expenditure to be submitted.

23. If and when the gross revenue of the Corporation reaches a total sum of $50,000 per annum, the Corporation shall, when so requested by the Minister, prepare and submit, at or before the beginning of each current year, an estimate of its total contemplated expenditure for that year on each of the different services of the harbour, for expenditures to be made from revenue; and a similar estimate for expenditures to be made from loans authorized or other sources of capital funds—which estimates shall be subject to the approval of the Minister, who may require

the Corporation to reduce any item of the estimates should the same in his opinion be desirable; and the Corporation shall confine its expenditures during that year to a total within the estimates so approved.

Separate detailed accounts.

24. *(a)* The Corporation shall keep separate detailed accounts of its receipts and disbursements on capital account of all moneys, including moneys borrowed or otherwise acquired under the authority of any Act or legislation; and likewise of all moneys received and disbursed by it from revenue derived from the operation of the harbour, its services and facilities; and all such accounts, vouchers and other documents required in connection therewith shall be produced for audit by an officer of the Department of Marine and Fisheries when desired by such officer, and the Corporation shall place at the disposal of such officer the necessary facilities and clerical assistance, if required, for the purpose of making such audit, and said officer shall be given such assistance as he may require from time to time to enable him to make inspection of any of the works of the Corporation upon which expenditure may be made, either from capital or revenue account.

Establishment list to be filed with the Department.

(b) The Corporation shall file with the Department on or before the first day of each year after coming into force of this Act, a complete establishment list of all persons in their employ, in such form as the Minister may direct, giving the total personnel of all permanent employees, with the salaries paid, their nationality, length of service and such other particulars as the Minister may direct, and shall promptly advise any succeeding changes in or additions to their establishment which may from time to time occur, in the same form.

ENFORCEMENT AND COLLECTION OF PENALTIES.

Seizure and detention of vessels.

25. (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of New Brunswick:—

(a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;

(b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has thereby rendered himself liable to a penalty;

(c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under order of their superior officers, to any property of the Corporation;

(d) Whenever any obstruction whatever has been offered or made to the operation of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under order of their superior officer.

Effects of seizure.

(2) In a case coming within paragraphs *(c)* or *(d)* subsection one of this section, the vessel may be seized and detained until the injury so done has been repaired by the master or crew or by the other persons interested, and until all damages thereby directly or indirectly caused to the Corporation (including the expense of following, searching for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damage, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

Special privilege for rates and penalties.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the *Canada Shipping Act)* for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon any judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

In whose hands seizure may be made.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates or commutation thereof or penalties accrued, or in the charge or possession or the property of any third person.

Prescription.

(6) The rights conferred by this section shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became exigible.

Seizure and detention of goods.

26. The Corporation may seize and detain any goods in case,—

(a) any sum is due for rates in respect of such goods, and is unpaid; or

(b) any provision of this Act or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

Seizure and detention to be at owners's charge.

27. (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the infringeemnt of any provisions of this Act or any by-law in force under this Act, have been paid in full.

May be made with or without action.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever.

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 ciustoms at any port in the province of New Brunswick;

(d) the said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order.

Service of process.

28. (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of the 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.

Penalties to be paid over.

29. (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the Court or magistrate before whom the penalty has been recovered.

Application of receipts.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue.

Administration of oaths.

30. Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of

the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths.

Powers of corporation not to be restricted by certain by-laws.

31. Notwithstanding anything contained in any Act of the late province of New Brunswick or of the now province of New Brunswick, with respect to the city of Saint John, no by-law of the Corporation of such city shall restrict or affect in any manner the exercise of the powers conferred upon the Corporation of Harbour Commissioners under this Act.

Money, etc., to be recovered in summary manner.

32. (1) All money due and 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*.

Prescription.

(2) In the case of any violation of this Act or of any by-law in force under this Act, however, no complaint or information shall be made or laid under Part XV of the *Criminal Code* after two years from the time when the matter of complaint or information arose.

226.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 226.

An Act relating to the Harbour of Saint John in the Province of New Brunswick.

AS PASSED BY THE HOUSE OF COMMONS, 5th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38227 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 226.

An Act relating to the Harbour of Saint John in the Province of New Brunswick.

Preamble. 1882, c. 51, N. Brunswick 1875, c. 95.

WHEREAS under the charter of the city of Saint John, in the province of New Brunswick, granted by His late Majesty, King George the Third, in the year one thousand seven hundred and eighty-five, certain rights and powers in and over the harbour of Saint John, within the limits of the said city were vested in the Corporation of the mayor, aldermen and commonalty of the city of Saint John (hereinafter called "the City") and in the said mayor; and whereas the City is also the owner of certain water-lots and wharf properties; and whereas the City has agreed to make a transfer of the said rights, powers, titles and interests aforesaid to His Majesty under the conditions hereinafter set out; and whereas it is expedient to constitute the Corporation of the commissioners for the port and harbour of Saint John for the management and improvement of the said harbour, and that the said harbour and any rights or powers over the same now vested in the City or in the said mayor should, upon the transfer of the same by the City, be vested in and exercisable by the commissioners constituted under this Act: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The Saint John Harbour Commissioners Act, 1927.*

Statutes repealed.

2. Chapter fifty-one of the statutes of 1882 and chapter seventy of the statutes of 1919 are hereby repealed.

Incorporation.

Name.

3. The Commissioners appointed in accordance with this Act are hereby incorporated under the name of the "Saint John Harbour Commissioners," hereinafter called the Corporation.

INTERPRETATION.

Interpretation

4. In this Act and in any by-law or regulation made hereunder, unless the context otherwise requires—

"Commissioner."
(a) "commissioner" means a member of the Corporation.

"Corporation."
(b) "corporation" means the Saint John Harbour Commissioners.

"By-law."
(c) "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act, when duly confirmed as required by section eighteen.

"Vessel."
(d) "vessel" includes every kind of ship, boat, barge, raft, dredge, elevator, scow or other floating craft.

"Raft."
(e) "raft" includes any raft, crib, dram or bag-boom of logs, timber or lumber of any kind; and logs, timber or lumber in boom or being towed.

"Goods."
(f) "goods" includes all personal property and movables other than vessels.

"Minister."
(g) "minister" means the Minister of Marine and Fisheries.

"Rates."
(h) "rates" means any rate or toll leviable under or imposed by authority of this Act.

"Harbour."
(i) "harbour" means the harbour of Saint John as defined by this Act.

"City."
(j) "city" means the corporation of the mayor, aldermen and commonalty of the city of Saint John in the province of New Brunswick.

CONSTITUTION OF THE CORPORATION.

Commissioners.
5. *(a)* The Corporation shall consist of three commissioners to be appointed by the Governor in Council on the recommendation of the Minister. They shall hold office during pleasure.

Quorum.
(b) Two Commissioners shall constitute a quorum. If a quorum be present and act, vacancies in the Corporation shall not prevent or impair the effect of such action. It shall not be necessary for more than two Commissioners to sign any debenture, bond or other security that may be issued by the Corporation.

President.
(c) The Governor in Council may from time to time appoint one of the Commissioners to be President of the Corporation.

Payment of commissioner.
(d) The President and the other Commissioners may be paid out of the revenue of the harbour such remuneration for their services as the Governor in Council determines.

Resignations.
(e) A Commissioner may resign his office by notice in writing to the Minister.

Oath of office.
(f) Before any Commissioner enters upon the execution of his duties, he shall take and subscribe the following oath:—

I, ... make oath and say that I will truly and impartially and to the best of my skill and understanding execute the powers vested in me as a Commissioner (or as President) of the Corporation of the Commissioners of the Harbour of Saint John.

The said oath shall be filed on record in the office of the Corporation and a copy shall be forwarded to the Minister.

Evidence of presidency.

(g) A certificate under the seal of the Corporation that the person named therein is President or presiding officer thereof, as the case may be, shall be conclusive evidence of such fact.

Limits of Harbour.

6. The boundaries of the harbour of Saint John, for the purposes of this Act, shall be as follows:—

The northerly limit of said harbour shall be a line drawn due northeast (astronomically) from the middle of the Dominion Government lighthouse tower erected in 1896 on the westerly bank of Saint John river, at Green Head, to the easterly bank of said river.

The southerly and westerly limits of said harbour shall be as follows:—Beginning at the intersection with high water mark of the westerly face of the Government breakwater at Negro Point; thence due south (astronomically) four thousand four hundred and fifty (4,450 ft.) feet, more or less, to an intersection with a line drawn due southwest (astronomically) from the middle of the Dominion Government Lighthouse Tower erected on Partridge island; thence due east (astronomically) six thousand (6,000 ft.) feet more or less, to an intersection with a line drawn due southwest (astronomically) from a point where the easterly boundary of the Military Grounds at Red Head cuts high water mark; thence due northeast (astronomically) nine thousand (9,000 ft.) feet more or less, to high water mark.

OFFICERS AND EMPLOYEES.

Officers, etc.

7. 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,

Salaries.

by by-law, allow them such compensation or salaries as it considers proper; and may require them to furnish such

Security.

security for the due and faithful performance of their respective duties as it thinks necessary.

GENERAL POWERS.

Jurisdiction.

8. The Corporation shall, for the purpose of and as provided for in this Act, have jurisdiction within the limits of the said harbour; and shall, likewise, have the admin-

istration and control of the harbour and of all property belonging to the harbour; but nothing herein shall be deemed to give the Corporation jurisdiction or control respecting private properties or rights within the said limits or the right to enter upon or deal with any property of the Crown except when by Order in Council authorized so to do.

Power to establish a certain limit in the waters of the harbour.

9. The Corporation may, with the approval of the Governor in Council, establish a limit in the waters of the harbour beyond which construction from the shore may not be produced and shall designate such limit as the harbour headline for any section or the whole of the harbour.

Powers as to property required for harbours.

10. The Corporation may, with the approval of the Governor in Council, acquire by expropriation, lease, purchase or otherwise, and may, likewise, sell or lease, such real estate or personal property as it deems necessary or desirable for the development, improvement, maintenance and protection of the harbour, or for the management, development and control of the property vested in the Corporation, but all such real estate shall be acquired in the name of and vested in His Majesty; and the Corporation may, likewise, acquire, hold, possess and build such movable property, vessels, plant and machinery as it deems necessary for the efficient discharge of the duties devolving upon it under or in pursuance of this Act, and may dispose thereof, and may register such vessels in the name of the Corporation.

Motive power, tracks, plant, etc.

11. The Corporation may own, acquire by lease, and operate by any motive power, all kinds of tracks, appliances, apparatus, plant and machinery for the purpose of increasing the usefulness of the harbour or facilitating traffic therein.

Powers.

12. The Corporation may, either by itself or in co-operation with others—

(a) Construct, maintain and operate 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 may acquire such tracks by purchase, lease or otherwise;

(b) Enter into an agreement with any Railway Company for the operation by any motive power by such Company, of the tracks of the Corporation, so as at all times to afford all other Railway Companies, whose lines reach the harbour, the same facilities for traffic as those enjoyed by such Company;

(c) Make arrangements with Railway Companies for facilitating traffic to, from and in the harbour; for making connections within the harbour between Companies'

railways and those of the Corporation for the maintenance, management, control and working of the tracks of the Corporation by the parties to such agreement severally, or any of them jointly; and for the use by any party to the agreement of any real or personal property of any other party thereto for the purpose of facilitating traffic to, from and in the harbour.

EXPROPRIATION OF LANDS.

Expropriation of lands.

13. Whenever the Corporation desires to acquire any lands for any of the purposes of this Act; should the Corporation be unable to agree with the owner of such lands as to the price to be paid therefor, the Corporation shall have the right to acquire such lands without the consent of the owner, and the provisions of *The Railway Act, 1919*, relating to the taking of land by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such lands by the Corporation and in any such proceedings the powers of the Board of Railway Commissioners under the said Act shall be exercised by the Governor in Council.

CONDITIONAL POWERS.

Conditional powers.

14. Any elevator, wharf, pier or other building or structure; or any machinery and equipment of His Majesty in the right of the Government of Canada within the limits of the harbour under the control of the Corporation, and any foreshore, water lot, or other real property, may be transferred by the Governor in Council to the jurisdiction of the Corporation, at their request and under such terms and conditions as may be mutually agreed upon, to be subject to the control of and administration by the Corporation upon and from such date as may be fixed by the Governor in Council, and any moneys derived therefrom shall be paid to and become a part of the revenue of the Corporation upon and from the date so fixed.

Consideration for the transfer of harbour.

15. The consideration for the transfer of the harbour property and privileges to His Majesty shall be two million, one hundred and thirty-five thousand, one hundred and eighteen dollars, payable as follows:—

The present bonded indebtedness of the city in connection with harbour development, shall be assumed and taken over by the Corporation, and the Corporation shall pay the interest on the said bonds and the principal of the same as they mature; and for any balance of the total consideration above named over the amount of the city's bonded indebtedness so assumed, the Corporation shall issue to the city its debentures payable at the end of twenty-five years from the day of issue and bearing interest at the rate

of five per centum per annum, payable half yearly, which debentures the Corporation are hereby authorized to issue, in such form and for such amounts as the Minister of Finance of Canada may approve, and if any of the bonds or debentures assumed or issued by the Corporation, and the interest thereon, are not paid by the Corporation at maturity or when due, such bonds or debentures and interest shall be paid by His Majesty, in such manner as the Governor in Council, on the advice of the Minister of Finance, may determine; and the assumption of the said bonded indebtedness by the Corporation and the issue of the said debentures by the Corporation to the city shall be deemed to be payment in full for the harbour, harbour property, rights, rents and privileges to be conveyed to His Majesty by the city.

Transfer.

16. In consideration of the above, the city is to transfer to His Majesty all its right, title and interest in all land and land covered by water, as shown on a certain plan and in accordance with the description thereto attached, both the plan and the description being signed by the mayor of the said city and the Deputy Minister of the Department of Marine and Fisheries, dated March 10, A.D. 1927,—one copy of which is deposited in the office of the Registrar General of Canada and the other delivered to the said city; also including the rights and interests of the said city under a certain tri-partite indenture dated 12th September, 1911, made between His Majesty the King the said city and the Canadian Pacific Railway Company, for the width shown.

Fisheries lots to remain under control of city until required.

17. The fisheries lots now the property of the city are to remain under the control of the city authorities until such time as said lots or any part thereof may be required for public purposes, and possession of the whole or any part thereof shall be yielded up to the use and control of the Corporation after six months on the serving of notice to that effect in writing by the corporation of the city. Likewise there is to be reserved to the city the right to use, for ferry purposes, the following property:—

Certain rights reserved to the city.

On the west side of the harbour—a right-of-way for traffic purposes from Union street to the Toll House, about 50′ wide by 1,150 long covering the sidewalk, paved roadway and street railway trestle. Also the toll house, tool shed, floats, ferry slip and cribwork backing to wings of ferry slip. All as shown on the plan dated January 1916, and signed by the City Engineer, attached to the plan referred to in Section 16 of this Act;

Also, on the east side of the harbour, an approach from Saint John (Water street), and the ferry building, floats, ferry slip, cribwork backing to wing of ferry slip, and property acquired for building the cribwork support for

the North wing;—as shown on similar plan also attached to the plan referred to in section 16 of this Act; so long as the city shall operate and maintain in connection therewith, a ferry across the harbour, using as its terminii the property mentioned, or until the Canadian National Railways or any Government authority shall construct a bridge across, or tunnel under any part of the harbour not farther north or west than Hilyard's reef and Navy island,—or at such other point as may be agreed to by the city,—by which provision shall be made for a street railway service and free accommodation for foot passenger and other vehicular service; then and in such case, the city shall convey to the Crown the said lands and rights above reserved. In the meantime, the city shall be responsible for the maintenance of the property, so reserved, in its present condition at its own expense.

BY-LAWS.

By-laws.

18. (1) The Corporation may, by by-laws not contrary to law or inconsistent with the provisions of this Act, make effective regulations for any of the following purposes, namely:—

(a) The direction, conduct and government of the Corporation, its officers and servants, and the management, control and improvement of its property, real and personal, and for the protection and care of the same in every manner deemed necessary, and all matters in relation thereto;

(b) The regulation and control of each and every matter in connection with vessels navigating the harbour and their mooring, berthing, discharging or loading, and anything incidental thereto;

(c) The use of the harbour facilities by vessels and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(d) The compensation or salaries to be paid the officers, assistants, engineers, clerks and servants appointed by the Corporation;

(e) The regulation of the construction and maintenance of wharves, piers, buildings or any other structures within the harbour limits, and anything incidental thereto;

(f) The imposition and collection of rates and tolls on vessels entering, using or leaving the harbour and their cargoes; and on goods or cargo of any kind landed, shipped or stored in the harbour; and for the use of any buildings, plant or facilities of the Corporation.

(g) The doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and for the regulation, good government and control of the harbour and harbour services under its jurisdiction.

(h) Prescribing 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 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.

Coming into force.

(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and, upon such confirmation and publication, any by-law made in accordance with this Act shall have the same force and effect as if enacted in this Act.

COLLECTION OF RATES.

Collection and commuting of rates.

19. (1) The Corporation may levy such rates as are fixed by by-law, and may by by-law commute any rates authorized by this Act to be levied, on such terms and conditions and for such sums of money as the Corporation deems expedient.

Payment of rates as to sea-going vessels.

(2) The rates on goods landed or shipped from sea-going vessels shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from any dock or wharf within the harbour until such rates are fully paid.

Other vessels.

(3) The rates upon the cargoes of all other vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the sum so paid, but the Corporation may demand and recover the said rates from the owners or consignees or agents or shippers of such cargoes if it sees fit to do so.

Collection through collector of customs.

20. (1) The Corporation may, if deemed expedient, require the collector of customs at Saint John to receive on its behalf any rates authorized by this Act to be levied on a vessel at such time as the master, owner or person in charge of such vessel may make application to him for clearance, and no clearance shall be granted to any vessel liable for the payment of such rate under any by-law of the Corporation until payment is made to the Collector or until the party applying for the clearance exhibits to him a receipt or produces evidence to his satisfaction that such rate has been paid.

Payments and returns by collector.

(2) All collections so made for the account of the Corporation shall be paid over to them at their office on or about the first day of each month, with a statement showing the amounts paid and from whom and on account of what vessel they were received.

BORROWING POWERS.

Borrowing powers.

21. To enable it to construct, acquire, repair or improve wharves and other works and structures in the harbour, the Corporation may, after the approval by the Governor in Council, on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work proposed, and the amount proposed to be borrowed; borrow money at such rates of interest, as it finds expedient, and may for the said purpose issue debentures for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures may be secured upon the revenues or property receivable or controlled by the Corporation. Such debentures may be sold at such rates and on such terms as the Corporation, with the approval of the Governor in Council, deems advisable.

Debentures.

In payment of money borrowed.

22. (1) The principal and interest of the sums of money which may be borrowed by the Corporation under this Act, and the principal and interest of the debentures to be issued under the authority of this Act, shall be repaid out of the revenue arising out of the rates and penalties imposed by or under this Act for and on account of the harbour or out of any other revenue vested in or coming to the Corporation, and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

(a) The payment of all necessary expenses incurred in the collection of the said revenue, and in the management and operation of the harbour services, and in the maintenance and ordinary repair of its works and facilities,—the expenditure of all revenue to be subject to the supervision and control of the Minister;

(b) The payment of interest on any debentures issued under the authority of this Act.

Sinking fund.

(2) After the payment of the charges above provided for, the surplus revenue shall be applied to the establishment of a sinking fund for the repayment of the principal of any debentures issued under the authority of this Act, in such a manner as the Minister may direct.

Estimate of contemplated expenditure to be submitted.

23. If and when the gross revenue of the Corporation reaches a total sum of $50,000 per annum, the Corporation shall, when so requested by the Minister, prepare and submit, at or before the beginning of each current year, an estimate of its total contemplated expenditure for that year on each of the different services of the harbour, for expenditures to be made from revenue; and a similar estimate for expenditures to be made from loans authorized or other sources of capital funds—which estimates shall be subject to the approval of the Minister, who may require

the Corporation to reduce any item of the estimates should the same in his opinion be desirable; and the Corporation shall confine its expenditures during that year to a total within the estimates so approved.

Separate detailed accounts.

24. *(a)* The Corporation shall keep separate detailed accounts of its receipts and disbursements on capital account of all moneys, including moneys borrowed or otherwise acquired under the authority of any Act or legislation; and likewise of all moneys received and disbursed by it from revenue derived from the operation of the harbour, its services and facilities; and all such accounts, vouchers and other documents required in connection therewith shall be produced for audit by an officer of the Department of Marine and Fisheries when desired by such officer, and the Corporation shall place at the disposal of such officer the necessary facilities and clerical assistance, if required, for the purpose of making such audit, and said officer shall be given such assistance as he may require from time to time to enable him to make inspection of any of the works of the Corporation upon which expenditure may be made, either from capital or revenue account.

Establishment list to be filed with the Department.

(b) The Corporation shall file with the Department on or before the first day of each year after coming into force of this Act, a complete establishment list of all persons in their employ, in such form as the Minister may direct, giving the total personnel of all permanent employees, with the salaries paid, their nationality, length of service and such other particulars as the Minister may direct, and shall promptly advise any succeeding changes in or additions to their establishment which may from time to time occur, in the same form.

ENFORCEMENT AND COLLECTION OF PENALTIES.

Seizure and detention of vessels.

25. (1) The Corporation may in the following cases seize and detain any vessel within the limits of the province of New Brunswick:—

(a) Whenever any sum is due in respect of the vessel for rates or for commutation of rates and is unpaid;

(b) Whenever the master, owner or person in charge of the vessel has infringed any provision of this Act, or any by-law in force under this Act and has thereby rendered himself liable to a penalty;

(c) Whenever any injury has been done by the vessel, or by the fault or neglect of the crew when acting as the crew, or under order of their superior officers, to any property of the Corporation;

(d) Whenever any obstruction whatever has been offered or made to the operation of the Corporation by the vessel, or by the fault or neglect of the crew while acting as the crew, or under order of their superior officer.

Effects of seizure.

(2) In a case coming within paragraphs *(c)* or *(d)* subsection one of this section, the vessel may be seized and detained until the injury so done has been repaired by the master or crew or by the other persons interested, and until all damages thereby directly or indirectly caused to the Corporation (including the expense of following, searching for, discovering and seizing such vessel) have been paid to the Corporation; and for the amount of all such injury, damage, expenses and costs, the Corporation shall have a preferential lien upon the vessel and upon the proceeds thereof until security has been given to pay the amount of such damages, whether direct or indirect, and of such injury and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel shall also be liable to the Corporation for all such injury and damages.

Special privilege for rates and penalties.

(3) The Corporation shall have a special lien and privilege upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the *Canada Shipping Act)* for the payment of any rates or commutation of rates or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

Seizure after judgment.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court or by any magistrate upon any judgment or conviction at the suit of the Corporation against the master, owner or person in charge thereof.

In whose hands seizure may be made.

(5) Such vessel may be so seized and detained, or so seized and sold while in the possession or charge of any person whatever, whether in the charge or possession or the property of the person who was proprietor when such rates or commutation thereof or penalties accrued, or in the charge or possession or the property of any third person.

Prescription.

(6) The rights conferred by this section shall not be exercised after one year from the period when such rates, commutation or penalties accrued and became exigible.

Seizure and detention of goods.

26. The Corporation may seize and detain any goods in case,—

(a) any sum is due for rates in respect of such goods, and is unpaid; or

(b) any provision of this Act or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has thereby been incurred.

Seizure and detention to be at owners's charge.

27. (1) Every lawful seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the infringeemnt of any provisions of this Act or any by-law in force under this Act, have been paid in full.

May be made with or without action.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever.

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 ciustoms at any port in the province of New Brunswick;

(d) the said order may be made on the application of the Corporation or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Corporation entrusts with the execution thereof, and the said constable, bailiff or other person is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order.

Service of process.

28. (1) Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owners or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of the 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.

Penalties to be paid over.

29. (1) Every pecuniary penalty recovered for any violation of this Act or of any by-law in force under this Act shall be paid over to the Corporation by the Court or magistrate before whom the penalty has been recovered.

Application of receipts.

(2) The Corporation shall apply all sums collected by it for rates, or received by it as such pecuniary penalties, to the payment of the charges upon its revenue.

Administration of oaths.

30. Whenever any person is required by or in pursuance of this Act or of any by-law or regulation made under this Act to take oath, any commissioner and the secretary of

the Corporation, and the harbour master of the harbour may administer such oath as well as any other officer or person duly authorized to administer oaths.

Powers of corporation not to be restricted by certain by-laws.

31. Notwithstanding anything contained in any Act of the late province of New Brunswick or of the now province of New Brunswick, with respect to the city of Saint John, no by-law of the Corporation of such city shall restrict or affect in any manner the exercise of the powers conferred upon the Corporation of Harbour Commissioners under this Act.

Money, etc., to be recovered in summary manner.

32. (1) All money due and 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*.

Prescription.

(2) In the case of any violation of this Act or of any by-law in force under this Act, however, no complaint or information shall be made or laid under Part XV of the *Criminal Code* after two years from the time when the matter of complaint or information arose.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 227.

An Act to amend an Act to provide compensation where employees of His Majesty are killed or suffer injuries while performing their duties.

First reading, March 25, 1927.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38164 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 227.

An Act to amend an Act to provide compensation where employees of His Majesty are killed or suffer injuries while performing their duties.

1918, c. 15; 1919, c. 14; 1925, c. 37.

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

1. Chapter fifteen of the statutes of 1918, *An Act to provide Compensation where Employees of His Majesty are killed or suffer injuries while performing their duties*, as amended by chapter fourteen of the statutes of 1919 and by chapter thirty-seven of the statutes of 1925, is further amended by adding the following section thereto:—

Compensation to employees in P.E.I. to be the same as of employees in New Brunswick.

"**4.** (1) The like compensation including medical and hospital expenses shall be paid, subject to the same terms, conditions and provisions where not inconsistent with the provisions of this Act, to an employee in the service of His Majesty, who is injured and to the dependents of any such employee who is killed while employed by His Majesty in the Province of Prince Edward Island as if the employee so injured or killed were at the time of the accident causing injury or death employed by His Majesty in the Province of New Brunswick, and the liability for and the amount of such compensation shall be determined by such Court, Board, Officers or other authority as the Governor in Council shall from time to time appoint.

Power to designate beneficiaries and make awards.

(2) Any compensation awarded to any employee, or the dependents of any deceased employee, of His Majesty under the authority of this section, shall be paid to such employee, or dependents, or to such person as the Court, Board, Officers, or other authority awarding such compensation directs, and the said Court, Board, Officers or other authority shall have like jurisdiction respecting the awarding of compensation under this section as the Workmen's Compensation Board of the Province of New Brunswick has from time to time under the Workmen's Com-

Explanatory Notes.

1. Section 4. (1) The Act of 1918 to which this section is added brought the employees of His Majesty under the Workmen's Compensation Act of the Province in which the accident happened. Prince Edward Island has no general Workmen's Compensation Act. That Province endeavoured to remedy the situation by passing a special Workmen's Compensation Act applicable only to railway employees. This legislation of the Province was obviously ineffective since that was not the kind of compensation legislation contemplated by the said Act of 1918. Consequently this section is added to the Act of 1918 for the purpose of effectively remedying the situation; the law of New Brunswick is made applicable to Prince Edward Island employees, the Governor in Council names the Board or authority which shall be entrusted with the administration of the law.

2. Section 4 (2). This subsection gives authority to designate the beneficiaries and to make awards in accordance with the law of New Brunswick.

pensation Act, 1918, of the Province of New Brunswick, or any amendment thereto.

Appeals from awards.

(3) An appeal shall lie from the determination or finding of any Board, Officers or other authority of any liability for and the amount of compensation payable or otherwise to a Judge of the Superior Court of the Province of Prince Edward Island sitting without a jury whose decision shall be final and no appeal shall be taken from such decision or finding, nor from a decision or finding made by a Judge in the first instance.

Payments to be made out of Consolidated Revenue Fund.

(4) Any compensation awarded and any remuneration and expenses payable to any Board, Officers, or other authority under this section may be paid by the Minister of Finance out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.

Regulations.

(5) The Governor in Council may make such regulations from time to time as he deems expedient for carrying out the purposes of this Act."

3. Section 4 (3). This subsection provides an appeal from an award made by an administrator who is not a judge.

4. Section 4 (4). This subsection provides for the necessary funds to carry into effect the provisions of this section of the Act.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 227.

An Act to amend an Act to provide compensation where employees of His Majesty are killed or suffer injuries while performing their duties.

AS PASSED BY THE HOUSE OF COMMONS, 1st APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38232 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 227.

An Act to amend an Act to provide compensation where employees of His Majesty are killed or suffer injuries while performing their duties.

1918, c. 15; 1919, c. 14; 1925, c. 37.

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

1. Chapter fifteen of the statutes of 1918, *An Act to provide Compensation where Employees of His Majesty are killed or suffer injuries while performing their duties*, as amended by chapter fourteen of the statutes of 1919 and by chapter thirty-seven of the statutes of 1925, is further amended by adding the following section thereto:—

Compensation to employees in P.E.I. to be the same as of employees in New Brunswick.

"**4.** (1) The like compensation including medical and hospital expenses shall be paid, subject to the same terms, conditions and provisions where not inconsistent with the provisions of this Act, to an employee in the service of His Majesty, who is injured and to the dependents of any such employee who is killed while employed by His Majesty in the Province of Prince Edward Island as if the employee so injured or killed were at the time of the accident causing injury or death employed by His Majesty in the Province of New Brunswick, and the liability for and the amount of such compensation shall be determined by such Court, Board, Officers or other authority as the Governor in Council shall from time to time appoint.

Power to designate beneficiaries and make awards.

(2) Any compensation awarded to any employee, or the dependents of any deceased employee, of His Majesty under the authority of this section, shall be paid to such employee, or dependents, or to such person as the Court, Board, Officers, or other authority awarding such compensation directs, and the said Court, Board, Officers or other authority shall have like jurisdiction respecting the awarding of compensation under this section as the Workmen's Compensation Board of the Province of New Brunswick has from time to time under the Workmen's Com-

EXPLANATORY NOTES.

1. Section 4. (1) The Act of 1918 to which this section is added brought the employees of His Majesty under the Workmen's Compensation Act of the Province in which the accident happened. Prince Edward Island has no general Workmen's Compensation Act. That Province endeavoured to remedy the situation by passing a special Workmen's Compensation Act applicable only to railway employees. This legislation of the Province was obviously ineffective since that was not the kind of compensation legislation contemplated by the said Act of 1918. Consequently this section is added to the Act of 1918 for the purpose of effectively remedying the situation; the law of New Brunswick is made applicable to Prince Edward Island employees, the Governor in Council names the Board or authority which shall be entrusted with the administration of the law.

2. Section 4 (2). This subsection gives authority to designate the beneficiaries and to make awards in accordance with the law of New Brunswick.

pensation Act, 1918, of the Province of New Brunswick, or any amendment thereto.

Appeals from awards.

(3) An appeal shall lie from the determination or finding of any Board, Officers or other authority of any liability for and the amount of compensation payable or otherwise to a Judge of the Superior Court of the Province of Prince Edward Island sitting without a jury whose decision shall be final and no appeal shall be taken from such decision or finding, nor from a decision or finding made by a Judge in the first instance.

Payments to be made out of Consolidated Revenue Fund.

(4) Any compensation awarded and any remuneration and expenses payable to any Board, Officers, or other authority under this section may be paid by the Minister of Finance out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.

Regulations.

(5) The Governor in Council may make such regulations from time to time as he deems expedient for carrying out the purposes of this Act."

3. Section 4 (3). This subsection provides an appeal from an award made by an administrator who is not a judge.

4. Section 4 (4). This subsection provides for the necessary funds to carry into effect the provisions of this section of the Act.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 228.

An Act to amend The Fruit Act.

First reading, March 25, 1927.

The MINISTER OF AGRICULTURE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38466 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 228.

An Act to amend The Fruit Act.

1923, c. 15; 1924, c. 3; 1925, c. 44.

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

Regulations.

1. Subsection five of section ten of *The Fruit Act*, chapter fifteen of the statutes of 1923, is amended by adding thereto the following paragraphs immediately after paragraph *(e)* thereof:—

Inspection and certificate for fruit intended for export.

"*(f)* requiring the inspection of and the issuing of an export certificate, or permit for fruit intended for export;

Fees.

(g) for the imposition of fees for such inspection certificates or permits."

EXPLANATORY NOTE.

1. The subsection to be amended reads as follows:—

"(5) The Minister of Agriculture, with the approval of the Governor in Council, may make regulations:—

(a) To prescribe the quality, form and dimensions of all containers in which fruit shall be packed, and the material of which such containers shall be made;

(b) To prescribe the kinds of fruit which shall be subject to the regulations;

(c) Deemed by him to be necessary to secure the efficient operation and enforcement of this Act;

(d) To authorize the manufacture and use under permit of a twelve-quart basket for the bulk shipment of grapes;

(e) To prescribe penalties not exceeding fifty dollars, and, in default of payment of any such penalty, imprisonment for any term not exceeding one month for the violation of this Act, which penalties shall be recoverable upon summary conviction under Part XV of the *Criminal Code*.

The regulations so made shall be published in the *Canada Gazette*, and shall have the force of law from the date of such publication."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 228.

An Act to amend The Fruit Act.

AS PASSED BY THE HOUSE OF COMMONS,
8th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38480 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 228.

An Act to amend The Fruit Act.

1923, c. 15; 1924, c. 3; 1925, c. 44.

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

1. Section two of *The Fruit Act*, chapter fifteen of the statutes of 1923, is amended by adding thereto the following paragraph:—

"Packs." "Packed."

"*(j)* 'Packs' or 'packed' means the placing of fruit in any package intended for sale."

Regulations.

2. Subsection five of section ten of the said Act is amended by adding thereto the following paragraphs immediately after paragraph *(d)* thereof:—

Inspection and certificate for fruit intended for export.

"*(d1)* requiring the inspection of and the issuing of an export certificate, or permit for fruit intended for export;

Fees.

(d2) for the imposition of fees for such inspection certificates or permits."

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

Certificate *primâ facie* evidence.

"**15.** An inspection certificate signed by an official inspector, appointed under this Act, shall be *primâ facie* evidence of the truth of the statements contained therein."

EXPLANATORY NOTES.

2. The subsection to be amended reads as follows:—

"(5) The Minister of Agriculture, with the approval of the Governor in Council, may make regulations:—

(a) To prescribe the quality, form and dimensions of all containers in which fruit shall be packed, and the material of which such containers shall be made;

(b) To prescribe the kinds of fruit which shall be subject to the regulations;

(c) Deemed by him to be necessary to secure the efficient operation and enforcement of this Act;

(d) To authorize the manufacture and use under permit of a twelve-quart basket for the bulk shipment of grapes;

(e) To prescribe penalties not exceeding fifty dollars, and, in default of payment of any such penalty, imprisonment for any term not exceeding one month for the violation of this Act, which penalties shall be recoverable upon summary conviction under Part XV of the *Criminal Code*.

The regulations so made shall be published in the *Canada Gazette*, and shall have the force of law from the date of such publication."

3. The section to be repealed reads as follows:

"**15.** An inspection certificate signed by an official inspector, appointed under this Act, shall be *primâ facie* evidence of the grade and condition of the fruit or packages to which the said certificate may refer."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 229.

An Act to amend The Live Stock and Live Stock Products Act, 1923.

First reading, March 25, 1927.

The MINISTER OF AGRICULTURE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38467 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 229.

An Act to amend The Live Stock and Live Stock Products Act, 1923.

1923, c. 18; 1925, c. 15.

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 Live Stock and Live Stock Products Amendment Act, 1927.*

2. Section two of *The Live Stock and Live Stock Products Act, 1923*, is repealed and the following is substituted therefor:—

Definitions.

"**2.** In this Act, and in any regulation made hereunder, unless the context otherwise requires,—

"Minister."

(*a*) "Minister" means the Minister of Agriculture;

"Buyer."

(*b*) "Buyer" means any person or partnership other than a commission merchant, co-operative association, dealer, drover, or farmer engaged in the business of buying live stock at a stockyard;

"Commission merchant."

(*c*) "Commission merchant" means any person or partnership engaged in the business of buying or selling live stock at a stockyard for a commission;

"Co-operative Association."

(*d*) "Co-operative association" means any organization of producers incorporated under Dominion or provincial law engaged in the marketing of live stock which returns the proceeds of such marketing, whether from sales or pool operations, less authorized marketing charges, to the producers of such live stock whether in cash or by the distribution of patronage dividends;

"Dealer."

(*e*) "Dealer" means any person or partnership engaged in the business of buying and selling live stock at a stockyard on his own account and shall include trader and speculator;

Explanatory Notes.

Generally: The words underlined in the Bill are new; those in italics in the notes are struck out.

2. The section repealed reads as follows:—

"**2.** In this Act, and in any regulation made hereunder, unless the context otherwise requires,—

(a) "Commission merchant" means any person or partnership *in Canada* engaged in the business of buying or selling live stock for a commission;

(b) "Inspector" means any inspector or other officer or person appointed *by the Minister* to perform any duty under this Act or under any regulation;

(c) "Live Stock" means *meat* cattle, sheep and swine and poultry;

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

(e) "Regulation" means a regulation made under the authority of this Act;

(f) "Stock-Yard" means any area of land used as a public market for purchasing and selling live stock, with the buildings, fences, gates, chutes, weigh scales and other equipment situated thereon and used in connection therewith, or any area of land used for the accommodation of live stock at ocean ports of export which may be declared a stock-yard by the minister under the provisions of this Act;

(g) "Live Stock Products" means, meat, poultry, eggs, and wool, *the word "eggs" where used to include frozen eggs, liquid eggs, dessicated eggs and eggs in the shell;*

(h) "Live Stock Exchange" means an organization composed of persons engaged in the business of buying and selling live stock at a stock-yard *either directly or indirectly through a commission merchant;*

(i) "Dealer" means any person or partnership in Canada engaged in the business of buying and selling live stock at a stock-yard on his own account."

All the words of this section underlined on the opposite page are new, those in italics in the section repealed are struck out.

"Drover." *(f)* "Drover" means any person or partnership engaged in the business of selling his live stock at a stockyard on his own account;

"Inspector." *(g)* "Inspector" means any inspector or other officer or person appointed to perform any duty under this Act or under any regulation;

"Live stock." *(h)* "Live Stock" means horses, cattle, sheep, swine, fur-bearing animals raised in captivity, live poultry and bees;

"Live Stock Products." *(i)* "Live Stock Products" means meat, raw hides, raw furs, dressed poultry, eggs, wool, and honey in whatsoever form;

"Live Stock Exchange." *(j)* "Live Stock Exchange" means an organization composed of persons engaged in the business of buying and or selling live stock at a stockyard;

"Poultry." *(k)* "Poultry" shall include all domestic fowls;

"Regulation." *(l)* "Regulation" means a regulation made under the authority of this Act;

"Stockyard" *(m)* "Stockyard" means any area of land used as a public market for purchasing and selling live stock, with the buildings, fences, gates, chutes, weigh scales and other equipment situated thereon and used in connection therewith, or any area of land used for the accommodation of live stock at ocean ports of export which may be declared a stockyard by the Minister under the provisions of this Act."

3. Section three of the said Act, as amended by chapter fifteen of the statutes of 1925, is repealed and the following is substituted therefor:—

Live stock exchange at stockyards. "**3.** (1) There shall be a live stock exchange in connection with each stockyard operated under this Act, of which exchange every co-operative association, commission merchant and dealer doing business at such stockyard shall be a member unless it or he holds a special license from the Minister.

Application for membership. (2) An application for membership shall first be made to the Live Stock Exchange, which within two weeks from the date of such application, shall notify the Minister of the granting or refusal of such membership. Every person refused a membership may appeal to the Minister who, upon investigation, may order the Exchange to accept such person as a member, whereupon the Exchange shall admit him to membership forthwith. Every person securing a membership to carry on business as a co-operative association, commission merchant or dealer, and every other person desiring to carry on business at a stockyard shall register with the Minister his name, business address, the

3. Subsections (2), (5) and (7) in the new section 3 are new. Subsection six is a redraft of subsection (2) in the old section 3. The words underlined in subsections (1), (3) and (4) are new. The corresponding words in italics are struck out.

The section repealed reads as follows:—

"**3.** (1) There shall be a live stock exchange in connection with each stock-yard operated under this Act, of which *live stock* exchange every commission merchant and every dealer doing business at such stock-yard shall be a member, unless he holds a special license from the Minister.

(2) *Nothing in this Act, or in any regulation made hereunder, shall take away, or in any manner limit, the right of any farmer, drover or other person to sell his live stock at any stock-yard, or the right of any farmer, drover or other person to buy live stock at any stock-yard.*

name under which he proposes to carry on business, and the kind of business he proposes to carry on, and subject to the provisions of subsection six of this section the privileges of the stockyard and Exchange shall be refused to any person who has not so registered.

Removal from stockyards.

(3) Any person doing business at a stockyard who fails to comply with the provisions of this Act and of the regulations made hereunder and of the rules, regulations and by-laws of the exchange and of the stockyard, or who, for cause, is adjudged by the Minister to be liable to exclusion therefrom, shall upon the order of the Minister, directed to an inspector or other officer, be removed and excluded from the said stockyard and from doing business thereat and shall not be permitted to return thereto or do business thereat until he procures a special permit from the Minister.

Penalties for not complying.

(4) Any person refusing to comply with an order issued by the Minister under the next preceding subsection shall be deemed to have violated the provisions of this Act and shall be liable to the penalties prescribed by section fourteen.

Memberships to representatives of associations.

(5) Five memberships with voting powers, but without the right to trade, shall be granted by each exchange to representatives of producers' and breeders' associations who shall be selected pursuant to by-laws of the exchange and subject to the approval of the Minister.

Selling or buying rights saved.

(6) Notwithstanding anything in this Act, any person other than a co-operative association, commission merchant, dealer, drover or buyer may sell his own live stock or buy live stock at a stockyard on his own account.

Sale by auction.

(7) Nothing in this Act or in any regulation made hereunder shall be construed as prohibiting the sale of live stock by auction at a stockyard, except that such sale by auction shall be subject to regulations approved by the Minister.

4. Section four of the said Act is amended by repealing subsection two as enacted by chapter fifteen of the statutes of 1925, and subsection three thereof and substituting therefor the following:—

Provisions to be included in by-laws.

"(2) Such by-laws shall provide for the admission of co-operative associations, commission merchants and dealers as members of such live stock exchange on such terms and conditions as may be fixed by the by-laws which shall require every co-operative association, commission merchant and dealer to furnish satisfactory security to His Majesty for the proper discharge of all the obligations of such member. Such by-laws may also require that buyers shall furnish satisfactory security, when in the opinion of the Board of

(3) Any person doing business at a stock-yard who *neglects* to comply with the provisions of *section sixteen of* this Act, or who, for cause, is adjudged by the Minister to be liable to *removal and* exclusion therefrom, shall upon the order of the Minister, directed to an inspector or other officer *of the department*, be removed and excluded from the said stock-yard and from doing business thereat and shall not be permitted to return thereto until he procures a special permit from the Minister.

(4) Any person refusing to comply with the terms of an order issued by the Minister under the next preceding subsection shall be deemed *a person within the meaning of, and subject* to the penalties provided by and under section thirteen of this Act."

4. The new subsections (2) and (3) are a redraft of the subsection (2) now repealed. The old subsection (3) becomes subsection (4) and subsections (5), (6) and (7) are new.

The subsections repealed read as follows:—

"(2) Such by-laws shall provide for the admission as members of live stock exchange of *such persons as desire to carry on the business of commission merchants*, and shall provide for the admission as members of such live stock exchange of *such persons as desire to carry on the business of dealers*, on such terms and conditions as may be fixed by the by-laws, and such by-laws shall require every commission merchant becoming a member of the Exchange to furnish sufficient and satisfactory security *for the proper accounting by such commission merchant of the proceeds of any sales received by him, and of any money paid to him to effect any purchase. All monies received on account of sales for live stock sold by a commission firm on behalf of the owner thereof and all monies received to effect purchase of live stock shall be deposited in a shippers' trust account in a chartered bank, separate from the firm's private or other commercial accounts, and disbursements of such monies shall be made only in accordance with regulations prescribed by the Exchange and approved by the Minister.*

Directors of the Exchange such security is necessary for the proper protection of the sellers.

Shippers trust account.

(3) Every co-operative association or commission merchant shall keep a separate bank account in a chartered bank, to be known as a shippers' trust account, and all monies received on account of sales or to effect purchases shall be deposited in such account together with any sum of its or his own which the co-operative association or commission merchant may deposit to enable it or him to make settlement with an owner or consignor before payment has been received from the buyer. The monies so deposited shall not be paid out of such account except in accordance with regulations prescribed by the exchange and approved by the Minister.

Amended by-laws.

(4) The Minister may require a live stock exchange operated under this Act to adopt new by-laws, rules or regulations, or to amend such by-laws, rules or regulations as may be in force in such manner and to such extent as he deems necessary.

Failure to comply with requirements.

(5) If any live stock exchange fails for sixty days to comply with any requirement of the Minister under the next preceding subsection, the Minister may order the said exchange to discontinue operations, in which case the business of buying and selling live stock at the stockyard concerned shall be conducted under the direct authority of the Minister in accordance with the constitution of the exchange, the same as if the exchange were still exercising its functions in accordance with the provisions of this Act.

Rules to be printed, etc.

(6) The rules, regulations and by-laws of a live stock exchange which have been approved by the Minister, shall be printed by the exchange in convenient booklet form bearing on the title page thereof the date on which the said rules, regulations and by-laws were approved by the Minister, and a copy of the booklet shall be filed with the Minister and a copy shall be available to each member of the exchange.

Books, etc., to be open to examination.

(7) All books and records of co-operative associations and commission merchants carrying on business at a stock-yard shall be open at all times to examination by a representative of the Minister, The information so secured shall be disclosed only to the Minister or to such persons as the Minister names, but the Minister, if he thinks it necessary in the public interest may disclose such information.

5. Section five of the said Act as enacted by chapter fifteen of the statutes of 1925, is hereby repealed, and the following is substituted therefor:—

Licenses to operate co-operative association, etc.

"**5.** The Governor in Council may authorize the Minister to issue special licenses to permit any person therein named to operate on a stock-yard as a co-operative association,

(3) The Minister may require a live stock exchange operated under this Act to adopt new by-laws, rules or regulations, or amend such by-laws, rules or regulations as may be in force in such manner and to such extent as *may be required*."

5. The only change is by the addition of the underlined words "*co-operative association.*"

commission merchant or dealer, or to operate an egg breaking plant, or to operate as an exporter of live stock, meat, poultry, eggs and wool and may prescribe the terms and conditions upon which such licenses shall be issued, and the fees to be paid therefor."

6. Section nine of the said Act as amended by chapter fifteen of the statutes of 1925, is further amended by striking out paragraphs *(c)*, *(d)* and *(e)* therefrom and substituting therefor the following:—

Regulations.

"*(c)* The manner in which live stock and live stock products shall be inspected, graded, branded or marked and the manner in which live stock and live stock products graded in accordance with the regulations under this Act shall be sold, offered for sale or displayed for sale, and what shall be the size and kind of packages containing live stock products and how such packages shall be branded, marked or labelled, and the manner in which untrue, deceptive or misleading advertising of live stock and live stock products shall be dealt with and the manner in which the seller or shipper of ungraded live stock and live stock products shall identify for purposes of grading, individual producers' lots in such shipments, and the manner in which the purchaser of live stock and live stock products shall make returns and prepare for presentation to the seller or shipper the statements of account of purchase of live stock and live stock products graded in accordance with the provisions of this Act and regulations made thereunder, and for the investigation of such statements and the transactions represented thereby.

"*(d)* The manner in which live stock and live stock products imported into Canada shall be inspected, graded, branded, or marked, and sold, offered for sale, or displayed for sale; the manner in which certificates shall be prepared indicating that such live stock and live stock products have been inspected, graded, branded or marked;

"*(e)* The manner in which complaints against live stock exchanges, co-operative associations, commission merchants, dealers, or members of live stock exchanges, shall be made and investigated."

6. Paragraph *(c)* reads as follows:—

"*(c)* The manner in which live stock, *meat intended for export, poultry, eggs and wool*, shall be inspected, graded, branded or marked and the manner in which live stock, *poultry, eggs and wool*, graded in accordance with the regulations under this Act, shall be sold, offered for sale or displayed for sale, and what shall be the size and kind of packages containing *meats intended for export, poultry, eggs or wool*, and how such packages shall be branded, marked or labelled, and the manner in which the purchaser of live stock, *poultry, eggs and wool* shall prepare for presentation to the seller the statements of account of purchases of live stock, *poultry, eggs and wool* graded in accordance with the provisions of this Act and regulations made thereunder, and the manner in which the investigation of such statements shall be effected;"

The words underlined in new paragraph *(c)* are new, the ones in italics above are struck out.

The words underlined in paragraph *(d)* are in lieu of the following: "*meat, live stock, poultry and eggs.*"

The only change in paragraph *(e)* is by the addition of the underlined words "*co-operative associations.*"

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

Penalty.

"**14.** Any person violating any provision of this Act, or of any regulation thereunder, shall be liable on summary conviction to a fine not exceeding five hundred dollars and not less than twenty-five dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 229.

An Act to amend The Live Stock and Live Stock Products Act, 1923.

AS PASSED BY THE HOUSE OF COMMONS, 11th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38481 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 229.

An Act to amend The Live Stock and Live Stock Products Act, 1923.

1923, c. 18; 1925, c. 15.

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 Live Stock and Live Stock Products Amendment Act, 1927.*

2. Section two of *The Live Stock and Live Stock Products Act, 1923*, is repealed and the following is substituted therefor:—

Definitions.

"**2.** In this Act, and in any regulation made hereunder, unless the context otherwise requires,—

"Minister."

(*a*) "Minister" means the Minister of Agriculture;

"Buyer."

(*b*) "Buyer" means any person or partnership other than a commission merchant, co-operative association, dealer, drover, or farmer engaged in the business of buying live stock at a stockyard;

"Commission merchant."

(*c*) "Commission merchant" means any person or partnership engaged in the business of buying or selling live stock at a stockyard for a commission;

"Co-operative Association."

(*d*) "Co-operative association" means any organization of producers incorporated under Dominion or provincial law engaged in the marketing of live stock which returns the proceeds of such marketing, whether from sales or pool operations, less authorized marketing charges, to the producers of such live stock whether in cash or by the distribution of patronage dividends;

"Dealer."

(*e*) "Dealer" means any person or partnership engaged in the business of buying and selling live stock at a stockyard on his own account and shall include trader and speculator;

Explanatory Notes.

Generally: The words underlined in the Bill are new; those in italics in the notes are struck out.

2. The section repealed reads as follows:—

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

(a) "Commission merchant" means any person or partnership *in Canada* engaged in the business of buying or selling live stock for a commission;

(b) "Inspector" means any inspector or other officer or person appointed *by the Minister* to perform any duty under this Act or under any regulation;

(c) "Live Stock" means *meat* cattle, sheep and swine and poultry;

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

(e) "Regulation" means a regulation made under the authority of this Act;

(f) "Stock-Yard" means any area of land used as a public market for purchasing and selling live stock, with the buildings, fences, gates, chutes, weigh scales and other equipment situated thereon and used in connection therewith, or any area of land used for the accommodation of live stock at ocean ports of export which may be declared a stock-yard by the minister under the provisions of this Act;

(g) "Live Stock Products" means, meat, poultry, eggs, and wool, *the word "eggs" where used to include frozen eggs, liquid eggs, dessicated eggs and eggs in the shell;*

(h) "Live Stock Exchange" means an organization composed of persons engaged in the business of buying and selling live stock at a stock-yard *either directly or indirectly through a commission merchant;*

(i) "Dealer" means any person or partnership in Canada engaged in the business of buying and selling live stock at a stock-yard on his own account."

All the words of this section underlined on the opposite page are new, those in italics in the section repealed are struck out.

"Drover." *(f)* "Drover" means any person or partnership engaged in the business of selling his live stock at a stockyard on his own account;

"Inspector." *(g)* "Inspector" means any inspector or other officer or person appointed to perform any duty under this Act or under any regulation;

"Live stock." *(h)* "Live Stock" means horses, cattle, sheep, swine, fur-bearing animals raised in captivity, live poultry and bees;

"Live Stock Products." *(i)* "Live Stock Products" means meat for export, raw hides, raw furs, dressed poultry, eggs, wool, and honey in whatsoever form;

"Live Stock Exchange." *(j)* "Live Stock Exchange" means an organization composed of persons engaged in the business of buying and or selling live stock at a stockyard;

"Poultry." *(k)* "Poultry" shall include all domestic fowls;

"Regulation." *(l)* "Regulation" means a regulation made under the authority of this Act;

"Stockyard" *(m)* "Stockyard" means any area of land used as a public market for purchasing and selling live stock, with the buildings, fences, gates, chutes, weigh scales and other equipment situated thereon and used in connection therewith, or any area of land used for the accommodation of live stock at ocean ports of export which may be declared a stockyard by the Minister under the provisions of this Act."

3. Section three of the said Act, as amended by chapter fifteen of the statutes of 1925, is repealed and the following is substituted therefor:—

Live stock exchange at stockyards. "**3.** (1) There shall be a live stock exchange in connection with each stockyard operated under this Act, of which exchange every co-operative association, commission merchant and dealer doing business at such stockyard shall be a member unless it or he holds a special license from the Minister.

Application for membership. (2) An application for membership shall first be made to the Live Stock Exchange, which within two weeks from the date of such application, shall notify the Minister of the granting or refusal of such membership. Every person refused a membership may appeal to the Minister who, upon investigation, may order the Exchange to accept such person as a member, whereupon the Exchange shall admit him to membership forthwith. Every person securing a membership to carry on business as a co-operative association, commission merchant or dealer, and every other person desiring to carry on business at a stockyard shall register with the Minister his name, business address, the

3. Subsections (2), (5) and (7) in the new section 3 are new. Subsection six is a redraft of subsection (2) in the old section 3. The words underlined in subsections (1), (3) and (4) are new. The corresponding words in italics are struck out.

The section repealed reads as follows:—

"**3.** (1) There shall be a live stock exchange in connection with each stock-yard operated under this Act, of which *live stock* exchange every commission merchant and every dealer doing business at such stock-yard shall be a member, unless he holds a special license from the Minister.

(2) *Nothing in this Act, or in any regulation made hereunder, shall take away, or in any manner limit, the right of any farmer, drover or other person to sell his live stock at any stock-yard, or the right of any farmer, drover or other person to buy live stock at any stock-yard.*

name under which he proposes to carry on business, and the kind of business he proposes to carry on, and subject to the provisions of subsection six of this section the privileges of the stockyard and Exchange shall be refused to any person who has not so registered.

Removal from stockyards.

(3) Any person doing business at a stockyard who fails to comply with the provisions of this Act and of the regulations made hereunder and of the rules, regulations and by-laws of the exchange and of the stockyard, or who, for cause, is adjudged by the Minister to be liable to exclusion therefrom, shall upon the order of the Minister, directed to an inspector or other officer, be removed and excluded from the said stockyard and from doing business thereat and shall not be permitted to return thereto or do business thereat until he procures a special permit from the Minister.

Penalties for not complying.

(4) Any person refusing to comply with an order issued by the Minister under the next preceding subsection shall be deemed to have violated the provisions of this Act and shall be liable to the penalties prescribed by section fourteen.

Memberships to representatives of associations.

(5) Five memberships with voting powers, but without the right to trade, shall be granted by each exchange to representatives of producers' and breeders' associations who shall be selected pursuant to by-laws of the exchange and subject to the approval of the Minister.

Selling or buying rights saved.

(6) Notwithstanding anything in this Act, any person other than a co-operative association, commission merchant, dealer, drover or buyer may sell his own live stock or buy live stock at a stockyard on his own account.

Sale by auction.

(7) Nothing in this Act or in any regulation made hereunder shall be construed as prohibiting the sale of live stock by auction at a stockyard, except that such sale by auction shall be subject to regulations approved by the Minister.

4. Section four of the said Act is amended by repealing subsection two as enacted by chapter fifteen of the statutes of 1925, and subsection three thereof and substituting therefor the following:—

Provisions to be included in by-laws.

"(2) Such by-laws shall provide for the admission of co-operative associations, commission merchants and dealers as members of such live stock exchange on such terms and conditions as may be fixed by the by-laws which shall require every co-operative association, commission merchant and dealer to furnish satisfactory security to His Majesty for the proper discharge of all the obligations of such member. Such by-laws may also require that buyers shall furnish satisfactory security, when in the opinion of the Board of

(3) Any person doing business at a stock-yard who *neglects* to comply with the provisions of *section sixteen of* this Act, or who, for cause, is adjudged by the Minister to be liable to *removal and* exclusion therefrom, shall upon the order of the Minister, directed to an inspector or other officer *of the department*, be removed and excluded from the said stock-yard and from doing business thereat and shall not be permitted to return thereto until he procures a special permit from the Minister.

(4) Any person refusing to comply with the terms of an order issued by the Minister under the next preceding subsection shall be deemed *a person within the meaning of, and subject* to the penalties provided by and under section thirteen of this Act."

4. The new subsections (2) and (3) are a redraft of the subsection (2) now repealed. The old subsection (3) becomes subsection (4) and subsections (5), (6) and (7) are new.

The subsections repealed read as follows:—

"(2) Such by-laws shall provide for the admission as members of live stock exchange of *such persons as desire to carry on the business of commission merchants*, and shall provide for the admission as members of such live stock exchange of *such persons as desire to carry on the business of dealers*, on such terms and conditions as may be fixed by the by-laws, and such by-laws shall require every commission merchant becoming a member of the Exchange to furnish sufficient and satisfactory security *for the proper accounting by such commission merchant of the proceeds of any sales received by him, and of any money paid to him to effect any purchase. All monies received on account of sales for live stock sold by a commission firm on behalf of the owner thereof and all monies received to effect purchase of live stock shall be deposited in a shippers' trust account in a chartered bank, separate from the firm's private or other commercial accounts, and disbursements of such monies shall be made only in accordance with regulations prescribed by the Exchange and approved by the Minister.*

Directors of the Exchange such security is necessary for the proper protection of the sellers.

Shippers trust account.

(3) Every co-operative association or commission merchant shall keep a separate bank account in a chartered bank, to be known as a shippers' trust account, and all monies received on account of sales or to effect purchases shall be deposited in such account together with any sum of its or his own which the co-operative association or commission merchant may deposit to enable it or him to make settlement with an owner or consignor before payment has been received from the buyer. The monies so deposited shall not be paid out of such account except in accordance with regulations prescribed by the exchange and approved by the Minister.

Amended by-laws.

(4) The Minister may require a live stock exchange operated under this Act to adopt new by-laws, rules or regulations, or to amend such by-laws, rules or regulations as may be in force in such manner and to such extent as he deems necessary.

Failure to comply with requirements.

(5) If any live stock exchange fails for sixty days to comply with any requirement of the Minister under the next preceding subsection, the Minister may order the said exchange to discontinue operations, in which case the business of buying and selling live stock at the stockyard concerned shall be conducted under the direct authority of the Minister in accordance with the constitution of the exchange, the same as if the exchange were still exercising its functions in accordance with the provisions of this Act.

Rules to be printed, etc.

(6) The rules, regulations and by-laws of a live stock exchange which have been approved by the Minister, shall be printed by the exchange in convenient booklet form bearing on the title page thereof the date on which the said rules, regulations and by-laws were approved by the Minister, and a copy of the booklet shall be filed with the Minister and a copy shall be available to each member of the exchange.

Books, etc., to be open to examination.

(7) All books and records of co-operative associations and commission merchants carrying on business at a stockyard shall be open at all times to examination by a representative of the Minister only. The information so secured shall be disclosed only to the Minister or to such persons as the Minister names, but the Minister, if he thinks it necessary in the public interest may disclose such information.

Complaints to be made in writing.

(8) Complaints, the investigation of which necessitates an examination of books and records, shall be made in writing to the Minister and shall be supported by such evidence as may be available.

5. Section five of the said Act as enacted by chapter fifteen of the statutes of 1925, is hereby repealed, and the following is substituted therefor:—

(3) The Minister may require a live stock exchange operated under this Act to adopt new by-laws, rules or regulations, or amend such by-laws, rules or regulations as may be in force in such manner and to such extent as *may be required*."

Licenses to operate co-operative association, etc.

"**5.** The Governor in Council may authorize the Minister to issue special licenses to permit any person therein named to operate on a stock-yard as a co-operative association, commission merchant or dealer, or to operate an egg breaking plant, or to operate as an exporter of live stock, meat, poultry, eggs and wool and may prescribe the terms and conditions upon which such licenses shall be issued, and the fees to be paid therefor."

6. Section nine of the said Act as amended by chapter fifteen of the statutes of 1925, is further amended by striking out paragraphs *(c)*, *(d)* and *(e)* therefrom and substituting therefor the following:—

Regulations.

"*(c)* The manner in which live stock and live stock products shall be inspected, graded, branded or marked and the manner in which live stock and live stock products graded in accordance with the regulations under this Act shall be sold, offered for sale or displayed for sale, and what shall be the size and kind of packages containing live stock products and how such packages shall be branded, marked or labelled, and the manner in which untrue, deceptive or misleading advertising of live stock and live stock products shall be dealt with and the manner in which the seller or shipper of ungraded live stock and live stock products shall identify for purposes of grading, individual producers' lots in such shipments, and the manner in which the purchaser of live stock and live stock products shall make returns and prepare for presentation to the seller or shipper the statements of account of purchase of live stock and live stock products graded in accordance with the provisions of this Act and regulations made thereunder, and for the investigation of such statements and the transactions represented thereby.

"*(d)* The manner in which live stock and live stock products imported into Canada shall be inspected, graded, branded, or marked, and sold, offered for sale, or displayed for sale; the manner in which certificates shall be prepared indicating that such live stock and live stock products have been inspected, graded, branded or marked;

"*(e)* The manner in which complaints against live stock exchanges, co-operative associations, commission merchants, dealers, or members of live stock exchanges, shall be made and investigated."

5. The only change is by the addition of the underlined words "*co-operative association.*"

6. Paragraph *(c)* reads as follows:—

"*(c)* The manner in which live stock, *meat intended for export, poultry, eggs and wool*, shall be inspected, graded, branded or marked and the manner in which live stock, *poultry, eggs and wool*, graded in accordance with the regulations under this Act, shall be sold, offered for sale or displayed for sale, and what shall be the size and kind of packages containing *meats intended for export, poultry, eggs or wool*, and how such packages shall be branded, marked or labelled, and the manner in which the purchaser of live stock, *poultry, eggs and wool* shall prepare for presentation to the seller the statements of account of purchases of live stock, *poultry, eggs and wool* graded in accordance with the provisions of this Act and regulations made thereunder, and the manner in which the investigation of such statements shall be effected;"

The words underlined in new paragraph *(c)* are new, the ones in italics above are struck out.

The words underlined in paragraph *(d)* are in lieu of the following: "*meat, live stock, poultry and eggs.*"

The only change in paragraph *(e)* is by the addition of the underlined words "*co-operative associations.*"

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

Penalty.

"**14.** Any person violating any provision of this Act, or of any regulation thereunder, shall be liable on summary conviction to a fine not exceeding five hundred dollars and not less than twenty-five dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

7. The only change is by the addition of the underlined words "*and not less than twenty-five dollars.*"

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 230.

An Act to amend The Special War Revenue Act, 1915.

First reading, March 25, 1927.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38360 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 230.

An Act to amend The Special War Revenue Act, 1915.

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

1. Section 19A of Part IV of *The Special War Revenue Act, 1915*, as enacted by chapter seventy of the statutes of 1923, is amended by adding thereto the following subsection:—

"Person."

"(2) 'Person' includes any body corporate or association, syndicate, trust or other body and the heirs, executors, and administrators thereof and the curators and assigns or other legal representatives of such person according to the law of that part of Canada to which the context extends."

2. Section 19BBB of the said Act, as enacted by chapter seventy of the statutes of 1923 and amended by chapter sixty-eight of the statutes of 1924 and by chapter twenty-six of the statutes of 1925, is further amended by adding thereto the following subsection:—

Power to determine fair price.

"(15) Where goods subject to tax under this section are sold at a price which in the judgment of the Minister is less than the fair price on which sales tax should be imposed, the Minister shall have the power to determine the fair price and the taxpayer shall pay the sales tax on the price so determined."

3. Section 19C as enacted by chapter forty-six of the statutes of 1918 is repealed and the following is substituted therefor:—

Regulations.

"**19C.** The Minister may make any regulation deemed necessary or advisable for carrying Part IV of this Act into effect, and may thereby authorize the Deputy Minister of Customs and Excise or such other officer as he may deem expedient to exercise such of the powers conferred by this Act upon the Minister as may in the opinion of the Minister

Deputy or officer to exercise powers of Minister, when authorized.

EXPLANATORY NOTES.

1. Section 19A as amended supplies a definition of "person" which is at present lacking in the Act. The definition proposed is substantially the same as that contained in the Interpretation Act (R.S.C. Chap. 1) but has been extended to make it conform to that contained in Section 2, paragraph *(d)* of the Income War Tax Act 1917, which is more comprehensive.

The section to be amended reads as follows:—

"PART IV.

"**19A.** In this Part, unless the context otherwise requires, "Minister" means the Minister of Customs and Excise." (1923, c. 70, s. 4.)

2. This new subsection is designed particularly to cover those cases where vendor and purchaser are inter-related, associated or affiliated concerns or where one is subsidiary to the other. It has been found by experience that in such cases the price at which one concern sells to the other and on which sales tax is computed has been at times set at a figure very much below even the cost of production. The amendment is designed to check the evasion of sales tax in this or similar ways by giving the Minister, in such cases, power to determine and set a fair price on which sales tax shall be computed and paid.

3. The new section substituted as section 19C gives the Minister, in addition to the power to make regulations as provided in the old section, power to authorize the Deputy Minister or other officer of the Department to act in his place. This section is designed to meet an objection which has been raised in the courts to any officer of the Department other than the Minister taking any action under the Act as it now stands.

The section to be repealed reads as follows:—

"**19C.** The Minister may make such regulations as he deems necessary or advisable for carrying out the provisions of this part." (1918, c. 46, s. 5.)

be conveniently exercised by the Deputy Minister or such officer, and such regulations shall be enforced in the same manner as all other provisions of this Act."

4. The said Act is amended by inserting the following section immediately after section 19c thereof:—

Penalty for not filing return each month.

"**19**cc. (1) Every person liable for taxes under Part IV of this Act who neglects to file each month a true return of his taxable sales for the next preceding month in accordance with the regulations made by the Minister, shall in addition to any other penalties provided by Part IV of this Act pay a penalty of five per cent of the taxes payable; Provided, however, that such penalty shall not exceed twenty-five dollars in respect of each such return."

Date of payment.

(2) The tax shall be paid not later than the last day of the first succeeding month to that in which the sales were made.

Penalty for default in payment.

(3) In default of payment of the tax or any portion thereof within the time prescribed by this Act or by regulations established thereunder, there shall be paid in addition to the amount in default a penalty of two-thirds of one per centum of the amount in default in respect of each month or fraction thereof during which such default continues after the coming into force of this section."

5. The said Act is amended by inserting the following section immediately after section 19cc thereof:—

Recovery in Exchequer Court.

"**19**ccc. (1) All taxes, interest and penalties payable under Part IV of this Act as amended may, notwithstanding any other provision contained in this Act and without restriction of the application thereof, be recovered in the Exchequer Court of Canada and any such amount payable remaining unpaid, whether in whole or in part after one month from the date of sending by registered mail of a notice of arrears addressed to the taxpayer, may be certified by the Deputy Minister and on the production to the said Court or Judge or 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 Court for the recovery of a debt of the amount specified in the certificate, including penalties to date of payment as provided for in Part IV of this Act as amended and entered upon the date of such registration, and all reasonable costs and charges attendant upon the registration of such certificate shall be recoverable in like manner as if they were part of such judgment.

Certificate of default to be registered as judgment.

Recovery of penalties.

"(2) The penalties provided for in Part IV of this Act as amended shall remain in full force and effect as well

4. (1) There is in the present Act no penalty for not filing return. The penalty proposed is set at 5% of the taxes but with a maximum of $25.00. It is not cumulative, i.e., the *maximum* penalty for any one monthly return will be $25.00 even if delayed several months. If taxpayer neglects to file returns for several months the penalty will apply separately to each. To reach the maximum of $25.00 the taxpayer would be doing business of $12,500 monthly ($150,000 a year) thus:—

$12,500 at 4% equals tax	$ 500 00
Maximum penalty 5%	$ 25 00

4. (2) This subsection gives the same time for making return as has been given in the past under the regulations, i.e., a clear month after the month in which sales were made. No serious objection appears to have been raised to this by the taxpayers.

4. (3) There is no penalty in the present Act for failure to pay the taxes when due and the absence of any penalty is considered by the officers responsible for the enforcement of the Act to be one of the principal causes of the large amount of unpaid arrears at the present time. The penalty will not be compounded, i.e., no penalty will be imposed on penalties in arrears. The penalty will not be retroactive but the present arrears will be subject to the penalty as from the date of the passing of the amendment. The rate is equal to 8% per annum interest. The Income War Tax Act provides for interest on arrears of 10% per annum (See second paragraph of subsection 7 of section 7).

5. Section 19CCC is new and is substantially the same as the corresponding section in the Income War Tax Act (See Section 10, Chapter 52, 1923). It is designed to give the Department the same powers in collecting arrears of sales taxes as are at present possessed by the Commissioner of Taxation in the collection of income taxes.

It is realized that this is drastic and that the powers conferred will have to be used with discretion.

The Commissioner of Taxation has the same powers and claims that they have been most useful to his Department. It is not contemplated that action should be taken under this section if there is any reasonable doubt as to the tax being applicable or as to the amount claimed. Under the present provisions there is the difficulty of selecting local solicitors not employed by the taxpayer. The present procedure involves lengthy correspondence and negotiations and consequently delay in settlement, and in the meantime the arrears keep piling up. The amendment relates only to Part IV of the Act but has been worded so as not to interfere with section 20 which relates to the Act as a whole. Section 20 reads as follows:—

"**20.** All taxes or sums payable under this Act shall be recoverable at any time after the same ought to have been accounted for and paid, and all such taxes and sums shall be recoverable, and all rights of His Majesty hereunder enforced, with full costs of suit, as a debt due to or as a right enforceable by His Majesty, in the Exchequer Court or in any other court of competent jurisdiction. (1915, c. 8).

2. Every penalty incurred for any violation of the provisions of this Act may be sued for and recovered.

(a) before the Exchequer Court of Canada or any court of competent jurisdiction in the premises; or

(b) if the amount of such penalty does not exceed five hundred dollars, by summary conviction under Part XV of the *Criminal Code* (1915, c. 8; 1918, c. 46, s. 7.)

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 Two, Part Three and Part Four in the name of the Minister of Customs and Excise. (1923, c. 70, s. 9).

4. The amount of all such penalties shall, except as herein otherwise provided, belong to His Majesty for the public uses of Canada and shall form part of the Consolidated Revenue Fund. (1915, c. 8).

after judgment as before, and in realizing upon any judgment shall be recovered as part of the judgment in a like manner and to the same extent that the amount provided for in the judgment itself may be recovered."

6. Section 19D of the said Act, as enacted by chapter seventy of the statutes of 1923, is repealed and the following is substituted therefor:—

Peanlty for neglecting or refusal to pay tax.

"**19**D. (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 Part or any regulation of the Minister under this Part shall be liable on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars.

Records, books and accounts to be open to inspection.

(2) The records, books, accounts and vouchers of all manufacturers, producers, wholesalers and jobbers and of importers and dealers which are required to be kept under the provisions of Part IV of this Act 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 access to or inspecting the same, or refuses to produce the same or any of them, or who falsifies or destroys or causes to be falsified or destroyed any of such records, shall be liable, on summary conviction, to a penalty of not less than one hundred dollars and not exceeding one thousand dollars."

7. Section 19E of the said Act as enacted by chapter seventy of the statutes of 1923 is repealed and the following is substituted therefor:—

Records and books to be kept.

"**19**E. (1) Every person liable for taxes under Part IV of this Act shall keep records and books of account in English or French and adequate for the purposes of this Act and the Minister may prescribe the form of such books or records if in his opinion adequate records are not being kept.

Failure or refusal to keep books.

(2) Every person who, having been notified by the Minister in writing fails or refuses to keep records as provided in subsection one of this section shall be liable on

5. Any penalty collected and paid under Part Three may be divided with the person laying an information or otherwise aiding in effecting the conviction of the person accused, in such proportions as the Treasury Board in any case or class of cases directs and appoints. (1915, c. 8).

The provisions of the *Customs Act*, chapter forty-eight of the Revised Statutes of Canada, 1906, and the Acts amending the same, shall apply to any war excise tax payable under this Act upon the importation of any article into Canada in the same way and to the same extent as if such war excise tax was payable under the *Custom Tariff Act, 1907*, chapter eleven of the statutes of 1907, or the Acts amending the same. (1918, c. 46, s. 6 (1)).

Whenever any difference arises or whenever any doubt exists as to whether any or what rate of war excise tax is payable on any article and there is no previous decision upon the question by any competent tribunal binding throughout Canada, the Board of Customs appointed under the *Customs Act* may declare what the duty paid value of such article is or what the price of such article is as the case may be, and what amount of war excise tax is payable on the article in question, or that such article is exempt from war excise tax, and any such declaration of the Board of Customs shall have force and effect as if the same had been sanctioned by statute." (1918, c. 46, s. 6).

6. (1) The only change in this subsection is the striking out of the words "for which no other penalty is provided." In view of the fact that the amendments proposed provide penalties for not filing returns and non-payment of taxes, etc., the Department could not proceed under this section unless the words referred to are eliminated. This section has been very useful especially in regard to certain taxpayers.

The subsection to be amended reads as follows:—

"**19D.** (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 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." (1923, c. 70, s. 7 (1)).

6. (2) The only changes are an addition to provide that the penalty apply to the destruction of records (not previously provided for); and a provision for a minimum penalty—some courts have fixed the penalty at a trifling amount and thereby reduced the effect of the section to a practical nullity.

The subsection to be amended reads as follows:—

"**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 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 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. (1923, c. 70, s. 7 (2)).

7. (1) and (2) The present section 19E is merely divided into two subsections and there is added a provision for a *minimum* penalty. This is to overcome the difficulty experienced through some courts imposing only a trifling penalty.

The section to be amended reads as follows:—

"**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. 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 hundred dollars for each day during which the default continues." (1923, c. 70, s. 8).

summary conviction to a penalty of not less than twenty-five dollars per day for each day during which the default continues."

Assessment where no adequate records kept.

"(3) Every person who in the opinion of the Minister has failed to maintain adequate records of account for the purposes of this Act, may be assessed notwithstanding the returns filed under this Act by such person and the taxes so assessed shall be deemed to have been payable as prescribed by section 19CC of this Act."

8. The said Act is amended by inserting the following section immediately after section 19E:—

Trustees, assignees, executors, etc., to obtain certificate that all charges are paid before distribution.

"**19**EE. Trustees in bankruptcy, assignees, administrators, executors and other like persons, before distributing any assets under their control shall obtain a certificate from the Minister certifying that no unpaid taxes or penalties as provided by Part IV of this Act properly chargeable against the person, property, business or estate, as the case may be, remain outstanding. Distribution without such certificate shall render the trustees in bankruptcy, assignees, administrators, executors and other like persons personally liable for the taxes and penalties."

7. (3) This is new. It is inserted to get over the now existing inability to impose *any* tax where the records are not available or inadequate, even though the Department is convinced that taxes are due.

8. This proposed section is based upon the similar provision in the Income War Tax Act (see Subsection 10 of Section 10, Chapter 49, 1920). It is designed to protect the revenue in the case of Sales Tax by making it incumbent on the trustee etc., to ascertain that there is no claim for taxes. It must be remembered that the Department has thousands of taxpayers to keep track of while the trustee may only be dealing with a few.

230.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

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,
6th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38387 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 230.

An Act to amend The Special War Revenue Act, 1915.

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

1. Section 19A of Part IV of *The Special War Revenue Act, 1915*, as enacted by chapter seventy of the statutes of 1923, is amended by adding thereto the following subsection:—

"Person."

"(2) 'Person' includes any body corporate or association, syndicate, trust or other body and the heirs, executors, and administrators thereof and the curators and assigns or other legal representatives of such person according to the law of that part of Canada to which the context extends."

2. Section 19BBB of the said Act, as enacted by chapter seventy of the statutes of 1923 and amended by chapter sixty-eight of the statutes of 1924 and by chapter twenty-six of the statutes of 1925, is further amended by adding thereto the following subsection:—

Power to determine fair price.

"(15) Where goods subject to tax under this section are sold at a price which in the judgment of the Minister is less than the fair price on which sales tax should be imposed, the Minister shall have the power to determine the fair price and the taxpayer shall pay the sales tax on the price so determined."

3. Section 19C as enacted by chapter forty-six of the statutes of 1918 is repealed and the following is substituted therefor:—

Regulations.

"**19C.** The Minister may make any regulation deemed necessary or advisable for carrying Part IV of this Act into effect, and may thereby authorize the Deputy Minister of Customs and Excise or such other officer as he may deem expedient to exercise such of the powers conferred by this Act upon the Minister as may in the opinion of the Minister

Deputy or officer to exercise powers of Minister, when authorized.

Explanatory Notes.

1. Section 19A as amended supplies a definition of "person" which is at present lacking in the Act. The definition proposed is substantially the same as that contained in the Interpretation Act (R.S.C. Chap. 1) but has been extended to make it conform to that contained in Section 2, paragraph *(d)* of the Income War Tax Act 1917, which is more comprehensive.

The section to be amended reads as follows:—

"PART IV.

"19A. In this Part, unless the context otherwise requires, "Minister" means the Minister of Customs and Excise." (1923, c. 70, s. 4.)

2. This new subsection is designed particularly to cover those cases where vendor and purchaser are inter-related, associated or affiliated concerns or where one is subsidiary to the other. It has been found by experience that in such cases the price at which one concern sells to the other and on which sales tax is computed has been at times set at a figure very much below even the cost of production. The amendment is designed to check the evasion of sales tax in this or similar ways by giving the Minister, in such cases, power to determine and set a fair price on which sales tax shall be computed and paid.

3. The new section substituted as section 19C gives the Minister, in addition to the power to make regulations as provided in the old section, power to authorize the Deputy Minister or other officer of the Department to act in his place. This section is designed to meet an objection which has been raised in the courts to any officer of the Department other than the Minister taking any action under the Act as it now stands.

The section to be repealed reads as follows:—

"**19C.** The Minister may make such regulations as he deems necessary or advisable for carrying out the provisions of this part." (1918, c. 46, s. 5.)

be conveniently exercised by the Deputy Minister or such officer, and such regulations shall be enforced in the same manner as all other provisions of this Act."

4. The said Act is amended by inserting the following section immediately after section 19c thereof:—

Penalty for not filing return each month.

"**19**cc. (1) Every person liable for taxes under Part IV of this Act who neglects to file each month a true return of his taxable sales for the next preceding month in accordance with the regulations made by the Minister, shall in addition to any other penalties provided by Part IV of this Act pay a penalty of five per cent of the taxes payable; Provided, however, that such penalty shall not exceed twenty-five dollars in respect of each such return."

Date of payment.

(2) The tax shall be paid not later than the last day of the first succeeding month to that in which the sales were made.

Penalty for default in payment.

(3) In default of payment of the tax or any portion thereof within the time prescribed by this Act or by regulations established thereunder, there shall be paid in addition to the amount in default a penalty of two-thirds of one per centum of the amount in default in respect of each month or fraction thereof during which such default continues after the coming into force of this section."

5. The said Act is amended by inserting the following section immediately after section 19cc thereof:—

Recovery in Exchequer Court.

"**19**ccc. (1) All taxes, interest and penalties payable under Part IV of this Act as amended may, notwithstanding any other provision contained in this Act and without restriction of the application thereof, be recovered in the Exchequer Court of Canada and any such amount payable remaining unpaid, whether in whole or in part after one month from the date of sending by registered mail of a notice of arrears addressed to the taxpayer, may be certified by the Deputy Minister and on the production to the said Court or Judge or 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 Court for the recovery of a debt of the amount specified in the certificate, including penalties to date of payment as provided for in Part IV of this Act as amended and entered upon the date of such registration, and all reasonable costs and charges attendant upon the registration of such certificate shall be recoverable in like manner as if they were part of such judgment.

Certificate of default to be registered as judgment.

Recovery of penalties.

"(2) The penalties provided for in Part IV of this Act as amended shall remain in full force and effect as well

4. (1) There is in the present Act no penalty for not filing return. The penalty proposed is set at 5% of the taxes but with a maximum of $25.00. It is not cumulative, i.e., the *maximum* penalty for any one monthly return will be $25.00 even if delayed several months. If taxpayer neglects to file returns for several months the penalty will apply separately to each. To reach the maximum of $25.00 the taxpayer would be doing business of $12,500 monthly ($150,000 a year) thus:—

$12,500 at 4% equals tax	$ 500 00
Maximum penalty 5%	$ 25 00

4. (2) This subsection gives the same time for making return as has been given in the past under the regulations, i.e., a clear month after the month in which sales were made. No serious objection appears to have been raised to this by the taxpayers.

4. (3) There is no penalty in the present Act for failure to pay the taxes when due and the absence of any penalty is considered by the officers responsible for the enforcement of the Act to be one of the principal causes of the large amount of unpaid arrears at the present time. The penalty will not be compounded, i.e., no penalty will be imposed on penalties in arrears. The penalty will not be retroactive but the present arrears will be subject to the penalty as from the date of the passing of the amendment. The rate is equal to 8% per annum interest. The Income War Tax Act provides for interest on arrears of 10% per annum (See second paragraph of subsection 7 of section 7).

5. Section 19CCC is new and is substantially the same as the corresponding section in the Income War Tax Act (See Section 10, Chapter 52, 1923). It is designed to give the Department the same powers in collecting arrears of sales taxes as are at present possessed by the Commissioner of Taxation in the collection of income taxes.

It is realized that this is drastic and that the powers conferred will have to be used with discretion.

The Commissioner of Taxation has the same powers and claims that they have been most useful to his Department. It is not contemplated that action should be taken under this section if there is any reasonable doubt as to the tax being applicable or as to the amount claimed. Under the present provisions there is the difficulty of selecting local solicitors not employed by the taxpayer. The present procedure involves lengthy correspondence and negotiations and consequently delay in settlement, and in the meantime the arrears keep piling up. The amendment relates only to Part IV of the Act but has been worded so as not to interfere with section 20 which relates to the Act as a whole. Section 20 reads as follows:—

"**20.** All taxes or sums payable under this Act shall be recoverable at any time after the same ought to have been accounted for and paid, and all such taxes and sums shall be recoverable, and all rights of His Majesty hereunder enforced, with full costs of suit, as a debt due to or as a right enforceable by His Majesty, in the Exchequer Court or in any other court of competent jurisdiction. (1915, c. 8).

2. Every penalty incurred for any violation of the provisions of this Act may be sued for and recovered.

(a) before the Exchequer Court of Canada or any court of competent jurisdiction in the premises; or

(b) if the amount of such penalty does not exceed five hundred dollars, by summary conviction under Part XV of the *Criminal Code* (1915, c. 8; 1918, c. 46, s. 7.)

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 Two, Part Three and Part Four in the name of the Minister of Customs and Excise. (1923, c. 70, s. 9).

4. The amount of all such penalties shall, except as herein otherwise provided, belong to His Majesty for the public uses of Canada and shall form part of the Consolidated Revenue Fund. (1915, c. 8).

after judgment as before, and in realizing upon any judgment shall be recovered as part of the judgment in a like manner and to the same extent that the amount provided for in the judgment itself may be recovered."

6. Section 19D of the said Act, as enacted by chapter seventy of the statutes of 1923, is repealed and the following is substituted therefor:—

Peanlty 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 and any person who contravenes any requirement of this Part or any regulation of the Minister under this Part shall be liable on summary conviction, to a penalty of not less than fifty dollars and not exceeding one thousand dollars.

Records, books and accounts to be open to inspection.

(2) The records, books, accounts and vouchers of all manufacturers, producers, wholesalers and jobbers and of importers and dealers which are required to be kept under the provisions of Part IV of this Act 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 access to or inspecting the same, or refuses to produce the same or any of them, or who falsifies or destroys or causes to be falsified or destroyed any of such records, shall be liable, on summary conviction, to a penalty of not less than one hundred dollars and not exceeding one thousand dollars."

7. Section 19E of the said Act as enacted by chapter seventy of the statutes of 1923 is repealed and the following is substituted therefor:—

Records and books to be kept.

"**19E.** (1) Every person liable for taxes under Part IV of this Act shall keep records and books of account in English or French and adequate for the purposes of this Act and the Minister may prescribe the form of such books or records if in his opinion adequate records are not being kept.

Failure or refusal to keep books.

(2) Every person who, having been notified by the Minister in writing fails or refuses to keep records as provided in subsection one of this section shall be liable on

5. Any penalty collected and paid under Part Three may be divided with the person laying an information or otherwise aiding in effecting the conviction of the person accused, in such proportions as the Treasury Board in any case or class of cases directs and appoints. (1915, c. 8).

The provisions of the *Customs Act*, chapter forty-eight of the Revised Statutes of Canada, 1906, and the Acts amending the same, shall apply to any war excise tax payable under this Act upon the importation of any article into Canada in the same way and to the same extent as if such war excise tax was payable under the *Custom Tariff Act, 1907*, chapter eleven of the statutes of 1907, or the Acts amending the same. (1918, c. 46, s. 6 (1)).

Whenever any difference arises or whenever any doubt exists as to whether any or what rate of war excise tax is payable on any article and there is no previous decision upon the question by any competent tribunal binding throughout Canada, the Board of Customs appointed under the *Customs Act* may declare what the duty paid value of such article is or what the price of such article is as the case may be, and what amount of war excise tax is payable on the article in question, or that such article is exempt from war excise tax, and any such declaration of the Board of Customs shall have force and effect as if the same had been sanctioned by statute." (1918, c. 46, s. 6).

6. (1) The only change in this subsection is the striking out of the words "for which no other penalty is provided." In view of the fact that the amendments proposed provide penalties for not filing returns and non-payment of taxes, etc., the Department could not proceed under this section unless the words referred to are eliminated. This section has been very useful especially in regard to certain taxpayers.

The subsection to be amended reads as follows:—

"**19**D. (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 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." (1923, c. 70, s. 7 (1)).

6. (2) The only changes are an addition to provide that the penalty apply to the destruction of records (not previously provided for); and a provision for a minimum penalty—some courts have fixed the penalty at a trifling amount and thereby reduced the effect of the section to a practical nullity.

The subsection to be amended reads as follows:—

"**19**D. (2) The records, books, accounts and vouchers 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, 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. (1923, c. 70, s. 7 (2)).

7. (1) and (2) The present section 19E is merely divided into two subsections and there is added a provision for a *minimum* penalty. This is to overcome the difficulty experienced through some courts imposing only a trifling penalty.

The section to be amended reads as follows:—

"**19**E. 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. 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 hundred dollars for each day during which the default continues." (1923, c. 70, s. 8).

summary conviction to a penalty of not less than twenty-five dollars per day for each day during which the default continues."

Assessment where no adequate records kept.

"(3) Every person who in the opinion of the Minister has failed to maintain adequate records of account for the purposes of this Act, may be assessed notwithstanding the returns filed under this Act by such person and the taxes so assessed shall be deemed to have been payable as prescribed by section 19cc of this Act."

8. The said Act is amended by inserting the following section immediately after section 19E:—

Trustees, assignees, executors, etc., to obtain certificate that all charges are paid before distribution.

"**19EE.** Trustees in bankruptcy, assignees, administrators, executors and other like persons, before distributing any assets under their control shall obtain a certificate from the Minister certifying that no unpaid taxes or penalties as provided by Part IV of this Act properly chargeable against the person, property, business or estate, as the case may be, remain outstanding. Distribution without such certificate shall render the trustees in bankruptcy, assignees, administrators, executors and other like persons personally liable for the taxes and penalties."

7. (3) This is new. It is inserted to get over the now existing inability to impose *any* tax where the records are not available or inadequate, even though the Department is convinced that taxes are due.

8. This proposed section is based upon the similar provision in the Income War Tax Act (see Subsection 10 of Section 10, Chapter 49, 1920). It is designed to protect the revenue in the case of Sales Tax by making it incumbent on the trustee etc., to ascertain that there is no claim for taxes. It must be remembered that the Department has thousands of taxpayers to keep track of while the trustee may only be dealing with a few.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 231.

An Act to amend The Civil Service Superannuation Act, 1924.

First reading, March 25, 1927.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38568 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 231.

An Act to amend The Civil Service Superannuation Act, 1924.

1924, c. 69; 1925, c. 36.

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

1. Section two of *The Civil Service Superannuation Act, 1924*, is amended by inserting the following paragraph:—

"Misconduct."

(gg) "Misconduct" means wilful disobedience of the provisions of any statute or regulation governing the performance of official duties the breach of which involves dismissal from the Civil Service, malversation in office, or abandonment of office.

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

Application of Part I.

"**3.** This Part applies to every person who becomes a civil servant after the date of the coming into force of this Act, and to such other civil servants as elect under the provisions of any of the other Parts of this Act to become contributors."

3. Subparagraph (iii) of paragraph *(a)* of section five of the said Act is repealed and the following is substituted therefor:—

"(iii) who for any reason other than misconduct or those hereinbefore specified retires, whether voluntarily or by dismissal or removal, from the Civil Service, a withdrawal allowance payable in one sum equal to the total amount of his contributions made under this Act without interest;"

EXPLANATORY NOTES.

1. The object of this amendment is to assign a definite meaning to the word "misconduct" as used in section 5 *(a)* (iii) of the Act in order that no contributor may suffer deprivation of the withdrawal allowance except for the forms of misconduct covered by the definition.

2. The section repealed reads as follows:—

"**3.** This Part applies to every civil servant appointed after the date of the coming into force of this Act, and to such other civil servants as elect under the provisions of any of the other Parts of this Act to become contributors."

The part referred to in this case is Part I of the Act. There are certain civil servants who were appointed prior to the coming into force of this Act but were not eligible to elect to become contributors under the other Parts of the Act. They have, since the coming into force of the Act, become "civil servants" as within the meaning of the definition in section 2 *(b)* either by reason of increase of salary, promotion, transfer, or other change of the conditions of their employment. The section is being re-enacted in order to make it clear that a person who has become a "civil servant", as defined, since the coming into force of the Act, is subject to the provisions of Part I whether he becomes a civil servant by appointment or otherwise."

3. The only amendment is by the insertion of the words underlined.

This amendment makes it clear that a contributor shall be eligible to receive the withdrawal allowance in all cases of severance from the service, except by dismissal or removal for "misconduct" as defined by paragraph *(gg)* of section 2.

Calculation of allowance contributor having served previously to becoming a contributor.

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

"(3) If a contributor who is subject only to the provisions of this Part has, prior to his becoming a contributor, served in the Sivil Service, whether in a temporary or permanent capacity, such prior service shall be counted only to the extent of one-half in computing all allowance under this Act unless within three months after his becoming a contributor, or within three months of the passing of this amending Act, whichever is the later, he contributes to the Consolidated Revenue Fund an amount equal to five per cent of the total salary received by him during the period of such prior service, with simple interest thereon, at the rate of four per cent per annum, which amount shall be deemed to be a contribution under this Act and shall be payable in one sum or in instalments of equivalent value computed on such bases as to mortality and interest as the Governor in Council may by regulation prescribe.

Average salary for period fixed by this Act.

"(4) If the average salary for the period fixed by this Act for the purpose of computing the allowance of any contributor is less than the average salary for any like period during the contributor's service, the contributor, or his widow or children under the age of eighteen years, as the case may be, shall be entitled to receive, in addition to any allowance under this Act, a refund of the contributions made in respect of the excess of his salary during any like period over his salary for the period so fixed: Provided that the Governor in Council, on the recommendation of the Treasury Board, may by regulation determine the basis of such refund in any case or class of cases, and when a contributor has died without receiving such refund, the person or persons amongst the surviving window and children, or children only, of such contributor to whom it shall be paid, and if to more than one of them, the manner in which it shall be apportioned."

Annual allowances.

5. Section eight of the said Act is amended by adding thereto the following proviso:—

"Provided that the Governor in Council, on the recommendation of the Treasury Board, may, by regulation, authorize the payment of an annual allowance to the last day of the month in which the recipient dies."

Report by the Treasury Board.

6. Subsection one of section nine of the said Act is amended by adding thereto the following proviso:—

"Provided that the latter report shall not be required if the contributor has attained the age of sixty-five years."

4. (3) The object of this subsection is to make provision in Part I of the Act for the payment by contributors under Part I (who have become such automatically by virtue of the first part of section 3 and not by virtue of election under any of the other Parts of the Act) of contributions in respect of past non-contributory service where they desire to have this service counted in full instead of only to the extent of one-half without contributions. This provision will place such contributors on the same footing as persons who became contributors under the other Parts of the Act. It supplies an omission in the Act as originally passed. On a strict construction of the Act as it stands now, such contributors are entitled to the full benefit of their past non-contributory service without paying any contributions in respect of it at all.

(4) Under section 6, the superannuation allowance is computed upon the basis of the average annual salary received by the contributor during the last five or ten years of his service, according to the Part of the Act under which he became a contributor. It may happen that his average salary during that period is considerably less than the average salary upon which he has previously paid contributions. This will occur most frequently in the case of employees who, during some period of their service, have been in receipt of living or/and residential allowances, in addition to their regular salary. The salary upon which the contributions of such persons is based includes the value of such allowances. The salary or allowances of such contributors may be reduced, or possibly they may not receive the allowances at all, during the last five or ten years of their service. It is considered just that, where the average salary for the period fixed by the Act for the purpose of computing the allowance of a contributor is less than the average salary for any like period during a contributor's service, that he or his widow or children, as the case may be, should be granted a refund of the contributions made in respect of the excess of his salary during any such like period over his salary for the period upon which his retiring allowance is based. The subsection is intended to make provision for such a refund.

5. This provision is intended to provide statutory authority for the latter part of paragraph six of the regulations which have been made under the Civil Service Superannuation Act, 1924. This regulation is in accordance with what has been the practice under Part I of the Civil Service Superannuation and Retirement Act, R.S.C., chapter 17; but the Department of Justice has ruled that it was inconsistent with the provisions of section 8 of the Act.

6. Under section 5, the Governor in Council has authority to grant an annual retiring allowance to any contributor who, having served ten years in the Civil Service, has attained the age of sixty-five years, and no other qualification is required. But as section 9 stands, it requires in every case that the Treasury Board, on the advice of the Civil Service Commission, shall report that the granting of a retiring allowance is in the public interest. It is considered that no such report should be required in the case of a contributor who has attained the age of sixty-five years.

Dismissal or removal.

7. The last four lines of subsection three of section ten of the said Act are hereby repealed.

Regulations by Governor in Council.

8. (1) Section eleven of the said Act is amended by repealing the first line thereof and substituting therefor the following:—

"**11.** (1) The Governor in Council may, on the recommendation of the Treasury Board, make regulations,—"

(2) The said section is further amended by adding thereto the following paragraph:—

"*(u)* determining the amount which shall, for the purposes of this Act, be deemed to be the salary of a contributor who, out of his authorized salary, is required to pay for the services of one or more assistants."

(3) The said section is further amended by adding thereto the following subsection:—

"(2) Notwithstanding any provision of this Act the Governor in Council may on the recommendation of the Treasury Board, also make regulations determining whether, and to what extent, and under what conditions,

(i) any duly authorized period of absence from duty without pay after the date of the passing of this amending Act shall be counted as service for the purpose of computing allowances under this Act, and

(ii) any contributor who has been absent on leave without pay shall nevertheless be deemed to have been in receipt of salary for the purposes of computing the average salary received by him for the purposes of this Act.

(iii) any benefits may be granted under this Act to a contributor or the widow or children or dependents of a contributor who, by reason of a reduction of his salary or other change of the conditions of his employment, ceases to be eligible to be a contributor under this Act: Provided that, in the event of such contributor leaving the service or dying without becoming re-eligible to be a contributor under this Act, the benefits which may be granted to him or to his widow or children or dependents shall not in any case be in excess of those which would have been received if he had been retired from the service immediately before he ceased to be eligible to be a contributor under this Act.

(iv) the period during which a former contributor, though still serving in the Civil Service, has not been eligible to be a contributor under this Act shall, in the event of his becoming re-eligible to be a contributor, be counted for the purposes of this Act, and the manner in which the retiring or other allowances under this Act shall, in such case, be computed when such period forms

7. This amendment removes the anomaly whereby a contributor with less than 10 years service, on dismissal or removal, might be granted a refund of the whole or part of his contributions although such a contributor if he voluntarily retired in good standing forfeited the whole of his contributions.

8. (2) Certain classes of employees, such as lightkeepers, are required, out of the salary which is paid to them, to employ or pay one or more assistants, This obligation is, of course, taken into account in fixing the amount of salary paid to such an employee. Under the Act as it stands, the employee is required to pay contributions on the basis of the salary which is paid to him; likewise his retiring allowance would be computed on the basis of that salary. The amendment is designed to give the Governor in Council authority to determine the amount which shall, for the purposes of the Act, be deemed to be the salary of such an employee.

8. (3) (i) Under this Act as it stands, the service of a contributor includes periods of absence from duty each year, although he is required to pay contributions only upon the salary which he actually receives. This provision is intended to give the Governor in Council authority to require the payment of contributions in respect of such periods of absence if the contributor desires to have such periods counted as part of his service for the purposes of the Act.

(ii) Under the provisions of the Act, the superannuation allowance is computed on the basis of the average salary received by the contributor during the last five or ten years of his service, as the case may be. It has been ruled that the average salary received means the average salary actually received, so that if a contributor during the period in question has been on leave of absence without pay, as, for example, by reason of illness, the amount of his superannuation allowance will be reduced, perhaps to a serious extent, although during the greater part of his service he has paid contributions on the basis of his full annual salary. The object of this provision is to enable the Governor in Council to determine, under what conditions, a contributor who has been absent on leave without pay shall, nevertheless, be deemed to have been in receipt of salary for the purpose of computing the average salary received by him.

(iii) A contributor may, by reason of a reduction of salary or other change of the conditions of his employment, cease to be eligible to be a contributor although still serving in the Civil Service. The Act provides no authority for granting a contributor or his widow or children or dependents, upon that event, a refund of contributions or any other benefit. Cases of hardship may arise. The amendment is designed to give the Governor in Council authority to determine what benefits provided by the Act may be granted in such cases.

(iv) This provision deals with the case of a contributor who having become ineligible to be a contributor for a period of time subsequently becomes re-eligible. The object of the provision is indicated by its terms.

part of the period fixed by this Act for the purpose of computing such allowances.

(v) periods of past non-contributory service in or under any branch or portion of the public service of Canada which had ceased to exist prior to the coming into force of this Act shall be counted for the purposes of this Act.

(vi) persons whose duties or employment are of a seasonal character shall be deemed to be civil servants within the meaning of this Act and eligible to be contributors thereunder and their periods of work and of lay-off from work shall be counted for the purpose of computing any allowance or gratuity under this Act.

Election to become contributor.

9. (1) Section sixteen of the said Act, as amended by chapter thirty-six of the statutes of 1925, is amended by striking out the words "two years" in the second line thereof, and substituting therefor the words "three years".

(2) Section twenty of the said Act, as amended by chapter thirty-six of the statutes of 1925, is amended by striking out the words "two years" in the second line thereof, and substituting the words "three years".

(3) Section twenty-two of the said Act, as amended by chapter thirty-six of the statutes of 1925, is amended by striking out the words "two years" in the first line thereof, and substituting therefor the words "three years".

(v) This provision is intended to give the Governor in Council authority to provide, by regulation, that past service of a contributor in or under any branch or portion of the public service of Canada which had ceased to exist before the Act was passed, may be counted for the purposes of the Act. There are quite a large number of Boards and Commissions which were abolished before the Act came into force, e.g., Military Hospitals Commission, War Purchasing Commission, Conservation Commission, Canada Food Board, Housing Committee, War Committee of the Cabinet, etc., etc.

(vi) There are certain seasonal employees who, though occupying positions to which compensation at a stated annual rate of $600.00 or more is attached, are paid only during the months they are actually required to be on duty. They may always receive a salary of $600.00 in any year but are nevertheless ineligible to be contributors under the Act for the reason that they are not in receipt of a stated annual of at least that amount. The object of the amendment is to enable the Governor in Council to make provision for bringing such employees under the Act. Various questions will arise in connection with such employees, for example, (1) what period of time is to be looked at for the purpose of determining whether or not a seasonal employee has actually received $600.00; (2) how his case is to be dealt with in the event of his receiving under $600.00 in any year, and (3) how his periods of work and of lay-off from work are to be counted for the purpose of computing an allowance or gratuity under the Act. The amendment will enable the Governor in Council to deal with these and other similar questions.

9. The object of the amendments covered by this section is to extend the period of election under Parts II, III and IV of the Act to three years from the date of the coming into force of the Act. The period of election was originally one year. By chapter 36 of the statutes of 1925 it was extended to two years. It is now proposed to extend it for another year, i.e., to the 19th July, 1927.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 231.

An Act to amend The Civil Service Superannuation Act, 1924.

AS PASSED BY THE HOUSE OF COMMONS, 1st APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOS EXCELLENT MAJESTY
38590 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 231.

An Act to amend The Civil Service Superannuation Act, 1924.

1924, c. 69; 1925, c. 36.

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

1. Section two of *The Civil Service Superannuation Act, 1924*, is amended by inserting the following paragraph:—

"Misconduct."

(gg) "Misconduct" means wilful disobedience of the provisions of any statute or regulation governing the performance of official duties the breach of which involves dismissal from the Civil Service, malversation in office, or abandonment of office.

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

Application of Part I.

"**3.** This Part applies to every person who becomes a civil servant after the date of the coming into force of this Act, and to such other civil servants as elect under the provisions of any of the other Parts of this Act to become contributors."

3. Subparagraph (iii) of paragraph *(a)* of section five of the said Act is repealed and the following is substituted therefor:—

"(iii) who for any reason other than misconduct or those hereinbefore specified retires, whether voluntarily or by dismissal or removal, from the Civil Service, a withdrawal allowance payable in one sum equal to the total amount of his contributions made under this Act without interest;"

EXPLANATORY NOTES.

1. The object of this amendment is to assign a definite meaning to the word "misconduct" as used in section 5 *(a)* (iii) of the Act in order that no contributor may suffer deprivation of the withdrawal allowance except for the forms of misconduct covered by the definition.

2. The section repealed reads as follows:—

"**3.** This Part applies to every civil servant appointed after the date of the coming into force of this Act, and to such other civil servants as elect under the provisions of any of the other Parts of this Act to become contributors."

The part referred to in this case is Part I of the Act. There are certain civil servants who were appointed prior to the coming into force of this Act but were not eligible to elect to become contributors under the other Parts of the Act. They have, since the coming into force of the Act, become "civil servants" as within the meaning of the definition in section 2 *(b)* either by reason of increase of salary, promotion, transfer, or other change of the conditions of their employment. The section is being re-enacted in order to make it clear that a person who has become a "civil servant", as defined, since the coming into force of the Act, is subject to the provisions of Part I whether he becomes a civil servant by appointment or otherwise."

3. The only amendment is by the insertion of the words underlined.

This amendment makes it clear that a contributor shall be eligible to receive the withdrawal allowance in all cases of severance from the service, except by dismissal or removal for "misconduct" as defined by paragraph *(gg)* of section 2.

Calculation of allowance contributor having served previously to becoming a contributor.

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

"(3) If a contributor who is subject only to the provisions of this Part has, prior to his becoming a contributor, served in the Sivil Service, whether in a temporary or permanent capacity, such prior service shall be counted only to the extent of one-half in computing all allowance under this Act unless within three months after his becoming a contributor, or within three months of the passing of this amending Act, whichever is the later, he contributes to the Consolidated Revenue Fund an amount equal to five per cent of the total salary received by him during the period of such prior service, with simple interest thereon, at the rate of four per cent per annum, which amount shall be deemed to be a contribution under this Act and shall be payable in one sum or in instalments of equivalent value computed on such bases as to mortality and interest as the Governor in Council may by regulation prescribe.

Average salary for period fixed by this Act.

"(4) If the average salary for the period fixed by this Act for the purpose of computing the allowance of any contributor is less than the average salary for any like period during the contributor's service, the contributor, or his widow or children under the age of eighteen years, as the case may be, shall be entitled to receive, in addition to any allowance under this Act, a refund of the contributions made in respect of the excess of his salary during any like period over his salary for the period so fixed: Provided that the Governor in Council, on the recommendation of the Treasury Board, may by regulation determine the basis of such refund in any case or class of cases, and when a contributor has died without receiving such refund, the person or persons amongst the surviving window and children, or children only, of such contributor to whom it shall be paid, and if to more than one of them, the manner in which it shall be apportioned."

Annual allowances.

5. Section eight of the said Act is amended by adding thereto the following proviso:—

"Provided that the Governor in Council, on the recommendation of the Treasury Board, may, by regulation, authorize the payment of an annual allowance to the last day of the month in which the recipient dies."

Report by the Treasury Board.

6. Subsection one of section nine of the said Act is amended by adding thereto the following proviso:—

"Provided that the latter report shall not be required if the contributor has attained the age of sixty-five years."

4. (3) The object of this subsection is to make provision in Part I of the Act for the payment by contributors under Part I (who have become such automatically by virtue of the first part of section 3 and not by virtue of election under any of the other Parts of the Act) of contributions in respect of past non-contributory service where they desire to have this service counted in full instead of only to the extent of one-half without contributions. This provision will place such contributors on the same footing as persons who became contributors under the other Parts of the Act. It supplies an omission in the Act as originally passed. On a strict construction of the Act as it stands now, such contributors are entitled to the full benefit of their past non-contributory service without paying any contributions in respect of it at all.

(4) Under section 6, the superannuation allowance is computed upon the basis of the average annual salary received by the contributor during the last five or ten years of his service, according to the Part of the Act under which he became a contributor. It may happen that his average salary during that period is considerably less than the average salary upon which he has previously paid contributions. This will occur most frequently in the case of employees who, during some period of their service, have been in receipt of living or/and residential allowances, in addition to their regular salary. The salary upon which the contributions of such persons is based includes the value of such allowances. The salary or allowances of such contributors may be reduced, or possibly they may not receive the allowances at all, during the last five or ten years of their service. It is considered just that, where the average salary for the period fixed by the Act for the purpose of computing the allowance of a contributor is less than the average salary for any like period during a contributor's service, that he or his widow or children, as the case may be, should be granted a refund of the contributions made in respect of the excess of his salary during any such like period over his salary for the period upon which his retiring allowance is based. The subsection is intended to make provision for such a refund.

5. This provision is intended to provide statutory authority for the latter part of paragraph six of the regulations which have been made under the Civil Service Superannuation Act, 1924. This regulation is in accordance with what has been the practice under Part I of the Civil Service Superannuation and Retirement Act, R.S.C., chapter 17; but the Department of Justice has ruled that it was inconsistent with the provisions of section 8 of the Act.

6. Under section 5, the Governor in Council has authority to grant an annual retiring allowance to any contributor who, having served ten years in the Civil Service, has attained the age of sixty-five years, and no other qualification is required. But as section 9 stands, it requires in every case that the Treasury Board, on the advice of the Civil Service Commission, shall report that the granting of a retiring allowance is in the public interest. It is considered that no such report should be required in the case of a contributor who has attained the age of sixty-five years.

Dismissal or removal.

7. The last four lines of subsection three of section ten of the said Act are hereby repealed.

Regulations by Governor in Council.

8. (1) Section eleven of the said Act is amended by repealing the first line thereof and substituting therefor the following:—

"**11.** (1) The Governor in Council may, on the recommendation of the Treasury Board, make regulations,—"

(2) The said section is further amended by adding thereto the following paragraph:—

"*(u)* determining the amount which shall, for the purposes of this Act, be deemed to be the salary of a contributor who, out of his authorized salary, is required to pay for the services of one or more assistants."

(3) The said section is further amended by adding thereto the following subsection:—

"(2) Notwithstanding any provision of this Act the Governor in Council may on the recommendation of the Treasury Board, also make regulations determining whether, and to what extent, and under what conditions,

(i) any duly authorized period of absence from duty without pay after the date of the passing of this amending Act shall be counted as service for the purpose of computing allowances under this Act, and

(ii) any contributor who has been absent on leave without pay shall nevertheless be deemed to have been in receipt of salary for the purposes of computing the average salary received by him for the purposes of this Act.

(iii) any benefits may be granted under this Act to a contributor or the widow or children or dependents of a contributor who, by reason of a reduction of his salary or other change of the conditions of his employment, ceases to be eligible to be a contributor under this Act: Provided that, in the event of such contributor leaving the service or dying without becoming re-eligible to be a contributor under this Act, the benefits which may be granted to him or to his widow or children or dependents shall not in any case be in excess of those which would have been received if he had been retired from the service immediately before he ceased to be eligible to be a contributor under this Act.

(iv) the period during which a former contributor, though still serving in the Civil Service, has not been eligible to be a contributor under this Act shall, in the event of his becoming re-eligible to be a contributor, be counted for the purposes of this Act, and the manner in which the retiring or other allowances under this Act shall, in such case, be computed when such period forms

7. This amendment removes the anomaly whereby a contributor with less than 10 years service, on dismissal or removal, might be granted a refund of the whole or part of his contributions although such a contributor if he voluntarily retired in good standing forfeited the whole of his contributions.

8. (2) Certain classes of employees, such as lightkeepers, are required, out of the salary which is paid to them, to employ or pay one or more assistants, This obligation is, of course, taken into account in fixing the amount of salary paid to such an employee. Under the Act as it stands, the employee is required to pay contributions on the basis of the salary which is paid to him; likewise his retiring allowance would be computed on the basis of that salary. The amendment is designed to give the Governor in Council authority to determine the amount which shall, for the purposes of the Act, be deemed to be the salary of such an employee.

8. (3) (i) Under this Act as it stands, the service of a contributor includes periods of absence from duty each year, although he is required to pay contributions only upon the salary which he actually receives. This provision is intended to give the Governor in Council authority to require the payment of contributions in respect of such periods of absence if the contributor desires to have such periods counted as part of his service for the purposes of the Act.

(ii) Under the provisions of the Act, the superannuation allowance is computed on the basis of the average salary received by the contributor during the last five or ten years of his service, as the case may be. It has been ruled that the average salary received means the average salary actually received, so that if a contributor during the period in question has been on leave of absence without pay, as, for example, by reason of illness, the amount of his superannuation allowance will be reduced, perhaps to a serious extent, although during the greater part of his service he has paid contributions on the basis of his full annual salary. The object of this provision is to enable the Governor in Council to determine, under what conditions, a contributor who has been absent on leave without pay shall, nevertheless, be deemed to have been in receipt of salary for the purpose of computing the average salary received by him.

(iii) A contributor may, by reason of a reduction of salary or other change of the conditions of his employment, cease to be eligible to be a contributor although still serving in the Civil Service. The Act provides no authority for granting a contributor or his widow or children or dependents, upon that event, a refund of contributions or any other benefit. Cases of hardship may arise. The amendment is designed to give the Governor in Council authority to determine what benefits provided by the Act may be granted in such cases.

(iv) This provision deals with the case of a contributor who having become ineligible to be a contributor for a period of time subsequently becomes re-eligible. The object of the provision is indicated by its terms.

part of the period fixed by this Act for the purpose of computing such allowances.

(v) periods of past non-contributory service in or under any branch or portion of the public service of Canada which had ceased to exist prior to the coming into force of this Act shall be counted for the purposes of this Act.

(vi) persons whose duties or employment are of a seasonal character shall be deemed to be civil servants within the meaning of this Act and eligible to be contributors thereunder and their periods of work and of lay-off from work shall be counted for the purpose of computing any allowance or gratuity under this Act.

Election to become contributor.

9. (1) Section sixteen of the said Act, as amended by chapter thirty-six of the statutes of 1925, is amended by striking out the words "two years" in the second line thereof, and substituting therefor the words "three years".

(2) Section twenty of the said Act, as amended by chapter thirty-six of the statutes of 1925, is amended by striking out the words "two years" in the second line thereof, and substituting the words "three years".

(3) Section twenty-two of the said Act, as amended by chapter thirty-six of the statutes of 1925, is amended by striking out the words "two years" in the first line thereof, and substituting therefor the words "three years".

(v) This provision is intended to give the Governor in Council authority to provide, by regulation, that past service of a contributor in or under any branch or portion of the public service of Canada which had ceased to exist before the Act was passed, may be counted for the purposes of the Act. There are quite a large number of Boards and Commissions which were abolished before the Act came into force, e.g., Military Hospitals Commission, War Purchasing Commission, Conservation Commission, Canada Food Board, Housing Committee, War Committee of the Cabinet, etc., etc.

(vi) There are certain seasonal employees who, though occupying positions to which compensation at a stated annual rate of $600.00 or more is attached, are paid only during the months they are actually required to be on duty. They may always receive a salary of $600.00 in any year but are nevertheless ineligible to be contributors under the Act for the reason that they are not in receipt of a stated annual of at least that amount. The object of the amendment is to enable the Governor in Council to make provision for bringing such employees under the Act. Various questions will arise in connection with such employees, for example, (1) what period of time is to be looked at for the purpose of determining whether or not a seasonal employee has actually received $600.00; (2) how his case is to be dealt with in the event of his receiving under $600.00 in any year, and (3) how his periods of work and of lay-off from work are to be counted for the purpose of computing an allowance or gratuity under the Act. The amendment will enable the Governor in Council to deal with these and other similar questions.

9. The object of the amendments covered by this section is to extend the period of election under Parts II, III and IV of the Act to three years from the date of the coming into force of the Act. The period of election was originally one year. By chapter 36 of the statutes of 1925 it was extended to two years. It is now proposed to extend it for another year, i.e., to the 19th July, 1927.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to provide annuities for the Widows of certain Civil Servants.

First reading, March 25, 1927.

The MINISTER OF FINANCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38569 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to provide annuities for the Widows of certain Civil Servants.

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 Civil Servants Widows Annuities Act, 1927."*

"Contributor."

2. In this Act—

(a) "Contributor" means a civil servant or a retired civil servant who died in service or retired from the Civil Service before the first day of January, 1925, and who at the time of his death or retirement was subject to the provisions of Part I of the *Superannuation and Retirement Act;*

"Widow."

(b) "Widow" means the widow of a contributor to whom she had been married before the first day of January, 1924.

Annual allowance.

3. Subject to regulations made under this Act as hereinafter provided, the Governor in Council may grant to any widow an annual allowance payable till death or remarriage, of an amount equal to one-fourth of the allowance which her husband received under the *Superannuation and Retirement Act,* or would have received if at the time of his death he had been retired under the said Act.

Remarriage.

4. (1) No allowance shall be paid under this Act to any widow who has remarried, unless such remarriage was to a contributor and was contracted prior to the first day of January, 1924, in which event, the allowance to the widow under this Act shall be based upon the allowance of the contributor to whom she was last married.

Unworthy cases.

(2) No allowance shall be granted to any widow who is, in the opinion of the Treasury Board, unworthy of it.

Regulations.

5. The Governor in Council may make regulations prescribing the manner in which the allowances authorized by this Act shall be paid the cases in which a lump sum payment may be made, in whole or in part, in commutation of the annual allowance and for any other purpose deemed necessary to give effect to the terms of this Act.

Payments.

6. The monies payable under the provisions of this Act shall be payable out of the Consolidated Revenue Fund.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to provide annuities for the Widows of certain Civil Servants.

AS PASSED BY THE HOUSE OF COMMONS, 1st APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38591 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act to provide annuities for the Widows of certain Civil Servants.

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 Civil Servants Widows Annuities Act, 1927.*"

"Contributor."

2. In this Act—

(a) "Contributor" means a civil servant or a retired civil servant who died in service or retired from the Civil Service before the first day of January, 1925, and who at the time of his death or retirement was subject to the provisions of Part I of the *Superannuation and Retirement Act;*

"Widow."

(b) "Widow" means the widow of a contributor to whom she had been married before the first day of January, 1924.

Annual allowance.

3. Subject to regulations made under this Act as hereinafter provided, the Governor in Council may grant to any widow an annual allowance payable till death or remarriage, of an amount equal to one-fourth of the allowance which her husband received under the *Superannuation and Retirement Act,* or would have received if at the time of his death he had been retired under the said Act.

Remarriage.

4. (1) No allowance shall be paid under this Act to any widow who has remarried, unless such remarriage was to a contributor and was contracted prior to the first day of January, 1924, in which event, the allowance to the widow under this Act shall be based upon the allowance of the contributor to whom she was last married.

Unworthy cases.

(2) No allowance shall be granted to any widow who is, in the opinion of the Treasury Board, unworthy of it.

Regulations.

5. The Governor in Council may make regulations prescribing the manner in which the allowances authorized by this Act shall be paid the cases in which a lump sum payment may be made, in whole or in part, in commutation of the annual allowance and for any other purpose deemed necessary to give effect to the terms of this Act.

Payments.

6. The monies payable under the provisions of this Act shall be payable out of the Consolidated Revenue Fund.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

An Act to encourage the Production of Domestic Fuel from coal mined in Canada.

First reading, March 25, 1927.

The MINISTER OF MINES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38463 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

An Act to encourage the Production of Domestic Fuel from coal mined in Canada.

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

Short title.

1. This Act may be cited as *The Domestic Fuel Act, 1927.*

2. In this Act, unless the context otherwise requires:

"Minister."

(a) "Minister" means the Minister of Mines;

"Works."

(b) "Works" means by-product recovery coke oven plants or such other carbonizing plants as have for their object the production by heat-treatment from coal of a coke suitable for domestic use, and of gas, tar and other by-products;

"Contractor."

(c) "Contractor" means any person with whom an agreement is entered into for the purposes of this Act.

Agreement for construction of works, and aid authorized.

3. (1) The Minister may enter into an agreement for a period not exceeding fifteen years with any person approved by the Governor in Council for the construction and operation by the said person of works, and the Governor in Council may from time to time during the continuance of any such agreement authorize payments to such person in accordance with the provisions of this Act out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Conditions upon which said aid is to be granted.

(2) No such agreement shall be entered into unless and until the Governor in Council is satisfied upon a report of the Minister that the construction of such works is in the public interest, and that the works have been designed for the use therein of coal mined in Canada to the extent of at least seventy per cent of the total coal to be so used.

Conditions of agreement.

(3) Every agreement entered into for the purposes of this Act shall contain, in addition to such other conditions as the Governor in Council may prescribe not inconsistent

with this Act, the following covenants on the part of the contractor:—

To use 70% Canadian coal.

(a) To use during each year in the manufacture of coke, coal mined in Canada to the extent of at least seventy per cent of the total coal so used;

Works to be constructed and operated.

(b) To construct, complete and operate the said works in accordance with the terms of the said agreement;

(c) To keep the said works after completion in thorough repair and full working order to the satisfaction of the Minister.

Amount of annual payments.

4. (1) Payments due under any such agreement to any contractor shall be made annually. Such annual payments to any contractor shall be, if the contractor be an individual, company or private corporation, a sum equal to four per cent or if the contractor be a municipality or other public corporation a sum equal to five per cent of the cost of the works, subject, however, in every case to be reduced by five per cent for each unit of percentage by which the quantity of coal mined in Canada used in the said works for the production of coke falls below seventy per cent of the total quantity of coal so used.

Proviso.

Provided that the net sum payable to any contractor in any year, shall not exceed one dollar per ton of Canadian coal used in the production of coke.

Calculation of cost on which aid is based.

(2) The cost on which the amount payable shall be calculated shall be fixed and determined by the Governor in Council upon the recommendation of the Minister based upon a report of the Dominion Fuel Board or such other authority or person as the Minister may appoint for that purpose, made after construction of the said works has been completed and operation thereof commenced, such cost to include the cost to the contractor of all property, land, buildings, plant, machinery and equipment necessarily used and useful for the production of the said fuel and primary by-products.

Minister to have access to works.

5. The contractor shall make such annual or more frequent returns or reports concerning the operation of the works as the Minister may require, and the Minister or any person appointed by him for that purpose shall have free access to all works, books, plans, records or documents insofar as may be necessary for the purposes of this Act. The decision of the Minister as to any reduction in the annual payment in accordance with section one of section four of this Act shall be final and conclusive.

Cancellation of agreement.

6. The Governor in Council may at any time for cause cancel any agreement entered into under this Act.

Terms of payments.

7. Advantage shall not be taken of section three of this Act after the thirtieth day of June, 1932.

Regulations.

8. The Governor in Council may make regulations deemed necessary to carry out the purposes of this Act.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

An Act to encourage the Production of Domestic Fuel from coal mined in Canada.

AS PASSED BY THE HOUSE OF COMMONS, 5th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38484 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

An Act to encourage the Production of Domestic Fuel from coal mined in Canada.

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

Short title.

1. This Act may be cited as *The Domestic Fuel Act, 1927.*

2. In this Act, unless the context otherwise requires:

"Minister."

(a) "Minister" means the Minister of Mines;

"Works."

(b) "Works" means by-product recovery coke oven plants or such other carbonizing plants as have for their object the production by heat-treatment from coal of a coke suitable for domestic use, and of gas, tar and other by-products;

"Contractor."

(c) "Contractor" means any person with whom an agreement is entered into for the purposes of this Act;

"Domestic use."

(d) "Domestic use" means use in the home, or use solely for the direct heating of any building.

Agreement for construction of works, and aid authorized.

3. (1) The Minister may enter into an agreement for a period not exceeding fifteen years with any person approved by the Governor in Council for the construction and operation by the said person of works, and the Governor in Council may from time to time during the continuance of any such agreement authorize payments to such person in accordance with the provisions of this Act out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Conditions upon which said aid is to be granted.

(2) No such agreement shall be entered into unless and until the Governor in Council is satisfied upon a report of the Minister that the construction of such works is in the public interest, and that the works have been designed for the use therein of coal mined in Canada to the extent of at least seventy per cent of the total coal to be so used.

Conditions of agreement.

(3) Every agreement entered into for the purposes of this Act shall contain, in addition to such other conditions as the Governor in Council may prescribe not inconsistent

with this Act, the following covenants on the part of the contractor:—

To use 70% Canadian coal.

(a) To use during each year in the manufacture of coke, coal mined in Canada to the extent of at least seventy per cent of the total coal so used;

Works to be constructed and operated.

(b) To construct, complete and operate the said works in accordance with the terms of the said agreement;

(c) To keep the said works after completion in thorough repair and full working order to the satisfaction of the Minister.

Amount of annual payments.

4. (1) Payments due under any such agreement to any contractor shall be made annually. Such annual payments to any contractor shall be, if the contractor be an individual, company or private corporation, a sum equal to four per cent or if the contractor be a municipality or other public corporation a sum equal to five per cent of the cost of the works, subject, however, in every case to be reduced by five per cent for each unit of percentage by which the quantity of coal mined in Canada used in the said works for the production of coke falls below seventy per cent of the total quantity of coal so used.

Proviso.

Provided that the net sum payable to any contractor in any year, shall not exceed one dollar per ton of Canadian coal used in the production of coke for domestic use.

Calculation of cost on which aid is based.

(2) The cost on which the amount payable shall be calculated shall be fixed and determined by the Governor in Council upon the recommendation of the Minister based upon a report of the Dominion Fuel Board or such other authority or person as the Minister may appoint for that purpose, made after construction of the said works has been completed and operation thereof commenced, such cost to include the cost to the contractor of all property, land, buildings, plant, machinery and equipment necessarily used and useful for the production of the said fuel and primary by-products.

Minister to have access to works.

5. The contractor shall make such annual or more frequent returns or reports concerning the operation of the works as the Minister may require, and the Minister or any person appointed by him for that purpose shall have free access to all works, books, plans, records or documents insofar as may be necessary for the purposes of this Act. The decision of the Minister as to any reduction in the annual payment in accordance with section one of section four of this Act shall be final and conclusive.

Cancellation of agreement.

6. The Governor in Council may at any time for cause cancel any agreement entered into under this Act.

Terms of payments.

7. Advantage shall not be taken of section three of this Act after the thirtieth day of June, 1932.

Regulations.

8. The Governor in Council may make regulations deemed necessary to carry out the purposes of this Act.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 234.

An Act to amend The Pension Act.

First reading, March 25, 1927.

The MINISTER OF SOLDIERS CIVIL REESTABLISHMENT.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38571 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 234.

An Act to amend The Pension Act.

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

1. Subsections one, four and five of section ten of chapter sixty-two of the statutes of 1923, *An Act to amend The Pension Act*, as amended by chapter forty-nine of the statutes of 1925, are repealed, and the following subsections are substituted therefor:—

Federal Appeal.

"**10.** (1) There shall be a Board known as "The Federal Appeal Board," consisting of not less than three nor more than seven members appointed by the Governor in Council on the recommendation of the Minister of Justice."

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 other for a term of three years, and they shall be eligible for re-appointment for such further terms, not to exceed five years, as the Governor in Council may deem advisable."

Quorum.

"(5) During such time as the Governor in Council may determine, three members shall constitute a quorum thereof. Thereafter a majority of the members shall constitute a quorum."

EXPLANATORY NOTES.

1. In subsection one the word "three" is substituted for the word "five."

4. In subsection four the words underlined are substituted for the words "a further term of two years should the Governor in Council deem it advisable."

5. In subsection five the words underlined are substituted for the words "the first four years after the appointment of the Board."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 234.

An Act to amend The Pension Act.

AS PASSED BY THE HOUSE OF COMMONS, 13th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38593 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 234.

An Act to amend The Pension Act.

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

1. Subsections one, four and five of section ten of chapter sixty-two of the statutes of 1923, *An Act to amend The Pension Act*, as amended by chapter forty-nine of the statutes of 1925, are repealed, and the following subsections are substituted therefor:—

Federal Appeal.

"**10.** (1) There shall be a Board known as "The Federal Appeal Board," consisting of not less than three nor more than seven members appointed by the Governor in Council on the recommendation of the Minister of Justice."

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 other for a term of three years, and they shall be eligible for re-appointment for such further terms, not to exceed five years, as the Governor in Council may deem advisable."

Quorum.

"(5) During such time as the Governor in Council may determine, three members shall constitute a quorum thereof. Thereafter a majority of the members shall constitute a quorum."

Reconsideration and appeal upon newly discovered evidence.

2. Subsection four of section eleven of the said chapter sixty-two of the statutes of 1923 is amended by the addition of the following proviso:

"Provided that if within one year after a decision by the Federal Appeal Board upholding a refusal of pension by the Board of Pension Commissioners for Canada or one year after the passing of this proviso, whichever is the later, the applicant submits newly discovered evidence which, in the opinion of a majority of the Board of Pension

EXPLANATORY NOTES.

10. (1) In subsection one the word "three" is substituted for the word "five."

(4) In subsection four the words underlined are substituted for the words "a further term of two years should the Governor in Council deem it advisable."

(5) In subsection five the words underlined are substituted for the words "the first four years after the appointment of the Board."

2. Subsection (4) to which the amendment is to be added reads as follows:—

"(4) An applicant shall be entitled to only one appeal upon the grounds, or any of them, set forth in subsection one of this section 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."

Commissioners for Canada, establishes a reasonable doubt as to the correctness of the previous decision, the Board of Pension Commissioners for Canada shall reconsider su. . case, and if refusal of pension be confirmed, the applicant shall have the right of a second appeal to the Federal Appeal Board and its decision thereon shall be final and shall be binding upon the applicant and upon the Board of Pension Commissioners for Canada."

Time within which application must be made.

3. Section thirteen of *The Pension Act*, chapter forty-three of the statutes of 1919, as enacted by chapter forty-nine of the statutes of 1925, is further amended by repealing paragraph *(c)* thereof and substituting therefor the following:—

"*(c)* within nine years after the date upon which the applicant was retired or discharged from the forces or—"

3. The Act as it now stands provides that a pension shall not be awarded unless an application therefor has been made within *seven* years after which an applicant was retired or discharged from the forces, subject to one or two modifications in certain cases. The amendment will extend the period for two years.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA

BILL 235.

An Act to amend The Canada Grain Act.

First reading, March 25, 1927.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38562 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 235.

An Act to amend The Canada Grain Act.

1925, c. 33.

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

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

Grain stored may be security.

"(2) It shall be lawful for the operator of a private elevator to sell or to borrow money upon the security of his own grain stored in the elevator and to issue a warehouse receipt or receipts in connection with any such sale or loan, and to any person who has shipped grain to such elevator under the exceptions hereinbefore set forth, provided that a private elevator, operated by, for, or in behalf of or in co-operation with the said grain pools or any of them, as above provided, may issue such receipt to the shipper or his consignee, and the person to whom any such receipt is issued and all subsequent holders thereof shall have good title to the grain therein described as fully and effectually and to the like effect as if such warehouse receipt had been issued by a public terminal elevator under the provisions of this Act."

Warehouse receipts.

2. Subsection two of section one hundred and fifty of the said Act is repealed and the following is substituted therefor:—

Contents of receipts.

"(2) Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, or,

EXPLANATORY NOTES.

1. The only change is by the addition of the underlined words.

This proposed amendment is to provide that warehouse receipts issued by a private terminal, operated by or for any of the wheat pools, may be issued in the name of the consignee of the grain, as well as in the name of the farmer shipper. This amendment has been suggested by the banks, in order to clear up any doubt as to the right of the elevator to so issue receipts which are thereafter endorsed to the bank as collateral security.

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

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

(The words in italics above are struck out.)

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

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

The object to this amendment is to give the producer the right to determine the destination of his own grain, and the amendment is to restore that right as expressed in section 151 of the Bill No. 113, An Act respecting Grain, as drafted by Judge Turgeon and introduced into the House on May 11th, 1925, but subsequently deleted when the present Grain Act was under discussion in the House.

if he so desires, in quantities not less than carload lots, on track at any terminal elevator in the Western Inspection Division or at a proper terminal elevator at or adjacent to Duluth, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned."

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA

BILL 235.

An Act to amend The Canada Grain Act.

AS PASSED BY THE HOUSE OF COMMONS,
1st APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38587 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 235.

An Act to amend The Canada Grain Act.

1925, c. 33.

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

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

Grain stored may be security.

"(2) It shall be lawful for the operator of a private elevator to sell or to borrow money upon the security of his own grain stored in the elevator and to issue a warehouse receipt or receipts in connection with any such sale or loan, and to any person who has shipped grain to such elevator under the exceptions hereinbefore set forth, provided that a private elevator, operated by, for, or in behalf of or in co-operation with the said grain pools or any of them, as above provided, may issue such receipt to the shipper or his consignee, and the person to whom any such receipt is issued and all subsequent holders thereof shall have good title to the grain therein described as fully and effectually and to the like effect as if such warehouse receipt had been issued by a public terminal elevator under the provisions of this Act."

Warehouse receipts.

2. Subsection two of section one hundred and fifty of the said Act is repealed and the following is substituted therefor:—

Contents of receipts.

"(2) Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, or,

EXPLANATORY NOTES.

1. The only change is by the addition of the underlined words.

This proposed amendment is to provide that warehouse receipts issued by a private terminal, operated by or for any of the wheat pools, may be issued in the name of the consignee of the grain, as well as in the name of the farmer shipper. This amendment has been suggested by the banks, in order to clear up any doubt as to the right of the elevator to so issue receipts which are thereafter endorsed to the bank as collateral security.

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

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

(The words in italics above are struck out.)

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

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

The object to this amendment is to give the producer the right to determine the destination of his own grain, and the amendment is to restore that right as expressed in section 151 of the Bill No. 113, An Act respecting Grain, as drafted by Judge Turgeon and introduced into the House on May 11th, 1925, but subsequently deleted when the present Grain Act was under discussion in the House.

if he so desires, in quantities not less than carload lots, on track at any terminal elevator in the Western Inspection Division or at a proper terminal elevator at or adjacent to Duluth, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 236.

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

AS PASSED BY THE HOUSE OF COMMONS, 25th MARCH, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38566 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 236.

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

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Viscount Willingdon, etc., etc., Governor General of Canada, and the estimates accompanying the said message, that the sum hereinafter mentioned is required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March one thousand nine hundred and twenty-seven, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 5, 1926-27.*

$860,331.05 granted for 1926-27.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eight hundred and sixty thousand, three hundred and thirty-one dollars and five cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-six, to the thirty-first day of March, one thousand nine hundred and twenty-seven, not otherwise provided for and set forth in the Schedule to this Act.

Account to be rendered in detail.

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

SCHEDULE

Based on Further Supplementary Estimates, 1926-27. The amount hereby granted is $860,331.05.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1927, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	CIVIL GOVERNMENT	$ cts.	$ cts.
410	*Civil Service Commission*—		
	Salaries—		
	To provide for the salary of:—		
	1 Stenogrpaher, Grade 2	960 00	
	1 Stenographer, Grade 1	900 00	
	1 Senior Examiner at $2,400 in lieu of 1 Junior Examiner at $2,280	120 00	
	1 Typist, Grade 2, at $960, in lieu of 1 Typist, Grade 1, at $900	60 00	
	1 Clerk, Grade 2, at $975, in lieu of 1 Clerk, Grade 1, at $840	135 00	
	1 Clerk, Grade 1, at $735, in lieu of 1 Office Boy, at $510	225 00	
	To provide for Retiring Allowance to:—		
	1 Clerk, Grade 3	40 00	
	2 Clerks, Grade 2: 1 at $142; 1 at $24	166 00	
	To provide for the payment of the flat increase to one employee for the fiscal year 1925-26	180 00	
			2,786 00
	LEGISLATION		
	THE SENATE		
411	Salaries and contingent expenses—		
	Sessional Messengers—further amount required	3,600 00	
	Pages—further amount required	720 00	
	Stenographers—further amount required	2,220 00	
	Char Service—further amount required	3,948 00	
	Debates—further amount required	1,650 00	
	HOUSE OF COMMONS		
	Expenses of Committees, clerical assistance, etc.—		
	Clerical assistance to Speaker, Party Leaders, Whips, Officials etc.—further amount required	10,000 00	
	To provide for a service of stenography and type-writing for the use of Members—further amount required	10,000 00	
412	Contingencies—		
	Stationery, etc.—further amount required	4,000 00	
	Printing of Parliament—		
	Printing of Parliament—further amount required	10,000 00	
	Estimates of the Sergeant-at-Arms—further amount required	22,588 54	
			68,726 54
	PENSIONS		
413	European War and Active Militia—further amount required	500,000 00	
414	Northwest Rebellion, 1885—further amount required	1,000 00	
			501,000 00
	NATIONAL DEFENCE		
	General—		
415	Miscellaneous—		
	Construction of Magazine—Halifax—further amount required to complete payments under contract authorized by Order-in-Council, P.C. 1030, dated June 25, 1926	25,000 00	
416	To provide for legal expenses in connection with Winnipeg Coal Inquiry cases	15,000 00	
			40,000 00

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
	INDIANS	$ cts.	$ cts.
	New Brunswick—		
417	Medical attendance and medicines—further amount required.	3,000 00	
	Prince Edward Island—		
418	Relief and seed grain—further amount required.....	800 00	
	Manitoba, Saskatchewan, Alberta and N.W.T.—		
419	General expenses, including salary of W. J. Hay, Clerk, Grade 2, at $1,440 per annum, notwithstanding anything to the contrary in the Civil Service Act or Amendments thereto—further amount required.....	7,440 00	
	British Columbia—		
420	Relief to destitute Indians—further amount required.....	15,000 00	
	Medical attendance, medicines and hospitals—further amount required.....	15,000 00	
421	*General*—		
	To prevent the spread of Tuberculosis—further amount required.....	20,000 00	
			61,240 00
	SOLDIERS' CIVIL RE-ESTABLISHMENT		
422	Unemployment Relief—further amount required.....	125,000 00	
423	Interest on War Service Gratuity and Pension Administration funds—further amount required.....	2,500 00	
			127,500 00
	MISCELLANEOUS		
424	Amount required to remunerate Messrs. Elliott, Hume, McKague and Anger for professional services rendered in connection with an action for recovery instituted against the Crown by the American Insurance Company.....	2,311 07	
425	Amount required to cover the cost of lightering cargo of barge "Pezuta" through Kitsilano bridge into False Creek, B.C...	2,762 83	
426	Amount required to remunerate R. S. Robertson, K.C., for professional services rendered in connection with the Toronto Harbour Commission Enquiry.....	5,775 81	
427	Amount required to remunerate A. G. Newall and Company, Toronto, for stenographic copy of enquiry in connection with Toronto Harbour Commission Enquiry.....	1,228 80	
428	To provide for compassionate allowance to Mrs. Exaucile Leclerc, mother of Napoleon Leclerc, formerly a member of the crew of the Lower Traverse Lightship.....	1,000 00	
429	To provide for compassionate allowance to the family of Joseph Gaudreault, formerly a member of the crew of the Lower Traverse Lightship.....	1,000 00	
			14,078 51
	CUSTOMS AND EXCISE		
430	Miscellaneous—Printing and stationery, subscriptions to commercial papers, flags, dating stamps, locks, instruments, etc., for various ports of entry, express charges on samples, stationery and legal forms, legal expenses, premiums on guarantee bonds, and uniforms for Customs Officers—further amount required.....	.....	45,000 00
	Total.....	.....	860,331 05

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 237.

An Act to incorporate The Red River Driving Club.

First reading, March 28, 1927.

(PRIVATE BILL).

Mr. BEAUBIEN.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38729 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 237.

An Act to incorporate The Red River Driving Club.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a club for the purposes and with the powers hereinafter set forth and more specficially to operate throughout Canada for the promotion and encouragement of horse breeding, harness racing, polo, motoring and like sports and for social purposes and for the purposes of amusement: and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Incorporation.

1. Leo Francis McCarthy, Arthur E. Jones, Charles W. Burns, William M. Noble, Joseph Taylor, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the club hereby incorporated, are constituted a body corporate under the name

Corporate name.

of "The Red River Driving Club," hereinafter called "The Club."

"Member."

2. Wherever in this Act the word "member" occurs it shall mean a person not a shareholder, who has been admitted to the privileges of membership of the Club.

Provisional directors.

3. The persons named in the first section of this Act shall be the provisional directors of the Club, a majority of whom shall form a quorum and they shall have and exercise all the powers hereby conferred on the Club until the first meeting of the shareholders which shall be held not later than three months from the coming into force of this Act; at which meeting the regular Board of Directors

Executive committee.

(hereinafter called "the Executive Committee") shall be elected.

Head office.

4. The head office of the club shall be in the city of St. Boniface, in the province of Manitoba.

Capital stock.

5. The capital stock of the Club shall be twenty thousand dollars divided into shares of one hundred dollars each.

Objects.

Control of Executive Committee.

6. The Club may among other things operate for the promotion and encouragement of horse breeding, harness racing, polo, motoring and like sports and for social purposes, and for the purposes of amusement. The Executive Committee of the Club shall alone, have authority, from time to time, in its discretion, to maintain or discontinue, and to regulate and control, within the premises of the Club, all or any of the said sports or amusement.

Advisory Committee.

7. The shareholders may at the annual meeting of the Club, elect an advisory committee composed of such members as the shareholders may from time to time determine.

Powers of Advisory Committee.

8. The advisory committee shall have such powers as may be conferred or authorized by the by-laws, rules and regulations of the Club.

Liabilities of the Club.

9. No member of the Club shall be liable for any of the debts or liabilities of the Club.

By-laws.

10. In addition to the powers conferred upon directors under section one hundred and thirty-two of the *Companies Act*, the Executive Committee may also pass by-laws for the following purposes:—

(1) The fixing of the qualifications required of persons eligible to acquire or hold shares of the Club, the manner in which the same shall be held, the formalities requisite to a valid transfer thereof, and the persons to whom they may be transferred; and the fees, subscriptions and dues to be imposed upon those so entitled to hold shares.

(2) The regulating of the terms upon which any person not being a shareholder of the Club, may be admitted to or expelled from the Club as a member thereof, and the nature, length and extent of the privileges to be enjoyed by such member and the amount of the entrance fees, annual or other dues payable by such member.

Powers.

11. The Club may:—

(a) Acquire by purchase or otherwise and hold all real and personal property required or necessary for the purposes of the Club or for its use or occupation and pledge, mortgage, sell, lease, alienate and dispose of such real and personal property.

(b) Lay out, prepare and improve grounds in the said city of St. Boniface or in such other place in Canada as the Club may determine from time to time, and

erect thereon club houses, stables, stands and other conveniences for the purpose and objects of the club;

(c) Arrange for exhibitions, shows, competitions, and races in connection with the purposes, and objects of the club, and offer and contribute prizes, awards and distinctions:

(d) Purchase, lease or acquire the properties, real or personal, rights, franchises, powers, assets, or privileges of any other company or club having similar powers in part or in whole, and sell the rights, franchises and assets of the club to, or amalgamate with, any other such company or club;

(e) Allot or issue paid up stock of the club in payment for the acquisition of any property real or personal contracts, rights, privileges, assets, powers or franchises which the club is authorized to acquire, operate, use or exercise;

(f) Sell, lease or otherwise dispose of the assets of the club or any part thereof for such consideration as the club may deem fit, including shares, debentures or securities of any club or company purchasing or acquiring the same and pledge or mortgage such real property;

Borrowing powers, etc.

12. If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Club represented at a general meeting duly called for considering the by-law, the Executive Committee may from time to time:—

(a) Borrow money on the credit of the Club;

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

(c) Issue bonds, debentures, debenture stock or other securities of the Club, and pledge or sell the same for such seems and at such prices as may be deemed expedient;

(d) Hypothecate, mortgage or pledge the real or personal property of the Club, or both, to secure any such bonds, debentures, debenture stock or other securities, and any money borrowed for the purposes of the club.

Nothing in this section contained shall limit or restrict the borrowing of money by the Club on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Club.

R.S., c. 79, (Part II) to apply to Club.

13. Part two of the *Companies Act*, chapter seventy-nine of the Revised Statutes, 1906, and amendments thereto shall, so far as applicable and when not inconsistent with this Act, apply to the Club and its undertaking, and the Club shall have, and may exercise all the powers conferred by the said Act so far as applicable to the Club.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 238.

An Act respecting The Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

First reading, March 28, 1927.

(PRIVATE BILL.)

Mr. BELL
(Hamilton).

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37158 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 238.

1898, c. 91; 1923, c. 108.

An Act respecting The Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

Preamble.

WHEREAS the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Fund from which to effect contracts of Life Insurance, etc., substituted for benefit funds.

1. Paragraph *(e)* of section one of chapter ninety-one of the statutes of 1898, an Act to incorporate the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada, as the said paragraph is enacted by section one of chapter one hundred and eight of the statutes of 1923, is hereby repealed and the following substituted therefor:

(e) "To establish and maintain a fund and with respect thereto to effect contracts of Life Insurance, to grant, sell or purchase Life Annuities, grant Endowments depending on the contingency of human life, and generally to carry on the business of Life Insurance in all its branches and forms among the members of the society."

Explanatory Note.

1. The paragraph repealed reads as follows:—

"(*e*) To establish and maintain benefit funds, from which on satisfactory evidence of the death of a member of the Society who has complied with all its lawful requirements, a sum not exceeding five thousand dollars shall be paid to the widow, orphans, dependants or other beneficiary whom the member has designated, or to the personal representatives of the member as laid down in the said laws."

238.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 238.

An Act respecting The Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37176 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 238.

1898, c. 91; 1923, c. 108.

An Act respecting The Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

Preamble.

WHEREAS the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Fund from which to effect contracts of Life Insurance, etc., substituted for benefit funds.

1. Paragraph *(e)* of section one of chapter ninety-one of the statutes of 1898, an Act to incorporate the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada, as the said paragraph is enacted by section one of chapter one hundred and eight of the statutes of 1923, is hereby repealed and the following substituted therefor:

(e) "To establish and maintain a fund and with respect thereto to effect contracts of Life Insurance, to grant, sell or purchase Life Annuities, grant Endowments depending on the contingency of human life, and generally to carry on the business of Life Insurance in all its branches and forms among the members of the society."

Explanatory Note.

1. The paragraph repealed reads as follows:—

"(*e*) To es ablish and maintain benefit funds, from which on satisfactory evidence of the death of a member of the Society who has complied with all its lawful requirements, a sum not exceeding five thousand dollars shall be paid to the widow, orphans, dependants or other beneficiary whom the member has designated, or to the personal representatives of the member as laid down in the said laws."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 239.

An Act to amend the Criminal Code.

First reading, March 28, 1927.

The MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38885 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 239.

An Act to amend the Criminal Code.

R.S., c. 146; 1919, c. 46; 1920, c. 43; 1921, c. 25; 1923, c. 41.

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

Unlawful Associations. Publishing, etc., seditious books, etc.

1. Sections ninety-seven A and ninety-seven B of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes, 1906, as enacted by chapter forty-six of the statutes of 1919, are hereby repealed.

Explanatory Notes.

1. The sections repealed read as follows:—

"**97A.** (1) Any Association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada, by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

"(2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Chief Commissioner of Dominion Police or by the Commissioner of the Royal Northwest Mounted Police, and may thereupon be forfeited to His Majesty.

"(3) Any person who acts or professes to act as an officer of any such unlawful association, or who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

"(4) In any prosecution under this section, if it be proved that the person charged has

(a) attended meetings of an unlawful association; or

(b) spoken publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association by circulation through Post Office mails of Canada, or otherwise,

it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association.

"(5) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment.

"(6) If any judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been or is about to be committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized, may be carried away and may be forfeited to His Majesty.

"(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge, of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act, in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances in the case.

"**97B.** (1) Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial or economic change, or otherwise, shall be guilty of an offence, and liable to imprisonment for not more than twenty years.

"(2) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years.

Sec. 138 re-enacted.

2. The said Act is amended by inserting the following section immediately after section one hundred and thirty-two thereof:—

Intentions not seditious.

"**133.** No one shall be deemed to have a seditious intention only because he intends in good faith,—

"*(a)* to show that His Majesty has been misled or mistaken in his measures; or,

"*(b)* to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the state; or,

"*(c)* to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred or ill-will between different classes of His Majesty's subjects."

3. Section one hundred and thirty-four of the said Act as amended by chapter forty-six of the statutes of 1919, is repealed and the following is substituted therefor:—

Seditious words, punishment.

"**134.** Every one is guilty of an indictable offence and liable to two years' imprisonment who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy."

"(3) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years.

"(4) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document, as mentioned in the last preceding section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, truck, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Chief Commissioner of the Dominion Police or to the Commissioner of the Royal Northwest Mounted Police."

2. Section one hundred and thirty-three which it is proposed to re-enact had been repealed by section four of chapter forty-six of the statutes of 1919. The new section is the same as the one that had been repealed.

3. The section will now be the same as it was before being amended by section five of chapter forty-six of the statutes of 1919. The amendment of 1919 consisted in striking out the underlined words "two years" before the word "imprisonment" in the second line of the said section, and by inserting the words "for a term of not less than one year and not more than twenty years" after the said word "imprisonment".

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 239.

An Act to amend the Criminal Code.

AS PASSED BY THE HOUSE OF COMMONS,
7th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38926 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 239.

An Act to amend the Criminal Code.

R.S., c. 146; 1919, c. 46; 1920, c. 43; 1921, c. 25; 1923, c. 41.

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

Unlawful Associations. Publishing, etc., seditious books, etc.

1. Sections ninety-seven A and ninety-seven B of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes, 1906, as enacted by chapter forty-six of the statutes of 1919, are hereby repealed.

1. The sections repealed read as follows:—

"**97A.** (1) Any Association, organization, society or corporation, whose professed purpose or one of whose purposes is to bring about any governmental, industrial or economic change within Canada, by use of force, violence or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to person or property, or threats of such injury, in order to accomplish such change, or for any other purpose, or which shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise or defend, shall be an unlawful association.

"(2) Any property, real or personal, belonging or suspected to belong to an unlawful association, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any person thereunto authorized by the Chief Commissioner of Dominion Police or by the Commissioner of the Royal Northwest Mounted Police, and may thereupon be forfeited to His Majesty.

"(3) Any person who acts or professes to act as an officer of any such unlawful association, or who shall sell, speak, write or publish anything as the representative or professed representative of any such unlawful association, or become and continue to be a member thereof, or wear, carry or cause to be displayed upon or about his person or elsewhere, any badge, insignia, emblem, banner, motto, pennant, card, button or other device whatsoever, indicating or intended to show or suggest that he is a member of or in anywise associated with any such unlawful association, or who shall contribute anything as dues or otherwise, to it or to any one for it, or who shall solicit subscriptions or contributions for it, shall be guilty of an offence and liable to imprisonment for not more than twenty years.

"(4) In any prosecution under this section, if it be proved that the person charged has

(a) attended meetings of an unlawful association; or

(b) spoken publicly in advocacy of an unlawful association; or

(c) distributed literature of an unlawful association by circulation through Post Office mails of Canada, or otherwise,

it shall be presumed, in the absence of proof to the contrary, that he is a member of such unlawful association.

"(5) Any owner, lessee, agent or superintendent of any building, room, premises or place, who knowingly permits therein any meeting of an unlawful association or any subsidiary association or branch or committee thereof, or any assemblage of persons who teach, advocate, advise or defend the use, without authority of the law, of force, violence or physical injury to person or property, or threats of such injury, shall be guilty of an offence under this section and shall be liable to a fine of not more than five thousand dollars or to imprisonment for not more than five years, or to both fine and imprisonment.

"(6) If any judge of any superior or county court, police or stipendiary magistrate, or any justice of the peace, is satisfied by information on oath that there is reasonable ground for suspecting that any contravention of this section has been or is about to be committed, he may issue a search warrant under his hand, authorizing any peace officer, police officer, or constable with such assistance as he may require, to enter at any time any premises or place mentioned in the warrant, and to search such premises or place, and every person found therein, and to seize and carry away any books, periodicals, pamphlets, pictures, papers, circulars, cards, letters, writings, prints, handbills, posters, publications or documents which are found on or in such premises or place, or in the possession of any person therein at the time of such search, and the same, when so seized, may be carried away and may be forfeited to His Majesty.

"(7) Where, by this section, it is provided that any property may be forfeited to His Majesty, the forfeiture may be adjudged or declared by any judge, of any superior or county court, or by any police or stipendiary magistrate, or by any justice of the peace, in a summary manner, and by the procedure provided by Part XV of this Act, in so far as applicable, or subject to such adaptations as may be necessary to meet the circumstances in the case.

"**97B.** (1) Any person who prints, publishes, edits, issues, circulates, sells, or offers for sale or distribution any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind, in which is taught, advocated, advised or defended, or who shall in any manner teach, advocate, or advise or defend the use, without authority of law, of force, violence, terrorism, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, industrial or economic change, or otherwise, shall be guilty of an offence, and liable to imprisonment for not more than twenty years.

"(2) Any person who circulates or attempts to circulate or distribute any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind, as described in this section by mailing the same or causing the same to be mailed or posted in any Post Office, letter box, or other mail receptacle in Canada, shall be guilty of an offence, and shall be liable to imprisonment for not more than twenty years.

Sec. 138 re-enacted.

2. The said Act is amended by inserting the following section immediately after section one hundred and thirty-two thereof:—

Intentions not seditious.

"**133.** No one shall be deemed to have a seditious intention only because he intends in good faith,—

"*(a)* to show that His Majesty has been misled or mistaken in his measures; or,

"*(b)* to point out errors or defects in the government or constitution of the United Kingdom, or of any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alteration of any matter in the state; or,

"*(c)* to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred or ill-will between different classes of His Majesty's subjects."

3. Section one hundred and thirty-four of the said Act as amended by chapter forty-six of the statutes of 1919, is repealed and the following is substituted therefor:—

Seditious words, punishment.

"**134.** Every one is guilty of an indictable offence and liable to two years' imprisonment who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy."

"(3) Any person who imports into Canada from any other country, or attempts to import by or through any means whatsoever, any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document of any kind as described in this section, shall be guilty of an offence and shall be liable to imprisonment for not more than twenty years.

"(4) It shall be the duty of every person in the employment of His Majesty in respect of His Government of Canada, either in the Post Office Department, or in any other Department to seize and take possession of any book, newspaper, periodical, pamphlet, picture, paper, circular, card, letter, writing, print, publication or document, as mentioned in the last preceding section, upon discovery of the same in the Post Office mails of Canada or in or upon any station, wharf, yard, car, truck, motor or other vehicle, steamboat or other vessel upon which the same may be found and when so seized and taken, without delay to transmit the same, together with the envelopes, coverings and wrappings attached thereto, to the Chief Commissioner of the Dominion Police or to the Commissioner of the Royal Northwest Mounted Police."

2. Section one hundred and thirty-three which it is proposed to re-enact had been repealed by section four of chapter forty-six of the statutes of 1919. The new section is the same as the one that had been repealed.

3. The section will now be the same as it was before being amended by section five of chapter forty-six of the statutes of 1919. The amendment of 1919 consisted in striking out the underlined words "two years" before the word "imprisonment" in the second line of the said section, and by inserting the words "for a term of not less than one year and not more than twenty years" after the said word "imprisonment".

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 253.

An Act respecting certain patents owned by the Sealright Company, Inc.

First reading, March 29, 1927.

(PRIVATE BILL.)

Mr. YOUNG
(Toronto Northeast.)

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38887 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 253.

An Act respecting certain patents owned by the Sealright Company, Inc.

Preamble.

WHEREAS the Sealright Company, Inc., of the city of Fulton, in the State of New York, one of the United States of America, hereinafter called "the Company," has by its petition set forth that it is a corporate body duly constituted under the laws of the state of New York; that it is doing business in the said city of Fulton and that it is owner of certain patents for new and useful improvements for paper containers and paper bottles, being numbered 188,444 and 188,445, respectively, and dated the 28th day of January, 1919, and issued under the provisions of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada 1906, and under the Seal of the Patent Office for a term of six years from the date thereof, that is until the 28th day of January, 1925; and that the said patents have expired by reason of the non-payment of fees and the failure to construct or manufacture in Canada, and by the importation into Canada of the inventions covered by the said patents, during the period between the 10th day of January, 1923, and the 1st day of December, 1923; and whereas, by its said petition the Company has in effect prayed that it may be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., 1906, c. 69.

Extension of time for application to revive patents.

1. If the patentee designated by the patents mentioned in the preamble to this Act or his assignee or other legal representative makes, within three months from the date of the passing of this Act, an application to the Commissioner of Patents for an order restoring and reviving any or all of the patents mentioned in the preamble to this Act notwithstanding non-payment of fees or failure to manufacture within Canada or the importation into Canada of

1923, c. 23.

the invention or inventions covered by said patents, the provisions of section forty-seven of *The Patent Act*, except the two years' limitation of time for such application contained in that section, shall apply to such patent or patents, and complying with those provisions the Commissioner of Patents may make either an order restoring and reviving the said patent or patents or an order dismissing the application.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 253.

An Act respecting certain patents owned by the Sealright Company, Inc.

AS PASSED BY THE HOUSE OF COMMONS, 12th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38928 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 253.

An Act respecting certain patents owned by the Sealright Company, Inc.

Preamble.

WHEREAS the Sealright Company, Inc., of the city of Fulton, in the State of New York, one of the United States of America, hereinafter called "the Company," has by its petition set forth that it is a corporate body duly constituted under the laws of the state of New York; that it is doing business in the said city of Fulton and that it is owner of certain patents for new and useful improvements for paper containers and paper bottles, being numbered 188,444 and 188,445, respectively, and dated the 28th day of January, 1919, and issued under the provisions of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada 1906, and under the Seal of the Patent Office for a term of six years from the date thereof, that is until the 28th day of January, 1925; and that the said patents have expired by reason of the non-payment of fees and the failure to construct or manufacture in Canada, and by the importation into Canada of the inventions covered by the said patents, during the period between the 10th day of January, 1923, and the 1st day of December, 1923; and whereas, by its said petition the Company has in effect prayed that it may be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., 1906, c. 69.

Extension of time for application to revive patents.

1. If the patentee designated by the patents mentioned in the preamble to this Act or his assignee or other legal representative makes, within three months from the date of the passing of this Act, an application to the Commissioner of Patents for an order restoring and reviving any or all of the patents mentioned in the preamble to this Act notwithstanding non-payment of fees or failure to manufacture within Canada or the importation into Canada of

1923, c. 23.

the invention or inventions covered by said patents, the provisions of section forty-seven of *The Patent Act*, except the two years' limitation of time for such application contained in that section, shall apply to such patent or patents, and complying with those provisions the Commissioner of Patents may make either an order restoring and reviving the said patent or patents or an order dismissing the application.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 255.

An Act respecting The Great Lakes and Atlantic Canal and Power Company, Limited.

First reading, March 31, 1927.

(PRIVATE BILL.)

Mr. ODETTE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
37230 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 255.

An Act respecting The Great Lakes and Atlantic Canal and Power Company, Limited.

Preamble.

WHEREAS a petition has been presented by the Great Lakes and Atlantic Canal and Power Company, Limited, a body politic and corporate, duly incorporated under the Companies' Act, chapter seventy-nine of the Revised Statutes of Canada, 1906, hereinafter called "the Company," praying that it may be authorized to construct and operate a deep waterway from the western end of lake St. Francis at or near the town of Cornwall in the county of Stormont, in the province of Ontario to Hungry Bay in the county of Beauharnois in the province of Quebec, and to build a canal from said Hungry Bay to a point at or near Melocheville, in the said county at lake St. Louis, and a deep waterway through lake St. Louis to a point at or near Caughnawaga in the county of La Prairie; or by an alternative route to build a canal from Lake St. Francis at Hungry Bay in the county of Beauharnois, through the said county of Beauharnois and thence through the counties of Chateauguay and La Prairie, to some point on La Prairie Basin, in the latter county; to create a deep waterway from La Prairie Basin to deep water in the harbour of Montreal, so as to make and complete throughout the entire distance from Cornwall aforesaid to the harbour of Montreal as aforesaid, a navigable canal or canals and ship channels of a depth of not less than thirty feet, between said points for the passage of ocean-going vessels, and to generate, distribute and sell such electric energy as may be available by the construction of the works aforesaid; to construct a viaduct or vehicular traffic bridge over the river St. Lawrence from a point at or near Valleyfield in the county of Beauharnois to a point at, near or between Coteau Landing and Coteau du Lac, in the county of Soulanges, and to regulate and maintain the waters of lake St. Francis to the average spring level; and it is expedient to grant the prayer of the said petition: Therefore His

R.S., 1906, c. 79.

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

"Canal."

1. *(a)* The word "canal" wherever used in this Act shall mean "canal for navigation," and shall, unless the context otherwise requires, include every kind of work necessary or done in respect of the canal for the purpose of carrying out the objects of this Act;

"Land."

(b) The word "land" wherever used in *The Railway Act, 1919*, or in this Act, shall include land covered or partly covered by water;

"Vessel."

(c) The word "vessel" shall mean and include any steamship, boats or crafts, barges, boats, rafts, or vessels navigating or passing through the ship channels or canals, or any of them hereby authorized, or plying upon the lakes, waters or rivers, connecting herewith;

"Goods."

(d) The word "goods" shall mean and include any goods, wares, merchandise and commodities of whatsoever description passing through the ship channels, or canals or any of them hereby authorized;

"Ship channel."

(e) The word "ship channel" shall mean a channel of a present existing waterway deepened and widened to a depth of at least thirty feet in depth and to a width of at least three hundred feet so as to create a safe passage for ocean-going ships.

Plans to be approved by Governor in Council.

2. Before the Company shall break ground or commence the construction of any of the canals, ship channels, viaduct, or works hereby authorized, the plans, locations, dimensions, and all necessary particulars of such canals, ship channels, viaduct, and other work already authorized under its incorporation, or hereby authorized, shall have been submitted to and have received the approval of the Governor in Council.

R.S., 1906, c. 115; 1907, c. 14; 1907, c. 16; 1919, c. 68 to apply.

3. The provisions of the *Navigable Waters Protection Act*, chapter one hundred and fifteen of the Revised Statutes of Canada, 1906, *The Electricity Inspection Act, 1907; The Electricity and Fluid Exportation Act, 1907; The Railway Act, 1919;* shall so far as they are not inconsistent with the provisions of this Act, and of any Act or Acts of the Legislature of the province of Quebec respecting the said canals and ship channels, apply to the Company and to its works and undertakings and wherever in *The Railway Act, 1919*, the word "railway" occurs it shall for the purposes of the Company, and unless the context otherwise requires, mean the aforesaid "ship channels and canals."

Powers.

4. *(a)* The Company may—

lay out, construct, excavate, dig, dredge, maintain and operate a canal from some point on lake St. Francis,

at or near Hungry Bay, in the county of Beauharnois, province of Quebec, to a point on lake St. Louis, at or near Melocheville, in the said county, and from a point on lake St. Louis, at or near Caughnawaga to La Prairie Basin, in the county of La Prairie, or by an alternate route, a canal starting from Hungry Bay aforesaid to La Prairie aforesaid;

(b) lay out, dredge, maintain and operate a ship channel in the St. Lawrence river, from the harbour of Montreal to La Prairie Basin, through lake St. Louis from the westerly point of the canal from Caughnawaga to La Prairie Basin, to the easterly point of the canal from Hungry Bay to Melocheville and through lake St. Francis from Hungry Bay to a point at or near the town of Cornwall in the province of Ontario;

(c) construct, erect, maintain and operate by any kind of motive power all such locks, apparatus, appliances and machinery, dams, tow-paths, branches, basins, feeders to supply water from the said lakes, or from any rivers, creeks, reservoirs, or cuttings, as may be desirable or necessary for the construction and operation of the said canals;

(d) enter upon and take such lands as are necessary and proper for the making, preserving, maintaining, operating and using the canals, ship channels, and other works of the Company hereby authorized; dig, cut, trench, get, remove, take and carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel, or sand, or any other matter or things which may be dug or got in making the said intended canals, ship channels and other works, on or out of the lands or grounds of any person or persons, adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended canals, ship channels, or the works incidental or relative thereto, or which may hinder, prevent, or obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act;

(e) make, maintain and alter any places or passages over, under or through the said canals or their connections;

(f) obtain, take and use during the construction and operation of the said canals, from the rivers, lakes, brooks, streams, water courses, reservoirs, and other sources of water supply, adjacent or near to said canals, water sufficient for the purposes of constructing, maintaining, operating and using the said canals and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour through the navigable channel of the canals, and the Company shall in the exercise of

the power by this paragraph granted, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained, by reason of the exercise of such powers, and, such damage, in case of disagreement, shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act, 1919;*

1919, c. 68.

(g) for the purposes of the said undertaking, construct, maintain and operate, by any motive power, a single or double line of railway, along or near the side or sides of the said canals and ship channels;

(h) acquire, construct, maintain and operate and use and lease or otherwise dispose of, terminals, harbours, wharfs, docks, piers, elevators, and warehouses, dry docks, floating dry docks, and other structure, and building and repairing yards and all works incidental thereto, upon the said canals or upon lands adjoining or near the same;

(i) acquire, lay out, and use and lease or otherwise dispose of, water, lots, and lands, and use, lease, sell or otherwise dispose of water brought by or for the said canals or works and not requisite for the same, construct, maintain and operate works for and produce hydraulic, electric, natural gas, steam or other power, and sell, lease, supply and otherwise dispose of light, heat and power from the same, and propel vessels in and through the said canals by the same or any kind of force, and sell, lease or otherwise dispose of the said works or any of them;

(j) purchase, construct, complete, fit out, charter and repair, sell, dispose of, work and control vessels to ply on the said canals, lakes, rivers, ship channels and canals connecting therewith, and also make arrangements and agreements with vessel proprietors by chartering or otherwise, to ply upon the said lakes, rivers, ship channels and canals;

(k) acquire, by license, purchase or otherwise, the right to use any patented invention for the purposes of the works hereby authorized and again dispose of the same;

(l) construct, make and do all such matter and thing, whatsoever necessary or proper for the making, completing and properly maintaining and operating the said canals and ship channels, and carrying out in other respects the objects in this section mentioned subject, however, to all the provisions of this Act;

(m) the company shall have power to use any waters which may become available by the making and operating of the said canals and ship channels or any of them, and which has been necessary and has been used to render navigable the said ship channels and

canals or any of them; and may generate, acquire, use, transmit and distribute electric and other power and energy, and may sell and dispose of the same and exact tolls therefor, and for the purpose of such generation, acquisition, use, transmission and distribution, may, subject to the provisions of section three hundred and sixty-eight of *The Railway Act, 1919*, construct, acquire, operate and maintain the necessary plant, works, and line for the conveyance of light, heat, power, and electricity.

1919, c. 68.

(n) the company shall have power, subject to the approval of its plans, as provided for in section two of this Act, to erect a viaduct from the south bank of the river St. Lawrence at or near Valleyfield, to the north bank, at, near, or between, Coteau Landing and Coteau du Lac, with all necessary locks to be operated as ordered by the Department of Marine and Fisheries, and the Department of Railways and Canals, and to levy tolls for all traffic, vehicular or other, as will make use of the said viaduct, but said viaduct shall not raise the waters of the St. Lawrence river and of lake St. Francis to a point above the mean spring level.

Dimension of canals.

5. The canals and ship channels authorized by this Act, shall in all places therein be of a depth of not less than thirty feet, and of a width of not less than four hundred feet at the water line, except in places where the channels or canals pass through rock formations, in which case the width of the said canals and channels shall be at least three hundred feet and the locks shall be of a length of not less than one thousand feet.

Sale of electricity and power.

6. The Company shall have the right to sell and dispose of any electricity and other power or energy made available by the construction and operation of the said canals and ship channels and generated pursuant to subsection *(m)* of section four of this Act, in the best possible market, regardless of any boundary lines between any of the provinces of Canada, subject to the provisions of section three of this Act.

Crossing of drains and watercourses.

7. (1) The Company shall make due provision for, take care and dispose of all water and drainage, to the extent to which it disturbs or interferes therwith, whether from artificial drains, natural streams or watercourses, which drains, natural streams or water courses, the said canals cross, touch or interfere with, and which are in existence at the time of the construction of the said canals or any of them.

Settlements of disputes.

(2) All subsequent questions, disputes or complaints as to the construction of new drains and as to the alteration, enlargement and change of existing drains and of natural streams or water courses, and as to who shall make such alteration, enlargement and change, and by whom the expense thereof shall be paid and also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding section, shall be inquired into, heard, and determined by the Board of Railway Commissioners for Canada in the same manner as is provided for other matters to be inquired into, heard and determined by the said Board.

Taking over of Government works.

8. If any lock, canal, dam, slide, boom, bridge, or other work, the property of the Government of Canada, and whether now in their possession or leased to any corporation or person, is required by the Company for the purposes of its undertakings, the Company may, with the consent of the Governor in Council, and upon such terms as may be agreed upon between the Company and the Government, take, acquire or lease such lock, canal, dam, slide, boom, bridge or other work for the purposes of its undertakings.

Telegraph and telephone lines.

9. The Company may, subject to section three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, three hundred and seventy-three and three hundred and seventy-five of *The Railway Act, 1919*, construct, equip, operate and maintain, telegraph and telephone lines, or wires, or pipes, for the purpose of conveying or transmitting messages, along the whole length of the said canals and ship channels and their approaches, and from and between the said canals, and ship channels, and, to all or any of the towns and villages near or adjacent to the said canals and ship channels, and, transmit telegraph and telephone messages for the public and collect tolls therefor.

Works not to affect level of boundary waters.

10. All the works authorized by this Act shall be made and constructed in such manner, as not to materially affect the level or flow of any boundary waters between the Dominion of Canada and the United States of America.

Power to expropriate for certain constructions.

11. The Company shall have power, subject to the provisions of section two of this Act, to expropriate, in the counties wherein its works may be located, immoveable property, or any part thereof, and riparian rights necessary for the construction and maintenance of power-houses, transformer houses, drains, canal sluices, pipes, flumes and

dams, and other works or structures necessary or incidental to its undertakings.

Settlement of compensation for lands.

12. (1) When the Company and the owners or occupiers of private property entered upon, cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damage to lands injured thereby, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act, 1919*, so far as the same may be applicable.

"Lands" defined.

(2) In this section and in section sixteen the expression "lands" means the lands, the acquiring, taking or using of which is incidental to the exercise of the powers given by this Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and also comprises any users of the waters of the river St. Lawrence for purposes of developing electric or hydraulic energy, which might be affected or who would claim that they were affected by the canal, navigable channels, viaduct or other works of the Company.

Urgent repairs to works.

13. In case of any accident requiring immediate repair on any of the said canals or any part thereof, the Company, their agents or workmen may enter upon the adjoining land, (not being an orchard or garden) and dig for, work, get and carry away and use all such gravel, stone, earth, clay or other materials, as may be necessary, for the repair of the accident as aforesaid, doing as little damage as may be to such land and making compensation therefor; and in case of dispute or difference regarding the amount to be paid therefor, the same shall be decided by the Board of Railway Commissioners for Canada.

Basins, docks, etc.

14. The Company may open, cut and erect such ponds and basins for the laying up and turning of vessels, boats or rafts, using the said canals, and at such points thereon as it deems expedient and may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing of such vessels as it thinks proper, and may lease or hire the same on such terms, as it deems expedient or may operate the same by their servants or agents, as the Company shall decide from time to time.

Crossing highways.

15. The Company shall, at each and every place, where any of the said canals cross any railways, highway or public road (unless exempted from the provisions of this section,

as far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road) construct and maintain to the satisfaction of, and as ordered by the Board of Railway Commissioners for Canada, bridges for passage over the said canals, so that the public thoroughfare or railway may be as little impeded as reasonably may be; and the company shall not, in making the said canals, cut through or interrupt the passage on any highway or public road, until they have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section, the Company shall incur a penalty of one hundred dollars.

Breadth of land on each side of works.

16. The land, ground or property to be taken or used, without the consent of the proprietors, for the said canals and works and the ditches, drains and fences to separate the same from the adjoining lands, shall not together exceed one thousand four hundred feet in breadth, except in places where basins and other works are required to be cut or made as necessary parts of any of the canals, as shown on the plans to be approved as hereinafter provided by the Governor in Council.

By-laws.

17. In addition to the general powers to make by-laws under *The Railway Act, 1919*, the Company may, subject to the approval of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say:—

(a) for regulating the speed at which, and the mode by which vessels using the Company's works are to be propelled;

(b) for regulating the hours of the arrival and departure of such vessels;

(c) for regulating the loading and unloading of such vessels and the draught thereof;

(d) for preventing the smoking of tobacco upon the works, the bringing into or upon the property of the Company of dangerous or deleterious substances, and for the proper care and preservation of the Company's property;

(e) for regulating the travelling and transportation upon and the using and the working of the canals;

(f) for regulating the conduct of the officers, servants, and employees of the Company;

(g) for the maintaining, preserving and using the canals and all other works, hereby authorized to be constructed or connected therewith, and for the governing of all persons and vessels passing through the said canals; and

(h) for providing for the due management of the affairs of the Company in all respects.

No tolls unless approved.

18. No tolls of any description shall be levied or taken upon the said canals, until the same are approved of by the Governor in Council, and by the Board of Railway Commissioners for Canada, nor until after two weekly publications in the *Canada Gazette*, of such Order in Council and of such order of the Board of Railway Commissioners for Canada, and the order of the Board of Railway Commissioners for Canada, approving or levying such tolls, and the amount and rate thereof, shall make such regulations for collecting such tolls as the said Board deems just.

Draught to be marked on vessels.

19. Every vessel using the said canals shall have her draught of water legibly marked, in figures of not less than six inches long, from one foot of her greatest draught, upon the stem and stern posts; and any wilful misstatement of such figures so as to mislead the officers of the Company as to any vessel's true draught, shall be punishable as an indictable offence on the part of the owner and master of such vessel and the Company may detain any such vessel, upon which incorrect figures of draught are found, until the same are corrected at the expense of her owner.

Penalty for incorrect marks.

Measurement of vessels.

20. Every owner or master of a vessel navigating the said canals shall permit it to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officers of the Company may gauge and measure all vessels, using the said canals, and his decision shall be final with respect to the tolls to be paid thereon and he may mark the tonnage or measurement on every vessel using the said canals; and such measure so marked by him shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the Company by virtue thereof.

Power of officers of company.

Conveyance of H. M. mails, forces and servants.

21. The Company shall at all times, when thereunto required by the Postmaster General of Canada, the commander of the forces, or any person having the superintendance or command of any police force, carry His Majesty's mails, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on His Majesty's services on the said canals on such terms and conditions and under such regulations as the Governor in Council appoints and declares.

Powers reserved to Parliament.

22. Any enactments which the Parliament of Canada hereafter deems it expedient to make, or any order which the Governor in Council deems it expedient to pass, with regard to the exclusive use of the canals by the Government at any time, or the carriage of His Majesty's mails or His Majesty's forces and other persons and articles, or with the rates to be paid for carrying the same or in any way respecting the use of any electric telegraph, electric energy, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by this Act.

Lands to be fenced.

23. The Company shall, within six months after any lands shall be taken for the use of the said canals, divide and separate, and shall keep constantly divided and separated the land so taken, from the lands or ground adjoining thereto with a sufficient post and rail, hedge, ditch, bank or other kind of fence sufficient to keep off hogs, sheep, and cattle, to be set and made on the land or grounds purchased by, conveyed to or vested in the Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences set up and made as aforesaid.

Milestones along canals.

24. So soon as conveniently may be, after the said canals are completed, the Company shall cause them to be measured, and stones or posts with proper inscriptions on the sides thereof denoting the distances, shall be erected and maintained at distances convenient from each other.

Obstructions in canals, etc.

25. Every person who obstructs, interrupts or impedes the navigation of the said ship channels, canals or any of them or interferes with any of the works belonging thereto, by the introduction of any timber or vessel or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for every such offence incur a penalty not to exceed Four Hundred Dollars, one-half of which shall go to the Company and the other half to His Majesty.

Vessels sunk or grounded in canals.

26. If any vessel is sunk or grounded in any part of the said canals or in any approaches thereto, and if the owners or master thereof, neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any Court of competent jurisdiction, such charges and expenses from the owner or master of such vessel.

Time for commencement limited.

27. If the construction of the canals or ship channels or works is not commenced and ten million dollars or more expended thereon in surveys, purchase of right of way, and actual construction work within two years after the approval and sanction of the plans as provided hereinabove, and if the said canals and ship channels and works be not completed and in operation within five years from the date of said approval and sanction, then the powers granted by this Act shall cease and be null and void as respect so much of the said canals, ship channels and works as then remain uncompleted.

Power to acquire Transportation and Power Corporation.

28. The Company may acquire the whole or any part of the rights, goodwill and advantages of every nature and kind, and pay for the same in cash or in shares of the Company, and do all things necessary for and incidental to taking over the enterprises of The Transportation and Power Corporation, Limited, incorporated by letters patent under the *Companies Act*, chapter seventy-nine of the Revised Statutes of Canada, 1906, and in the event of such acquisition the Company shall perform and discharge all such duties, obligations and liabilities of that Company in respect to the rights and property acquired, as are not performed and discharged by that Company.

Division of undertakings.

29. The Company may divide its works and undertakings into different sections for all purposes whatsoever and may finance same separately.

Issue of bonds.

30. The Company may issue bonds on the whole of its undertaking or may issue series of bonds on each separate section or undertaking, so that such distinct sections or undertakings may be covered by a separate deed of trust, covering such section or undertaking and its revenues specially and exclusively.

Additional business.

31. The Company may carry on warehousing, elevating and forwarding business and generally have all powers necessary or incidental thereto, or to an undertaking of this kind.

Arrangements with municipalities

32. The Company may enter into arrangements with municipalities to supply them with energy or water; to obtain from them franchises to construct and operate water works, power plants or tramways in such municipalities.

Approval of arrangements.

33. The Company may enter into arrangements with municipalities and receive from them subsidies or guarantees or other advantages or aid, towards the furthering of its undertaking, provided same are approved of by the respect-

ive governments of the provinces of Ontario or Quebec, as the case may be.

Arrangements with land companies.

34. The Company may also enter into arrangements with land companies with respect to the guaranteeing of the bonds of this Company or their own.

Crossing railways or altering bridges.

35. In addition to the powers hereinabove set out, the Company may cross railways or alter bridges, whether railway or other, on such terms and conditions as may be established by the Railway Commission and on plans approved by them and the Departments of Railways, Public Works, and Marine and Fisheries.

Works to be subject to regulations.

36. The said canals, ship channels, buildings, structures, transmission lines and other works shall be located, laid out, constructed and made subject to such regulations as the Governor in Council may prescribe, and to such end, the Company shall submit to the Governor in Council for examination and approval, the plans, locations, dimensions and all necessary particulars of such canals, ship channels, buildings, structures, transmission lines and other works hereby authorized.

Powers not restrictive.

37. None of the powers or enactments granted by this Act, shall be limitative or restrictive of any of the powers granted to any company by Act or Acts of the Legislature of the province of Quebec.

Transfer of head office.

38. The head office of the Company now in the city of Montreal, may be transferred by a resolution of the board of directors to another city, provided it always be located in one of the cities of Canada. The Company on and after the coming into force of this Act may discontinue the use of the word "Limited" of its name, but nothing herein contained shall in any way affect any of its rights, nor free it from any of its obligations, said rights and obligations remaining in full force and effect.

First Session, Sixteenth Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 257.

An Act to regulate the Sale and Inspection of Agricultural Economic Poisons.

First reading, April 1, 1927.

The MINISTER OF AGRICULTURE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38362 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 257.

An Act to regulate the Sale and Inspection of Agricultural Economic Poisons.

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 Agricultural Poisons Act, 1927.*

INTERPRETATION.

Definitions.

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

"Active ingredient."

(a) "active ingredient" means that part of the poison which acts on the plant or animal life;

"Advertise."

(b) "advertise" or "advertisement" means to make known by the publication or distribution of any advertisement, circular or other notice;

"Brand."

(c) "brand" means the trade name applied to poison of any particular description by the manufacturer, importer or vendor thereof;

"Fungi."

(d) "fungi" means all rusts, smuts, mildews, molds, yeasts and similar forms of plant life as specified by regulation, and includes any bacteria affecting plant life;

"Guaranteed analysis."

(e) "guaranteed analysis" means the statement of the percentage by weight of each of the active ingredients and the total percentage by weight of all other ingredients and of the qualities of, every brand of poison, in such manner as may be prescribed by regulation;

"Insect."

(f) "insect" means any of the small invertebrate animals commonly known as insects and similar forms of animal life as specified by regulation;

"Inspector."

(g) "inspector" means any inspector appointed under this Act;

Explanatory Notes.

The proposed Bill to regulate the inspection and sale of poisons is intended to provide for the control of the manufacture and sale of poisons used as insecticides and fungicides. It proposes that before any such poison can be manufactured, imported, advertised or sold in Canada, it must be registered with the Department of Agriculture. Applications for registration must be accompanied by information as to the name and address of the manufacturer, together with the guaranteed analysis of the poison, and a statement of the name and percentage of its ingredients. Registration may be refused if a misleading brand name is used, if the poison is not suited for the purpose for which it is sold or represented, or if, when properly used, it would be generally detrimental to vegetation, live stock or public health.

It is proposed that all packages of poisons offered for sale shall be branded or marked with the name of the manufacturer, the brand name, the registration number, guaranteed analysis, and other information identifying the contents as poison. The Minister of Agriculture is given power to appoint an Advisory Board for the purpose of making recommendations on the administration of this Act. It is proposed also that he shall be empowered to make regulations as to what poisons may or may not be used and as to procedure to be followed in taking samples for analysis, methods of analysis, fees for analysis, and other matters connected with the proper administration and enforcement of the Act.

Penalties for infractions of the Act and regulations made thereunder are prescribed, as well as the procedure to be followed in taking action against offenders.

Poisons for manufacturing purposes, for export, for toilet or medicinal purposes for human consumption, or for the filling of qualified veterinary surgeons, prescriptions, are exempted from the provisions of the Act.

"Minister." *(h)* "Minister" means the Minister of Agriculture;

"Official analyst." *(i)* "official analyst" means any official analyst appointed under this Act;

"Other plant or animal pest." *(j)* "other plant or animal pest" includes any form of plant or animal life which the Minister may declare by regulation to be a pest;

"Package." *(k)* "package" includes every box, sack, bag, barrel, tin, case or other container;

"Poison." *(l)* "poison" means any substance, or admixture of substances, represented as a means for preventing, destroying, repelling or mitigating any and all fungi, weeds, insects, rodents, or other plant or animal pest, collectively or individually affecting agriculture;

"Registration number." *(m)* "registration number" means a specific number assigned by the Minister under authority of this Act for each brand of poison;

"Regulation." *(n)* "regulation" means any regulation made by the Minister under authority of this Act;

"Rodent." *(o)* "rodent" means and includes all members of the order Rodentia;

"Weed." *(p)* "weed" means any plant growing where not wanted.

REGISTRATION OF POISONS OBLIGATORY.

Registration of brand. **3.** (1) No person shall manufacture, import, advertise, or in any other manner whatsoever offer, for sale in Canada, any brand of poison unless such brand of poison has been registered under this Act and assigned a registration number.

(2) Application for registration of any brand of poison may be made by the manufacturer, importer or vendor, in such form as may be prescribed by regulation, and shall be accompanied by a registration fee of twenty-five dollars.

Application for registration. (3) The manufacturer, importer or vendor upon whose application the registration of any brand of poison is obtained, or if he be non-resident in Canada, his duly appointed agent or representative in Canada, shall be responsible for due compliance with the provisions of this Act.

Registration authority to sell. **4.** (1) Every brand of poison which has been registered under this Act may thereupon and during the currency of the registration be manufactured, imported, advertised, or otherwise offered, for sale in Canada during the period continuing from the date of its registration until the first day of January following.

Renewal. (2) Every registration shall expire on the thirty-first day of December in each year, but may be renewed from year to year and the same registration number assigned to a brand of poison which has been registered under the Act, provided no change is made of the brand or of the

guaranteed analysis or of the substances from which the poison is made.

Fee for renewal.

(3) A fee of twenty-five dollars shall be payable in respect of every renewal of a registration number.

Contents of statement to accompany application.

5. (1) Every application for the registration of a brand of poison under this Act shall be accompanied by a statement containing the following particulars:—

(a) the name and address of the manufacturer of such brand of poison;

(b) the name and address of the applicant for registration; and if the applicant be non-resident in Canada, the name and address of an agent or representative of the applicant in Canada;

(c) the brand and trade-mark, if any, applied to such poison;

(d) the name and percentage of every substance contained in the poison;

(e) the guaranteed analysis of the poison.

If applicant be non-resident in Canada.

(2) If the applicant be non-resident in Canada, the application shall be signed by the agent or representative in Canada of the applicant as well as by the applicant himself, and shall contain an undertaking on the part of such agent or representative to be held responsible for due compliance with the provisions of this Act.

Refusal of Minister to register.

6. The Minister may refuse to register any poison if, in his opinion,—

When brand misleading.

(a) the brand name would tend to deceive or mislead the purchaser with respect to the guaranteed analysis, the materials from which the poison is made, or the method of preparation; or,

Similarity of brands.

(b) the guaranteed analysis and the materials from which it is made are approximately the same as those of another brand of poison registered by the same manufacturer; or,

Unsuitability.

(c) it is believed to be unsuited for the purpose for which it is sold or represented; or,

Detrimental to vegetation.

(d) it is generally detrimental or seriously injurious to vegetation (except weeds), domestic animals or public health when used according to directions.

Cancellation by Minister.

7. The Minister shall have power to cancel any registration which in his opinion has been made in violation of any of the provisions of this Act or any regulations thereunder, or if subsequent to registration the poison has been found to be of doubtful value.

Importation may be prohibited.

8. If any poison imported into Canada be found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if in any way its sale constitutes an infraction

of the Act, its further importation may be prohibited by the Minister.

Certain information to be set forth.

9. (1) No person shall sell, offer, expose, advertise or hold for sale in Canada any poison unless each package containing the poison, or a tag or label durably attached thereto, is branded or marked in printed characters in such form and manner as may be prescribed by regulation with the following information only:—

(a) the name and address of the manufacturer, and vendor;

(b) brand name;

(c) registration number;

(d) the word poison and symbol thereof, if harmful to human or animal life in any sufficient degree;

(e) the antidote for the poison, if any;

(f) the guaranteed analysis stating the active ingredients in minimum percentages only as registered under this Act;

(g) the net quantity by weight (avoirdupois) or volume (imperial measure).

When sold in bulk, information to be supplied by vendor.

(2) Provided that when the poison is sold in bulk and is not contained in packages, the prescribed information mentioned in this section shall be supplied to the purchaser in writing by the vendor.

10. This Act shall not apply to,—

(a) the selling or offering for sale of poisons for manufacturing purposes or poisons which are for export only;

(b) any of the drugs, chemicals or preparations listed in the latest edition of

(i) the British Pharmacopoeia, or

(ii) any foreign Pharmacopoeia, or

(iii) any work of recognized standing on *materia medica* or drugs;

when used or sold for toilet or medicinal purposes providing they conform to the standards and tests prescribed therein;

1920, c. 27; 1908, c. 56.

(c) the sale of any medicinal or toilet preparations, or substance meeting the provisions of *The Food and Drugs Act, 1920,* or *The Proprietary or Patent Medicine Act,* which are manufactured and sold exclusively for toilet and medicinal purposes;

(d) any prescription from a qualified veterinary surgeon.

Advisory board.

11. The Minister shall have power to appoint an advisory board which may at his request prepare and recommend to him such regulations as in his opinion should be established under this Act.

Regulations.

12. The Minister shall also have power to make regulations,—

(a) prescribing for the purposes of this Act the nomenclature of every form of plant and animal life which shall be deemed as pests;

(b) prescribing the form in which applications for registration shall be made as provided in this Act;

(c) prescribing what poisons may be sold for any purpose;

(d) prescribing which poisons are generally detrimental or seriously injurious to vegetation, domestic animals or public health when used according to direction;

(e) describing which poisons are to be labelled "poison" and their antidote;

(f) prescribing the materials that may be considered as poisons and the strength or purity of both under which they may be sold;

(g) prescribing for the purposes of this Act the nomenclature of materials from which poisons are manufactured, and also the brand name that may be employed for any poisons, with a view to simplifying and harmonizing the employment of brand names in relation to their guaranteed analysis as provided in this Act;

(h) describing the procedure to be followed, the instruments to be employed and the quantities to be taken in the taking of samples for official analysis by inspectors and by purchasers; the number of samples to be taken and how they shall be forwarded and preserved, and by whom; and the number and qualifications of impartial witnesses before whom samples of poisons for official analysis shall be taken;

(i) prescribing those materials which may be exempt from the provisions of this Act;

(j) prescribing methods of analysis to be followed and limits of variability that may be tolerated as between the information marked on the container or on a label attached thereto or is supplied to the purchaser when sold in bulk, and the statement of analysis by an official analyst.

(k) prescribing the percentages of ingredients that may be present in poisons;

(l) prescribing the fee or fees that may be charged by an official analyst for the examination or analysis of any poison submitted to him for analysis under the provisions of this Act, and from time to time to change the amount of such fee or fees as may be deemed advisable or necessary;

(m) prescribing the size, colour and character of the tags or labels to be used for the purpose of this Act, and the size, character and location of the printing required to

be marked on such tag or labels or on the container as provided in this Act;

(n) prescribing the methods to be used in the examination or analysis of any poison for the purposes of this Act;

(o) for any other purpose deemed by him to be necessary for making effective the provisions of this Act.

Analysis for purchaser.

13. (1) Any purchaser of any poison may obtain an analysis of such poison by making application therefor to any official analyst appointed under this Act. Each sample shall be taken in accordance with the method for taking official samples prescribed by regulation. The sample taken must be forwarded to the official analyst in such quantities and containers as may be prescribed by regulation.

Contents of statement of applicant.

(2) There shall be sent with each sample forwarded for analysis under the provisions of this section a statement giving,—

(a) the name and address of the applicant;

(b) the name and address of the manufacturer, importer or vendor;

(c) the registration number;

and such fee as may be prescribed by regulation.

Inspectors. Entering premises.

14. Any inspector charged with the enforcement of this Act may enter upon any premises to make any examination of any poisons in containers or in buik, whether such poison is on the premises of the owner or on other premises, or in possession of a railway or steamship company, and may take official samples therefrom, for which samples the owner shall on demand be paid in accordance with the amount thus taken and at its current value.

Samples, how obtained.

Certificate *prima facie* evidence.

15. (1) A certificate of analysis signed by an official analyst appointed under this Act shall be *prima facie* evidence of the particulars of the analysis therein set out.

Notification to Minister in case of disputed analysis.

(2) If the person from whom an official sample is taken by an inspector and respecting which an analysis has been made, disputes the correctness of such analysis, he may, within twenty days of the receipt of a certified copy of such analysis, notify the Minister in writing that he intends to present evidence to controvert the correctness of the analysis of the official analyst, stating in full the nature of such evidence, In the absence of such notice the certificate of the official analyst shall be final and conclusive evidence of the facts therein set out.

If further investigation justified.

(3) If the evidence of the person referred to in the last foregoing subsection be such as in the opinion of the Minister would justify a further investigation, the Minister may cause a second part of the same sample to be analysed by such official analyst as he may name, and the certificate

of analysis of such official analyst shall be conclusive evidence of the facts therein set out.

Publication of results of analyses.

16. The Minister may publish the results of analyses and examination of poisons made in connection with the enforcement of this Act, and any additional information which in the opinion of the Minister is advisable.

Offences and penalties.

17. Subject to the provisions of section thirteen hereof, any person who falsely represents a poison in any advertisement, or violates any of the provisions of the Act, or of any regulations for which no other penalty is prescribed by this Act, shall be liable on summary conviction to a fine not exceeding one hundred dollars for the first offence, and, for a second offence, to a fine of not less than one hundred dollars and not exceeding two hundred dollars, and for every subsequent offence to a fine of not less than two hundred dollars and not exceeding five hundred dollars, and in default of payment of any such fine to imprisonment for a term not exceeding thirty days.

When prosecution for costs only allowed, and for violation of Act in full against another person.

18. (1) Any person accused of selling, offering, advertising, exposing or holding in his possession for sale any poison which does not comply with the requirements of this Act or of any regulations thereunder, who proves that the poison respecting which action is taken was bought by him directly within one year from a manufacturer or merchant domiciled in Canada, that if contained in a package said package was not opened, and whether contained in a package or not that the state of the poison was not altered while it was in his possession, and that he had no reason to believe that the said poison did not comply with the provisions of this Act, shall, upon disclosing the name and address of the person from whom the poison was purchased, the place where it was purchased and the date of the sale, be liable upon conviction for the costs of the prosecution only, and a prosecution may be brought against such last named person for violating the provisions of this Act or any regulation within six months from the date of such disclosure and not later.

Magistrate's report to Minister.

(2) Every magistrate who has disposed of any case under this section shall, within one month of the date of his judgment therein send to the Minister a report of the case, giving the name and address of the person who sold the poison to the accused and the date and place of the sale, and the name and address of the accused.

Offences.

19. Any person who,—

(a) unlawfully uses any registration number assigned, or as if it had been assigned under this Act; or,

(*b*) wilfully lowers the value of a poison by mixing any other substance thereto after the said poison has been placed on the market by the manufacturer, importer or dealer; or,

(*c*) wilfully obstructs, hinder, resists, or in any way opposes any inspector charged with the enforcement of this Act, shall be liable to a fine of not less than five hundred dollars and not exceeding one thousand dollars or to imprisonment for a term not less than sixty days and not exceeding twelve months.

Appointments.

20. Such inspectors and official analysts may be appointed by the Minister as are required for the purposes of this Act.

Proceedings not to affect other legal rights.

21. No proceedings taken under this Act against any person shall in any way interfere with, or lessen the right of, an aggrieved person to any legal remedy to which he may be entitled.

Commencement of Act.

22. This Act shall come into operation on such date as may be prescribed by proclamation of the Governor in Council.

Provisions to be construed as separate and independent enactments.

23. If it be found that Parliament has exceeded its powers in the enactment of one or more of the provisions of this Act, none of the other or remaining provisions of the Act shall therefore be held to be inoperative or *ultra vires*, but the latter provisions shall stand as if they had been originally enacted as separate and independent enactments, and as the only provisions of the Act; the intention of Parliament being to give independent effect to the extent of its powers to every enactment and provision in this Act contained.

First Session, Sixteenth Parliament, 17 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 257.

An Act to regulate the Sale and Inspection of Agricultural Economic Poisons.

AS PASSED BY THE HOUSE OF COMMONS, 8th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38385 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 257.

An Act to regulate the Sale and Inspection of Agricultural Economic Poisons.

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 Agricultural Poisons Act, 1927.*

INTERPRETATION.

Definitions.

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

"Active ingredient."

(a) "active ingredient" means that part of the poison which acts on the plant or animal life;

"Advertise."

(b) "advertise" or "advertisement" means to make known by the publication or distribution of any advertisement, circular or other notice;

"Brand."

(c) "brand" means the trade name applied to poison of any particular description by the manufacturer, importer or vendor thereof;

"Fungi."

(d) "fungi" means all rusts, smuts, mildews, molds, yeasts and similar forms of plant life as specified by regulation, and includes any bacteria affecting plant life;

"Guaranteed analysis."

(e) "guaranteed analysis" means the statement of the percentage by weight of each of the active ingredients and the total percentage by weight of all other ingredients and of the qualities of, every brand of poison, in such manner as may be prescribed by regulation;

"Insect."

(f) "insect" means any of the small invertebrate animals commonly known as insects and similar forms of animal life as specified by regulation;

"Inspector."

(g) "inspector" means any inspector appointed under this Act;

Explanatory Notes.

The proposed Bill to regulate the inspection and sale of poisons is intended to provide for the control of the manufacture and sale of poisons used as insecticides and fungicides. It proposes that before any such poison can be manufactured, imported, advertised or sold in Canada, it must be registered with the Department of Agriculture. Applications for registration must be accompanied by information as to the name and address of the manufacturer, together with the guaranteed analysis of the poison, and a statement of the name and percentage of its ingredients. Registration may be refused if a misleading brand name is used, if the poison is not suited for the purpose for which it is sold or represented, or if, when properly used, it would be generally detrimental to vegetation, live stock or public health.

It is proposed that all packages of poisons offered for sale shall be branded or marked with the name of the manufacturer, the brand name, the registration number, guaranteed analysis, and other information identifying the contents as poison. The Minister of Agriculture is given power to appoint an Advisory Board for the purpose of making recommendations on the administration of this Act. It is proposed also that he shall be empowered to make regulations as to what poisons may or may not be used and as to procedure to be followed in taking samples for analysis, methods of analysis, fees for analysis, and other matters connected with the proper administration and enforcement of the Act.

Penalties for infractions of the Act and regulations made thereunder are prescribed, as well as the procedure to be followed in taking action against offenders.

Poisons for manufacturing purposes, for export, for toilet or medicinal purposes for human consumption, or for the filling of qualified veterinary surgeons, prescriptions, are exempted from the provisions of the Act.

"Minister." *(h)* "Minister" means the Minister of Agriculture;

"Official analyst." *(i)* "official analyst" means any official analyst appointed under this Act;

"Other plant or animal pest." *(j)* "other plant or animal pest" includes any form of plant or animal life which the Minister may declare by regulation to be a pest;

"Package." *(k)* "package" includes every box, sack, bag, barrel, tin, case or other container;

"Poison." *(l)* "poison" means any substance, or admixture of substances, represented as a means for preventing, destroying, repelling or mitigating any and all fungi, weeds, insects, rodents, or other plant or animal pest, collectively or individually affecting agriculture;

"Registration number." *(m)* "registration number" means a specific number assigned by the Minister under authority of this Act for each brand of poison;

"Regulation." *(n)* "regulation" means any regulation made by the Minister under authority of this Act;

"Rodent." *(o)* "rodent" means and includes all members of the order Rodentia;

"Weed." *(p)* "weed" means any plant growing where not wanted.

REGISTRATION OF POISONS OBLIGATORY.

Registration of brand. **3.** (1) No person shall manufacture, import, advertise, or in any other manner whatsoever offer, for sale in Canada, any brand of poison unless such brand of poison has been registered under this Act and assigned a registration number.

(2) Application for registration of any brand of poison may be made by the manufacturer, importer or vendor, in such form as may be prescribed by regulation, and shall be accompanied by a registration fee of twenty dollars.

Application for registration. (3) The manufacturer, importer or vendor upon whose application the registration of any brand of poison is obtained, or if he be non-resident in Canada, his duly appointed agent or representative in Canada, shall be responsible for due compliance with the provisions of this Act.

Contents of statement to accompany application. **4.** (1) Every application for the registration of a brand of poison under this Act shall be accompanied by a statement containing the following particulars:—

(a) the name and address of the manufacturer of such brand of poison;

(b) the name and address of the applicant for registration; and if the applicant be non-resident in Canada, the name and address of an agent or representative of the applicant in Canada;

(c) the brand and trade-mark, if any, applied to such poison;

(d) the name and percentage of every substance contained in the poison;

(e) the guaranteed analysis of the poison.

If applicant be non-resident in Canada.

(2) If the applicant be non-resident in Canada, the application shall be signed by the agent or representative in Canada of the applicant as well as by the applicant himself, and shall contain an undertaking on the part of such agent or representative to be held responsible for due compliance with the provisions of this Act.

Refusal of Minister to register.

5. The Minister may refuse to register any poison if, in his opinion,—

When brand misleading.

(a) the brand name would tend to deceive or mislead the purchaser with respect to the guaranteed analysis, the materials from which the poison is made, or the method of preparation; or,

Similarity of brands.

(b) the guaranteed analysis and the materials from which it is made are approximately the same as those of another brand of poison registered by the same manufacturer; or,

Unsuitability.

(c) it is believed to be unsuited for the purpose for which it is sold or represented; or,

Detrimental to vegetation.

(d) it is generally detrimental or seriously injurious to vegetation (except weeds), domestic animals or public health when used according to directions.

Registration authority to sell.

6. (1) Every brand of poison which has been registered under this Act may thereupon and during the currency of the registration be manufactured, imported, advertised, or otherwise offered, for sale in Canada during the period continuing from the date of its registration until the first day of January following.

Renewal.

(2) Every registration shall expire on the thirty-first day of December in each year, but may be renewed from year to year and the same registration number assigned to a brand of poison which has been registered under the Act, provided no change is made of the brand or of the guaranteed analysis or of the substances from which the poison is made.

Fee for renewal.

(3) A fee of twenty dollars shall be payable in respect of every renewal of a registration number.

Cancellation by Minister.

7. The Minister shall have power to cancel any registration which in his opinion has been made in violation of any of the provisions of this Act or any regulations thereunder, or if subsequent to registration the poison has been found to be of doubtful value.

Importation may be prohibited.

8. If any poison imported into Canada be found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if in any way its sale constitutes an infraction

of the Act, its further importation may be prohibited by the Minister.

Certain information to be set forth.

9. (1) No person shall sell, offer, expose, advertise or hold for sale in Canada any poison unless each package containing the poison, or a tag or label durably attached thereto, is branded or marked in printed characters in such form and manner as may be prescribed by regulation with the following information:—

(a) the name and address of the manufacturer, and vendor;

(b) brand name;

(c) registration number;

(d) the word poison and symbol thereof, if harmful to human or animal life in any sufficient degree;

(e) the antidote for the poison, if any;

(f) the guaranteed analysis stating the percentage by weight of each active ingredient;

(g) the net quantity by weight (avoirdupois) or volume (imperial measure).

When sold in bulk, information to be supplied by vendor.

(2) Provided that when the poison is sold in bulk and is not contained in packages, the prescribed information mentioned in this section shall be supplied to the purchaser in writing by the vendor.

10. This Act shall not apply to,—

(a) the selling or offering for sale of poisons for manufacturing purposes or poisons which are for export only;

(b) any of the drugs, chemicals or preparations listed in the latest edition of

(i) the British Pharmacopoeia, or

(ii) any foreign Pharmacopoeia, or

(iii) any work of recognized standing on *materia medica* or drugs;

when used or sold for toilet or medicinal purposes;

(c) the sale of any medicinal or toilet preparations, or substance included under the provisions of *The Food and Drugs Act, 1920,* or *The Proprietary or Patent Medicine Act,* which are manufactured and sold exclusively for toilet and medicinal purposes;

1920, c. 27; 1908, c. 56.

(d) any prescription from a qualified veterinary surgeon.

Advisory board.

11. The Minister shall have power to appoint an advisory board which may at his request prepare and recommend to him such regulations as in his opinion should be established under this Act.

Regulations.

12. The Minister shall also have power to make regulations,—

(a) prescribing for the purposes of this Act the nomenclature of every form of plant and animal life which shall be deemed as pests;

(b) prescribing the form in which applications for registration shall be made as provided in this Act;

(c) prescribing what poisons may be sold for any purpose;

(d) prescribing which poisons are generally detrimental or seriously injurious to vegetation, domestic animals or public health when used according to direction;

(e) describing which poisons are to be labelled "poison" and their antidote;

(f) prescribing the materials that may be considered as poisons and the strength or purity of both under which they may be sold;

(g) prescribing for the purposes of this Act the nomenclature of materials from which poisons are manufactured, and also the brand name that may be employed for any poisons, with a view to simplifying and harmonizing the employment of brand names in relation to their guaranteed analysis as provided in this Act;

(h) describing the procedure to be followed, the instruments to be employed and the quantities to be taken in the taking of samples for official analysis by inspectors and by purchasers; the number of samples to be taken and how they shall be forwarded and preserved, and by whom; and the number and qualifications of impartial witnesses before whom samples of poisons for official analysis shall be taken;

(i) prescribing those materials which may be exempt from the provisions of this Act;

(j) prescribing methods of analysis to be followed and limits of variability that may be tolerated as between the information marked on the container or on a label attached thereto or is supplied to the purchaser when sold in bulk, and the statement of analysis by an official analyst.

(k) prescribing the percentages of ingredients that may be present in poisons;

(l) prescribing the fee or fees that may be charged by an official analyst for the examination or analysis of any poison submitted to him for analysis under the provisions of this Act, and from time to time to change the amount of such fee or fees as may be deemed advisable or necessary;

(m) prescribing the size, colour and character of the tags or labels to be used for the purpose of this Act, and the size, character and location of the printing required to

be marked on such tag or labels or on the container as provided in this Act;

(n) prescribing the methods to be used in the examination or analysis of any poison for the purposes of this Act;

(o) for any other purpose deemed by him to be necessary for making effective the provisions of this Act.

Analysis for purchaser.

13. (1) Any purchaser of any poison may obtain an analysis of such poison by making application therefor to any official analyst appointed under this Act. Each sample shall be taken in accordance with the method for taking official samples prescribed by regulation. The sample taken must be forwarded to the official analyst in such quantities and containers as may be prescribed by regulation.

Contents of statement of applicant.

(2) There shall be sent with each sample forwarded for analysis under the provisions of this section a statement giving,—

(a) the name and address of the applicant;

(b) the name and address of the manufacturer, importer or vendor;

(c) the registration number;

and such fee as may be prescribed by regulation.

Certificate *prima facie* evidence.

14. (1) A certificate of analysis signed by an official analyst appointed under this Act shall be *prima facie* evidence of the particulars of the analysis therein set out.

Notification to Minister in case of disputed analysis.

(2) If the person from whom an official sample is taken by an inspector and respecting which an analysis has been made, disputes the correctness of such analysis, he may, within thirty days of the receipt of a certified copy of such analysis, notify the Minister in writing that he intends to present evidence to controvert the correctness of the analysis of the official analyst, stating in full the nature of such evidence, In the absence of such notice the certificate of the official analyst shall be final and conclusive evidence of the facts therein set out.

If further investigation justified.

(3) If the evidence of the person referred to in the last foregoing subsection be such as in the opinion of the Minister would justify a further investigation, the Minister may cause a second part of the same sample to be analysed by such official analyst as he may name, and the certificate of analysis of such official analyst shall be conclusive evidence of the facts therein set out.

Inspectors. Entering premises.

15. Any inspector charged with the enforcement of this Act may enter upon any premises to make any examination of any poisons in containers or in bulk, whether such poison is on the premises of the owner or on other premises, or in possession of a railway or steamship company, and may take official samples therefrom, for which samples the

Samples, how obtained.

owner shall on demand be paid in accordance with the amount thus taken and at its current value.

Publication of results of analyses.

16. The Minister may publish the results of analyses and examination of poisons made in connection with the enforcement of this Act, and any additional information which in the opinion of the Minister is advisable.

Offences and penalties.

17. Subject to the provisions of section eighteen hereof, any person who falsely represents a poison in any advertisement, or violates any of the provisions of the Act, or of any regulations for which no other penalty is prescribed by this Act, shall be liable on summary conviction to a fine not exceeding one hundred dollars for the first offence, and, for a second offence, to a fine of not less than one hundred dollars and not exceeding two hundred dollars, and for every subsequent offence to a fine of not less than two hundred dollars and not exceeding five hundred dollars, and in default of payment of any such fine to imprisonment for a term not exceeding thirty days.

When prosecution for costs only allowed. and for violation of Act in full against another person.

18. (1) Any person accused of selling, offering, advertising, exposing or holding in his possession for sale any poison which does not comply with the requirements of this Act or of any regulations thereunder, who proves that the poison respecting which action is taken was bought by him directly within one year from a manufacturer or merchant domiciled in Canada, that if contained in a package said package was not opened, and whether contained in a package or not that the state of the poison was not altered while it was in his possession, and that he had no reason to believe that the said poison did not comply with the provisions of this Act, shall, upon disclosing the name and address of the person from whom the poison was purchased, the place where it was purchased and the date of the sale, be liable upon conviction for the costs of the prosecution only, and a prosecution may be brought against such last named person for violating the provisions of this Act or any regulation within six months from the date of such disclosure and not later.

Magistrate's report to Minister.

(2) Every magistrate who has disposed of any case under this section shall, within one month of the date of his judgment therein send to the Minister a report of the case, giving the name and address of the person who sold the poison to the accused and the date and place of the sale, and the name and address of the accused.

Offences.

19. Any person who,—

(a) unlawfully uses any registration number assigned, or as if it had been assigned under this Act; or,

(b) wilfully lowers the value of a poison by mixing any other substance therewith after the said poison has been placed on the market by the manufacturer, importer or vendor; or,

(c) wilfully obstructs, hinder, resists, or in any way opposes any inspector charged with the enforcement of this Act, shall be liable to a fine of not less than five hundred dollars and not exceeding one thousand dollars or to imprisonment for a term not less than sixty days and not exceeding twelve months.

Appointments.

20. Such inspectors and official analysts may be appointed by the Minister as are required for the purposes of this Act.

Proceedings not to affect other legal rights.

21. No proceedings taken under this Act against any person shall in any way interfere with, or lessen the right of, an aggrieved person to any legal remedy to which he may be entitled.

Commencement of Act.

22. This Act shall come into operation on such date as may be prescribed by proclamation of the Governor in Council.

Provisions to be construed as separate and independent enactments.

23. If it be found that Parliament has exceeded its powers in the enactment of one or more of the provisions of this Act, none of the other or remaining provisions of the Act shall therefore be held to be inoperative or *ultra vires*, but the latter provisions shall stand as if they had been originally enacted as separate and independent enactments, and as the only provisions of the Act; the intention of Parliament being to give independent effect to the extent of its powers to every enactment and provision in this Act contained.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 258.

An Act to amend the Act respecting the Department of Marine and Fisheries.

First reading, April 1, 1927.

The PRIME MINISTER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38898 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 258.

An Act to amend the Act respecting the Department of Marine and Fisheries.

R.S., c. 44.

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

1. Subsection one of section three of the *Department of Marine and Fisheries Act*, chapter forty-four of the Revised Statutes of Canada, 1906, is repealed and the following substituted therefor:—

Constitution of Department with two branches.

"**3.** (1) There shall be a department of the Government of Canada to be called the Department of Marine and Fisheries which shall consist of two branches, namely, the Marine Branch and the Fisheries Branch, over which the Minister of Marine and Fisheries for the time being, appointed by the Governor General by commission under the Great Seal of Canada, shall preside."

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

Two Depoty Ministers.

"**4.** (1) The Governor in Council may appoint two officers, who shall be called the Deputy Minister of Marine and the Deputy Minister of Fisheries, respectively, and shall be the chief officers of the department.

Duties and powers of each Deputy.

"(2) The Deputy Minister of Marine shall be the deputy head of the Marine Branch and the Deputy Minister of Fisheries shall be the deputy head of the Fisheries Branch of the department, and each of these officers shall, in relation to the Branch of which he is the deputy head, exercise the powers and perform the duties which by any statute are vested in or charged upon the deputy head of a department, and shall have such other powers and perform such other duties as may be assigned to them, respectively, by the Governor in Council or the Minister.

Other officers.

"(3) Such other officers, clerks and servants as are necessary for the proper conduct of the business of the department shall be appointed in the manner authorized by law.

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

Duties and powers of Minister.

"**5.** The duties, powers and functions of the Minister shall extend and apply to such boards and other public bodies, subjects, services and properties of the Crown as may be designated or assigned to the Minister by the Governor in Council, over which the Minister shall have the control, regulation, management and supervision.

4. The said Act is further amended by adding thereto the following section:—

Deputy Minister of Fisheries to be substituted in certain Acts.

"**10.** Wherever in the *Deep Sea Fisheries Act*, the *Customs and Fisheries Protection Act*, the *Biological Board Act*, *The Fisheries Act, 1914*, the *Fish Inspection Act*, the *Northern Pacific Halibut Fishery Protection Act*, or in any regulations or orders made under any of the said Acts, the Deputy Minister of Marine and Fisheries is mentioned or referred to, in each and every such case the Deputy Minister of Fisheries shall be substituted for the Deputy Minister of Marine and Fisheries; and wherever in any other Act of the Parliament of Canada the Deputy Minister of Marine and Fisheries is mentioned or referred to and the Deputy Minister of Fisheries is not by or under the authority of any other Act of the Parliament of Canada substituted therefor, there shall in each and every case be substituted the Deputy Minister of Marine.

Deputy Minister of Marine substituted in certain Acts.

Schedule repealed.

5. The said Act is further amended by striking out the schedule thereto.

3. Section five reads as follows:—

"**5.** The duties, powers and functions of the Minister shall extend and apply to the boards and other public bodies, officers and other persons, and to the subjects, services and properties of the Crown, enumerated in the schedule to this Act, of which the Minister shall have the control, regulation, management and supervision "

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 258.

An Act to amend the Act respecting the Department of Marine and Fisheries.

AS PASSED BY THE HOUSE OF COMMONS, 5th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38917 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 258.

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R.S., c. 44.

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1. Subsection one of section three of the *Department of Marine and Fisheries Act*, chapter forty-four of the Revised Statutes of Canada, 1906, is repealed and the following substituted therefor:—

Constitution of Department with two branches.

"**3.** (1) There shall be a department of the Government of Canada to be called the Department of Marine and Fisheries which shall consist of two branches, namely, the Marine Branch and the Fisheries Branch, over which the Minister of Marine and Fisheries for the time being, appointed by the Governor General by commission under the Great Seal of Canada, shall preside."

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

Two Deputy Ministers.

"**4.** (1) The Governor in Council may appoint two officers, who shall be called the Deputy Minister of Marine and the Deputy Minister of Fisheries, respectively, and shall be the chief officers of the department.

Duties and powers of each Deputy.

"(2) The Deputy Minister of Marine shall be the deputy head of the Marine Branch and the Deputy Minister of Fisheries shall be the deputy head of the Fisheries Branch of the department, and each of these officers shall, in relation to the Branch of which he is the deputy head, exercise the powers and perform the duties which by any statute are vested in or charged upon the deputy head of a department, and shall have such other powers and perform such other duties as may be assigned to them, respectively, by the Governor in Council or the Minister.

Other officers.

"(3) Such other officers, clerks and servants as are necessary for the proper conduct of the business of the department shall be appointed in the manner authorized by law.

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

Duties and powers of Minister.

"**5.** The duties, powers and functions of the Minister shall extend and apply to such boards and other public bodies, subjects, services and properties of the Crown as may be designated or assigned to the Minister by the Governor in Council, over which the Minister shall have the control, regulation, management and supervision.

4. The said Act is further amended by adding thereto the following section:—

Deputy Minister of Fisheries to be substituted in certain Acts.

"**10.** Wherever in the *Deep Sea Fisheries Act*, the *Customs and Fisheries Protection Act*, the *Biological Board Act*, *The Fisheries Act, 1914*, the *Fish Inspection Act*, the *Northern Pacific Halibut Fishery Protection Act*, or in any regulations or orders made under any of the said Acts, the Deputy Minister of Marine and Fisheries is mentioned or referred to, in each and every such case the Deputy Minister of Fisheries shall be substituted for the Deputy Minister of Marine and Fisheries; and wherever in any other Act of the Parliament of Canada the Deputy Minister of Marine and Fisheries is mentioned or referred to and the Deputy Minister of Fisheries is not by or under the authority of any other Act of the Parliament of Canada substituted therefor, there shall in each and every case be substituted the Deputy Minister of Marine.

Deputy Minister of Marine substituted in certain Acts.

Schedule repealed.

5. The said Act is further amended by striking out the schedule thereto.

3. Section five reads as follows:—

"**5.** The duties, powers and functions of the Minister shall extend and apply to the boards and other public bodies, officers and other persons, and to the subjects, services and properties of the Crown, enumerated in the schedule to this Act, of which the Minister shall have the control, regulation, management and supervision "

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 259.

An Act to amend the Post Office Act.

First reading, April 1, 1927.

The POSTMASTER GENERAL.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38895 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 259.

An Act to amend the Post Office Act.

R.S., c. 66; 1920, c. 64.

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

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 statutes of 1920, is repealed, and the following is substituted therefor:—

Postage rates on certain newspapers and periodicals reduced from 1½ cents to one cent.

"(3) Newspapers and periodicals which are required to be transmitted for a greater distance than is mentioned in the last preceding subsection, or the publication of which is of greater frequency than once a week, and the newspapers and periodicals described in the immediately preceding subsection, upon any copies in excess of the circulation of two thousand five hundred copies, shall be subject to postage at the rate of one cent for each pound weight or any fraction of a pound weight, and such postage shall be prepaid by postage stamps or otherwise as the Postmaster General from time to time directs."

Explanatory Notes.

1. Subsections (2) and (3) of section 53 now reads as follows:—

"(2) Newspapers and periodicals published not more frequently than once a week in any city, town or village which has a population of not more than ten thousand persons, shall be entitled to be transmitted by mail free of postage to the extent of a circulation of two thousand five hundred copies per issue within a distance of forty miles from their place of publication.

"(3) Newspapers and periodicals which are required to be transmitted for a greater distance than is mentioned in the last preceding subsection, or the publication of which is of greater frequency than once a week, and the newspapers and periodicals described in the immediately preceding subsection, upon any copies in excess of the circulation of two thousand five hundred copies, shall be subject to postage at the rate of *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 hundred and twenty-two, and one- and one-half cents thereafter*, for each pound weight or any fraction of a pound weight, and such postage shall be prepaid by postage stamps or otherwise as the Postmaster General from time to time directs."

The words in italics in subsection (3) above are struck out, and the words "one cent" are substituted therefor. Subsection (2) is printed here for explanatory purposes, as it is referred to in subsection (3).

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 259.

An Act to amend the Post Office Act.

AS PASSED BY THE HOUSE OF COMMONS, 7th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38920 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 259.

An Act to amend the Post Office Act.

R.S., c. 66; 1920, c. 64.

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

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 statutes of 1920, is repealed, and the following is substituted therefor:—

Postage rates on certain newspapers and periodicals reduced from 1½ cents to one cent.

"(3) Newspapers and periodicals which are required to be transmitted for a greater distance than is mentioned in the last preceding subsection, or the publication of which is of greater frequency than once a week, and the newspapers and periodicals described in the immediately preceding subsection, upon any copies in excess of the circulation of two thousand five hundred copies, shall be subject to postage at the rate of one cent for each pound weight or any fraction of a pound weight, and such postage shall be prepaid by postage stamps or otherwise as the Postmaster General from time to time directs."

EXPLANATORY NOTES.

1. Subsections (2) and (3) of section 53 now reads as follows:—

"(2) Newspapers and periodicals published not more frequently than once a week in any city, town or village which has a population of not more than ten thousand persons, shall be entitled to be transmitted by mail free of postage to the extent of a circulation of two thousand five hundred copies per issue within a distance of forty miles from their place of publication.

"(3) Newspapers and periodicals which are required to be transmitted for a greater distance than is mentioned in the last preceding subsection, or the publication of which is of greater frequency than once a week, and the newspapers and periodicals described in the immediately preceding subsection, upon any copies in excess of the circulation of two thousand five hundred copies, shall be subject to postage at the rate of *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 hundred and twenty-two, and one- and one-half cents thereafter*, for each pound weight or any fraction of a pound weight, and such postage shall be prepaid by postage stamps or otherwise as the Postmaster General from time to time directs."

The words in italics in subsection (3) above are struck out, and the words "one cent" are substituted therefor. Subsection (2) is printed here for explanatory purposes, as it is referred to in subsection (3).

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 260.

An Act to amend the Dominion Elections Act.

First reading, April 1, 1927.

The MINISTER OF JUSTICE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38894 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 260.

An Act to amend the Dominion Elections Act.

Preamble. 1920, c. 24.

WHEREAS Oliver Mowat Biggar is desirous of vacating the office of Chief Electoral Officer: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection one of section nineteen of the *Dominion Elections Act*, chapter forty-six of the statutes of 1920, is amended by striking out all that portion preceding the word "He", in the seventh line thereof and substituting therefor the following:—

Appointment and salary of Chief Electoral Officer.

"The Chief Electoral Officer shall be appointed by resolution of the House of Commons, and shall be paid a salary of six thousand dollars."

Duties as Counsel for the Crown.

2. Paragraph *(d)* of subsection one of section nineteen of the said Act, and the word "and" immediately preceding the same, are repealed.

When office vacant.

3. The office of Chief Electoral Officer shall become vacant on the day of , 1927.

EXPLANATORY NOTES.

1. The lines struck out at the beginning of section nineteen read as follows:—

"**19.** (1) Oliver Mowat Biggar, of the City of Ottawa, one of His Majesty's Counsel, is hereby appointed Chief Electoral Officer. He shall hold office on the same tenure, be removable only for cause and in the same manner and be from time to time paid the same salary and superannuation allowance as a puisne Judge of the Supreme Court of Canada."

2. Paragraph *(d)* to be repealed reads as follows:—

"and,

"*(d)* subject to the performance of the foregoing duties, act as counsel for the Crown or the Attorney General in such causes, prepare such opinions, and make such enquiries as the Governor in Council may from time to time direct."

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 260.

An Act to amend the Dominion Elections Act.

AS PASSED BY THE HOUSE OF COMMONS, 6th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38919 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 260.

An Act to amend the Dominion Elections Act.

Preamble. 1920, c. 46.

WHEREAS Oliver Mowat Biggar is desirous of vacating the office of Chief Electoral Officer: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection one of section nineteen of the *Dominion Elections Act*, chapter forty-six of the statutes of 1920, is amended by striking out all that portion preceding the word "He", in the seventh line thereof and substituting therefor the following:—

Appointment and salary of Chief Electoral Officer.

"The Chief Electoral Officer shall be appointed by resolution of the House of Commons, and shall be paid a salary of six thousand dollars per annum. He shall hold office on the same tenure, shall be removable only for cause and in the same manner as a Judge of the Supreme Court of Canada."

Duties as Counsel for the Crown.

2. Paragraph *(d)* of subsection one of section nineteen of the said Act, and the word "and" immediately preceding the same, are repealed.

When office vacant.

3. The office of Chief Electoral Officer shall become vacant on the thirtieth day of June, 1927.

Appointment of successor.

4. The successor to the said Oliver Mowat Biggar, as Chief Electoral Officer, shall be the person who has been designated as such during the present session of Parliament, by resolution of the House of Commons and shall take office on the first day of July; in the meantime subsection five of section nineteen of the *Dominion Elections Act*, chapter forty-six of the statutes of 1920, shall apply to such person as if he were actually filling the office of Chief Electoral Officer.

EXPLANATORY NOTES.

1. The lines struck out at the beginning of section nineteen read as follows:—

"**19.** (1) Oliver Mowat Biggar, of the City of Ottawa, one of His Majesty's Counsel, is hereby appointed Chief Electoral Officer. He shall hold office on the same tenure, be removable only for cause and in the same manner and be from time to time paid the same salary and superannuation allowance as a puisne Judge of the Supreme Court of Canada."

2. Paragraph *(d)* to be repealed reads as follows:—

"and,

"*(d)* subject to the performance of the foregoing duties, act as counsel for the Crown or the Attorney General in such causes, prepare such opinions, and make such enquiries as the Governor in Council may from time to time direct."

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 269.

An Act to amend The Immigration Act.

First reading, April 4, 1927.

The MINISTER OF IMMIGRATION AND COLONIZATION.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39060 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 269.

An Act to amend The Immigration Act.

1910, c. 27; 1919, c. 26.

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

Deportation of undesirable classes.

1. Section forty-one of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as enacted by chapter twenty-six of the statutes of 1919, is repealed.

EXPLANATORY NOTES.

It is considered that the provisions of section forty of the Act, as enacted by chapter twenty-five of the statutes of 1919, give the necessary authority to deport any person not a citizen of Canada who is convicted by the Courts of any crime committed in Canada.

The section of the Act of 1919 to be repealed reads as follows:—

"**41.** Every person who by word or Act in Canada seeks to overthrow by force or violence the Government of or constituted law and authority in the United Kingdom of Great Britain and Ireland or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's Dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada, by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

2. Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes."

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 269.

An Act to amend The Immigration Act.

AS PASSED BY THE HOUSE OF COMMONS,
8th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39075 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 269.

An Act to amend The Immigration Act.

1910, c. 27; 1919, c. 26.

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

Deportation of undesirable classes.

1. Section forty-one of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as enacted by chapter twenty-six of the statutes of 1919, is repealed.

Explanatory Notes.

It is considered that the provisions of section forty of the Act, as enacted by chapter twenty-five of the statutes of 1919, give the necessary authority to deport any person not a citizen of Canada who is convicted by the Courts of any crime committed in Canada.

The section of the Act of 1919 to be repealed reads as follows:—

"**41.** Every person who by word or Act in Canada seeks to overthrow by force or violence the Government of or constituted law and authority in the United Kingdom of Great Britain and Ireland or Canada, or any of the provinces of Canada, or the government of any other of His Majesty's Dominions, colonies, possessions or dependencies, or advocates the assassination of any official of any of the said governments or of any foreign government, or who in Canada defends or suggests the unlawful destruction of property or by word or act creates or attempts to create any riot or public disorder in Canada, or who without lawful authority assumes any powers of government in Canada or in any part thereof, or who by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from or in any way attempts to control any resident of Canada, by force or by threat of bodily harm, or by blackmail, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government shall, for the purposes of this Act, be deemed to belong to the prohibited or undesirable classes, and shall be liable to deportation in the manner provided by this Act, and it shall be the duty of any officer becoming cognizant thereof and of the clerk, secretary or other official of any municipality in Canada wherein any such person may be, forthwith to send a written complaint to the Minister, giving full particulars: Provided, that this section shall not apply to any person who is a British subject, either by reason of birth in Canada, or by reason of naturalization in Canada.

2. Proof that any person belonged to or was within the description of any of the prohibited or undesirable classes within the meaning of this section at any time since the fourth day of May, one thousand nine hundred and ten, shall, for all the purposes of this Act be deemed to establish prima facie that he still belongs to such prohibited or undesirable class or classes."

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 270.

An Act to amend the Dominion Elections Act (Voting by Teachers and Students).

First reading, April 4, 1927.

Mr. BANCROFT.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39142 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 270.

An Act to amend the Dominion Elections Act (Voting by Teachers and Students).

1920, c. 46.

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

Electors, qualifications for.

1. Section twenty-nine of the *Dominion Elections Act*, chapter forty-six of the statutes of 1920 is amended by adding to paragraph *(c)* of subsection one thereof the following:—

School teachers or students.

"Provided, that school teachers or students attending a university or other institution of learning and following their respective occupations or studies, who have ordinarily resided in Canada for at least twelve months immediately preceding the issue of the writ of election, shall be permitted by the Registrar to have their names placed on the voters' list if it be proven to the Registrar's satisfaction that they will be residing, on the day the election is to take place, in the electoral district wherein they seek to vote, and the rules in Schedule A and B of section thirty-two of the Act shall apply to this proviso insofar as they are not inconsistent therewith."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 271.

An Act to amend the Criminal Code (Blasphemous libels).

First reading, April 4, 1927.

Mr. WOODSWORTH.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39061 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 271.

An Act to amend the Criminal Code (Blasphemous libels).

R.S., c. 146.

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

Blasphemous libels.

1. Section one hundred and ninety-eight of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, is hereby repealed.

Explanatory Notes.

The section to be repealed reads as follows:—

"**198.** (1) Every one is guilty of an indictable offence and liable to one year's imprisonment who publishes any blasphemous libel.

(2) Whether any particular published matter is a blasphemous libel or not is a question of fact: Provided that no one is guilty of a blasphemous libel for expressing in good faith and in decent language, or attempting to establish by arguments used in good faith and conveyed in decent language, any opinion whatever upon any religious subject."

So far as known, only one prosecution under this section, and that in a recent case, has ever been taken in Canada.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 272.

An Act to provide for a loan to the Chicoutimi Harbour Commissioners.

First reading, April 5, 1927.

The Minister of Marine and Fisheries.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38733 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 272.

An Act to provide for a loan to the Chicoutimi Harbour Commissioners.

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

Short title.

1. This Act may be cited as *The Chicoutimi Harbour Loan Act, 1927.*

Loan of $500,000 to Harbour Commissioners for terminal facilities.

2. The Governor in Council may, from time to time, loan to the Corporation of the Chicoutimi Harbour Commissioners, hereinafter called "the Corporation," such sums of money, not exceeding in the whole the sum of five hundred thousand dollars, as are required to enable the Corporation to construct such terminal facilities as are necessary to properly equip the port of Chicoutimi.

Interest during construction to be charged to capital account.

3. During the period of construction of the works referred to in the preceding section, the interest payable on the debentures deposited with the Minister of Finance and Receiver General under the provisions of this Act in respect of the construction of such works shall be deemed to be money required to enable the Corporation to construct the said works and to be a part of the cost of construction thereof, and the said interest may be paid out of the said sum of five hundred thousand dollars; the period of construction herein referred to shall begin on the day when the first advance is made on account of the said construction, and shall terminate on such date as the Governor in Council shall fix and determine.

Plans, etc., to be approved before work commenced.

4. No such loan shall be paid in respect of the construction of terminal facilities, unless such detailed plans, specifications and estimates, for the works to be performed by the Corporation and on which the money so to be loaned is to be expended, as are satisfactory to the Minister

of Marine and Fisheries, have been submitted to and approved by the Governor in Council before any work on the same has been commenced.

Monthly applications for loans with other statements as required.

5. The Corporation shall submit to the Minister of Marine and Fisheries, for approval, monthly applications for loans on account of the different items of construction of terminal facilities, accompanied by statements showing the total expenditure on these different items in detail, for the month which the loan is to cover, and any other statements required in such form as the Minister shall direct; and upon approval of the application, authority for the payment of the amount so applied for may be granted by the Governor in Council.

Debentures to be deposited with Minister of Finance.

6. The Corporation shall, upon any loan being made, deposit with the Minister of Finance and Receiver General debentures of the Corporation equal in par value to the loan so made (which debentures the Corporation is hereby authorized to issue), and such debentures so issued shall be of such amounts as the Minister of Finance and Receiver General determines, and shall bear date on the day when such loan is made, and shall be repayable within twenty-five years from the date of their issue, and in the meantime shall bear interest at the rate of five per centum per annum, such interest to be payable half yearly on the first day of July and the first day of January in each year.

Loan to be a charge against revenue and property of corporation.

7. The principal and interest of the sums loaned to the Corporation under the authority of this Act shall be payable by the Corporation out of all its property and assets and out of all its tolls, rates, dues, penalties and other sources of revenue and income, and shall rank as a charge thereon and have precedence in regard to payment, next after payments provided for in section fifteen of chapter six of the statutes of nineteen twenty-six.

1926, c. 6.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 272.

An Act to provide for a loan to the Chicoutimi Harbour Commissioners.

AS PASSED BY THE HOUSE OF COMMONS, 6th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38747 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 272.

An Act to provide for a loan to the Chicoutimi Harbour Commissioners.

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

Short title.

1. This Act may be cited as *The Chicoutimi Harbour Loan Act, 1927.*

Loan of $500,000 to Harbour Commissioners for terminal facilities.

2. The Governor in Council may, from time to time, loan to the Corporation of the Chicoutimi Harbour Commissioners, hereinafter called "the Corporation," such sums of money, not exceeding in the whole the sum of five hundred thousand dollars, as are required to enable the Corporation to construct such terminal facilities as are necessary to properly equip the port of Chicoutimi.

Interest during construction to be charged to capital account.

3. During the period of construction of the works referred to in the preceding section, the interest payable on the debentures deposited with the Minister of Finance and Receiver General under the provisions of this Act in respect of the construction of such works shall be deemed to be money required to enable the Corporation to construct the said works and to be a part of the cost of construction thereof, and the said interest may be paid out of the said sum of five hundred thousand dollars; the period of construction herein referred to shall begin on the day when the first advance is made on account of the said construction, and shall terminate on such date as the Governor in Council shall fix and determine.

Plans, etc., to be approved before work commenced.

4. No such loan shall be paid in respect of the construction of terminal facilities, unless such detailed plans, specifications and estimates, for the works to be performed by the Corporation and on which the money so to be loaned is to be expended, as are satisfactory to the Minister

of Marine and Fisheries, have been submitted to and approved by the Governor in Council before any work on the same has been commenced.

Monthly applications for loans with other statements as required.

5. The Corporation shall submit to the Minister of Marine and Fisheries, for approval, monthly applications for loans on account of the different items of construction of terminal facilities, accompanied by statements showing the total expenditure on these different items in detail, for the month which the loan is to cover, and any other statements required in such form as the Minister shall direct; and upon approval of the application, authority for the payment of the amount so applied for may be granted by the Governor in Council.

Debentures to be deposited with Minister of Finance.

6. The Corporation shall, upon any loan being made, deposit with the Minister of Finance and Receiver General debentures of the Corporation equal in par value to the loan so made (which debentures the Corporation is hereby authorized to issue), and such debentures so issued shall be of such amounts as the Minister of Finance and Receiver General determines, and shall bear date on the day when such loan is made, and shall be repayable within twenty-five years from the date of their issue, and in the meantime shall bear interest at the rate of five per centum per annum, such interest to be payable half yearly on the first day of July and the first day of January in each year.

Loan to be a charge against revenue and property of corporation.

7. The principal and interest of the sums loaned to the Corporation under the authority of this Act shall be payable by the Corporation out of all its property and assets and out of all its tolls, rates, dues, penalties and other sources of revenue and income, and shall rank as a charge thereon and have precedence in regard to payment, next after payments provided for in section fifteen of chapter six of the statutes of nineteen twenty-six.

1926, c. 6.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 280.

An Act respecting the Federal District Commission.

First reading, April 6, 1927.

The PRIME MINISTER.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39329 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 280.

An Act respecting the Federal District Commission.

1919, c. 62; 1921, c. 43.

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 Federal District Commission Act, 1927.*

Definitions.

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

"Commission."

(a) "Commission" means the Federal District Commission;

"Minister."

(b) "Minister" means the Minister of Finance and Receiver General.

Federal District Commission.

Number of Commissioners and tenure of office.

One member each for Ottawa and Hull.

3. There shall be a Commission, to be called "the Federal District Commission," consisting of ten members, of whom nine shall be appointed by the Governor in Council and shall hold office during pleasure and at least one of whom shall be a resident of the City of Hull. One shall be appointed by the Corporation of the City of Ottawa, hereinafter referred to as "the City" and shall hold office for a period of one year from the date of his appointment, or for such period not exceeding three years as shall be determined by by-law duly passed by the city: Provided, however, that if the mayor or an alderman of the city is appointed by the city to be a commissioner he shall cease to hold office as commissioner when he ceases to hold office as Mayor or alderman, and the city shall thereupon appoint a commissioner for the unexpired term.

Incorporation of Commission.

By-laws.

4. (1) The Commission shall be a body corporate, and shall have power to make such by-laws, employ such persons, and pay and defray such expenses as are necessary to enable it to carry into effect the purposes for which it is constituted

Explanatory Notes.

This Bill creates a Federal District Commission in place of the Ottawa Improvement Commission, which was originally incorporated by chapter 10 of the statutes of 1899. The various Acts relating to the Improvement Commission were consolidated in 1919, chapter 62.

Under this Bill, the Federal District Commission is to continue the operations of the Improvement Commission with a larger grant of money and a wider sphere of operations, to include such areas or districts as may be designated by the Governor in Council, and not confined, as formerly, to the City of Ottawa and its vicinity.

3. This section replaces section 4 of 1919, c. 62. The changes are indicated by the underlined words in the text of the Bill. Section 4 reads as follows:—

"**4.** The Ottawa Improvement Commission (herein called the "Commission") shall continue to consist of *eight* Commissioners, of whom *seven* shall be appointed by the Governor in Council and shall hold office during pleasure, and one shall be appointed by the Corporation of the City of Ottawa (hereinafter referred to as "the City") and shall hold office for a period of one year from the time of such appointment, or for such period not exceeding three years, as shall be determined by by-law duly passed by the City: Provided, however, that if the mayor or an alderman of the City is appointed by the City to be a Commissioner, he shall cease to hold office as Commissioner when he ceases to hold office as mayor or alderman, and the City shall thereupon appoint a Commissioner for the unexpired term: Provided further, that nothing contained in this Act shall affect the status or term of office of any Commissioner or chairman heretofore appointed."

4. This is the same as section 5 of 1919, c. 62.

or any of the powers conferred on it by this Act; but no by-laws so made shall come into force or effect until approved by the Governor in Council, and no alteration, modification or repeal of any such by-law shall have any force or effect until approved by the Governor in Council.

Penalties to enforce by-laws.

(2) Any by-law of the Commission may impose penalties not exceeding fifty dollars, recoverable upon summary conviction, for the infraction of its provisions, and may provide for the imprisonment of offenders in default of payment of such penalties for any term not exceeding two months.

Chairman.

5. (1) The Governor in Council shall designate one of the commissioners appointed by the Governor in Council to be chairman of the Commission, and he shall hold office as chairman during pleasure.

Secretary.

(2) There shall be a secretary of the Commission, who shall be appointed by the Governor in Council, and who shall hold office during pleasure.

Commissioners unpaid except actual disbursements.

6. The Chairman and other members of the Commission shall serve without remuneration, but they shall be entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in the discharge of their duties under this Act.

Powers.

7. The Commission may,—

Acquisition of property.

(a) purchase, acquire and hold real property within such area or district as may from time to time be designated by the Governor in Council for the purpose of public parks or squares, streets, avenues, drives, thoroughfares or bridges;

Maintaining and protecting works.

(b) do, perform and execute all necessary or proper acts or things for the purposes of preparing, building, improving, repairing, maintaining and protecting all or any of the works of or under the control of the Commission, and for preserving order thereon;

Improvements in local municipality.

(c) co-operate with any local municipality in the improvement and beautifying of the same or the vicinity thereof by the acquisition, maintenance and improvement of public parks, squares, streets, avenues, drives, thoroughfares or bridges in such municipality or in the vicinity thereof;

Concessions.

(d) grant concessions for the maintenance of places of refreshment, amusement or shelter, or for the encouragement of sports and games, upon any property under its administration or control, where in the judgment of the Commission it is advisable in the public interest to do so;

5. This is the same as section 6 of 1919, c. 62, as amended by 1921, c. 43.

6. This is the same as section 7 of 1919, c. 62.

7. This section replaces section 8 of 1919, c. 62, the additions being indicated by the underlined words in the text of the Bill. Section 8 reads as follows:—

"**8.** The Commission may,—

(a) purchase, acquire and hold real property in the city of Ottawa, or in the vicinity thereof, for the purpose of public parks or squares, streets, avenues, drives or thoroughfares;

(b) do, perform and execute all necessary or proper acts or things for the purposes of preparing, building, improving, repairing, maintaining and protecting all or any of the works of or under the control of the Commission and for preserving order thereon;

(c) co-operate with the City in the improvement and beautifying of the said city, or the vicinity thereof, by the acquisition, maintenance and improvement of public parks, squares, streets, avenues, drives or thoroughfares in the said city or in the vicinity thereof;

And for all or any of the aforesaid purposes the Commission may expend the whole or any portion of the same that are placed at its credit under this Act."

Expenditures of moneys.

Special grants.

and for all or any of the aforesaid purposes, the Commission may expend the whole or any portion of the sums that are placed at its credit under this Act: Provided that any moneys which may be received by the Commission by way of special grant for the carrying out of any particular work or undertaking shall be expended solely upon such work or undertaking.

Annual grant authorized.

8. The Minister is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of two hundred and fifty thousand dollars a year for a period not exceeding sixteen years from the first day of April one thousand nine hundred and twenty-seven, to be expended by the Commission for the purposes and subject to the provisions of this Act. Such annual payment shall be made in four equal quarterly instalments, payable on the first day of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of July 1927, and the amount of each such quarterly payment shall be paid by the Minister into a chartered bank to be designated by him to the credit of the Commission, and no payment shall be made by such bank from any amount at the credit of the Commission except on the joint cheque of the chairman or acting chairman and the secretary or acting secretary of the Commission.

Payable quarterly to credit of the Commission.

Borrowing powers of Commission.

9. The Commission may borrow from time to time on debentures of the Commission bearing interest at a rate not exceeding four per cent per annum,—which debentures the Commission is hereby authorized to issue,—such sum or sums of money not exceeding on the whole two hundred and fifty thousand dollars as are required to enable the Commission to purchase land or to carry into effect any scheme of improvements and undertakings requiring a larger outlay than is available out of the actual income of the Commission or for both purposes: Provided always that no moneys shall be borrowed by the Commission except with the previous consent of the Governor in Council.

Consent of Governor in Council.

Time limited for issue of debentures.

10. No debentures shall be issued by the Commission for a period extending beyond the first day of July one thousand nine hundred and forty-two; and the debentures issued under the authority of this Act shall be paid and redeemed by the Commission in equal annual instalments, beginning at the expiration of one year from the date of issue thereof, so that the total amount of the debentures so issued shall be fully paid and redeemed on or before the said first day of July one thousand nine hundred and forty-two.

Redemption.

8. This section replaces sections 2 and 3 of 1919, c. 62. The changes are underlined. Sections 2 and 3 read as follows:—

"**2.** The Minister of Finance and Receiver General (hereinafter called the "Minister") is hereby authorized to pay out of the Consolidated Revenue Fund of Canada, in the manner and for the purposes hereinafter set forth, the sum of *one hundred and fifty thousand dollars* annually, for a period not exceeding ten years from the first day of July, one thousand nine hundred and nineteen.

"**3.** Such annual payment of one hundred and fifty thousand dollars shall be made in four equal quarterly instalments, payable on the first days of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of July, 1919, and the amount of each such quarterly payment shall be paid by the Minister into a chartered bank, to be designated by him, to the credit of The Ottawa Improvement Commission, and no payment shall be made by such bank from any amount at the credit of the Commission except on the joint cheque of the chairman or acting chairman and the secretary or acting secretary of the Commission."

9, 10 and **11.** These sections are taken from the statutes of 1903, chapter 45, and are in the same terms.

Principal and interest of debentures to be first charge on income.

11. The principal of the debentures issued under this Act, and the interest thereon, shall be a first charge and lien upon the income of the Commission from whatever source derived, and the Commission shall each year set apart and appropriate such amount of its income as is required to pay and discharge the principal and interest of such debentures as fall due and become payable during that year. The word "year" in this section means the period beginning on the first day of July in any year and ending on the thirtieth day of June in the next year.

Annual discharge.

"Year" defined.

Declaratory.

12. All works or undertakings of the Commission are hereby declared to be works for the general advantage of Canada.

Acquisition of property.

13. No real property shall be purchased or acquired by the Commission, except with the previous consent of the Governor in Council; and if the Commission is unable to agree with the owner of the property, which it is so authorized to purchase, as to the price to be paid therefor, the Commission shall have the right to acquire the same without the consent of the owner, and the provisions of *The Railway Act, 1919*, relating to the taking of lands by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such real property by the Commission.

Estimates to be approved.

14. The Commission shall from time to time before making expenditures under this Act, submit to the Minister detailed estimates of the expenditures proposed to be made by it, which estimates shall be accompanied by such full information as is sufficient to enable the Governor in Council to determine as to the necessity or advisability of such proposed expenditures, or of any portion thereof; and no expenditure shall be made by the Commission under this Act until it has been approved by the Governor in Council.

Annual statement.

15. The Commission shall send to the Minister on or before the first day of September in each year a detailed statement of all its receipts and expenditures up to the last day of March in such year; and copies of such statements shall be laid before Parliament by the Minister within the first fourteen days of the next following session thereof.

Annual report to Parliament.

16. The Commission shall on or before the first day of December in each year make to the Minister an annual report for the information of Parliament, setting forth a description of the nature and extent of the works and undertakings of the Commission for the year ended on the thirty-first day of March in that year, and such other matters as appear to it to be of public interest in relation to the said

12 to **19.** These sections are the same as sections **9** to **16** in the Act of 1919, chapter 62.

Commission. Copies of such annual reports shall be laid before Parliament by the Minister within the first fourteen days of the next following session thereof.

Accounts and inspection.

17. The Commission shall, whenever required by the Minister, render detailed accounts of its receipts and expenditures for such period or to such day as he designates; and all books of account, records, bank books and papers of the Commission shall at all times be open to the inspection of the Minister or of such person as the Minister names to inspect them.

Audit.

18. All expenditures by the Commission shall be subject to the audit of the Auditor General in the same manner as other public moneys.

No commissioner or the secretary to have interest in contracts or works.

19. It shall be unlawful for any commissioner or the secretary of the Commission to enter into any contract with the Commission or to be pecuniarily interested, either directly or indirectly, in any contract or work for which any portion of the moneys at the credit of the Commission is to be paid.

Repeal of Acts respecting Ottawa Improvement Commission.

20. All statutes relating to the Ottawa Improvement Commission enacted prior to the passing of this Act are hereby repealed.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 280.

An Act respecting the Federal District Commission.

AS PASSED BY THE HOUSE OF COMMONS,
7th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39349 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 280.

An Act respecting the Federal District Commission.

1919, c. 62; 1921, c. 43.

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 Federal District Commission Act, 1927.*

Definitions.

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

"Commission."

(a) "Commission" means the Federal District Commission;

"Minister."

(b) "Minister" means the Minister of Finance and Receiver General.

Federal District Commission.

Number of Commissioners and tenure of office.

One member each for Ottawa and Hull.

3. There shall be a Commission, to be called "the Federal District Commission," consisting of ten members, of whom nine shall be appointed by the Governor in Council and shall hold office during pleasure and at least one of whom shall be a resident of the City of Hull. One shall be appointed by the Corporation of the City of Ottawa, hereinafter referred to as "the City" and shall hold office for a period of one year from the date of his appointment, or for such period not exceeding three years as shall be determined by by-law duly passed by the City: Provided, however, that if the mayor or an alderman of the City is appointed by the City to be a commissioner he shall cease to hold office as commissioner when he ceases to hold office as Mayor or alderman, and the City shall thereupon appoint a commissioner for the unexpired term.

Incorporation of Commission.

By-laws.

4. (1) The Commission shall be a body corporate, and shall have power to make such by-laws, employ such persons, and pay and defray such expenses as are necessary to enable it to carry into effect the purposes for which it is constituted

Explanatory Notes.

This Bill creates a Federal District Commission in place of the Ottawa Improvement Commission, which was originally incorporated by chapter 10 of the statutes of 1899. The various Acts relating to the Improvement Commission were consolidated in 1919, chapter 62.

Under this Bill, the Federal District Commission is to continue the operations of the Improvement Commission with a larger grant of money and a wider sphere of operations, to include such areas or districts as may be designated by the Governor in Council, and not confined, as formerly, to the City of Ottawa and its vicinity.

3. This section replaces section 4 of 1919, c. 62. The changes are indicated by the underlined words in the text of the Bill. Section 4 reads as follows:—

"4. The Ottawa Improvement Commission (herein called the "Commission") shall continue to consist of *eight* Commissioners, of whom *seven* shall be appointed by the Governor in Council and shall hold office during pleasure, and one shall be appointed by the Corporation of the City of Ottawa (hereinafter referred to as "the City") and shall hold office for a period of one year from the time of such appointment, or for such period not exceeding three years, as shall be determined by by-law duly passed by the City: Provided, however, that if the mayor or an alderman of the City is appointed by the City to be a Commissioner, he shall cease to hold office as Commissioner when he ceases to hold office as mayor or alderman, and the City shall thereupon appoint a Commissioner for the unexpired term: Provided further, that nothing contained in this Act shall affect the status or term of office of any Commissioner or chairman heretofore appointed."

4. This is the same as section 5 of 1919, c. 62.

or any of the powers conferred on it by this Act; but no by-laws so made shall come into force or effect until approved by the Governor in Council, and no alteration, modification or repeal of any such by-law shall have any force or effect until approved by the Governor in Council.

Penalties to enforce by-laws.

(2) Any by-law of the Commission may impose penalties not exceeding fifty dollars, recoverable upon summary conviction, for the infraction of its provisions, and may provide for the imprisonment of offenders in default of payment of such penalties for any term not exceeding two months.

Chairman.

5. (1) The Governor in Council shall designate one of the commissioners appointed by the Governor in Council to be chairman of the Commission, and he shall hold office as chairman during pleasure.

Secretary.

(2) There shall be a secretary of the Commission, who shall be appointed by the Governor in Council, and who shall hold office during pleasure.

Commissioners unpaid except actual disbursements.

6. The Chairman and other members of the Commission shall serve without remuneration, but they shall be entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in the discharge of their duties under this Act.

Powers.

7. The Commission may,—

Acquisition of property.

(a) purchase, acquire and hold real property within such area or district as may from time to time be designated by the Governor in Council for the purpose of public parks or squares, streets, avenues, drives, thoroughfares or bridges;

Maintaining and protecting works.

(b) do, perform and execute all necessary or proper acts or things for the purposes of preparing, building, improving, repairing, maintaining and protecting all or any of the works of or under the control of the Commission, and for preserving order thereon;

Improvements in local municipality.

(c) co-operate with any local municipality in the improvement and beautifying of the same or the vicinity thereof by the acquisition, maintenance and improvement of public parks, squares, streets, avenues, drives, thoroughfares or bridges in such municipality or in the vicinity thereof;

Concessions.

(d) grant concessions for the maintenance of places of refreshment, amusement or shelter, or for the encouragement of sports and games, upon any property under its administration or control, where in the judgment of the Commission it is advisable in the public interest to do so;

5. This is the same as section 6 of 1919, c. 62, as amended by 1921, c. 43.

6. This is the same as section 7 of 1919, c. 62.

7. This section replaces section 8 of 1919, c. 62, the additions being indicated by the underlined words in the text of the Bill. Section 8 reads as follows:—

"**8.** The Commission may,—

(a) purchase, acquire and hold real property in the city of Ottawa, or in the vicinity thereof, for the purpose of public parks or squares, streets, avenues, drives or thoroughfares;

(b) do, perform and execute all necessary or proper acts or things for the purposes of preparing, building, improving, repairing, maintaining and protecting all or any of the works of or under the control of the Commission and for preserving order thereon;

(c) co-operate with the City in the improvement and beautifying of the said city, or the vicinity thereof, by the acquisition, maintenance and improvement of public parks, squares, streets, avenues, drives or thoroughfares in the said city or in the vicinity thereof;

And for all or any of the aforesaid purposes the Commission may expend the whole or any portion of the same that are placed at its credit under this Act."

Expenditures of moneys.

Special grants.

and for all or any of the aforesaid purposes, the Commission may expend the whole or any portion of the sums that are placed at its credit under this Act: Provided that any moneys which may be received by the Commission by way of special grant for the carrying out of any particular work or undertaking shall be expended solely upon such work or undertaking.

Annual grant authorized.

8. The Minister is hereby authorized to pay out of the Consolidated Revenue Fund of Canada to the Commission the sum of two hundred and fifty thousand dollars a year for a period not exceeding sixteen years from the first day of April one thousand nine hundred and twenty-seven, to be expended by the Commission for the purposes and subject to the provisions of this Act. Such annual payment shall be made in four equal quarterly instalments, payable on the first day of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of July 1927, and the amount of each such quarterly payment shall be paid by the Minister into a chartered bank to be designated by him to the credit of the Commission, and no payment shall be made by such bank from any amount at the credit of the Commission except on the joint cheque of the chairman or acting chairman and the secretary or acting secretary of the Commission.

Payable quarterly to credit of the Commission.

Borrowing powers of Commission.

9. The Commission may borrow from time to time on debentures of the Commission bearing interest at a rate to be approved by the Governor in Council,—which debentures the Commission is hereby authorized to issue,—such sum or sums of money not exceeding on the whole two hundred and fifty thousand dollars as are required to enable the Commission to purchase land or to carry into effect any scheme of improvements and undertakings requiring a larger outlay than is available out of the actual income of the Commission or for both purposes: Provided always that no moneys shall be borrowed by the Commission except with the previous consent of the Governor in Council.

Consent of Governor in Council.

Time limited for issue of debentures.

10. No debentures shall be issued by the Commission for a period extending beyond the first day of July one thousand nine hundred and forty-two; and the debentures issued under the authority of this Act shall be paid and redeemed by the Commission in equal annual instalments, beginning at the expiration of one year from the date of issue thereof, so that the total amount of the debentures so issued shall be fully paid and redeemed on or before the said first day of July one thousand nine hundred and forty-two.

Redemption.

8. This section replaces sections 2 and 3 of 1919, c. 62. The changes are underlined. Sections 2 and 3 read as follows:—

"**2.** The Minister of Finance and Receiver General (hereinafter called the "Minister") is hereby authorized to pay out of the Consolidated Revenue Fund of Canada, in the manner and for the purposes hereinafter set forth, the sum of *one hundred and fifty thousand dollars* annually, for a period not exceeding ten years from the first day of July, one thousand nine hundred and nineteen.

"**3.** Such annual payment of one hundred and fifty thousand dollars shall be made in four equal quarterly instalments, payable on the first days of April, July, October and January, respectively, in each year, the first of such quarterly instalments to be paid on the first day of July, 1919, and the amount of each such quarterly payment shall be paid by the Minister into a chartered bank, to be designated by him, to the credit of The Ottawa Improvement Commission, and no payment shall be made by such bank from any amount at the credit of the Commission except on the joint cheque of the chairman or acting chairman and the secretary or acting secretary of the Commission."

9, 10 and **11.** These sections are taken from the statutes of 1903, chapter 45, and are in the same terms.

Principal and interest of debentures to be first charge on income.

11. The principal of the debentures issued under this Act, and the interest thereon, shall be a first charge and lien upon the income of the Commission from whatever source derived, and the Commission shall each year set apart and appropriate such amount of its income as is required to pay and discharge the principal and interest of such debentures as fall due and become payable during that year. The word "year" in this section means the period beginning on the first day of July in any year and ending on the thirtieth day of June in the next year.

Annual discharge.

"Year" defined.

Declaratory.

12. All works or undertakings of the Commission are hereby declared to be works for the general advantage of Canada.

Acquisition of property.

13. No real property shall be purchased or acquired by the Commission, except with the previous consent of the Governor in Council; and if the Commission is unable to agree with the owner of the property, which it is so authorized to purchase, as to the price to be paid therefor, the Commission shall have the right to acquire the same without the consent of the owner, and the provisions of *The Railway Act, 1919*, relating to the taking of lands by railway companies shall, *mutatis mutandis*, be applicable to the acquisition of such real property by the Commission.

Estimates to be approved.

14. The Commission shall from time to time before making expenditures under this Act, submit to the Minister detailed estimates of the expenditures proposed to be made by it, which estimates shall be accompanied by such full information as is sufficient to enable the Governor in Council to determine as to the necessity or advisability of such proposed expenditures, or of any portion thereof; and no expenditure shall be made by the Commission under this Act until it has been approved by the Governor in Council.

Annual statement.

15. The Commission shall send to the Minister on or before the first day of September in each year a detailed statement of all its receipts and expenditures up to the last day of March in such year; and copies of such statements shall be laid before Parliament by the Minister within the first fourteen days of the next following session thereof.

Annual report to Parliament.

16. The Commission shall on or before the first day of December in each year make to the Minister an annual report for the information of Parliament, setting forth a description of the nature and extent of the works and undertakings of the Commission for the year ended on the thirty-first day of March in that year, and such other matters as appear to it to be of public interest in relation to the said

12 to 19. These sections are the same as sections **9** to **16** in the Act of 1919, chapter 62.

Commission. Copies of such annual reports shall be laid before Parliament by the Minister within the first fourteen days of the next following session thereof.

Accounts and inspection.

17. The Commission shall, whenever required by the Minister, render detailed accounts of its receipts and expenditures for such period or to such day as he designates; and all books of account, records, bank books and papers of the Commission shall at all times be open to the inspection of the Minister or of such person as the Minister names to inspect them.

Audit.

18. All expenditures by the Commission shall be subject to the audit of the Auditor General in the same manner as other public moneys.

No commissioner or the secretary to have interest in contracts or works.

19. It shall be unlawful for any commissioner or the secretary of the Commission to enter into any contract with the Commission or to be pecuniarily interested, either directly or indirectly, in any contract or work for which any portion of the moneys at the credit of the Commission is to be paid.

Repeal of Acts respecting Ottawa Improvement Commission.

20. All statutes relating to the Ottawa Improvement Commission enacted prior to the passing of this Act are hereby repealed.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 281.

An Act to amend an Act of the present session intituled "An Act respecting The Department of National Revenue."

First reading, April 7, 1927.

THE MINISTER OF CUSTOMS AND EXCISE.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38651 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 281.

An Act to amend an Act of the present session intituled "An Act respecting The Department of National Revenue."

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 Department of National Revenue Act Amendment Act, 1927.*

Certain repealed provisions revived.

2. *The Department of National Revenue Act* is amended by repealing section seven thereof; and such provisions of *The Department of Customs and Excise Act,* chapter twenty-six of the statutes of 1921 as amended by chapter eighteen of the statutes of 1922 and chapter thirty-seven of the statutes of 1924, as are not inconsistent with *The Department of National Revenue Act* as so amended, are hereby revived and shall be construed and take effect as though the section seven aforesaid had not been enacted.

Date of coming into force.

3. This Act shall be deemed to have come into force on the thirty-first day of March, 1927.

EXPLANATORY NOTES.

2. The section to be repealed reads as follows:

"**7.** The Department of Customs and Excise Act, chapter twenty-six of the statutes of 1921, as amended by chapter eighteen of the statutes of 1922, and chapter thirty-seven of the statutes of 1924, is repealed."

The reason for this Bill is that it is not desired to repeal in toto the Acts referred to in section 7, as in addition to providing for the constitution of the Department of Customs and Excise they contain amendments of the Customs Act and Inland Revenue (now Excise) Act which are not intended to be repealed.

3. The original Act and this amending Act should come into force at the same time.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 281.

An Act to amend an Act of the present session intituled "An Act respecting The Department of National Revenue."

AS PASSED BY THE HOUSE OF COMMONS, 8th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38672 1927

38

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 281

An Act to amend an Act of the present session intituled "An Act respecting The Department of National Revenue."

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 Department of National Revenue Act Amendment Act, 1927.*

Certain repealed provisions revived.

2. *The Department of National Revenue Act* is amended by repealing section seven thereof; and such provisions of *The Department of Customs and Excise Act,* chapter twenty-six of the statutes of 1921 as amended by chapter eighteen of the statutes of 1922 and chapter thirty-seven of the statutes of 1924, as are not inconsistent with *The Department of National Revenue Act* as so amended, are hereby revived and shall be construed and take effect as though the section seven aforesaid had not been enacted.

Date of coming into force.

3. This Act shall be deemed to have come into force on the thirty-first day of March, 1927.

EXPLANATORY NOTES.

2. The section to be repealed reads as follows:

"**7.** The Department of Customs and Excise Act, chapter twenty-six of the statutes of 1921, as amended by chapter eighteen of the statutes of 1922, and chapter thirty-seven of the statutes of 1924, is repealed."

The reason for this Bill is that it is not desired to repeal in toto the Acts referred to in section 7, as in addition to providing for the constitution of the Department of Customs and Excise they contain amendments of the Customs Act and Inland Revenue (now Excise) Act which are not intended to be repealed.

3. The original Act and this amending Act should come into force at the same time.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA

BILL 302.

An Act to amend The Three Rivers Harbour Commissioners' Act, 1923.

First reading, April 8, 1927.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39485 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 302.

An Act to amend The Three Rivers Harbour Commissioners' Act, 1923.

1923, c. 71.

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

Harbour limits defined.

1. Section four of *The Three Rivers Harbour Commissioners' Act, 1923*, chapter seventy-one of the statutes of 1923, is repealed and the following is substituted therefor:—

"**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 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 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 parishes of St. Gregoire and Nicolet. The north easterly boundary shall be a line starting from a point at high water mark on the south shore of the St. Lawrence distant 4,500 feet south westerly from triangulation monument "X"; thence running northwest astronomical across the river St. Lawrence to the mouth of the north easterly channel of the St. Maurice River; thence north westerly following the centre of channel which adjoins the north shore of de la Potherie, Caron, St. Joseph and Ogden Islands; thence, following the middle of the river St. Maurice, to the northerly limit of the City of Three Rivers.

EXPLANATORY NOTE.

1. The section repealed reads as follows:—

"**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 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 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 south shore of the St. Lawrence river on the extremity of Becancour point on Ile Dorval or Montessen in the parish of Becancour.*

The words underlined on the opposite page are new; the words in italics in the repealed section are struck out.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA

BILL 302.

An Act to amend The Three Rivers Harbour Commissioners' Act, 1923.

AS PASSED BY THE HOUSE OF COMMONS, 9th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39491 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 302.

An Act to amend The Three Rivers Harbour Commissioners' Act, 1923.

1923, c. 71.

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

Harbour limits defined.

1. Section four of *The Three Rivers Harbour Commissioners' Act, 1923*, chapter seventy-one of the statutes of 1923, is repealed and the following is substituted therefor:—

"**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 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 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 parishes of St. Gregoire and Nicolet. The north easterly boundary shall be a line starting from a point at high water mark on the south shore of the St. Lawrence distant 4,500 feet south westerly from triangulation monument "X"; thence running northwest astronomical across the river St. Lawrence to the mouth of the north easterly channel of the St. Maurice River; thence north westerly following the centre of channel which adjoins the north shore of de la Potherie, Caron, St. Joseph and Ogden Islands; thence, following the middle of the river St. Maurice, to the northerly limit of the City of Three Rivers.

Explanatory Note.

1. The section repealed reads as follows:—

"**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 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 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 south shore of the St. Lawrence river on the extremity of Becancour point on Ile Dorval or Montessen in the parish of Becancour.*

The words underlined on the opposite page are new; the words in italics in the repealed section are struck out.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 303.

An Act to amend The Chicoutimi Harbour Commissioners' Act, 1926.

First reading, April 8, 1927.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39484 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 303.

An Act to amend The Chicoutimi Harbour Commissioners' Act, 1926.

1926, c. 6.

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

1. Section four of *The Chicoutimi Harbour Commissioners' Act, 1926*, chapter six of the statutes of 1926, is repealed and the following is substituted therefor:—

Harbour limits defined.

"**4.** For the purpose of this Act, the harbour of Chicoutimi shall comprise all the tidal waters of the Saguenay river above an imaginary line drawn across the river from Cape West to river Peltier and excluding the Ha Ha Bay."

EXPLANATORY NOTE.

1. Section four is amended by striking out in the third and fourth lines the words "*from Cape East to Fort Point and including the waters of Ha Ha Bay*", and substituting therefor the underlined words on the opposite page.

First Session, Sixteenth Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 303.

An Act to amend The Chicoutimi Harbour Commissioners' Act, 1926.

AS PASSED BY THE HOUSE OF COMMONS, 9th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39490 1927

1st Session, 16th Parliament, 17-18 George V, 1926-27

THE HOUSE OF COMMONS OF CANADA.

BILL 303.

An Act to amend The Chicoutimi Harbour Commissioners' Act, 1926.

1926, c. 6.

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

1. Section four of *The Chicoutimi Harbour Commissioners' Act, 1926*, chapter six of the statutes of 1926, is repealed and the following is substituted therefor:—

Harbour limits defined.

"**4.** For the purpose of this Act, the harbour of Chicoutimi shall comprise all the tidal waters of the Saguenay river above an imaginary line drawn across the river from Cape West to river Peltier and excluding the Ha Ha Bay."

EXPLANATORY NOTE.

1. Section four is amended by striking out in the third and fourth lines the words "*from Cape East to Fort Point and including the waters of Ha Ha Bay*", and substituting therefor the underlined words on the opposite page.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 304.

An Act to amend the Canada Shipping Act.

First reading, April 8, 1927.

The MINISTER OF MARINE AND FISHERIES.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38358 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 304.

An Act to amend the Canada Shipping Act.

R.S., c. 113;

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

1. The *Canada Shipping Act*, chapter one hundred and thirteen of the Revised Statutes of Canada, 1906, is amended by inserting the following section immediately after section seven hundred and twenty-one:—

Soliciting for hotels, lodging houses, etc., on ships or wharves, without written consent.

"**721**A. Every person who, being on board any ship registered in Canada or on any wharf owned or leased by the person owning or operating any ship, without the written consent of the owner or operator, advertises, solicits custom, distributes literature or canvasses for any hotel, lodging house, restaurant, omnibus or motor vehicle or other like place or conveyance, or solicits the transportation of passengers or baggage, or sells or exhibits for sale any ticket, goods, wares or merchandise, shall be liable upon summary conviction to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months."

EXPLANATORY NOTE.

1. The object of this section is to enable the owners of ships to stop the practice which has become prevalent in the short haul passenger business of objectionable touts and runners for lodging houses, etc., paying their fares and soliciting business for their houses—some of which are of questionable character—while the ship is en route. In some cases women travelling alone have been very much annoyed by this practice. The same objections apply to these people carrying on their business on wharves owned or leased by the owners or operators of the ships.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 304.

An Act to amend the Canada Shipping Act.

AS PASSED BY THE HOUSE OF COMMONS,
9th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
38427 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 304.

An Act to amend the Canada Shipping Act.

R.S., c. 113;

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

1. The *Canada Shipping Act*, chapter one hundred and thirteen of the Revised Statutes of Canada, 1906, is amended by inserting the following section immediately after section seven hundred and twenty-one:—

Soliciting for hotels, lodging houses, etc., on ships or wharves, without written consent.

"**721A.** Every person who, being on board any ship registered in Canada or on any wharf owned or leased by the person owning or operating any ship, without the written consent of the owner or operator, advertises, solicits custom, distributes literature or canvasses for any hotel, lodging house, restaurant, omnibus or motor vehicle or other like place or conveyance, or solicits the transportation of passengers or baggage, or sells or exhibits for sale any ticket, goods, wares or merchandise, shall be liable upon summary conviction to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months."

EXPLANATORY NOTE.

1. The object of this section is to enable the owners of ships to stop the practice which has become prevalent in the short haul passenger business of objectionable touts and runners for lodging houses, etc., paying their fares and soliciting business for their houses—some of which are of questionable character—while the ship is en route. In some cases women travelling alone have been very much annoyed by this practice. The same objections apply to these people carrying on their business on wharves owned or leased by the owners or operators of the ships.

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 336.

An Act to amend The Railway Act, 1919 (Investigation of subsidiary of Telephone or Telegraph Companies).

First reading, April 12, 1927.

Mr. GEARY.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
39635 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 336.

An Act to amend The Railway Act, 1919 (Investigation of subsidiary of Telephone or Telegraph Companies).

1919, c. 68.

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

1. Section three hundred and seventy-five of *The Railway Act, 1919*, is amended by inserting the following subsection immediately after subsection twelve thereof:—

Examination and inspection of affairs of subsidiary of telephone and telegraph companies.

"(13) The Board shall have jurisdiction to inquire into and investigate the affairs of any company, corporation or firm in which any telephone company or telegraph company subject to the jurisdiction of the Board has, in the opinion of the Board, a controlling interest as shareholders or partners, or of which such company, corporation or firm may be a subsidiary, and to examine the books, accounts, vouchers and papers of the said company, corporation or firm, and for such purposes and to that extent the said company, corporation or firm shall be subject to the jurisdiction of the Board."

First Session, Sixteenth Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 340.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1928.

AS PASSED BY THE HOUSE OF COMMONS, 14th APRIL, 1927.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
36915 1927

1st Session, 16th Parliament, 17-18 George V, 1926-1927

THE HOUSE OF COMMONS OF CANADA.

BILL 340.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1928.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable Viscount Willingdon, etc., etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and twenty-eight, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 6, 1926-27.*

$200,781,330.94 granted for 1927-28.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two hundred million, seven hundred and eighty-one thousand, three hundred and thirty dollars and ninety-four cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-seven, to the thirty-first day of March, one thousand nine hundred and twenty-eight, not otherwise provided for, and being the amount of each of the several items, less deductions, set forth in Schedule A to this Act.

$22,518,500.00 granted for 1927-28.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole twenty-two million, five hundred and eighteen thousand, five hundred dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-seven, to the thirty-first day of March, one thousand nine hundred and twenty-eight, not otherwise provided for and set forth in Schedule B to this Act.

$11,634,801.12 granted for 1927-28.

4. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eleven million, six hundred and thirty-four thousand, eight hundred and one dollars and twelve cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and twenty-seven, to the thirty-first day of March, one thousand nine hundred and twenty-eight, not otherwise provided for, and set forth in Schedule C to this Act.

Declaratory as to certain loans authorized but not raised.

5. An whereas there remained on the thirty-first day of March, one thousand nine hundred and twenty-seven, unborrowed and negotiable of the loans authorized by Parliament for the construction of public works and for general purposes, the following sum:—

For public works and general purposes $177,734,798.75.

And whereas it is necessary to make provision for retiring maturing loans raised for war or demobilization purposes and other maturing loans and obligations of Canada;

Such sums may be raised under R.S., c. 24.

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the sum above mentioned as required for the purpose of retiring maturing 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.

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

SCHEDULE A.

Based on the Main Estimates, 1927-28. The amount hereby granted is $200,781,330.94, being the amount of each item in the Estimates as contained in this Schedule, less deduction of $20,000 in the seventh item of Resolution No. 136; and of $2,500 in the third item of Resolution No. 240.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1928, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	CHARGES OF MANAGEMENT	$ cts.	$ cts.
	Offices of the Assistant Receivers General—		
	Salaries	118,000 00	
	Contingencies	15,000 00	
	Printing, signing, sealing and macerating Dominion Notes	500,000 00	
	Printing, Advertising, Inspection, Express, etc	110,000 00	
	Commission for payment of interest on Public Debt, purchase of Sinking Funds, Auditing	110,000 00	
	English Bill Stamps, postage, etc	3,000 00	
1	To provide for temporary clerical work in connection with the transfer and registration of bonds, etc., and the flotation of loans, and authority for these purposes to employ a temporary staff, fix their rates of remuneration and otherwise wholly regulate their services, without reference to and notwithstanding anything contained in the Civil Service Act; and also to pay additional remuneration to any employee engaged in connection with the flotation and redemption of loans for work done outside of prescribed hours, at such rates as the Treasury Board may approve	55,000 00	
	To provide for the salary of Walter Duncan at $3,550 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 contingent expenses of this service a further sum of $2,500.00	6,050 00	
			917,050 00
	CIVIL GOVERNMENT		
2	Office of the Secretary to the Governor General—		
	Salaries	34,115 00	
	Contingencies	71,000 00	
3	Agriculture—		
	Salaries	768,715 00	
	Contingencies	135,000 00	
4	Auditor General's Office—		
	Salaries, including the Auditor General at $10,000 additional to 7-8 Edward VII, chap. 6	335,305 00	
	Contingencies	75,000 00	
5	Civil Service Commission—		
	Salaries	198,535 00	
	Contingencies	45,000 00	
6	Customs and Excise—		
	Salaries, including an allowance for George W. Taylor for services rendered as Acting Deputy Minister during the last year, notwithstanding anything to the contrary in the Civil Service Act, $1,000	633,235 00	
	Contingencies	40,000 00	
7	External Affairs—		
	Salaries, including Executive Assistant to Prime Minister, $8,000, notwithstanding anything in the Civil Service Act	103,655 00	
	Contingencies	30,500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	CIVIL GOVERNMENT—*Continued.*	$ cts.	$ cts.
8	Finance—		
	Salaries	384,740 00	
	Contingencies	40,000 00	
	Inspector General of Banks, Salaries and Contingencies	30,000 00	
9	Health—		
	Salaries	174,425 00	
	Contingencies, including members of the Dominion Council of Health, or substitutes for the Chief Provincial Health Officers and $179.90 incurred by Dr. H. Orr of Edmonton, Alta., in coming to Ottawa as substitute in July, 1926	60,000 00	
10	High Commissioner's Office—		
	Salaries, including High Commissioner, additional to salary authorized by chap. 15, R.S.C., $2,000	42,840 00	
	Contingencies	68,000 00	
11	Immigration and Colonization—		
	Salaries	265,850 00	
	Contingencies	45,000 00	
12	Indian Affairs—		
	Salaries	156,552 50	
	Contingencies	18,000 00	
13	Insurance—		
	Salaries	83,080 00	
	Contingencies	58,000 00	
14	Interior—		
	Salaries, including Assistant Deputy Minister and Deputy Commissioner of the North West Territories at $5,500; Director, Water Power and Reclamation Service at $7,000, and the Financial Controller at $4,800	1,431,720 00	
	Contingencies	90,000 00	
15	Justice—		
	Salaries	251,205 00	
	Contingencies, including $2,000 for the Solicitor General's Office	37,500 00	
16	Labour—		
	Salaries	203,040 00	
	Contingencies	25,000 00	
17	Marine and Fisheries—		
	Salaries	502,980 00	
	Contingencies	80,000 00	
18	Mines—		
	Salaries	571,085 00	
	Contingencies	6,700 00	
19	National Defence—		
	Salaries	693,966 00	
	Contingencies	60,000 00	
20	Post Office—		
	Salaries, including amount required to pay allowance to Office Appliance Operators, Grade 2, operating Hollerith card punching machines, in accordance with provisions of Order in Council P.C. 156/2521, dated 24th December, 1923	1,240,419 00	
	Contingencies	195,000 00	
21	Privy Council—		
	Salaries	46,385 00	
	Contingencies	7,000 00	
22	Public Archives—		
	Salaries	68,880 00	
	Contingencies	18,000 00	
23	Public Printing and Stationery—		
	Salaries, including $500 to Fred Cook as Secretary to the Government Printing and Stationery Commiittee, notwithstanding anything to the contrary in the Civil Service Act	77,445 00	
	Contingencies	10,500 00	
24	Public Works—		
	Salaries	636,017 50	
	Contingencies	75,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	CIVIL GOVERNMENT—*Concluded.*	$ cts.	$ cts.
25	Railways and Canals—		
	Salaries, including E. E. Pelletier, Messenger to Minister, at $1,600 per annum, who shall be entitled to all the benefits and privileges under The Civil Service Superannuation Act, 1924, as if he had been a Civil Servant who had elected pursuant to the provisions of Part IV of the Act, to become a contributor under the Act	248,490 00	
	Contingencies	38,000 00	
26	Royal Canadian Mounted Police—		
	Salaries	46,420 00	
	Contingencies	8,400 00	
27	Secretary of State—		
	Salaries, including appointment of T. W. Quayle, Chief Clerk, at $3,360	141,935 00	
	Contingencies	28,500 00	
28	Soldiers' Civil Re-establishment—		
	Salaries	21,560 00	
29	Trade and Commerce—		
	Salaries	663,265 00	
	Contingencies	48,000 00	
			11,468,960 00
	ADMINISTRATION OF JUSTICE		
30	Miscellaneous expenditure	10,000 00	
	Living allowance for judge of Atlin District, B.C.	1,200 00	
	Expenses of Commission to enquire into alleged corrupt practices in connection with election in Athabasca District	200 00	
	Supreme Court of Canada		
31	Contingencies and disbursements, including books, magazines, etc., for judges, not exceeding $300	7,500 00	
	Law books and books of reference for Library, and binding of same	10,000 00	
	Printing, binding and distributing Supreme Court Reports	7,000 00	
	Exchequer Court of Canada		
32	Contingencies—Judges and Court officials' travelling expenses, remuneration to sheriffs, etc., printing, stationery, etc., and $150 for judges' books	8,000 00	
	Printing, binding and distributing Court Reports	2,000 00	
	Yukon Territory		
33	Miscellaneous expenditure, including living allowance of judge, salaries and allowances of court officers, etc	11,000 00	
			56,900 00
	PENITENTIARIES		
34	Kingston	441,472 00	
	St. Vincent de Paul	412,660 00	
	Dorchester	255,580 00	
	Manitoba	224,180 00	
	British Columbia	164,080 00	
	Alberta	3,000 00	
	Saskatchewan	260,580 00	
	General	1,400 00	
			1,762,952 00
	LEGISLATION		
	SENATE.		
35	Salaries and contingent expenses	163,155 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	LEGISLATION—*Concluded*	$ cts.	$ cts.
	HOUSE OF COMMONS		
36	Salaries	231,645 00	
	Expenses of Committees, clerical assistance, etc	101,950 00	
	Contingencies	47,265 00	
	Publishing debates	60,000 00	
	Estimates of Sergeant-at-Arms	187,231 10	
	LIBRARY OF PARLIAMENT		
37	Salaries	44,860 00	
	Books for the General Library, including binding	18,000 00	
	Books for the Library of American History	1,000 00	
	Contingencies	12,000 00	
	To provide for the cost of printing reports	1,000 00	
	GENERAL		
38	Printing, printing paper and binding	75,000 00	
			943,106 10
	AGRICULTURE		
39	Dairying, including grant of $5,000 to the National Dairy Council	242,000 00	
40	Cold Storage Warehouses	30,000 00	
41	Fruit, including grant of $8,000 to the Canadian Horticultural Council	230,000 00	
42	Seed, Feed and Fertilizer Control, including grants to Seed Fairs, etc	325,000 00	
43	For experiments in dehydration of fruits and vegetables	10,000 00	
44	Live Stock, including grants to exhibitions, feeder shows, etc	1,280,000 00	
45	Experimental Farms	1,600,000 00	
46	Health of Animals, administration of the *Animal Contagious Diseases Act* and *Meat and Canned Foods Act*, and necessary buildings	2,155,000 00	
47	Entomology	20,000 00	
48	Administration of *Destructive Insect and Pest Act*, and necessary buildings	425,000 00	
49	Publications	20,000 00	
50	International Institute of Agriculture	13,500 00	
51	Salary and expenses of Agricultural Produce Marketing Agent in Great Britain	15,000 00	
52	Grant to the Executive Committee of the World's Poultry Congress to meet expenditures in connection with the World's Poultry Congress, 1927	50,000 00	
53	Grant to the Department of Agriculture, Province of Nova Scotia, to apply on the amortization of the debt against the Science Building at the Agricultural College, Truro, N.S.	20,000 00	
54	Grant to the Department of Agriculture, Province of New Brunswick, to apply on the amortization of the debt against the Short Course School at Fredericton, N.B	5,000 00	
			6,440,500 00
	IMMIGRATION AND COLONIZATION		
55	Immigration Outside Service—Salaries	800,000 00	
56	Immigration Contingencies and General Expenses, including grants to Immigration and Colonization Societies, Associations, Women's Hostels, as may be authorized by the Governor General in Council	1,300,000 00	
57	Empire Settlement Scheme, including grants to Immigration and Colonization Societies, Associations, Women's Hostels, as may be authorized by the Governor General in Council.	750,000 00	
58	Chinese Immigration—Salaries and Contingencies	65,000 00	
59	Exhibitions—Salaries and Contingencies	140,000 00	
60	Relief of Distressed Canadians abroad	6,000 00	
61	Buildings in St. John, N.B	19,000 00	
			3,080,000 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	DEPARTMENT OF HEALTH.	$ cts.	$ cts.
62	The administration of the Acts respecting Food and Drugs, Honey, Maple Products, Opium and Narcotic Drugs and Proprietary or Patent Medicines	120,800 00	
63	Pollution of Inland Waters	9,000 00	
64	Marine Hospitals, including burial expenses of destitute deceased mariners and grants to institutions assisting sailors	190,000 00	
65	Quarantine:—Salaries and Contingencies of organized districts; Public Health in other districts; Tracadie and Bentinck Island Lazarettoes, Leprosy generally and Public Works Health Act	200,000 00	
66	Immigration Medical Inspection	160,000 00	
67	Laboratory of Hygiene	5,000 00	
68	Venereal Diseases	100,000 00	
			784,800 00
	PENSIONS.		
69	Annuity to Dr. F. G. Banting	7,500 00	
70	Annuity to Dr. Charles E. Saunders	5,000 00	
71	To provide for an Annual Pension from 1 April 1927, based on a Widow's Pension, under the Royal Canadian Mounted Police Statutes, to Mrs. Letitia Kennedy, widow of the late Inspector G. W. Kennedy, deceased July 14th, 1922, prior to the enactment of Chapter 66, 1924	423 50	
72	To provide for an increase, from 1 April, 1927, in the Annual Pension of $962.50, granted under Section 51, Chapter 91, Revised Statutes of 1906, as amended—to Mrs. Caroline Elizabeth McIlree, widow of the late Ex-Assistant Commissioner J. H. McIllree, Royal Canadian Mounted Police, who died on the 17th of May, 1925, said Pension to be increased to $1,303.75 per annum, the amount to which she would have been entitled had she been eligible therefor under the increase in Police Pensions granted by Chapter 24, 15-16 George V, an Act to amend the Royal Canadian Mounted Police Act	341 25	
73	To hereby provide for payment to Mrs. Beatrice Williams, widow of late Penitentiary Guard John Williams, Mrs. Violet L. Jenkin, widow of late Penitentiary Guard M. E. Jenkin and Mrs. Jean Laird Farrell, widow of late Penitentiary Guard R. E. Farrell, of an allowance of $600 a year each and so in proportion for any part of a year, to commence from the 1st April 1927 and continue thenceforth during their natural lives, respectively, such allowance to be paid monthly out of any unappropriated monies forming part of the Consolidated Revenue Fund of Canada	1,800 00	
74	To hereby provide, notwithstanding anything contained in the Consolidated Revenue and Audit Act or any other Act or law, for payment out of the Consolidated Revenue Fund to Robinson Russell Farrow, of an annuity at the rate of $5,646.40, to commence from August 7th, 1926, and to continue thereafter at the above rate during his lifetime	9,319 57	
	Pensions to—		
75	The unmarried sisters of the late Col. Harry Baker, M.P.	700 00	
76	J. Langlois Bell	600 00	
77	Captain J. E. Bernier	2,400 00	
78	Mrs. Mary L. Campbell	500 00	
79	James Elliott	672 00	
80	Mary E. Fuller	600 00	
81	Mrs. Wm. McDougall	1,200 00	
82	Alice Morson Smith	600 00	
83	J. B. Allan	1,000 00	
84	Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885	973 56	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PENSIONS—*Concluded*	$ cts.	$ cts.
	Pensions to—*Con.*		
85	Families of members of the Force who lost their lives while on duty—		
	Mrs. Mary Emma Bossange	457 50	
	Mrs. Margaret Johnson Brooke	823 55	
	Mrs. Margaret Cox	501 75	
	Mrs. Elizabeth Fitzgerald	525 00	
	Mrs. Mabel Forbes	411 75	
	Mrs. Myrtle L. Richards	756 00	
	Mrs. Amy Lillian Searle	408 09	
	Mrs. Elizabeth Willmett	54 90	
86	Pensions payable to Militiamen on active service, Northwest Rebellion, 1885 and general pensions	40,000 00	
	Pensions—		
87	Civil Flying	5,000 00	
88	European War and Active Militia	37,000,000 00	
89	Salaries and Contingent Expenses of the Board of Pension Commissioners for Canada	89,450 00	
			37,172,018 42
	SUPERANNUATION		
90	To provide for retiring allowances to former employees of the Department of Public Printing and Stationery	.....	21,600 00
	NATIONAL DEFENCE		
	Militia Services		
91	Administration	317,000 00	
92	Cadet Services	500,000 00	
93	Contingencies	40,000 00	
94	Engineer Services and Works	803,900 00	
95	General Stores	607,799 00	
96	Manufacturing Establishments	472,395 00	
97	Non-Permanent Active Militia	2,084,300 00	
98	Permanent Force	4,800,000 00	
99	Royal Military College	365,000 00	
100	Topographic Survey	40,000 00	
101	Transport and Freight	165,000 00	
		10,195,394 00	
	Naval Services		
102	Naval Service—To provide for the maintenance of the ships and establishments of the Naval Service, including the Royal Canadian Navy, the Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve	1,725,000 00	
	Air Service		
103	Air Force Vote (Service)—For Air Force Operations and Training, including training for work for other Government Departments	1,669,694 00	
103a	Air Force Vote (Civil)—For operations for other Government Departments, including fire protection and suppression, photography, transportation, investigation of forest and grain pests and fishery patrols for Department of Interior (Forestry Branch, Topographic Surveys Branch, Water Power Branch, Parks Branch, Geological Surveys Branch) Department of Indian Affairs; Public Works Department; Department of Agriculture; Department of Customs and Excise; Department of Marine and Fisheries; Department of Mines	2,222,539 00	
		3,892,233 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	NATIONAL DEFENCE—*Concluded*	$ cts.	$ cts.
	GENERAL		
104	*Civil Pensions*—		
	Life Pension to Robert Allen	269 52	
	Life Pension to Ronald Morrison	330 00	
	Life Pension to Walter Pettipas	515 90	
	Life Pension to Florence Walker and children	720 00	
	Miscellaneous—		
105	Construction of Magazine, Halifax	100,000 00	
		101,835 42	
			15,914,462 42
	RAILWAYS AND CANALS		
	(*Chargeable to Capital*)		
	RAILWAYS		
106	Hudson Bay Railway and Terminals: Construction and Betterments, including E. B. Jost at $2,500	5,130,000 00	
	CANALS		
	Trent Canal—		
107	Construction and Betterments	19,000 00	
108	To pay claim of F. A. Robertson and Company $14,029.96 and interest on same at rate of five per cent per annum from July, 1919	19,641 94	
109	To pay claim of Dennon and Rodgers $8,386.64 and interest on same at rate of five per cent per annum from Dec. 31, 1918	11,966 47	
110	Welland Ship Canal—Construction	14,500,000 00	
		14,550,608 41	
			19,680,608 41
	RAILWAYS AND CANALS		
	(*Chargeable to Income*)		
	CANALS		
111	Port Colborne Elevator, Improvements (Revote $9,000)	20,650 00	
	Quebec Canals—		
112	Bakers Dam, Improvements (Revote $30,000)	30,000 00	
113	Chambly, Improvements (Revote, $45,000)	45,000 00	
114	Lachine, Improvements	76,000 00	
115	St. Anne's Lock, Improvements (Revote $2,600)	7,600 00	
116	St. Ours Lock, Improvements, (Revote $50,000)	50,000 00	
117	Soulanges, Improvements	5,000 00	
118	St. Peters Canal—To pay to The Atlantic Dredging Company further interest from July 16, 1926 at rate of five per cent per annum on claim of $12,151.96	607 60	
119	Trent Canal, Improvements (Revote $83,000)	239,900 00	
120	Welland Canal, Improvements (Revote $18,000)	95,500 00	
		570,257 60	
	MISCELLANEOUS		
121	Arbitrations and Awards	2,000 00	
122	Board of Railway Commissioners for Canada, Maintenance and Operation of, including the salary of A. D. Cartwright, Secretary of the Board at $6,000	263,440 00	
123	Canada Highways Commission, to provide for payment of Staff of Canada Highways Commission, including A. W. Campbell, C.E., Chief Commissioner of Highways at $5,000 per annum	25,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	RAILWAYS AND CANALS—*Concluded*	$ cts.	$ cts.
	(Chargeable to Income)—Concluded		
	MISCELLANEOUS—*Concluded*		
124	Governor General's Cars	5,000 00	
125	Miscellaneous Works not provided for	1,000 00	
126	Printing and Stationery	7,000 00	
127	Surveys and Inspections—Canals, including salaries and expenses of experts employed temporarily	13,000 00	
128	Miscellaneous Services, including salaries and expenses of experts employed temporarily	40,000 00	
		356,440 00	
	RAILWAY EMPLOYEES' PROVIDENT FUND		
129	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 period from Jan. 1, 1927 to March 31, 1928, the sum of $30 per month instead of $20 as fixed by the said Act	50,000 00	
			976,697 60
	PUBLIC WORKS		
	(Chargeable to Capital)		
	PUBLIC BUILDINGS		
130	Ottawa—New Departmental building	500,000 00	
	Ottawa—Parliament Building	175,000 00	
	Ottawa—Expropriation of properties between Sparks and Wellington Streets, east of Elgin Street	600,000 00	
		1,275,000 00	
	HARBOURS AND RIVERS		
131	Esquimalt, B.C.—Dry Dock under construction	170,000 00	
	Port Arthur and Fort William—Harbour improvements	175,000 00	
	Quebec Harbour—Champlain Dock—To complete	70,000 00	
	Sorel—Harbour improvements	200,000 00	
	St. John Harbour—Improvements	185,000 00	
	Toronto Harbour—Improvements	15,000 00	
		815,000 00	
			2,090,000 00
	PUBLIC WORKS		
	(Chargeable to Income)		
	PUBLIC BUILDINGS		
	Nova Scotia		
132	Digby—Public Building—General repairs and improvements	1,200 00	
	Halifax—Bellevue Building—Repairs and improvements	4,000 00	
	Halifax—Immigration Building—Payment to Department of Railways and Canals for accommodation	25,000 00	
	Halifax—Quarantine Station—Repairs and improvements	5,800 00	
	Halifax—Rockhead Hospital—Repairs and improvements	2,000 00	
		38,000 00	
	Prince Edward Island		
133	Kensington—Public Building	12,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Continued*	$ cts.	$ cts.
	(Chargeable to Income)—Continued		
	PUBLIC BUILDINGS—*Continued*		
	New Brunswick		
	Edmundston—Public Building	2,000 00	
	St. John Custom House—Improvements and repairs	15,000 00	
134	St. John—New Post Office Building—Repairs and improvements	4,400 00	
	St. John—Old Post Office Building—Restoration and repairs	4,000 00	
		25,400 00	
	Maritime Provinces Generally.		
135	Dominion Public Buildings—Improvements, repairs, etc	43,000 00	
	Quebec		
	Baie St. Paul—Public Building	20,000 00	
	Chicoutimi Public Building—Addition	26,500 00	
	Dominion Public Buildings—Improvements, repairs, etc	102,000 00	
	Drummondville Public Building—Addition	13,000 00	
	Grosse Isle Quarantine Station—Shelter shed	22,000 00	
	Kenogami—Public Building	31,000 00	
	Limoilou—Public Building	*70,000 00	
	Maisonneuve—Public Building	25,000 00	
	Mont Laurier—Public Building	22,500 00	
	Montreal General Post Office—Reorganization	50,000 00	
136	Montreal—Ordnance Stores Building	21,377 00	
	Montreal—Postal Station in Outremont Division	50,000 00	
	Montreal—Towards purchase of Lavut Building for Postal Station "G"	12,450 00	
	Quebec Citadel—Governor General's quarters—Additions, alterations and improvements	100,000 00	
	Quebec—Savard Park Hospital—Repairs and alterations	5,000 00	
	St. Jacques L'Achigan—Public Building	21,000 00	
	Thetford Mines Public Building—Fittings and alterations	4,200 00	
	Victoriaville Public Building—Alterations and improvements	4,000 00	
	Waterloo—Public Building	22,000 00	
	Westmount—Armoury	13,000 00	
		635,027 00	
	Ontario		
	Dominion Public Buildings—Improvements, repairs, etc	115,000 00	
	Durham—Public Building	20,000 00	
	Glencoe Public Building—Tower Clock	1,700 00	
	Haileybury—Armoury	11,000 00	
	Hamilton Public Building—Alterations and repairs	10,000 00	
	Kenora Public Building—Addition	16,000 00	
	Kitchener—Public Building—Addition	1,450 00	
	Ottawa Departmental Buildings—Fittings, etc	60,000 00	
	Ottawa Dominion Observatory—Clock Vault	4,500 00	
137	Ottawa—Government's share of cost of local improvement charges for widening and paving roadway on Wellington Street between Connaught Place and Bank Street	50,000 00	
	Ottawa—Greenhouse	27,000 00	
	Ottawa—Parliament Hill—Sidewalks	12,000 00	
	Ottawa—Public Buildings—Paving roadways	31,000 00	
	Ottawa—Towards purchase of building for Government workshops	13,300 00	
	Ottawa—Towards purchase of Daly Building	124,000 00	
	Ottawa—Rideau Hall—Alterations, improvements and furnishings	50,000 00	
	Ottawa—Post Office Block—Government's share of cost of local improvements	787 00	

*Deduction. $20,000.

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Continued*	$ cts.	$ cts.
	(Chargeable to Income)—Continued		
	PUBLIC BUILDINGS—*Continued*		
	Ontario—Concluded		
137	Ottawa—Sussex Street property—Government's share of cost of local improvements	2,776 00	
	Parkhill Public Building—Repairs	2,000 00	
	Port Colborne—Public Building	12,500 00	
	Rockland—Public Building	25,000 00	
	Toronto—Postal Station "A"—Mechanical equipment	50,000 00	
	Wiarton—Public Building	2,000 00	
		642,013 00	
	Manitoba		
138	Dominion Public Buildings—Improvements, repairs, etc	35,000 00	
	Transcona—Site for Public Building	2,000 00	
	Winnipeg—Fort Osborne Barracks—New boilers	39,000 00	
	Winnipeg—Grain Inspection Building	13,000 00	
	Winnipeg—Minto Street Armoury—Fittings	15,000 00	
		104,000 00	
	Saskatchewan		
139	Dominion Public Buildings—Improvements, repairs, etc	17,000 00	
	Indian Head Forest Nursery Station—Improvements and repairs	4,200 00	
	Moose Jaw Public Building—Improvements and repairs	3,500 00	
	Prince Albert Public Building—Alterations	10,500 00	
	Regina Public Building—Addition to site	150,000 00	
	Saskatoon Public Building—Improvements and repairs	4,500 00	
	Sutherland Forest Nursery Station—Repairs, painting, etc	3,750 00	
	Tisdale—Public Building	12,000 00	
		205,450 00	
	Alberta		
140	Dominion Public Buildings—Improvements, repairs, etc	17,000 00	
	Wainwright—Public Building	15,000 00	
		32,000 00	
	British Columbia		
141	Bentinck Island Lazaretto—New Buildings	5,000 00	
	Dominion Public Buildings—Improvements, repairs, etc	40,000 00	
	Esquimalt—To replace buildings and equipment destroyed by fire	73,000 00	
	Esquimalt—General repairs and improvements at R.C.N. Barracks and H.M.C. Dockyards	20,000 00	
	Kimberley—Public Building	5,500 00	
	Revelstoke—Public Building	2,100 00	
	Vancouver Public Building—Improvements	53,000 00	
	Vancouver—Public Building—Amount required to meet one year's interest at 5% on mortgage of $400,000	20,000 00	
	Vancouver—Public Building—Government's share of cost of local improvements	2,112 00	
	Victoria Astrophysical Observatory—(Little Saanich Mountain)—Repairs and improvements to roadway	4,300 00	
	William Head Quarantine Station—Repairs and improvements	8,250 00	
	William Head Quarantine Station—Office Building for Customs and Quarantine purposes	10,000 00	
		243,262 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Continued*	$ cts.	$ cts.
	(Chargeable to Income)—Continued		
	PUBLIC BUILDINGS—*Concluded*		
	Generally		
	Experimental Farms—Replacements, repairs, improvements, etc.	100,000 00	
	Flags for Dominion Public Buildings	5,000 00	
142	Military Buildings—Repairs, fittings, alterations and additions	50,000 00	
	Military Hospitals—Repairs and improvements	70,000 00	
	Public Buildings—Generally	45,000 00	
		270,000 00	
	Rents, Repairs, Furniture, Heating, Etc.		
	Ottawa Public Buildings and Grounds—		
	Dominion Observatory and Geodetic Survey Building—Repairs, improvements, maintenance of grounds, etc.	4,000 00	
	Water	42,500 00	
	Elevator Attendants	97,000 00	
	Lighting, including roads and bridges	82,000 00	
	Heating, including salaries of engineers, firemen and watchmen	400,000 00	
	Departments Generally—Char service, including $100 to E. Snowden for firing the noon gun	385,000 00	
	Repairs, improvements, additions and maintenance	650,000 00	
	Rideau Hall, including grounds—Improvements, furniture, maintenance, etc.	60,000 00	
	Rideau Hall—Allowance for fuel and light	19,000 00	
	Telephone Service	100,000 00	
143	*Dominion Public Buildings*—		
	Dominion Immigration Buildings—Repairs, improvements, additions, furniture, etc.	25,000 00	
	Dominion Quarantine Stations—Maintenance	15,000 00	
	Fittings, General Supplies and furniture	125,000 00	
	Heating	400,000 00	
	Lighting	218,000 00	
	Power for running elevators, stamp cancelling machines, etc.	80,000 00	
	Rents	1,440,000 00	
	Salaries of caretakers, engineers, firemen, etc.	1,038,000 00	
	Supplies for caretakers, engineers, firemen, etc.	45,000 00	
	Water	83,000 00	
	Yukon Public Buildings—Rents, repairs, fuel, light, water services and caretakers' salaries	28,000 00	
	Victoria, B.C., Astrophysical Observatory (Little Saanich Mountain)—Maintenance, repairs, and improvements	3,000 00	
		5,339,500 00	
	HARBOURS AND RIVERS		
	Nova Scotia		
	Amherst Point—Repairs to dyke	1,850 00	
	Arichat—Wharf repairs	2,600 00	
	Barrios Beach—Tracadie—Breakwater	9,400 00	
	Bayfield—Breakwater repairs	2,500 00	
	Bayfield—Wharf repairs	2,500 00	
	Black Point—Breakwater repairs	2,500 00	
144	Bluff Head—Breakwater	5,000 00	
	Cariboo Island—Breakwater repairs	1,000 00	
	Castle Bay—Wharf repairs	1,500 00	
	Chegoggin Point—Breakwater	6,500 00	
	Clarks Harbour—Wharf	12,500 00	
	Cow Bay (Port Morien)—Breakwater repairs	1,500 00	
	Devil's Island—Breakwater repairs and improvements	1,100 00	
	Digby—Repairs and renewals to pier	4,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Continued*	$ cts.	$ cts.
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—*Continued*		
	Nova Scotia—Concluded		
	Dingwall (Aspy Bay)—Breakwater	31,000 00	
	Fall's Point (Woods Harbour)—Wharf extension	8,500 00	
	Feltzen South—Breakwater repairs	7,400 00	
	Feltzen South—Wharf repairs	1,300 00	
	Fourchu—Rebuilding protection work	1,050 00	
	Grand Etang—Repairs to piers and bridge	1,900 00	
	Hall's Harbour—Breakwater repairs and improvements	1,450 00	
	Harbours and Rivers Generally—Repairs and improvements	65,000 00	
	Jersey Cove—Wharf	2,800 00	
	Little Anse—Breakwater repairs	1,400 00	
	Lower L'Ardoise—Breakwater repairs	2,500 00	
	Main a Dieu—Wharf	1,200 00	
	Malagash—Wharf repairs	2,500 00	
	Margaree Harbour—Repairs to harbour works and extension to beach protection	5,600 00	
144	Musquodoboit—Wharf repairs	1,600 00	
	Newellton—Wharf repairs	3,360 00	
	Noël—Wharf repairs	3,000 00	
	North East Harbour—Wharf repairs	3,000 00	
	Parrsboro—To repair and extend protection work	3,250 00	
	Pictou Island—Wharf repairs	3,700 00	
	Port Wade—Repairs to pier	3,500 00	
	Port Williams—Wharf	6,500 00	
	Salmon River—Repairs to channel protection work	3,000 00	
	Shag Harbour—Wharf repairs	1,100 00	
	Sheet Harbour—Dredging	20,300 00	
	Skinner's Cove—Repairs to pier	1,000 00	
	South Side (Donald's Head)—Breakwater repairs	3,000 00	
	Summerville—Wharf repairs	2,500 00	
	Tatamagouche—Wharf repairs	850 00	
	Trout Cove—Breakwater repairs	11,500 00	
	Yarmouth—Dredging	37,000 00	
		296,210 00	
	Prince Edward Island		
	Belfast—Wharf repairs	2,800 00	
	Charlottetown—Reconstruction of railway wharf	75,000 00	
	Harbours and Rivers Generally—Repairs and improvements	10,000 00	
	Miminigash Harbour—Breakwater reconstruction	6,000 00	
	Naufrage Harbour—Repairs to breakwaters and bridge	1,000 00	
145	New London—Harbour improvements	15,700 00	
	Pinette—Wharf repairs	1,500 00	
	Summerside—Wharf repairs and improvements	63,000 00	
	Southport—Wharf repairs	1,500 00	
	Tignish—Repairs to harbour works	6,300 00	
	West Point—Wharf repairs	6,800 00	
		189,600 00	
	New Brunswick		
	Bay du Vin—Wharf repairs	5,000 00	
	Buctouche—Wharf repairs	1,200 00	
	Burn's (Belle Isle Bay)—Wharf improvements	850 00	
	Burton—Wharf repairs	1,000 00	
146	Burton Court House—Wharf repairs	1,200 00	
	Cape Bald—Breakwater repairs	5,000 00	
	Caraquet (Young Wharf) Wharf protection and repairs	21,000 00	
	Caraquet—Repairs to ice protection blocks	1,050 00	
	Grand Harbour (Ingall's Head)—Breakwater	10,500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Continued*	$ cts.	$ cts.
	(*Chargeable to Income*)—Continued		
	HARBOURS AND RIVERS—*Continued*		
	New Brunswick—Concluded		
	Harbours and Rivers Generally—Repairs and improvements	45,000 00	
	Lower Caraquet—Wharf repairs	5,900 00	
	McDonald's Point—Wharf repairs	1,200 00	
	Mills Point—Wharf enlargement and repairs	9,200 00	
	Miscou—Wharf repairs	700 00	
	Mispec—Breakwater repairs	1,500 00	
	Neguac—Wharf repairs	1,200 00	
	Oak Point—Wharf repairs	4,000 00	
	Petit Rocher—Breakwater repairs	3,500 00	
146	Port Elgin—Wharf	2,000 00	
	Richibucto Cape—Repairs to breakwater and pier	3,000 00	
	Scotchtown—Wharf repairs	1,100 00	
	Seal Cove—Breakwater repairs	800 00	
	Shediac—Wharf repairs	4,900 00	
	Shippigan—Wharf repairs	3,500 00	
	Shippigan Gully—Repairs to breakwaters and breastworks	8,000 00	
	St. Andrews—Wharf repairs	5,000 00	
	White Head—Wharf repairs	2,300 00	
	White's Cove—Wharf repairs	4,500 00	
		154,100 00	
	Quebec		
	Anse a Beaufils—Reconstruction of and repairs to jetties	2,200 00	
	Anse aux Gascons—Wharf repairs and improvements	5,000 00	
	Bagotville—Wharf repairs	6,500 00	
	Barachois de Malbaie—Breakwater repairs	5,200 00	
	Batiscan River—Dredging	12,000 00	
	Beloeil Village—Reconstruction of wharf	4,600 00	
	Bonaventure—Wharf repairs	2,250 00	
	Cap a l'Aigle—Wharf repairs	16,700 00	
	Cap de la Madeleine—Wharf extension	75,000 00	
	Champlain—Wharf repairs	1,700 00	
	Chandler—Wharf reconstruction and extension	8,500 00	
	Chicoutimi Basin—Wharf repairs	4,200 00	
	Dolbeau (Grosse Roche)—Wharf repairs	1,425 00	
	Douglastown—Repairs to wharf and shed	1,000 00	
	East Templeton—Wharf repairs	1,150 00	
	Fabre—Wharf repairs	1,170 00	
	Father Point—Wharf repairs and improvements	12,000 00	
	Fort William—Wharf repairs	1,050 00	
147	Garthby—Wharf repairs	1,300 00	
	Grande Riviere—Wharf reconstruction	16,100 00	
	Grindstone (M.I.)—Wharf repairs and improvements	39,200 00	
	Grosse Isle—Wharf repairs	9,900 00	
	Harbours and Rivers Generally—Repairs and improvements	75,000 00	
	House Harbour—Wharf repairs	1,500 00	
	Isle aux Coudres—North—Wharf repairs	3,600 00	
	Ile Perrot Sud—Wharf reconstruction	1,350 00	
	L'Anse a Valleau—Training jetty	1,000 00	
	L'Islet—Wharf repairs	1,350 00	
	Magog—Wharf repairs	1,250 00	
	Mal Bay—Wharf repairs	4,500 00	
	Matane—Breakwater repairs	4,000 00	
	Nicolet—Repairs to jetty	3,000 00	
	Norton Creek—Dredging	3,750 00	
	Nouvelle River—Breakwater	3,250 00	
	Paspebiac—Wharf repairs	3,200 00	
	Pointe au Pic (Murray Bay)—Wharf repairs	4,350 00	
	Rimouski—Wharf repairs and improvements	16,000 00	
	Riviere au Renard—Wharf improvements	11,500 00	
	Ste. Anne de Beaupre—Wharf reconstruction	16,700 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Continued*	$ cts.	$ cts.
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—*Continued*		
	Quebec—Concluded		
	Ste. Anne de Bellevue—Wharf reconstruction	3,700 00	
	Ste. Anne de Chicoutimi—Wharf repairs	3,100 00	
	St. Charles—Wharf repairs	1,700 00	
	St. Fulgence—Wharf repairs	1,560 00	
	St. Gedeon (Lac St. Jean)—Wharf reconstruction	12,500 00	
	St. Hilaire—Wharf reconstruction	2,700 00	
	St. Ignace de Loyola—Repairs to wharf and approach	6,100 00	
	St. Irenee—Wharf repairs	1,000 00	
	St. Jean, Port Joli—Wharf repairs	2,700 00	
	St. Laurent d'Orleans—Wharf repairs	1,900 00	
	St. Louis River—Dredging	46,200 00	
	Ste. Monique, Lac St. Jean—Wharf repairs	1,700 00	
147	St. Ours—Wharf repairs	1,600 00	
	Ste. Petronille (I.O.)—Wharf repairs and improvements	4,000 00	
	St. Simeon de Bonaventure—Protection work	2,600 00	
	St. Sulpice—Wharf repairs and improvements to approach	1,300 00	
	Sillery (Pointe Pizeau)—Wharf repairs	1,500 00	
	Sorel—Harbour improvements	46,100 00	
	Tadoussac (Anse Tadoussac)—Wharf repairs	4,300 00	
	Tadoussac (Anse a l'Eau)—Wharf repairs	4,500 00	
	Trois Pistoles—Wharf repairs	2,425 00	
	Trois Rivieres—Repairs to coal dock	3,750 00	
	Valleyfield—Dredging	50,000 00	
	Varennes—Dredging	49,000 00	
	Yamaska—Wharf repairs	2,750 00	
		636,130 00	
	Ontario		
	Bayfield—Repairs to piers	1,000 00	
	Bruce Mines—Wharf repairs	1,500 00	
	Chatham—Repairs to revetment wall	1,800 00	
	Dyer's Bay—Wharf repairs	1,500 00	
	Goderich—Harbour improvements	93,000 00	
	Harbours and Rivers Generally—Repairs and improvements	50,000 00	
	Holland River—Wharf repairs	2,600 00	
	Honey Harbour—Dredging	7,000 00	
	Kenora—Wharf repairs	1,450 00	
	Kincardine—Repairs to piers	28,000 00	
	Kincardine—Dredging	24,000 00	
	Kingston—R.M.C.—Repairs to wharves and boathouses	1,600 00	
	Meaford—Towards reconstruction of revetment wall	10,000 00	
	Midland—Dredging	125,000 00	
	Mitchell's Bay—Dredging	6,500 00	
	North Bay—Wharf repairs	1,000 00	
148	Ottawa—Wharf	25,000 00	
	Owen Sound—Repairs to wall	3,000 00	
	Pelee Island—Repairs to piers	5,000 00	
	Port Burwell—Harbour repairs and improvements	120,000 00	
	Port Findlay—Wharf repairs	1,050 00	
	Port Maitland—Repairs to pier and sheet piling	27,000 00	
	Port Stanley—Harbour improvements and repairs	61,000 00	
	Prescott—Dredging	13,500 00	
	Providence Bay—Dredging	5,900 00	
	Rondeau—Dredging	32,000 00	
	Rondeau—Repairs to pier	9,050 00	
	Rossport—Wharf repairs	1,000 00	
	Sarnia—Dredging	169,000 00	
	Saugeen River—Repairs to harbour works	10,000 00	
	Sault Ste. Marie—Wharf repairs	1,900 00	
	Sault Ste. Marie—Harbour improvements	136,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Continued*	$ cts.	$ cts.
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—*Continued*		
	Ontario—Concluded		
148	Southampton—Repairs to breakwaters	3,400 00	
	Stanley Island—Wharf reconstruction	2,500 00	
	Thessalon—Wharf repairs and improvements	1,900 00	
	Toronto—Dredging	31,000 00	
	Wendover—Wharf repairs	4,000 00	
	Windsor—Wharf repairs	2,000 00	
		1,021,150 00	
	Manitoba		
149	Assiniboine River—Reconstruction of dykes	3,000 00	
	Gimli—Repairs to pier	5,400 00	
	Harbours and Rivers Generally—Repairs and improvements	10,000 00	
	Hecla—Repairs to pier	2,000 00	
	Red River (Mouth)—Repairs to jetties	2,000 00	
		22,400 00	
	Saskatchewan and Alberta		
150	Fort Resolution—Wharf	18,000 00	
	Harbours and Rivers Generally—Repairs and improvements	10,000 00	
		28,000 00	
	British Columbia		
151	Alberni—Wharf repairs	1,100 00	
	Argenta—Wharf repairs	1,050 00	
	Bamfield (West)—Extension and repairs to float	1,200 00	
	Bold Point—Renewal of float and approach	3,400 00	
	Churchouse—Repairs to float and approach	900 00	
	Columbia River, below Burton—Bank protection	4,800 00	
	Fauquiers—Wharf repairs	2,200 00	
	Fraser River—Improvements	150,000 00	
	Fraser River—Lower—Operation of snagboat	30,000 00	
	Gabriola Island (Centre)—Wharf repairs	2,600 00	
	Gibson's Landing—Wharf repairs	3,200 00	
	Grantham's Landing—Wharf repairs	1,050 00	
	Harbours and Rivers Generally—Repairs and improvements	65,000 00	
	Heriot Bay—Wharf repairs	1,200 00	
	Maples—Wharf repairs	1,200 00	
	Nanaimo—Improvements to wharf and float	2,000 00	
	New Westminster—Wharf repairs	1,500 00	
	New Massett—Wharf repairs	2,300 00	
	Penticton—Reconstruction of wharf	3,000 00	
	Port Clements—Wharf repairs	3,000 00	
	Quatsino—Wharf repairs	1,500 00	
	Sandspit—Wharf repairs	2,600 00	
	Sidney—Maintenance of ferry slip	2,500 00	
	Sturdies Bay—Wharf repairs	5,500 00	
	Summerland—Wharf repairs	1,600 00	
	Sunshine Bay—Wharf repairs	800 00	
	Tofino—Wharf repairs	2,900 00	
	Ucluelet East—Renewal of float and approach	1,400 00	
		299,500 00	
	Yukon.		
152	Stewart and Yukon Rivers—Improvements	5,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued.*		
	(*Chargeable to Income*)—Continued.		
	HARBOURS AND RIVERS—*Concluded.*		
	Generally.		
153	Harbours and Rivers Generally	30,000 00	
	DREDGING.		
154	Dredging—Maritime Provinces	540,000 00	
	Dredging—Ontario and Quebec	600,000 00	
	Dredging—Manitoba, Saskatchewan and Alberta	90,000 00	
	Dredging—British Columbia	375,000 00	
		1,605,000 00	
	ROADS AND BRIDGES.		
155	Dominion Roads and Bridges Generally	7,100 00	
	Ottawa—Maintenance and repairs to bridges and approaches	10,000 00	
	Shellmouth, Man.—Repairs to bridge over Assiniboine River	2,700 00	
		19,800 00	
	TELEGRAPH AND TELEPHONE LINES.		
	Nova Scotia.		
156	Cape Breton Telegraph and Telephone Lines—General repairs and improvements	9,800 00	
	Telegraph Line from Little Narrows to Ottawa Brook	515 00	
	Quebec.		
157	Magdalen Islands Telephone Service—General repairs and improvements	2,000 00	
	North Shore, River St. Lawrence, East of Bersimis—Improvements to telegraph circuit of Manicouagan peninsula	1,200 00	
	Alberta and Saskatchewan.		
158	Alberta and Saskatchewan Telegraph and Telephone Lines—General repairs and improvements	17,300 00	
	Battleford—Isle la CrosseTelegraph Line—General repairs and improvements	4,000 00	
	British Columbia.		
159	Mainland Telegraph and Telephone Lines—General repairs and improvements	16,800 00	
	British Columbia Northern District—General repairs and improvements	8,100 00	
	Vancouver Island District—General repairs and improvements	5,500 00	
	Vancouver Island District—Purchase of cable	10,000 00	
		75,215 00	
	MISCELLANEOUS.		
160	Accounts Branch—Salaries of Agents, Clerks, Travelling and Contingent expenses of Outside Service	23,000 00	
	Architectural Branch—Salaries of Architects, Clerks of Works, Inspectors, Draftsmen, Clerks, Messengers of Outside Service	75,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—*Concluded.*	$ cts.	$ cts.
	(Chargeable to Income)—Concluded.		
	MISCELLANEOUS—*Concluded.*		
	Engineering Branch—Salaries of Engineers, Inspectors, Superintendents, Draftsmen, Clerks and Messengers of Outside Service	470,000 00	
	For operation and maintenance of Inspection boats	16,000 00	
	Maintenance and operation of water storage dams on Ottawa River and tributaries, surveys in connection therewith and settlement of land damages	100,000 00	
	Monument to Sir Wilfrid Laurier	25,000 00	
	National Gallery of Canada	100,000 00	
	National Monument on Connaught Place	35,000 00	
160	Compassionate allowance to Napoleon Bellemare, Sr., father of Napoleon Bellemare, Jr., who was drowned while on duty at Caughnawaga, Que. on September 21st, 1925	1,200 00	
	Gratuity to Adrien Philion who was seriously injured in 1913 while working on foundation of new Customs House building, Ottawa	1,000 00	
	River gauging and metering	30,000 00	
	Surveys and inspections	120,000 00	
	To cover balance of expenditure for works authorized, for which appropriations may be insufficient, provided the amount for any one work does not exceed $200	5,000 00	
	For erection of Memorial Tablet to late Dr. Alpheus Todd, former Librarian of Parliament	1,000 00	
		1,002,200 00	12,973,957 00
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
	ATLANTIC OCEAN.		
161	Canada and South Africa, steam service between	100,000 00	
	PACIFIC OCEAN.		
162	Canada and New Zealand on the Pacific Ocean, service between	100,000 00	
163	Prince Rupert, B.C., and Queen Charlotte Islands, steam service between	21,000 00	
164	Victoria, Vancouver, way ports and Skagway, steam service between	25,000 00	
165	Victoria and West Coast Vancouver Island, steam service between	15,000 00	
166	Vancouver and Northern Ports of B.C., steam service between	24,800 00	
167	Vancouver and ports on Howe Sound, service between	5,000 00	
	LOCAL SERVICES		
168	Baddeck and Iona, steam service between	10,500 00	
169	Charlottetown and Pictou, steam service between	25,000 00	
170	Charlottetown, Victoria and Holliday's Wharf, steam service between	5,000 00	
171	Dalhousie, N.B., and Carleton, Que., service between	3,000 00	
172	Grand Manan and the Mainland, steam service between	20,000 00	
173	Halifax, Canso and Guysboro, steam service between	9,000 00	
174	Halifax, LaHave and LaHave River Ports, steam service between	6,000 00	
175	Halifax, Spry Bay and Cape Breton Ports, steam service between	6,000 00	
176	Halifax and Bay St. Lawrence, service between	2,400 00	
177	Halifax, South Cape Breton and Bras d'Or Lake ports, steam service between	5,000 00	
178	Halifax and West Coast Cape Breton, service between	6,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—*Concluded.*	$ cts.	$ cts.
	LOCAL SERVICES—*Concluded*		
179	Mainland and the Islands of Miscou and Shippegan, service between	2,000 00	
180	Mulgrave, Arichat and Petit de Grat, steam service between	13,000 00	
181	Mulgrave and Canso, service between	28,125 00	
182	Mulgrave and Guysboro, calling at intermediate ports, service between	14,000 00	
183	Newcastle, Neguac, and Escuminac, calling at intermediate points on the Miramichi River and Bay, steam service between	4,500 00	
184	Parrsboro, Kingsport and Wolfville, service between	5,000 00	
185	Pelee Island and the mainland, steam service between	11,000 00	
186	Pictou, Mulgrave and Cheticamp, steam service between	11,000 00	
187	Pictou, Murray Harbour and Georgetown, service between	4,000 00	
188	Port Mulgrave, St. Peter's, Irish Cove and Marble Mountain and other ports on the Bras d'Or Lakes, steam service between	10,350 00	
189	Pictou, New Glasgow and Antigonish County Ports, service between	1,500 00	
190	Pictou, Souris and the Magdalen Islands, steam service between	50,000 00	
191	Quebec, Natashquan and Harrington and other ports on the north shore of the Gulf of St. Lawrence, steam service between	85,000 00	
192	Quebec, or Montreal and Gaspe, and ports on the south shore of the Gulf of St. Lawrence, steam service between	60,000 00	
193	Rimouski and Point aux Outardes, service between	7,500 00	
194	St. Catherine's Bay and Tadoussac, service between	4,000 00	
195	St. John and St. Andrews, calling at intermediate points, steam service between	4,000 00	
196	St. John and Bear River and other way ports, steam service between	2,000 00	
197	St. John and Digby, service between	15,000 00	
198	St. John, Digby, Annapolis and Granville, along the West coast of Annapolis Basin, steam service between	2,000 00	
199	St. John, Margaretville and other ports on the Bay of Fundy, steam service between	3,500 00	
200	St. John, Westport and Yarmouth and other way ports	15,000 00	
201	St. John and Minas Basin ports, steam service between	5,000 00	
202	St. John and Weymouth, steam service between	1,500 00	
203	Summerville, Burlington and Windsor N.S., steam service between	500 00	
204	Sydney and Bras d'Or Lake ports and ports on the west coast of Cape Breton	18,000 00	
205	Sydney and Bay St. Lawrence, calling at way ports, steam service between	18,000 00	
206	Sydney and Whycocomagh, steam service between	13,000 00	
207	Grant to the Province of British Columbia, for the improvement of the mail service on inland waters in that Province	3,000 00	
208	Inspection of Subsidized Steamship Services	4,500 00	
			804,675 00
	OCEAN AND RIVER SERVICE		
209	Maintenance and repairs to Dominion Steamers and Icebreakers	1,500,000 00	
210	Examination of Masters and Mates	20,000 00	
211	Investigation into Wrecks	6,000 00	
212	Navigation Schools	9,000 00	
213	To provide for the temporary relief of distressed seamen	5,000 00	
214	Registration of Shipping	3,000 00	
215	Removal of obstructions in Navigable waters	5,000 00	
216	Inspection of live stock shipping	4,500 00	
217	To continue subsidies for wrecking plants—Quebec and British Columbia	45,000 00	
218	Miscellaneous and Unforeseen Expenses	5,000 00	
219	Life Saving Service, including rewards for saving life	80,000 00	
220	Hydrographic and Tidal and Current Surveys, and to provide for the maintenance and repair of Hydrographic Steamers	340,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	OCEAN AND RIVER SERVICE—*Concluded*	$ cts.	$ cts.
221	To provide for the establishment of a patrol service to investigate the conditions of navigation in Hudson Strait and Hudson Bay	850,000 00	
222	Radiotelegraph Service and to provide for the construction and maintenance of Radiotelegraph ship to shore stations and the general administration of the provisions of the Radio Act and Regulations throughout the Dominion	499,865 00	
223	Radio Service—To provide for the general improvement of reception conditions to licensed broadcast listeners	169,475 00	
			3,541,840 00
	PUBLIC WORKS		
	(*Chargeable to Capital*)		
	MARINE DEPARTMENT		
224	River St. Lawrence Ship Channel—Maintenance and operating dredging fleet	1,522,000 00	
225	To provide for the maintenance and operation of Sorel Shipyard.	154,000 00	
226	Sorel Shipyard—To provide for the reconditioning of Wharf No. 4 and for new foundations for buildings Nos. 3 and 4	45,780 00	
			1,721,780 00
	LIGHTHOUSE AND COAST SERVICE		
227	Agencies, Rents and Contingencies	236,000 00	
228	Salaries and Allowances to Lightkeepers	700,000 00	
229	Salaries and Allowances to Lightkeepers—To reinstate William R. Wallace as Lightkeeper, Grade 2, Class 3, at Hope Island, Ontario, with continuous permanent status in the said position, retroactively as of the 24th February, 1925, and he is hereby reinstated accordingly, and to provide for his salary for the current fiscal year, $1,920	1,920 00	
230	Amount required to pay compassionate allowance to John Davidson, formerly lightkeeper at Cape Mudge, B.C	500 00	
231	Maintenance and Repairs to Lighthouses	800,000 00	
232	Construction of lights and aids to navigation, including regulation of traffic at such places as may be found necessary	650,000 00	
233	Construction of lights and aids to navigation—To provide for converting "Trawler No. 15" into a buoy steamer to replace the "Brant"	85,000 00	
234	Marine Signal Service	103,000 00	
235	Administration of Pilotage	250,000 00	
236	Maintenance and repairs to wharves	10,000 00	
237	To provide for breaking ice in Thunder Bay, Lake Superior and other points deemed advisable in the interests of navigation	30,000 00	
238	Amount required to pay pensions to pilots—Joseph Lapointe, Barthelemi Lachance, Alphonse Asselin, Elzear Desrosiers, Edmond LaRochelle, L. E. Morin, Joseph Plante, Victor Vezina, Raymond Baquet, Alfred LaRochelle, Theophile Corriveau, Alphonse Pouliot, Treffle Delisle, Alfred Gaudreau, Adjutor Baillargeon, F. X. Demaules, Joseph Pouliot, Arthur Baillergeon, John I. Irvine, Camille Bernier, Joseph Eugene Lachance, Elzear Normand, Phileas Lachance, Narcisse Lavoie, L. H. Lapierre, J. T. St. Laurent, J. V. Gourdeau, Samuel Rioux, Joseph LaRochelle, Arthur Koenig, J. Alphonse Lachance, Raoul Lachance, J. O. Lachance, J. H. Talbot, Jules Asselin, J. B. Bernier, Frederick Bouffard	11,100 00	
239	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 lighthouse service for the season of navigation, 1927	600 00	
			2,878,120 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	SCIENTIFIC INSTITUTIONS	$ cts.	$ cts.
	DEPARTMENT OF THE INTERIOR		
	Scientific Institutions		
	Expenses connected with the Dominion Observatory at Ottawa	57,900 00	
	Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C.	22,330 00	
240	To provide for a Fellowship in Astronomy, tenable for one year, at the Dominion Observatory at Ottawa or the Dominion Astrophysical Observatory at Victoria, B.C. Appointments and payments may be made notwithstanding anything in the Civil Service Act or regulations thereunder....	*2,500 00	
	Topographical Surveys		
241	Topographical and aerial surveys for the development of hydro-electric forested and mineralized areas and for aerial fire patrol; expenses of Geographic Board of Canada; classification of lands for settlement and forest reserves; traverse of northern rivers and lakes for administration of Northwest Territories; surveys for administration of Dominion Parks and Game Reserves; miscellaneous legal surveys of Dominion Lands; testing of standard measures and instrument repairs; plotting and printing of plans, etc.....	375,000 00	
	Geodetic Survey of Canada		
	Investigations, reconnaissance, triangulations, precise levelling, geodetic astronomy, etc.....	246,800 00	
242	To compensate the Temiskaming and Northern Ontario Railway Commission in connection with their claim for injury to John Hedin.....	240 00	
	International Boundaries		
243	Expenses connected with the survey and demarcation of International Boundaries.....	30,800 00	
		735,570 00	
	DEPARTMENT OF MARINE		
244	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...	260,000 00	
			995,570 00
	STEAMBOAT INSPECTION		
245	Steamboat Inspection.....	.....	134,610
	FISHERIES		
246	Salaries and Disbursements of Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Service.....	860,000 00	
247	Building Fishways and Clearing Rivers.....	20,000 00	
248	Legal and Incidental expenses.....	2,000 00	
249	To assist in the conservation and development of Deep-Sea Fisheries and the demand for fish.....	30,000 00	
250	To provide for the maintenance of a Fisheries Intelligence Bureau.....	1,000 00	
251	To provide for the inspection of pickled fish.....	26,000 00	
252	Fish Culture.....	410,000 00	
253	To provide for an investigation into the life history of the Pacific halibut by the International Fisheries Commission appointed under the Pacific Halibut Treaty of March 2nd, 1923..	28,000 00	

* Deduction $2,500.00.

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	FISHERIES—*Concluded*	$ cts.	$ cts.
254	Marine Biological Board of Canada—		
	(a) Purely scientific work..... $ 45,000		
	(b) Practical and experimental work..... 73,000		
	(c) Fish culture investigations..... 20,000		
		138,000 00	
			1,515,000 00
	MINES AND GEOLOGICAL SURVEY		
	Department		
255	For organization and equipment of the Explosives Division, under the Explosives Act, Chap. 31, 4-5 George V.....	10,000 00	
	Mines Branch		
256	For investigation of mineral resources and deposits; of the mining and metallurgical industries, and of mineral technology; wages, expenses of testing and research laboratories, investigations by Dominion Fuel Board, including salaries and all other expenses.....	192,000 00	
	For publications, English and French, purchase of books, laboratory supplies, instruments, miscellaneous assistance and contingencies.....	40,000 00	
	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 approved by the Minister of Mines.....	1,000 00	
	To compensate J. H. Fortune for quarters, fuel, light and water supplied him as resident caretaker of the Mines Branch building, Sussex St., vacated because of the necessity of utilizing the caretaker's quarters for storage and laboratory space.....	400 00	
		233,400 00	
	Dominion of Canada Assay Office		
257	For maintenance of Assay Office, Vancouver, B.C.....	26,000 00	
	Geological Survey		
258	For explorations, surveys and investigations, wages of explorers, topographers and others.....	205,000 00	
	For publications of English and French editions of reports, maps, illustrations, etc.....	55,000 00	
	For maintenance of offices, and Museum, instruments, chemicals, books of reference, miscellaneous assistance and contingencies.....	57,000 00	
	For museum equipment.....	15,000 00	
	For purchase of specimens.....	3,000 00	
		335,000 00	
			604,400 00
	LABOUR.		
259	Annuities Act.....	20,000 00	
260	Combines Investigation Act.....	30,000 00	
261	Conciliation and Labour Act.....	40,000 00	
262	Administration, Employment Offices Co-ordination Act.....	17,000 00	
263	Fair Wages and Inspection.....	5,000 00	
264	Industrial Disputes Investigation Act.....	20,000 00	
265	International Labour Conference.....	15,000 00	
266	Joint Industrial Councils.....	3,000 00	
267	Technical Education Act.....	4,000 00	
			154,000 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	PUBLIC PRINTING AND STATIONERY	$ cts.	$ cts.
268	Printing, Binding, etc., the Annual Statutes	10,000 00	
269	*Canada Gazette*	35,000 00	
270	Plant—Repairs and Renewals	30,000 00	
271	Plant—New	18,500 00	
272	Distribution of Parliamentary Documents	50,000 00	
273	Printing and Binding Government Publications for sale and distribution to Departments and the Public	40,000 00	
			183,500 00
	INDIANS		
274	Nova Scotia	76,840 00	
275	New Brunswick	39,489 00	
276	Prince Edward Island	6,035 00	
277	Ontario and Quebec	274,003 02	
278	Manitoba, Saskatchewan, Alberta and N.W.T	775,657 00	
279	British Columbia	350,970 00	
280	Yukon	19,000 00	
281	General	231,500 00	
282	Indian Education, including the construction of School Buildings	1,990,080,00	
			3,763,574 02
	ROYAL CANADIAN MOUNTED POLICE		
	Pay of Force (including Salaries of two Constables, Ellesmere Island District, at $2.25 per diem, to insure Department against loss through death)	1,065,653,75	
	Maintenance (including Billeting, Travelling Expenses, Forage, Fuel and Light, Clothing, Repairs and Renewals, Horses, Ammunition, Stationery, etc., Medical, Hospital, etc., Transportation and Freight, Buildings, Repairs, Contingencies and Criminal Investigations, and Establishment of New Detachments and Renewals	1,112,345 09	
283	To Compensate members of the Royal Canadian Mounted Police for injuries received whilst in the performance of duty	8,500 00	
	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 in Council upon recommendation of the Minister of Justice).	75,000 00	
	To Provide for Special Services in connection with the Enforcement of the Opium and Narcotic Drug Act	25,000 00	
			2,286,498 84
	GOVERNMENT OF THE NORTH WEST TERRITORIES		
	DEPARTMENT OF THE INTERIOR		
284	Salaries and expenses connected with the administration of the Territories, including the erection of buildings, investigation work, schools, relief to destitutes, maintenance of prisoners and insane patients, administration of the North West Game Act and the Wood Buffalo Park, etc	190,000 00	
	Explorations—Salaries and Contingencies, equipment and supplies, etc	75,000 00	
		265,000 00	
	DEPARTMENT OF NATIONAL DEFENCE		
285	*Mackenzie Basin System—* *Radio Services*—For the maintenance and operation of the Mackenzie Division Radio System with stations at Dawson, Mayo, Herschel Island, Aklavik, Fort Simpson, Fort Smith, Fort Resolution and Edmonton	150,000 00	
			415,000 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	GOVERNMENT OF THE YUKON TERRITORY	$ cts.	$ cts.
286	Salaries and expenses connected with the administration of the Territory, including surveys	65,000 00	
	Grant to Local Council	45,000 00	
	Grant for maintenance and construction of roads	70,000 00	
			180,000 00
	DOMINION LANDS AND PARKS		
	Salaries of the Dominion Lands Outside Service	532,522 00	
	Dominion Lands Contingencies, etc	170,000 00	
	Amount required to pay the fees of the Board of Examiners for D.L.S., of the Secretary and of the Sub-examiners and for travelling expenses, stationery, printing, rent of room and furniture, etc. (The fees of Messrs. F. H. Peters, W. M. Tobey and Harry B. Parry, members of the Board, and J. A. Cote, Secretary, are to be paid out of this sum	2,000 00	
	To assist in publishing the transactions of the Association of Dominion Land Surveyors	125 00	
	Protection of timber, tree culture, inspection and management of the forest reserves, surveys of forest resources and research in forestry and forest products, etc	1,293,500 00	
	Grant to Canadian Forestry Association	4,000 00	
	For investigations of water and power resources, including the Dominion Hydrometric survey and for the administration of the Dominion Water Power, Irrigation and Reclamation Acts	485,000 00	
	To cover professional assistance engaged by the Governor-in-Council to assist the departmental officers who are advising *re* International Boundary Waterway questions	15,000 00	
	Amount required to meet expenses of Lake of the Woods Control Board	10,000 00	
	Grant to Western Canada Irrigation Association	1,000 00	
287	To provide for the expenses connected with Canadian National Parks, historic sites, care of indigents in the Parks, etc. and to reimburse the Provincial Government for the Salaries of Police Magistrates at Banff and at Jasper	1,150,000 00	
	Administration of the Migratory Birds Convention Act	56,850 00	
	Engraving, lithographing, printing and preparation of maps, plans, reports and kindred publications of the Dominion, including salaries and necessary materials for same, etc	187,020 00	
	Costs of litigation and legal expenses	5,000 00	
	Ordnance Lands—		
	Salaries and expenses	25,955 00	
	Grant to Alpine Club of Canada	1,000 00	
	To pay Mrs. E. S. Forbes a compassionate allowance equal to one-half the salary of her husband, payable monthly	1,050 00	
	Amount required to pay salaries and expenses connected with Seed Grain and Relief Collections, etc	45,000 00	
	Amount required to pay for relief provided by way of necessary supplies 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 Governments or otherwise, and under regulations made by the Governor-in-Council	50,000 00	
	To cover the Dominion Government's share of freight charges in connection with the removal of settlers from the drought stricken areas to other districts	20,000 00	
	Amount required to transfer buffalo from Buffalo Park, Wainwright, Alta., to the Wood Buffalo Park near Fort Smith, N.W.T	25,000 00	
			4,080,022 00
	SOLDIER LAND SETTLEMENT		
288	Amount required for Soldier Land Settlement Advances and cost of Administration of Soldier Settlement	1,475,000 00	
	Amount required for General Land Settlement Advances and cost of administration of General Land Settlement	1,900,000 00	
			3,375,000 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	SOLDIERS' CIVIL RE-ESTABLISHMENT	$ cts.	$ cts.
289	Care of Patients and Medical Examination of Pensioners	2,200,000 00	
290	Salaries—		
	Administration	1,100,000 00	
	Insurance	50,000 00	
	Hospitals and Clinics	1,575,000 00	
291	Pay and Allowances—		
	Treatment	1,310,000 00	
	Training	40,000 00	
292	Vocational Loans	3,000 00	
293	Interest on War Service Gratuity and Administration Fund	22,500 00	
294	Unemployment Relief	250,000 00	
295	Operating Expense and Working Capital	250,000 00	
296	Employers' Liability Compensation	75,000 00	
297	Sheltered Employment, Burial of Destitute, Transportation of the Blind	175,000 00	
298	Federal Appeal Board	130,000 00	
			7,180,500 00
	MISCELLANEOUS		
299	Compassionate allowance to the widow of the late Veterinary Inspector E. M. Eckert, killed in an automobile accident while on duty	1,000 00	
300	Salaries and expenses of the Paris Agency Office	45,000 00	
301	Salaries and expenses, Passport Office	23,000 00	
302	To provide for Canada's contribution towards the maintenance of the Permanent Secretariat of the League of Nations	150,777 13	
303	Amount required for expenses of Canadian Delegates to the League of Nations	15,000 00	
304	To provide for Representation at Washington, including salaries and allowances for Minister Plenipotentiary, Secretaries and Staff, not withstanding anything to the contrary in the Civil Service Act or any of its Amendments	130,000 00	
305	To provide for representation at Geneva	12,000 00	
306	Publications of League of Nations for distribution to Members of Parliament	750 00	
307	Grant in aid of the Canadian General Council of the Boy Scouts Association	15,000 00	
308	Canadian National Safety League	10,000 00	
309	Subscription to publications of the Empire Parliamentary Association to be distributed to members of the House of Commons	2,000 00	
310	Grant to the Dominion Council of the Girl Guides	3,000 00	
311	Grant to the Interparliamentary Union for Peace	200 00	
312	Grant to the National Battlefields Commission—		
	(a) For expenses of administration	8,000 00	
	(b) For maintenance of the National Battlefields Parks	40,000 00	
	(c) For maintenance of Martello Towers, Numbers 2 and 4	500 00	
	(d) For Capital Account in conformity with the plans approved for the Park	26,500 00	
313	Expenses in connection with the Negotiation of Treaties	20,000 00	
314	Contribution to aid in carrying on the work of the Royal Astronomical Society	2,000 00	
315	Royal Canadian Academy of Arts	2,500 00	
316	Grant to the Royal Society of Canada	4,000 00	
317	Grant to assist the Canadian Branch of the St. John Ambulance Association	5,000 00	
318	To provide for salaries and expenses of the Advisors engaged in Tariff Enquiry. Payments may be made notwithstanding anything in the Civil Service Act or regulations thereunder.	60,000 00	
319	Unforeseen expenses, expenditure thereof to be under Order in Council, on the recommendation of the Treasury Board, and a detailed statement to be laid before Parliament within fifteen days of next session	60,000 00	
320	Grant to the Victorian Order of Nurses	10,000 00	
321	Grant to the Canadian National Institute for the Blind	10,000 00	
322	Grant to the Montreal Association for the Blind	5,000 00	
323	Expenses incidental to the celebration of the sixtieth Anniversary of Confederation	250,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	MISCELLANEOUS—*Continued*	$ cts.	$ cts
324	To provide for the expenses of work in the interest of fire prevention to be carried on by the Department of Insurance..	10,000 00	
325	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 standpoint of fire prevention.....	5,000 00	
326	Chief Electoral Officer—Salaries and Contingencies of office....	16,780 00	
327	Government Contracts Supervision Committee, salaries, including L. R. LaFleche, secretary, $6,000, and that of L. H. Beer, Salvage Officer, $5,000, telephones, telegrams, travelling expenses, stationery, etc.....	22,000 00	
328	Grant to the Canadian Council on Child Welfare.....	5,000 00	
329	Grant to the Canadian Social Hygiene Council.....	10,000 00	
330	Grant to the Canadian Tuberculosis Association.....	25,000 00	
331	Grant to the Canadian National Committee for Mental Hygiene	10,000 00	
332	To provide for the administration of the Bankruptcy Act.....	3,000 00	
333	Expenses of litigated matters—Department of Justice.....	38,000 00	
334	Annual contribution to the Canadian Law Library, London, England.....	500 00	
335	Expenses under Pecuniary Claims Convention with U.S.A.....	1,000 00	
336	To complete the revision of the Dominion Statutes; payments may be made notwithstanding anything in the Civil Service Act or regulations thereunder.....	20,000 00	
337	Compassionate allowance to the widow of the late Frank Askew, who died on December 3rd, 1926 as the result of an accident while in discharge of his duties as steward of the C.G.S. Arras.....	2,000 00	
338	To provide compensation to the owner of a lighthouse site on Long Pilgrim Island, Que., which was expropriated in 1892..	255 60	
339	To provide for compassionate allowance to Onesime Plante, former lightkeeper in the Department of Marine and Fisheries.....	2,500 00	
340	To provide for the salary of Hon. J. C. Patterson, Commissioner to investigate titles of Great Britain to lands in the Arctic Seas.....	2,400 00	
341	Grant to the Canadian Institute of Mining and Metallurgy.....	3,000 00	
342	Grant to the Imperial Institute.....	12,849 00	
344	Battlefields Memorials.....	200,000 00	
345	To provide for Canada's proportionate share of the expenditure made by the Imperial War Graves Commission, including contribution to Endowment Fund for the permanent maintenance of cemeteries, graves and memorials.....	573,780 00	
346	Public Archives.....	90,000 00	
347	To provide for the payment of salaries and expenses in connection with the St. Lawrence Ship Canal Surveys and investigations, including the Canadian National Advisory Committee, and its employees and G. W. Yates, $1,200 as secretary.....	70,000 00	
348	Grant to the Chief Constable's Association of Canada.....	500 00	
349	To assist in the suppression of the white slave traffic.....	2,500 00	
350	Expenses under the Naturalization Acts, 1914 and 1920.....	10,000 00	
351	Dominion—Provincial Conference.....	10,000 00	
			2,057,291 73
	CUSTOMS AND EXCISE		
352	Salaries and contingent expenses of the several Ports in the Dominion, including pay for overtime of Officers notwithstanding anything in the Civil Service Act,—and temporary buildings and rentals.....	6,919,181 00	
	Salaries and travelling expenses of Inspectors of Ports and of other officers on inspection, preventive service and in connection with the Board of Customs; the latter including salaries of $1,000 each for three members and $500 for the Secretary.....	862,510 00	
	Miscellaneous—Printing and stationery, subscriptions to commercial papers, flags, dating stamps, locks, instruments, etc. for various ports of entry, express charges on samples, stationery and legal forms, legal expenses, premiums on guarantee bonds, and uniforms for Customs Officers.....	600,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
	CUSTOMS AND EXCISE—*Concluded*	$ cts.	$ cts.
	To provide for expenses of maintenance of revenue cruisers and for preventive service	376,510 00	
	Special Preventive Service—Amount required to create positions and make appointments of officers for the prevention of smuggling and to investigate reported frauds against the Revenue, nothwithstanding anything contained in the Civil Service Act and the said positions and staff so appointed to be wholly excluded from said Act: Also to provide for expenses of such officers and for the purchase or charter of vessels and for the purchase or hire of automobiles to be used in the prevention of smuggling or other offences against the revenue laws	350,000 00	
352	Amounts to be paid to Department of Justice to be disbursed by and accounted for to it, for secret preventive service,—Amount required to create positions and make appointments of officers for the prevention of smuggling and to investigate reported frauds against the Revenue, notwithstanding anything contained in the Civil Service Act and the said positions and staff so appointed to be wholly excluded from said Act	100,000 00	
	To provide for the administration of the Business Profits War Tax Act, 1916, and the Income War Tax Act, 1917, and amendments thereof, and authority for this purpose to create positions and make appointments, notwithstanding anything contained in the Civil Service Act, and the said positions and the staff so appointed are hereby wholly excluded from the operation of the said Act; and salary of $6,500.00 for the Commissioner of Income Tax	2,000,000 00	
			11,208,201 00
	RAILWAYS AND CANALS		
	(*Chargeable to Collection of Revenue*)		
	Canals		
353	Staff and repairs	.....	2,403,487 00
	PUBLIC WORKS		
	(*Chargeable to Collection of Revenue*)		
354	Collection of Public Works Revenue	4,000 00	
	Graving Docks		
355	Champlain Graving Dock	82,000 00	
	Lorne Graving Dock	46,000 00	
	Esquimalt Graving Dock	19,000 00	
	Esquimalt, Songhees Graving Dock	58,100 00	
		205,100 00	
	Harbour and River Works		
356	Burlington Channel Bridge	7,500 00	
	French River Dams	4,000 00	
	Kingston Wharfs and Bridges	10,700 00	
	Montreal River—Dam at Latchford	3,400 00	
	Riviere du Lievre—Lock and Dam	2,930 00	
	St. Andrew's Rapids—Lock and Dam	20,000 00	
	Selkirk—Repair Slip	3,000 00	
		51,530 00	

SCHEDULE A—*Continued*

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	7,000 00	
	Land and cable telegraph lines, Lower St. Lawrence and Maritime Provinces, including working expenses of vessels required for cable service	218,000 00	
357	Alberta and Saskatchewan	114,000 00	
	British Columbia Mainland	98,000 00	
	British Columbia Vancouver Island district	129,200 00	
	British Columbia Northern District	92,600 00	
	Yukon System—Main Line	134,400 00	
	Telegraph and Telephone Service—Generally	10,000 00	
		803,200 00	
			1,063,830 00
	POST OFFICE—OUTSIDE SERVICE		
	Salaries and Allowances, including amount required to provide for salaries, reclassification, revision, promotions and increases which may be authorized by the Civil Service Commission, and amount required to cover provisions of Order in Council P.C. 1099 of June 27, 1924	15,918,384 40	
	Mail Service, including proposed mail service by air	14,655,000 00	
358	Miscellaneous, including Lucien Pacaud, Secretary of the High Commissioner's Office, as the representative of the Canadian Government on the Pacific Cable Board at $1,000; and $5,000 for the payment of compassionate allowances to employees injured while in the performance of their duties, or to dependents of employees killed while on duty, such payments to be made only on the specific authority of the Governor in Council	1,125,675 00	
	Yukon Territory	150,000 00	
			31,849,059 40
	TRADE AND COMMERCE		
359	The Copper Bounties Act, 1923, Administration of	500 00	
360	The Hemp Bounties Act, 1923, Administration of	500 00	
361	British and Foreign News Service	32,000 00	
362	The Canada Grain Act, Administration of	1,504,600 00	
363	Management, Operation and Maintenance of Elevators	593,000 00	
364	Equipment of Elevators	26,000 00	
365	Commercial Intelligence Service, including miscellaneous expenditure in connection with the development and extension of Canada's trade	425,000 00	
366	Dominion Bureau of Statistics, including 1926 Census	250,000 00	
367	Electricity and Gas Inspection, including International Electrotechnical Commission	203,000 00	
368	Electricity and Fluid Exportation Act, Administration of (Export of Electric Energy)	1,000 00	
369	Gold and Silver Marking Act	6,000 00	
370	Honorary Advisory Council for Scientific and Industrial Research	170,000 00	
371	International Customs Tariffs Bureau	660 00	
372	Motion Picture Bureau	35,000 00	
373	Printing of Parliamentary and Departmental Publications, including the "Canada Year Book"	118,000 00	
374	Weights and Measures Inspection, including International Bureau of Weights and Measures	315,000 00	
375	Halifax Elevator, towards Construction of	185,000 00	
376	Patent Record	35,000 00	
377	International Office for the Protection of Industrial Property, and the International Copyright Union Office	4,000 00	
			3,904,260 00

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
	ADJUSTMENT OF WAR CLAIMS	$ cts.	$ cts.
378	National Defence—		
	Militia Services	190,000 00	
	Naval Services	5,000 00	
379	Secretary of State	25,000 00	
			220,000 00
	Total		*200,803,830 94

*Net total $200,781,330.94.

SCHEDULE B

Based on Estimates, 1927-28. The amount hereby granted is $22,518,500.00.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1928, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	LOANS TO CANADIAN NATIONAL RAILWAY COMPANY AND CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED.	$ cts.	$ cts.
	LOANS TO CANADIAN NATIONAL RAILWAY COMPANY		
408	Amount not exceeding $22,500,000.00 to meet expenditures made or indebtedness incurred (where amounts available from net operating income or investments may be insufficient) by or on behalf of the Canadian National Railway Company, herein called "THE COMPANY," or any Company specified or referred to in Chapter 13 of the Statutes of Canada, 1919, and Chapter 13 of 1920 or now or hereafter comprised in the Canadian National Railways or by the Company in respect of any railways, properties and works entrusted to it from time to time under the provisions of Section 11 of Chapter 13 of the Statutes of Canada, 1919, or any one or more such Companies, on any or all of the following accounts, such expenditures or indebtedness being herein called authorized expenditures:—		
	(a) Interest on securities, notes and other obligations; rentals for lease of lines;		
	(b) Equipment Principal Payments; Sinking Funds; Miscellaneous Maturing or Matured Notes and other obligations secured or unsecured;		
	(c) Operating Income Deficit, whenever incurred or ascertained;		
	(d) Construction and Betterments, including co-ordinations; acquisition of real or personal property.		
	The Amount herein authorized may be applied from time to time to meet authorized expenditures, in the discretion of the Governor in Council:—		
	(a) In respect of railways, properties and works entrusted to the Company as aforesaid;		
	(b) In respect of railways, properties and works not so entrusted 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 from His Majesty, the amount or amounts advanced to any one or more of the said Companies shall be repayable on demand, with interest payable half-yearly at the rate fixed from time to time by the Governor in Council, 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 loans from persons other than His Majesty (without the guarantee of His Majesty) the amounts, terms and conditions of such loans shall be such as the Governor in Council may from time to time approve.		

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
	LOANS TO CANADIAN NATIONAL RAILWAY COMPANY AND CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED—*Concluded*	$ cts.	$ cts.
	LOANS TO CANADIAN NATIONAL RAILWAY COMPANY—*Concluded*		
408	If by way of guarantee, any such guarantee may be either a general guarantee covering the total amount of the issue, or by a separate guarantee endorsed on each obligation, and may be of the principal, interest and sinking funds (if any) of the notes, obligations or securities of one or more of the said Companies specified by the Governor in Council, which notes, obligations or securities the Companies so specified are hereby authorized to make and issue, and such guarantee may be signed by the Minister of Finance, or such other person as the Governor in Council may authorize, 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. Any guarantee so signed shall be conclusive evidence for all purposes that the provisions of this enactment have been complied with. Should temporary loans be made or negotiated before the lapse of this appropriation either from His Majesty or other persons, guaranteed notes, obligations or securities may subsequently be issued under the provisions of the preceding paragraph of this enactment to renew, refund or adjust such loans, or any part thereof. Each Company herein mentioned or referred to is hereby authorized to aid and assist, in any manner any other or others of the said Companies, and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any or all of such other Companies from time to time:— *(a)* Issue notes, obligations or other securities, joint or several, at discretion, for the purpose of any guarantee made or to be made under the provisions of this enactment; *(b)* Apply the proceeds of any such guaranteed issue, or the amount of loans received by virtue of this enactment, in meeting authorized expenditures on its own account or on account of any or all of such other Companies; *(c)* Make advances for the purpose of meeting authorized expenditures to any or all of such other Companies, upon or without any security, at discretion. No purchaser of such guaranteed notes, securities or obligations shall be under any obligation to inquire into the application of the proceeds of any guaranteed issue.....	22,500,000 00	
	LOAN TO THE CANADIAN GOVERNMENT MERCHANT MARINE, LTD.		
409	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 payment of Capital Expenditure in connection with the vessels under the Company's control.....	18,500 00	
	Total.....	.....	22,518,500 00

SCHEDULE C

Based on Further Supplementary Estimates, 1927-28. The amount hereby granted is $11,634,801.12.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1928, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	CIVIL GOVERNMENT.		
431	*Agriculture—*		
	Salaries—		
	To provide for the salary of one Chief Assistant, Division of Cereals	2,400 00	
432	*Health—*		
	Salaries—		
	To increase the salary of Dr. J. A. Amyot, Deputy Minister of Health, to $8,000 per annum	2,000 00	
433	*Justice—*		
	Salaries—		
	To provide for the appointment of Antonio Berthiaume as Clerk, Grade 4, in the Minister's Office	1,500 00	
	To provide for the salary of a Stenographer, Grade 2	1,020 00	
	To provide for promotion of a clerk, Grade 2 to Clerk, Grade 3	120 00	
	To raise the salary of one Senior Advisory Counsel, $4,620 to $5,000	380 00	
434	*Interior—*		
	Salaries—		
	To provide for the salary of Miss M. L. MacLean, Stenographer, Grade 2, from July 13th to September 12th, 1926, inclusive, as an allowance on retirement from the Service to be married	211 35	
435	*Labour—*		
	Salaries—		
	To increase the salary of H. H. Ward, Deputy Minister of Labour, to $8,000 per annum	2,000 00	
	To provide for two Clerks, Grade 4, in lieu of two Clerks, Grade 3	540 00	
	To provide for one Chief Clerk	3,000 00	
436	*Marine and Fisheries—*		
	Salaries—		
	Further amount required to provide for the salary of a Deputy Minister of Fisheries	6,000 00	
	Contingencies—Further amount required	500 00	
437	*Mines—*		
	Salaries—		
	Additional amount required to pay from October 1, 1927, one Senior Collector Preparator in lieu of one Museum Assistant	150 00	
	Additional amount required to pay Statutory Increase to one Junior Chemist from July 1, 1927	90 00	
438	*Public Printing and Stationery—*		
	Salaries—		
	To provide for the salary of a Departmental Purchasing Agent, Grade 3, in lieu of a Departmental Purchasing Agent, Grade 2, from April 1, 1926	120 00	
	Contingencies—Further amount required	3,000 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	CIVIL GOVERNMENT—*Concluded*		
439	*Public Works*—		
	Salaries—		
	To provide for the salary of one Senior Construction Architect	3,360 00	
	To provide for the salary of one Stenographer, Grade 2	960 00	
440	*Privy Council*—		
	Salaries—		
	To increase the salary of E. J. Lemaire, Clerk of the Privy Council, to $8,000 per annum	2,000 00	
441	*Public Archives*—		
	Salaries—		
	To fix the salary of the Chief French Archivist—Major G. Lanctot—at $4,300 and up	700 00	
	To provide for the transfer of a Senior Translator at $1,800 to $2,280	1,800 00	
442	*Railways and Canals*—		
	Salaries—		
	To provide for salary of one Stenographer, Grade 2	960 00	
	To provide for salary of one Clerk, Grade 2	960 00	
443	*Secretary of State*—		
	Salaries—		
	To provide for the appointment of Miss Yvonne Coutu as a Stenographer, Grade 2 at $1,260 per annum from April 1, 1927, notwithstanding anything in the Civil Service Act to the contrary	1,260 00	
	To provide for a stenographer, Grade 3, in lieu of a stenographer, Grade 2	300 00	
	To provide for a stenographer, Grade 2, in lieu of a stenographer, grade 1	60 00	
	To provide for the salary of a typist, Grade 2	960 00	
	To provide for the salary of a clerk, Grade 3	1,260 00	
444	*Trade and Commerce*—		
	Salaries—		
	To increase the salary of Miss Irene McCartney, Secretary to Executive, to $1,980 per annum to date from March 1, 1927	390 00	
445	To provide increase of $3,000 per annum for Hon. Lucien Cannon, payable to him from the Consolidated Revenue Fund, for the period during which he occupies the position of Solicitor General, the acceptance of such salary not to vacate his seat in Parliament	3,000 00	
			41,001 35
	ADMINISTRATION OF JUSTICE		
446	*Supreme Court of Canada*—		
	To provide for portraits of Chief Justices	1,000 00	
447	*Exchequer Court*—		
	Contribution towards the cost of re-publishing the Admiralty Rules	500 00	
			1,500 00

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PENITENTIARIES.		
	Kingston.		
448	To provide pension at the rate of $600 per annum to Mrs. Violet L. Jenkin, widow of late penitentiary guard M. E. Jenkin, from September 1, 1926 to March 31, 1927	350 00	
	Manitoba.		
449	To provide pension at the rate of $600 per annum to Mrs. Beatrice Williams, widow of late penitentiary guard John Williams, from July 1, 1926, to March 31, 1927	450 00	
	British Columbia.		
450	To recoup Workmen's Compensation Board, Province of British Columbia, additional payments for medical services between April, 1926 and September, 1926, on behalf of the late Guard R. E. Farrell, killed on duty	117 10	
			917 10
	LEGISLATION.		
	THE SENATE.		
451	To provide for the payment of the full sessional indemnity for the Session of 1926-27 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	8,000 00	
	To provide for the salary of a Private Secretary to the Speaker of the Senate	600 00	
	HOUSE OF COMMONS.		
452	To increase the salary of the Secretary to the Leader of the Opposition from $3,000 to $3,960 per annum from April 1, 1927	960 00	
	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present session—Notwithstanding anything to the contrary in Chapter 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	25,000 00	
	To provide for the salary of the Deputy Speaker from December 14, 1926 to March 31, 1927, inclusive	1,193 54	
	To authorize indemnity to the Right Honourable Arthur Meighen, Leader of the Opposition for the period September 26 to October 11, 1926, inclusive	434 59	
	To authorize remuneration of A. Chasse, Private Secretary to the Leader of the Opposition for the period September 26 to October 11, 1926, inclusive, at the rate of $5 per Diem	80 00	
	LIBRARY OF PARLIAMENT.		
453	To provide for the appointment of two additional Library Assistants—Cecil Ray and E. E. Trudel—as from April 1, 1927	2,640 00	
			38,908 13

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
	AGRICULTURE.	$ cts.	$ cts.
454	Compensation for animals tested under The Animal Contagious Diseases Act, and dying from the disease for which they were tested before it was possible to slaughter them under the provisions of the Act, as follows.....		
	C. E. Anderson and C. Slote, Dundas, Ont.....	33 33	
	T. W. McCamus, Millbrook, Ont.....	89 00	
	J. W. Reid & Son, Trenholm, Que.....	10 00	
	Eloi Jodoin, Boucherville, P.Q.....	26 00	
	H. Carriere, Mansonville, P.Q.....	10 00	
	Abe E. Willis, Sardis, B.C.....	82 00	
455	Grant to the Executive Committee of the World's Poultry Congress to meet expenditures in connection with the World's Poultry Congress, 1927—additional amount required	50,000 00	
			50,250 33
	PENSIONS.		
456	To provide for an annual pension from April 1, 1926, based on a Widow's Pension, under the Royal Canadian Mounted Police Statutes, to Mrs. Letitia Kennedy, widow of the late Inspector G. W. Kennedy, deceased July 14, 1922, prior to the enactment of Chapter 66, 1924.....	423 50	
457	To provide for an increase, from May 18, 1925, in the annual pension of $962.50 granted under Section 51, Chapter 91, Revised Statutes of 1906—as amended—to Mrs. Caroline Elizabeth McIllree, widow of the late Ex-Assistant Commissioner J. H. McIlree, Royal Canadian Mounted Police, who died on May 17, 1925, said pension to be increased to $1,303.75 per annum, the amount to which she would have been entitled had she been eligible therefor under the increase in Police Pensions granted by Chapter 24, 15-16 George V, an Act to amend the Royal Canadian Mounted Police Act.....	638 43	
458	To hereby provide, notwithstanding anything contained in the Consolidated Revenue and Audit Act or any other Act or Law, for payment out of the Consolidated Revenue Fund to Dougald Carmichael of an annuity at the rate of $500, to commence from April 1, 1927, and to continue thereafter at the above rate during his life time.....	500 00	
			1,561 93
	NATIONAL DEFENCE.		
459	Memorial to those citizens and residents of the United States who enlisted in the Canadian Forces and lost their lives in the late war.....	10,000 00	
460	To provide for urgent repairs to part of the outside wall at the Citadel, Quebec (Revote).....	8,000 00	
461	Compassionate grant to B. D. Marwick, Principal of the Kemptville High School, to reimburse him for medical and hospital expenses necessarily incurred as a result of injuries accidently received while officiating as Cadet Instructor during musketry practice of the School Cadet Corps.....	350 00	
			18,350 00
	RAILWAYS AND CANALS.		
	(Chargeable to Capital.)		
	RAILWAYS.		
462	Canadian Pacific Railway— Original construction.....	71 00	
	CANALS.		
463	Welland Ship Canal— To provide for payment to P. Lyall & Sons Construction Co. of compensation on account of washing rock excavated during 1926, from Section No. 4—not anticipated at time tenders were called for.....	38,752 00	
			38,823 00

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	RAILWAYS AND CANALS.		
	(Chargeable to Income.)		
	RAILWAYS.		
464	To provide for adjustment of allowance of pay for railway and canal employees while they were on service in the Canadian Expeditionary Force during the Great War—Revote	62,000 00	
	CANALS		
465	Ontario-St. Lawrence Canals—Additional amount required	56,000 00	
	MISCELLANEOUS.		
466	To provide for pension to J. L. Weller	3,500 00	121,500 00
	PUBLIC WORKS.		
	(Chargeable to Capital.)		
	PUBLIC BUILDINGS.		
467	Washington, D.C.—Canadian Legation—For purchase of land, building, equipment and furnishings for combined residence and offices	500,000 00	
	HARBOURS AND RIVERS.		
468	Sorel—Harbour Improvements—Revote	100,000 00	600,000 00
	PUBLIC WORKS.		
	(Chargeable to Income.)		
	PUBLIC BUILDINGS.		
	Nova Scotia.		
469	Halifax—Repairs to buildings and wharfs at R.C.N. Barracks and H.C.M. Dockyard	30,000 00	
	Inverness Public Building—Repairs and improvements	4,500 00	
	Prince Edward Island.		
470	Charlottetown "Old Bank Building"—Repairs and improvements	2,000 00	
	Charlottetown Public Building—Repairs and improvements	2,500 00	
	Summerside Public Building—Repairs and improvements	3,500 00	
	New Brunswick.		
471	Chatham Public Building—Repairs and improvements	2,000 00	
	Quebec.		
472	Montreal—Tractors for railway stations	5,200 00	
	Maisonneuve—Public building—Revote of lapsed amount	100,000 00	
	Montreal Public Buildings—Installation of motor generator sets—Revote	11,000 00	
	Montreal General Post Office—Alterations and repairs to heating and building	15,000 00	
	St. Jerome Public Building—Repairs and improvements	3,500 00	
	Ste. Therese Public Building—Repairs and improvements	1,500 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued.*		
	Chargeable to Income—Continued.		
	PUBLIC BUILDINGS—*Concluded.*		
	Ontario.		
	Napanee Public Building—Improvements and alterations	4,000 00	
	Ottawa—Laboratory for Department of Mines at Booth Street Experimental Station	50,000 00	
473	Toronto—Postal Station "A"—Mechanical equipment—Further amount required	100,000 00	
	Toronto—Postal Station "K"—Government's share of the cost of local improvements	2,475 00	
	Walkerville Public Building—Government's share of cost of local improvements	1,465 00	
	Manitoba.		
474	Winnipeg—Fort Osborne Barracks—New boilers—Further amount required	10,000 00	
	Saskatchewan.		
475	North Battleford Public Building—Alterations and improvements—Revote $2,000	7,500 00	
	Generally.		
	Experimental Farms—New buildings	50,000 00	
	Installation of fuel saving devices	10,000 00	
476	Military Hospitals—Repairs and improvements—Further amount required	9,000 00	
	Purchase of stamp cancelling machines	62,500 00	
	Rents, Repairs, Furniture, Heating, etc.		
477	Ottawa Public Buildings and Grounds—Lighting including roads and bridges—Further amount required	12,500 00	
	HARBOURS AND RIVERS.		
	Nova Scotia.		
	Barrington Passage—Wharf extension and repairs	3,500 00	
	Basswood Beach—Extension to beach protection	2,400 00	
	Blanche—Extension to breakwater-wharf	3,200 00	
	Blandford—Breakwater repairs	4,400 00	
	Bridgewater—Repairs to railway wharf	1,500 00	
	Brooklyn—Wharf repairs	1,650 00	
	Burke's Head—Wharf repairs	1,500 00	
	Cape Negro Island—Breakwater	9,000 00	
	Chezzetcook (Murphy's or Myatt's)—Repairs to wharf and road	1,000 00	
	Comeau's Hill—Breakwater extension	4,900 00	
	Cooke's Cove—Wharf	3,000 00	
478	Digby—Wharf improvements	2,500 00	
	Grand Desert—Beach protection	1,300 00	
	Grass Cove—Breakwater wharf	28,000 00	
	Herring Cove—Breakwater repairs	1,600 00	
	Hunt's Point—Breakwater repairs	1,700 00	
	Inverness—Repairs to harbour works—Revote	4,000 00	
	King's Bay—Breakwater	10,000 00	
	La Have River—Dredging	35,000 00	
	Larry's River—Breakwater repairs	2,500 00	
	Lawlors Island—Wharf repairs	800 00	
	Litchfield—Extension of groyne	1,800 00	
	Little Judique Ponds—Wharf—Repairs to approach	1,000 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued.*		
	(*Chargeable to Income*)—Continued.		
	HARBOURS AND RIVERS—*Continued.*		
	Nova Scotia—Concluded.		
	Little River Harbour—Wharf extension	1,700 00	
	Lower East Pubnico—To purchase and reconstruct wharf	7,000 00	
	Lower West Ship Harbour—Wharf repairs—Revote	2,600 00	
	Lunenburg—Dredging	9,400 00	
	Malagash—In full and final settlement of the claim of the Fraser Paving and Construction Co., Ltd., in connection with their contract for dredging	2,930 69	
	Meteghan—Wharf extension	6,500 00	
	Mill Creek—Flume	3,400 00	
	Murphy's Pond, Port Hood—Harbour improvements	16,500 00	
	Necum Teuch—Wharf repairs	3,500 00	
	New Campbellton—Wharf repairs	1,600 00	
	New Harbour (Antigonish-Guysborough Co.)—Breakwater repairs and extension	20,000 00	
	Newport Landing—Wharf extension	3,000 00	
	North West Harbour—To purchase and reconstruct wharf	3,300 00	
478	Parkers Cove—Breakwater repairs	900 00	
	Petite Riviere—Breakwater reconstruction and repairs	4,700 00	
	Pictou—Repairs to railway wharves	4,000 00	
	Port Joli—Wharf repairs	1,000 00	
	Port George—Breakwater repairs	1,500 00	
	Port Wade—Repairs to pier—Further amount required	6,700 00	
	Port Williams—Wharf—Further amount required	7,000 00	
	Scott's Bay—Rebuilding part of south breakwater	7,800 00	
	Seal Island—Breakwater extension	3,700 00	
	Short Beach—Extension of pier	6,200 00	
	Spencers Island—Wharf repairs	2,000 00	
	Stoney Island—Repairs to breakwater-wharf	2,500 00	
	Sydney—Wharf	40,000 00	
	Tenecape—Breakwater extension	4,500 00	
	West Pubnico (Ledge Harbour)—Breakwater	7,700 00	
	Wine Harbour—Breakwater	2,600 00	
	Yarmouth—Dredging—Further amount required	13,000 00	
	Prince Edward Island.		
	Charlottetown—Reconstruction of railway wharf—Further amount required	50,000 00	
	Egmont Bay—Wharf	11,600 00	
479	Georgetown—Freight shed and improvements to wharf	64,000 00	
	Jude's Point—Wharf extension and dredging	8,600 00	
	Rustico Harbour—Breakwater repairs	12,000 00	
	Stanley Bridge—To purchase wharf	4,000 00	
	New Brunswick.		
	Blue Cove—Breakwater	15,000 00	
	Caraquet Church—Wharf	8,000 00	
	Cocagne—Wharf repairs	1,800 00	
	Escuminac—Breakwater extension	25,000 00	
	Green Point—Breakwater	15,000 00	
	Hampstead—Wharf repairs	2,000 00	
480	Heron Island—Wharf addition and repairs	3,500 00	
	Heustis Landing—Wharf repairs	1,400 00	
	Hopewell Cape—Wharf repairs	4,000 00	
	Humphrey's—Wharf reconstruction	2,200 00	
	Point du Chene—Repairs to breakwater and wharf	9,000 00	
	Point Sapin—Breakwater extension	20,000 00	
	Port Elgin—Wharf—Further amount required	300 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS.		
	(Chargeable to Income.)—Continued		
	HARBOURS AND RIVERS—*Continued.*		
	New Brunswick—Concluded		
	Richibucto Beach—Repairs to breakwaters	1,800 00	
	Shippigan—Warehouse on wharf	3,400 00	
480	St. Simon—Wharf	15,000 00	
	Tracadie Harbour—Breastworks and breakwaters	25,000 00	
	Welchpool—Wharf repairs	4,500 00	
	Quebec.		
	Angliers—Wharf	7,200 00	
	Anse a la Barbe—Harbour improvements	2,800 00	
	Baie St. Paul—In full and final settlement of the claim of T. Lacouline in connection with his contract for bank protection	1,020 00	
	Batiscan—Protection of channel	2,350 00	
	Beaupre—Dredging: the Ste. Anne Paper Company to contribute one third of the cost	100,000 00	
	Bersimis—Construction of approach to wharf	3,000 00	
	Bic—To complete wharf reconstruction	2,500 00	
	Bonaventure West—Breakwater	4,500 00	
	Cacouna—Wharf extension	2,000 00	
	Cap de la Madeleine—Wharf	12,900 00	
	Cap Chat—Wharf extension	5,000 00	
	Cape Cove—To complete shore protection	1,300 00	
	Cap Rouge—Wharf and dredging; the St. Regis Paper Company of Canada to contribute one-third of the cost	30,000 00	
	Cap St. Ignace—Wharf repairs	3,700 00	
	Chandler—In full and final settlement of the claim of Messrs. Farley & Grant of Ottawa in connection with their contract for wharf reconstruction and extension at Chandler, P.Q.	5,938 05	
	Charlemagne—Dredging	15,000 00	
	Choisy—Wharf reconstruction	6,000 00	
	Clarke City—Wharf repairs	3,600 00	
	Colonie des Greves—Wharf	9,500 00	
481	Crabtree Mills—Reconstruction of icebreaker	6,500 00	
	D'Aiguillon—Breakwater	3,600 00	
	Deschambault—Wharf repairs	13,600 00	
	Doucet's Landing (Ste. Angele de Laval)—Wharf reconstruction	40,000 00	
	Ellis Bay—Harbour improvements	150,000 00	
	Etang du Nord—Breakwater wharf	20,000 00	
	Fame Point—Removal of boulders	1,800 00	
	Grand Mere—Landing	6,000 00	
	Grandes Bergeronnes—Removal of boulders	1,500 00	
	Hopetown—Miller & Mann Road—Breakwater	7,000 00	
	Ile aux Coudres—Wharf	10,000 00	
	Ile aux Grues—Wharf replacement	10,000 00	
	Ile Perrot Sud—Wharf reconstruction—Further amount required	500 00	
	Isle Verte—Wharf repairs and improvements	4,400 00	
	Kamouraska—Wharf repairs and shed	800 00	
	Lachine—Wharf repairs	2,000 00	
	Lac Megantic—Shore protection	4,000 00	
	Lac Megantic—Wharf repairs	1,500 00	
	Lake St. Louis—Dredging	75,000 00	
	Lanoraie—Ice breakers	4,300 00	
	Le Fils—Breakwater	900 00	
	Lower Miguasha—Wharf	2,000 00	
	Manicouagan River—Wharf and dredging—One-third of cost to be contributed jointly by the Ontario Paper Co., Ltd., and the Anglo Canadian Pulp and Paper Co	100,000 00	
	Mechins—Wharf reconstruction and extension	15,000 00	
	Mille Vaches—Wharf enlargement	1,500 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued.*		
	(Chargeable to Income)—Continued.		
	HARBOURS AND RIVERS—*Continued.*		
	Quebec—Concluded.		
	Montmagny—Wharf extension	10,100 00	
	New Carlisle—Wharf reconstruction	5,000 00	
	Nicolet—Dredging	15,000 00	
	Papineauville—Wharf improvements	4,000 00	
	Peribonka—Wharf reconstruction	2,700 00	
	Petits Capucins—Pier and removal of boulders	3,750 00	
	Petite Riviere St. Francois—Breakwater-wharf	10,000 00	
	Petite Vallee—Wharf extension	8,000 00	
	Pointe Basse—Wharf repairs and improvements	9,900 00	
	Port Daniel East—Wharf repairs	1,000 00	
	Repentigny—Wharf repairs	1,050 00	
	Rimouski—Dredging	30,000 00	
	Riviere au Tonnerre (Duck Creek)—Harbour improvements	2,000 00	
	Riviere du Lievre Lock and Dam—Reconstruction of Lock-master's house at Poupore	2,000 00	
	Riviere du Loup (en bas)—Wharf repairs and reconstruction	20,000 00	
	Riviere du Loup (en haut)—Dredging	70,000 00	
	Riviere Ouelle—Wharf	4,600 00	
	Riviere St. Francois—Dredging	19,100 00	
	Riviere Verte—Wharf replacement	4,500 00	
	Roberval—Breakwater reconstruction	15,000 00	
	Ruisseau a la Loutre—Wharf repairs and extension	5,500 00	
	Ruisseau Leblanc—Breakwater	6,000 00	
	Ste. Anne de la Pocatiere—Wharf repairs	1,360 00	
	Ste. Anne des Monts—Wharf repairs	4,400 00	
481	St. Charles de Caplan—Wharf repairs	2,000 00	
	St. Dominique du Lac—Wharf extension and improvements	3,200 00	
	St. Felicien—Wharf repairs	1,500 00	
	St. Gregoire de Montmorency—Reconstruction of revetment wall	5,000 00	
	St. Joachim—Wharf	5,000 00	
	St. Jean Deschaillons—Wharf repairs	8,100 00	
	St. Lambert—Reconstruction and repairs to dyke	15,000 00	
	Ste. Luce—Wharf repairs	1,250 00	
	St. Marc—Repairs to wharves	700 00	
	St. Mathias—Wharf reconstruction	3,600 00	
	St. Michel de Bellechasse—Dredging	15,700 00	
	St. Paul aux Noix—Widening right-of-way	1,000 00	
	St. Pierre les Becquets—Dredging, shed and repairs to wharf approach	6,600 00	
	St. Roch de Mekinac—Wharf	1,800 00	
	St. Roch des Aulnaies—Wharf repairs and improvements	2,175 00	
	St. Simeon (Riviere Noire)—Breakwater extension	2,700 00	
	St. Simeon de Bonaventure—Breakwater wharf extension	1,300 00	
	Sabrevois—Wharf repairs	2,150 00	
	Senneterre—Wharf	2,900 00	
	Squatteck—Wharf repairs	1,000 00	
	Templeton—Dredging	47,000 00	
	Trois Rivieres—Wharf reconstruction	50,000 00	
	Vercheres—Wharf improvements—To complete payments	800 00	
	Ontario.		
	Blind River—Dredging—To complete payments	7,700 00	
	Bracebridge—Breakwater reconstruction	3,000 00	
	Callander—Wharf repairs	1,050 00	
482	Cobourg—Harbour improvements	25,000 00	
	Collingwood—Harbour imp ovements	25,000 00	
	Desbarats River—Dredging	3,000 00	
	Goderich—Harbour improvements—Further amount required	43,000 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued.*		
	(*Chargeable to Income*)—Continued.		
	HARBOURS AND RIVERS—*Continued.*		
	Ontario—Concluded.		
	Grand Bend—Repairs and approach to pier	2,800 00	
	Gravenhurst (Gull Lake)—Wharf	1,500 00	
	Huntsville—Wharf repairs	5,800 00	
	Kagawong—Wharf repairs and extension	4,200 00	
	Kenora—Wharf	10,900 00	
	Kingsville—Repairs to piers	3,100 00	
	Midland—Wharf and dredging	10,000 00	
	Maidens Creek—Wharf	2,200 00	
	Mattagami Landing—Wharf	4,125 00	
	Muskoka Narrows—Guide pier	5,000 00	
	Nipigon—Wharf	3,000 00	
	Oshawa—Harbour improvements	5,000 00	
	Owen Sound—Harbour improvements	70,000 00	
482	Port Arthur—Harbour improvements—Thunder Bay Paper Co. to contribute one-third of cost	125,000 00	
	Port Dover—Dredging and Harbour improvements	25,000 00	
	Port Elgin—Repairs to harbour works	4,000 00	
	Port Hope—Harbour improvements	15,000 00	
	Presqu' Ile—Dredging	25,000 00	
	Port Maitland—Dredging	10,000 00	
	Rondeau—Extension to cribwork protection	2,500 00	
	Rondeau—Repairs to pier—Further amount required	4,000 00	
	Saugeen River—Repairs to harbour works—Further amount required	19,000 00	
	Sault Ste. Marie—Wharf improvements	2,000 00	
	Shoepack Bay—Wharf and shed	4,500 00	
	Trenton—Wharf repairs	3,900 00	
	Vermilion Bay—Wharf	2,000 00	
	White Cloud Island—Wharf repairs	2,000 00	
	Manitoba.		
	Hecla—Wharf extension	15,000 00	
	Pelican Lake—Improvements	5,000 00	
483	Riverton—Wharf	2,500 00	
	Roseau River—Improvements	50,000 00	
	Steep Rock—Wharf	2,700 00	
	Winnipeg—Wharf	17,000 00	
	Saskatchewan and Alberta.		
	Athabasca River—Improvements	10,000 00	
484	Fort McMurray—Wharf	21,000 00	
	Regina Beach—Wharf	5,000 00	
	British Columbia.		
	Crooked, Pack and Parsnip Rivers—Channel improvements	3,500 00	
	Denman Island—Wharf extension and repairs	2,200 00	
	Dewdney—Wharf replacement	3,500 00	
	East Arrow Park—Wharf repairs	1,800 00	
	East Robson—Wharf repairs	1,850 00	
	Edgewood—Wharf repairs	2,700 00	
	False Creek—Dredging	12,000 00	
485	Fraser River—Contribution towards the construction of a wing dam near Agassiz, B.C., the Provincial Government and the Corporation of the District of Kent, B.C., each to contribute a like amount	1,000 00	
	Grace Harbour—Wharf repairs	1,500 00	
	Jeune Landing—Wharf	8,000 00	
	Kootenay Bay—Reconstruction of float	2,100 00	
	Nootka Island—Wharf repairs	5,500 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—*Concluded.*		
	British Columbia—Concluded		
	Okanagan River—Improvements	1,200 00	
	Okanagan River—Reconstruction of dam	24,100 00	
	Phipps Point, Hornby Island—Extension to landing	1,200 00	
	Port Alberni—Assembly wharf	40,000 00	
	Port Coquitlam—Float	2,700 00	
	Port Simpson—Renewal of wharf approach	10,000 00	
	Powell River—Breakwater—The Powell River Co., Ltd., to contribute one-half of cost	25,000 00	
	Powell River—Wharf improvements	10,000 00	
	Quathiaski Cove—Float	1,150 00	
485	Russell's Landing—Wharf repairs	2,000 00	
	Seton Lake—Wharf	4,300 00	
	Salmon Arm—Wharf repairs	5,800 00	
	Shaw's Landing—Replacement of float	1,800 00	
	Sooke—Wharf repairs	1,400 00	
	Stewart—Contribution to Provincial Government towards surfacing Stewart Hyder Road	11,100 00	
	Vancouver—Stanley Park—Foreshore protection	8,000 00	
	Vancouver—Wharf repairs	1,400 00	
	Victoria Harbour—Dredging	59,200 00	
	West Bay, Gambier Island—Float replacement	1,500 00	
	Whaletown—Wharf repairs	1,500 00	
	ROADS AND BRIDGES		
	St. Marjorique, Que.—Repairs to bridge approaches	4,000 00	
	Killarney, Man.—Contribution to Provincial Government for construction of bridge	3,000 00	
486	Kingston—Repairs to La Salle causeway	11,000 00	
	International Bridge over St. Croix River between St. Croix, N.B. and Vanceboro, Maine, the State of Maine to contribute a like amount	17,500 00	
	TELEGRAPH AND TELEPHONE LINES		
	Nova Scotia		
	Cape Breton Telegraph Line—Extension to Pipers Glen	900 00	
	Extension of Whycocomagh—Inverness Telephone line to Roseburn	750 00	
487	Telegraph circuit between Hawkesbury and Arichat	4,000 00	
	Telephone line from Grass Cove to St. Columba	375 00	
	New Brunswick.		
488	Telephone line from Grand Anse to Mizonette	1,500 00	
	Quebec.		
	Beauport Telephone Line—Extension from St. Brigitte de Laval to La Branche	600 00	
489	Installation of cable between Cabano and Squatteck	2,700 00	
	Extension of Quebec County Telephone Line	300 00	
	Telephone line from cable landing to Notre Dame de l'Isle Verte	600 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued.*		
	(*Chargeable to Income*)—Concluded.		
	TELEGRAPH AND TELEPHONE LINES—*Concluded.*		
	Ontario.		
490	Pelee Island Cable	5,000 00	
	Alberta and Saskatchewan.		
491	Telegraph line from Meadow Lake to Loon Lake	8,000 00	
	Wood Mountain District—Shifting telegraph line to roadway	2,200 00	
	British Columbia.		
492	Mainland Telegraph and Telephone Lines—General repairs and improvements—Further amount required	950 00	
	Powell River Line—Extension of line from Buccaneer Bay to Lasqueti Island	11,300 00	
	Telephone line from Barriere to Blucher Hall	1,650 00	
	Telephone line from Likely to Keithley Creek	4,050 00	
	Vancouver Island District—General repairs and improvements —Further amount required	16,400 00	
	MISCELLANEOUS.		
493	To cover award for permanent partial disability and also medical and hospital expenses in the case of Horace Sherman Mitchell, telegraph repairer of this Department at Campobello, N.B., who was injured while attending to his duties for the Department at Eastport, Me., U.S.A., and beyond the jurisdiction of any Canadian Workmen's Compensation law	2,600 00	
	Compassionate allowance to Flossie King Laflamme, widow of J. K. Laflamme, Senior Assistant Engineer at Quebec, who was drowned while on duty on October 15, 1926	2,500 00	
			3,234,713 74
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
494	Charlottetown and Pictou, steam service between—Additional amount required	10,000 00	
495	Rivière du Loup and Tadoussac and other North Shore Ports, steam service between	15,000 00	
496	St. John and Bridgetown, steam service between	1,000 00	
497	Trois Pistoles and Les Escoumains, service between	1,000 00	
498	Vancouver, B.C. and the British West Indies, steam or motor service between	36,000 00	
			63,000 00
	OCEAN AND RIVER SERVICE.		
499	Maintenance and repairs to Dominion Steamers and Icebreakers —Further amount required to provide for the equalization of the pay of Officers and Crews	150,000 00	
500	Amount required for expenses in connection with the representation of Canada at the International Radio Conference at Washington, U.S.A. in September, 1927, and the meeting of Delegates of Great Britain and the Dominions at Ottawa, prior to the International Convention	10,000 00	
			160,000 00

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	LIGHTHOUSE AND COAST SERVICE.		
501	Construction of lights and aids to navigation, including regulation of traffic at such places as may be found necessary—Further amount required	133,000 00	
502	Maintenance and repairs to Lighthouses—Further amount required	100,000 00	
			233,000 00
	SCIENTIFIC INSTITUTIONS.		
503	Meteorological Service—Further amount required in connection with special forecasting for forest protection	12,500 00	
504	Topographical Surveys—Additional amount required for Topographical and Aerial Surveys, etc	10,000 00	
			22,500 00
	FISHERIES.		
505	To assist in the Conservation and Development of Deep-Sea Fisheries and the Demand for Fish—Revote	100,000 00	
506	To provide for an investigation into the life history of the Pacific halibut by the International Fisheries Commission appointed under the Pacific Halibut Treaty of March 2nd, 1923—Further amount required	500 00	
			100,500 00
	MINES AND GEOLOGICAL SURVEY		
507	*Mines Branch*— To provide for operation of Peat Bog at Alfred, Ontario (Revote $45,000)	65,000 00	
	To provide for a trial shipment of Alberta domestic coal to be made by rail and lake under the supervision of the Dominion Fuel Board in order to ascertain the possibilities of moving Alberta coal in large volume with modern loading and unloading facilities, provided one-third of the total cost of the movement is borne by other governmental, municipal or private organizations	15,000 00	
			80,000 00
	LABOUR.		
508	Annuities Act—Further amount required	.....	5,000 00
	PUBLIC PRINTING AND STATIONERY		
509	Plant—New (Revote $9,550)—Further amount required	16,050 00	
510	Printing, Binding and Distributing the Revised Statutes of Canada, 1927, English and French editions	125,000 00	
511	Printing, Binding and Distributing the Revised Edition of the Criminal Code, 1927, English and French Editions	30,000 00	
			171,050 00
	INDIANS.		
512	*Nova Scotia*— Medical attendance, Hospitals and Medicines—Further amount required	5,000 00	
	Miscellaneous and Unforeseen—Further amount required	1,000 00	
513	*Ontario and Quebec*— Repairs to roads and bridges and drainage—Further amount required	30,000 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	INDIANS—*Concluded.*		
514	*Manitoba, Saskatchewan, Alberta and N.W.T.*—		
	Supplies for destitute Indians and to meet Treaty obligations—Further amount required	10,000 00	
	Hospitals, medical attendance, etc.—Further amount required	10,000 00	
	General expenses—Further amount required	4,900 00	
	For construction of roads	5,000 00	
515	*British Columbia*—		
	Medical attendance, medicines and hospitals—Further amount required	1,500 00	
	General expenses—Further amount required	3,700 00	
516	*Miscellaneous*—		
	Compassionate allowance for Nurse Lamb, of Lady Minto Hospital, Cochrane, Ontario	1,040 00	
	To provide for a gratuity for W. S. Hockley, Ex-Farming Instructor in the Qu'Appelle Agency, Saskatchewan	500 00	
517	*Indian Education*—		
	Further amount required	45,500 00	
			118,140 00
	ROYAL CANADIAN MOUNTED POLICE.		
518	Maintenance—including $100 to reimburse Ex-Constable D. H. Woolams, loss of personal effects in the Northwest Territories and re-vote of $76,197.25 for Special Northern Services in the Western Arctic Sub-district		76,297 25
	DOMINION LANDS AND PARKS.		
519	Additional amount required for expenses connected with Canadian National Parks, etc	40,000 00	
	To provide for the expenses, including the necessary clerical assistance, connected with an investigation under the Inquiries Act into the claim of British Columbia for the reconveyance of certain lands conveyed by that Province to the Dominion at the time of the Union	10,000 00	
	For the enlargement of the Western Outlet of the Lake of the Woods and the provision of suitable control works therein in conformity with the recommendations of the International Joint Commission—Revote	20,000 00	
	Additional amount required for engraving, lithographing, printing and preparation of maps, plans, reports and kindred publications of the Dominion, publicity, etc	1,000 00	
			71,000 00
	MISCELLANEOUS.		
520	Amount required to pay the firm of Clarkson, Gordon and Dilworth for work in connection with the reorganization of the Department of Customs and Excise	50,000 00	
521	Public Archives—To provide for the purchase of a Photostat Machine, Dryer Press, Trimmer and Sliding Book Holder.	3,000 00	
522	Grant to the Canadian Dental Hygiene Council	5,000 00	
523	Expenses under the Naturalization Acts, 1914 and 1920—Further amount required	5,000 00	
524	Amount required for Inquiry into Customs Department, including such living allowances for the Commissioners as may be authorized by the Governor in Council	162,500 00	
525	Grant towards the expenses of the Canadian Athletic Team at the International Olympic Games in 1928	26,000 00	

SCHEDULE C—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MISCELLANEOUS—*Concluded.*		
526	Amount required to provide for grants to be made to the Provinces of—		
	Nova Scotia	875,000 00	
	New Brunswick	600,000 00	
	Prince Edward Island	125,000 00	
	pending consideration of Provincial subsidies.		
527	Amount required to pay amounts awarded to the United States Government by the Pecuniary Claims Convention in the following cases:		
	The "Tattler" Claim	630 00	
	The "Gerring Jr." Claim	9,000 00	
528	Litigated Matters—To authorize payment of a special fee to C. P. Plaxton, K.C., for services in connection with the Labrador-Newfoundland Case, notwithstanding anything in the Civil Service Act	2,500 00	
529	Grant to the Royal Society of Canada—Further amount required	2,000 00	
530	Compassionate allowance to Mrs. Nancy Waugh	3,000 00	
531	Dominion-Provincial Conference—Further amount required	15,000 00	
532	Unforeseen Expenses—Further amount required	50,000 00	
533	To provide for salaries and expenses of the Advisors engaged in Tariff Enquiry. Payments may be made notwithstanding anything in the Civil Service Act or regulations thereunder—further amount required	15,000 00	
534	To hereby authorize the Governor in Council to pay to the City of Regina out of the purchase price ($100,000.00) of Dominion Park in the said City, an amount representing the amount admitted, namely, $29,219.17, together with interest thereon at the rate of 6% per annum, from January 7th, 1918, to April 30th, 1927, ($16,325.91) together with one-half of the difference between the said amount admitted and the purchase price of $100,000.00 found by Hon. Mr. Justice Maclean *persona designata*, as payable to the City of Regina upon the grounds of equity and fair dealing	78,706 63	
535	To provide for flat increases to the Civil Service, both inside and outside	2,700,000 00	
536	Expenses of Representation of Canada at the official opening of Canberra as the seat of Government of the Commonwealth of Australia in 1927	7,500 00	
537	International Economic Conference, Geneva, 1927	9,000 00	
538	Expenses in connection with the Early French Colonial Historical Exhibition in Paris (Revote)	2,500 00	
539	To provide for payment, notwithstanding anything contained in the Civil Service Act, to E. D. Lennie, Acting Collector of Customs and Excise at Montreal	1,200 00	
			4,747,536 63
	CUSTOMS AND EXCISE.		
540	Special Preventive Service—Amount required to create positions and make appointments of officers for the prevention of smuggling and to investigate reported frauds against the Revenue, notwithstanding anything contained in the Civil Service Act and the said positions and staff so appointed to be wholly excluded from said Act: Also to provide for expenses of such officers and for the purchase or charter of vessels and for the purchase or hire of automobiles to be used in the prevention of smuggling or other offences against the revenue laws—Further amount required	881,835 00	
	Salaries and travelling expenses of Inspectors of Ports and of other officers on Inspection, preventive service and in connection with the Board of Customs—and amount required to create positions and make appointments of Dominion Appraisers notwithstanding anything contained in the Civil Service Act, and the said positions and staff so appointed to be wholly excluded from said Act—Further amount required	100,000 00	

SCHEDULE C—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	CUSTOMS AND EXCISE—*Concluded*		
540	To pay Mrs. Charles E. McDonald, the widow of C. E. McDonald, Sub-Collector of Customs and Excise at Port Borden, P.E.I., who was killed, a compassionate allowance	500 00	
	To pay Mrs. W. J. Irwin, the widow of W. J. Irwin, Customs Excise Examiner at the Port of Edmonton, Alta., who was killed, a compassionate allowance	500 00	
	To pay Mr. Joseph Laurent Doiron, Customs-Excise Enforcement Officer of the Preventive Service Staff at Matapedia, P.Q., a compassionate allowance for the loss of his right arm, due to an accident while on duty	500 00	
	To provide for expenses of maintenance of revenue cruisers and for preventive service—Further amount required for the appointment of Mr. F. W. Cowan as Chief, Customs Excise Preventive Service, notwithstanding anything contained in the Civil Service Act, with salary at the rate of $5,000 per annum, effective March 1, 1927	5,416 66	
			988,751 66
	RAILWAYS AND CANALS.		
	(Chargeable to Collection of Revenue.)		
541	Staff and repairs—Additional amount required	.....	300,000 00
	POST OFFICE.		
542	To increase from $1,000 to $1,500 from April 1, 1927, amount allowed Lucien Pacaud, Secretary of the High Commissioner's Office, as the representative of the Canadian Government on the Pacific Cable Board	500 00	
	To provide for the purchase of Rural Mail boxes	35,000 00	
			35,500 0
	TRADE AND COMMERCE.		
543	Prince Rupert Elevator site	165,000 00	
544	Amount required to supplement the British Government Scheme for the Marketing of Empire Produce	100,000 00	
545	Amount required for publicity and advertising, including the salary of Herbert M. Chisholm, Director of Publicity at $4,000 per annum, and the necessary staff, office rent and contingencies	50,000 00	
			315,000 00
	Total	.....	11,634,801 12