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Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-2.**

An Act to amend the Public Lands Grants Act.

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First reading, Tuesday, 20th January, 1959.

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Honourable Senator ASELTINE.

THE SENATE OF CANADA

BILL S-2.

An Act to amend the Public Lands Grants Act.

R.S., c. 224.

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

1. Section 4 of the *Public Lands Grants Act* is amended by adding thereto the following subsection: 5

Transfer to the Crown in any right other than Canada.

“(2) The Governor in Council may by order transfer to Her Majesty in any right other than Canada the administration and control of the entire or any lesser interest of Her Majesty in right of Canada in any public lands, either forever or for any lesser term, and subject to any conditions, 10 restrictions or limitations that the Governor in Council considers advisable.”



#### EXPLANATORY NOTE.

The courts have held that the correct instrument of transfer of lands from the Crown in right of Canada to the Crown in any other right is an Order in Council, rather than a deed, and this is the form that has been used for many years. In a recent decision of the Supreme Court of Canada, *Attorney General of Canada vs. Higbie*, (1945) S.C.R. 385, it was suggested by some of the judges that the executive could not transfer lands in this way in the absence of specific statutory authority.

Although the *Public Lands Grants Act* now empowers the Governor in Council to authorize the sale, lease or other disposition of public lands, it may be argued that this authorizes only grants from the Crown. The purpose of the proposed amendment is to remove any possible doubts that might exist as to the authority of the Governor in Council to transfer lands to the Crown in right of a province or otherwise.



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Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-3.**

An Act to amend the Canada Shipping Act.

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First reading, Tuesday, 20th January, 1959.

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Honourable Senator ASELTINE.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

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## THE SENATE OF CANADA

### BILL S-3.

An Act to amend the Canada Shipping Act.

R.S., c. 29;  
1952-53, c. 20;  
1956, c. 34;  
1957, c. 4.

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

1. (1) Paragraph (6) of section 2 of the *Canada Shipping Act* is repealed and the following substituted therefor: 5

"Builder's mortgage."

"(6) "builder's mortgage" means a mortgage of a recorded vessel;"

(2) Paragraph (43) of section 2 of the said Act is repealed and the following substituted therefor:

"International voyage."

"(43) "international voyage" means 10

(a) when used with reference to Load Line Convention Ships, a voyage (not being an inland voyage) from a port in one country to a port in another country either of these countries being a country to which the Load Line Convention applies, and 15

(b) when used with reference to Safety Convention Ships, a voyage, from a port in one country to a port in another country either of these countries being a country to which the Safety Convention applies, but does not include a voyage on the Great Lakes, their tributary and connecting waters as far east as the lower exit of the Lachine Canal at Montreal, and for the purposes of this paragraph every territory for the international relations of which a country to which the appropriate Convention applies is responsible or for which the United Nations is the administering authority shall be deemed to be a separate country;" 25

## EXPLANATORY NOTES.

*Clause 1.* (1) Paragraph (6) of subsection (1) of section 2 presently reads as follows:

"2(6) "builder's mortgage" means a mortgage of the character described by paragraph (c) of section 5 and having the effects described by sections 45 and 46;"

This amendment is consequential upon the amendments contained in clause 4 respecting recorded vessels.

(2) Paragraph (43) presently reads as follows:

"(43) "international voyage" when used with reference to Load Line Convention ships means a voyage (not being an inland voyage as herein defined) from a port in one country to a port in another country either of these countries being a country to which the Load Line Convention applies and when used with reference to Safety Convention ships means a voyage (not being an inland voyage as herein defined) from a port in one country to a port in another country either of these countries being a country to which the Safety Convention applies, and for the purposes of this paragraph every territory for the international relations of which a country to which the appropriate Convention applies is responsible or for which the United Nations is the administering authority shall be deemed to be a separate country;"

This amendment adds the underlined words for the purpose of making it clear that a voyage on the St. Lawrence River below the lower exit of the Lachine Canal is an international voyage for a Safety Convention ship.

Under the present definition, Canada is not complying with the International Convention for the Safety of Life at Sea which exempts only the Great Lakes from the requirements of the Convention for the Great Lakes are defined in the Convention as extending only to the lower exit of the Lachine Canal.

(3) Paragraph (55) of section 2 of the said Act is repealed and the following substituted therefor:

“Minor waters of Canada.”

“(55) “minor waters of Canada” means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian Bay) and Superior and the River St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and Georgian Bay and such sheltered waters on the sea coasts of Canada as the Minister may specify;” 5

2. Section 5 of the said Act is repealed and the following 10 substituted therefor:

Ownership of a recorded vessel to remain unchanged until bill of sale recorded.

Registrar to record bill of sale.

“5. (1) The bill of sale for a recorded vessel that is sold shall be filed with the registrar at the port at which the vessel is recorded and the ownership of that vessel shall be deemed unchanged until the bill of sale is recorded. 15

(2) On receipt of a bill of sale for a recorded vessel, the registrar shall enter the particulars thereof in the record book and endorse on the bill of sale the date and hour that the entry was made.”

3. Section 6 of the said Act is repealed and the following 20 substituted therefor:

Qualification for owning British ship.

“6. A ship shall be deemed not to be a British ship unless it is owned wholly by a person qualified to be an owner of a British ship, namely,

(a) a British subject; or

(3) Paragraph (55) presently reads as follows:

"(55) "minor waters of Canada" means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian Bay), Superior and Winnipeg and the River St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and said Georgian Bay and such sheltered waters on the sea coasts of Canada as the Minister may specify;"

This amendment includes Lake Winnipeg as part of the minor waters of Canada.

Clause 2. Section 5 of the present Act reads as follows:

"5. The following rules apply to recorded vessels:

- (a) subject to the operation of paragraph (d) of section 45, the ownership of such a vessel, in so far as it is material to any provision of this Part relating to recorded vessels, shall be deemed to remain unchanged unless the vessel is sold and a duly executed applicable bill of sale is produced to the registrar who recorded the vessel;
- (b) whenever such bill of sale is produced to that registrar he shall enter the particulars thereof in a record book which he shall keep with relation to recorded vessels, and he shall endorse on the bill of sale the fact of such entry having been made and the date and hour when it was made; and
- (c) whenever in any province wherein a recorded vessel is about to be built or is being built or equipped there exists by the law of that province a valid mortgage, or a charge in the nature of a mortgage, upon such a vessel, for payment or discharge whereof the vessel is security (the parties to such mortgage or charge being hereinafter termed the mortgagor and the mortgagee) and the mortgagor executes and delivers to the mortgagee (supplementing such mortgage or charge, and, for the purposes of such provisions of this Part as relate to recorded vessels, representing it) an instrument in Form D in the Eleventh Schedule, or as near thereto as circumstances permit (hereinafter termed a "builder's mortgage") charging, for the purposes of such provisions of this Part as relate to recorded vessels, the same vessel for the same consideration, upon the same terms and conditions, for the same period of time and in the same amount as the consideration, terms and conditions, period and amount provided by or incident to such instrument of mortgage or of charge in the nature of a mortgage, the mortgagee of such builder's mortgage may produce it to the registrar at the port at which such vessel is recorded and that registrar shall, for the purposes of section 45, enter such builder's mortgage in the record book."

No provincial legislation presently exists that permits the registration of a mortgage on a vessel that is about to be built. The procedure set out in paragraph (c) making builder's mortgage under this Act dependent upon and supplemental to a provincial mortgage is therefore no longer workable.

Mortgages on recorded vessels are now dealt with in the amendments to sections 45 and 46 of the Act as set out in clause 4.

Clause 3. Section 6 presently reads as follows:

"6. A ship shall not be deemed to be a British ship unless owned wholly by persons of the following description (in this Act referred to as persons qualified to be owners of British ships); namely

- (a) natural born British subjects or persons recognized by law throughout Her Majesty's dominions as having the status of natural born British subjects;
- (b) persons naturalized by or in pursuance of the law of some part of Her Majesty's dominions;
- (c) persons made denizens by letters of denization; and
- (d) bodies corporate established under and subject to the laws of some part of Her Majesty's dominions and having their principal place of business in those dominions;

- (b) a body corporate incorporated under the law of a country of the Commonwealth or of the Republic of Ireland, and having its principal place of business in that country."

4. Sections 45 and 46 of the said Act are repealed and the following substituted therefor: 5

Recorded vessel may be mortgaged.

"45. (1) A recorded vessel may be made security for the repayment of a debt or the discharge of some other obligation.

Form of builder's mortgage and recording.

(2) A builder's mortgage shall be in Form D in the Eleventh Schedule and may be filed with the registrar at the port at which the vessel is recorded. 10

Registrar to record builder's mortgage.

(3) On receipt of a builder's mortgage in the required form, the registrar shall enter the particulars thereof in the record book. 15

Effect in law of builder's mortgage.

"46. Every builder's mortgage

(a) binds the recorded vessel to which it relates during the period from the commencement of building until launching;

(b) binds the recorded vessel to which it relates at and from the time of its launching until its registration in Canada as a British ship; and 20

(c) operates in all respects as if it were a mortgage made after the registration of the recorded vessel to which it relates as a British ship pursuant to this Part, and the provisions of subsection (2) of section 47 and sections 48 to 54 respecting a registered mortgage apply *mutatis mutandis* to a builder's mortgage." 25

5. (1) Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor: 30

Fees for inspection and copies of register book, etc.

"82. (1) On application to the registrar during the hours of his official attendance, a person may

(a) on payment of a fee of twenty-five cents inspect the register book or record book, and



but any person who either

- (i) being a natural born British subject or being recognized as aforesaid as having the status of a natural born British subject, has taken the oath of allegiance to a foreign sovereign or state or has otherwise become a citizen or subject of a foreign state, or
- (ii) has been naturalized or made a denizen as aforesaid;

is not qualified to be the owner of a British ship unless, after taking the said oath, or becoming a citizen or subject of a foreign state, or on or after being naturalized or made denizen as aforesaid, he has taken the oath of allegiance to Her Majesty the Queen, and is during the time he is owner of the ship either resident in Her Majesty's dominions or partner in a firm actually carrying on business in Her Majesty's dominions."

The purpose of this amendment is to do away with any distinction between persons who are British subjects and to remove the reference therein to denizens.

*Clause 4.* Sections 45 and 46 presently read as follows:

"45. Every builder's mortgage that is made and recorded pursuant to section 5 and that remains undischarged up to the time of the registration in Canada as a British ship of the recorded vessel to which it relates, has the following effects:

- (a) in so far as it may, it binds such recorded vessel during the period from the commencement of building until launching;
- (b) it so operates that any mortgage, or charge in the nature of a mortgage, that by the law of the province wherein such recorded vessel was built remains a charge upon it, shall be deemed to have merged, at the moment of the launching of such vessel, into the builder's mortgage that, pursuant to paragraph (c) of section 5 is supplemental to, and, for the purposes of such provisions of this Part as relate to recorded vessels, represents, such mortgage or charge in the nature of a mortgage;
- (c) it binds such recorded vessel at and from the time of its launching until its registration as aforesaid; and
- (d) it operates in all respects as if it were a mortgage made after the registration of such vessel as a British ship pursuant to this Part, and *mutatis mutandis* subsection (2) of section 47 and sections 48 to 54, inclusive, apply to builders' mortgages, substituting "recorded vessel" for "ship" or "registered ship", "builder's mortgage" for "mortgage", "recorded builder's mortgage" for "registered mortgage", "record" for "register", "recorded" for "registered", "record book" for "register book" and "Form E in the Eleventh Schedule" for "Form C in the Sixth Schedule" wherever in any of such sections such substitution may be required in order that this paragraph shall have effective operation.

46. Notwithstanding anything in this Part, a builder's mortgage of a recorded vessel may be executed in Form D in the Eleventh Schedule, varied to provide that such mortgage shall be operative only from and after the launching of such vessel, and a builder's mortgage of a recorded vessel executed in such form without variation may be made after the launching of such vessel, and such a mortgage, so made, shall, when produced for recording, be recorded pursuant to section 5 although it is not supplemental to any mortgage or charge in the nature of a mortgage existing by virtue of the law of a province and to all such builder's mortgages the provisions of paragraph (c) of section 45 apply."

This amendment is consequential upon the amendments contained in clause 2. At the same time the phraseology of the sections has been altered in an attempt to make the meaning of the sections more clear.

*Clause 5.* (1) Subsection (1) of section 82 presently reads as follows:

"82 (1) A person, on payment of a fee of twenty-five cents, may on application to the registrar at a reasonable time during the hours of his official attendance, inspect any register book."

- (b) on payment of a fee of one dollar obtain
- (i) a copy of the entries made in the register book or record book respecting a ship, or
  - (ii) a copy of any declaration or document that is by subsection (2) declared admissible in evidence, certified by the registrar to be a true copy of such particulars, declaration or document.” 5

(2) Paragraph (a) of subsection (2) of section 82 of the said Act is repealed and the following substituted therefor:

“(a) a register book or record book under this Part on its production from the custody of the registrar or other person having the lawful custody thereof;” 10

**6.** (1) Paragraph (c) of subsection (4) of section 116 of the said Act is repealed and the following substituted therefor: 15

“(c) ferry steamship;”

(2) Subsection (5) of section 116 of the said Act is repealed and the following substituted therefor:

“(5) The classes mentioned in subsection (4) shall rank according to the order stated for steamships and sailing ships respectively, so that the lawful holder of a steamship certificate is entitled to all the rights and privileges of a holder of a certificate in a lower class of steamships, and so that the lawful holder of a certificate for sailing ships is entitled to all the rights and privileges of a holder of a certificate for fore-and-aft rigged sailing ships; but the certificate for a ferry steamship is valid on this class of vessel only and on the waters described in the certificate.” 25

**7.** Subsection (1) of section 133 of the said Act is repealed and the following substituted therefor: 30

“**133.** (1) The Governor in Council may direct, subject to such conditions as he may impose, that any certificate as master, mate or engineer granted by any authority competent to issue such certificates under the laws of any country of the Commonwealth or the Republic of Ireland 35

Rank of  
classes.

Recognition  
of certifi-  
cates.

The purpose of this amendment is to increase the fee for copies of entries made in certain books from ten cents for every folio of ninety words as presently set out in subsection (2) of section 705 to one dollar, and to combine subsection (2) of section 705 with this section.

(2) Paragraph (a) of subsection (2) of section 82 presently reads as follows:

“(a) any register book under this Part on its production from the custody of the registrar or other person having the lawful custody thereof;”

The purpose of this amendment is to add record books to the list of books and documents admissible for evidence in courts in Canada.

*Clause 6:* (1) Subsections (4) and (5) of section 116 presently read as follows:

“(4) In the other grades, certificates may be granted for the following classes:

- (a) steamship;
- (b) steamship of under three hundred and fifty tons gross tonnage;
- (c) licensed ferry steamship;
- (d) tug;
- (e) sailing ship; and
- (f) fore-and-aft rigged sailing ship.

(5) The classes mentioned in subsection (4) shall rank according to the order stated for steamships and sailing ships respectively, so that the lawful holder of a steamship certificate is entitled to all the rights and privileges of a holder of a certificate in a lower class of steamships, and so that the lawful holder of a certificate for sailing ships is entitled to all the rights and privileges of a holder of a certificate for fore-and-aft rigged sailing ships; but the certificate for a licensed ferry steamship is valid on this class of vessel only.”

This amendment deletes the reference to licensed ferry ships in these sections and adds the underlined words.

Certain provinces license as ferries ships that are coasting passenger steamships some of which go on voyages longer than that contemplated for ferry steamship master and mate certificates. The purpose of this amendment is to permit the certification of masters and mates for particular ferry runs thereby allowing more effective control over such certificates and providing for the greater safety of ferry passengers.

*Clause 7.* Subsection (1) of section 133 presently reads as follows:

“133. (1) The Governor in Council may direct, subject to such conditions as he may impose, that any certificate as master, mate or engineer granted by any authority competent in respect of the issue of such certificates under the laws of any part of Her Majesty's dominions may be accepted in lieu of a certificate as master, mate or engineer granted under the provisions of this Part, if he is satisfied that examinations for the issue of such certificates are so conducted as to be equally efficient with the examinations for the same purpose provided for in this Part, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Part.”

This amendment deletes the phrase “Her Majesty's dominions” and substitutes therefor the underlined words.

may be accepted in lieu of a certificate as master, mate or engineer granted under this Part, if he is satisfied that examinations for the issue of such certificates are conducted as efficiently as the examinations for the same purpose under this Part, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Part." 5

8. Section 324 of the said Act is repealed and the following substituted therefor:

Governor in Council may create further pilotage districts.

"324. The Governor in Council may create further pilotage districts and fix their limits and rescind any district created either by or under this or any other Act and may alter the boundaries of any pilotage district." 10

9. Section 346 of the said Act is repealed and the following substituted therefor: 15

Ships exempted.

"346. (1) Subject to section 347, the following ships are exempt from the payment of pilotage dues:

- (a) ships belonging to Her Majesty;
- (b) government ships except ships entrusted for operation and management to an agency of Her Majesty; 20
- (c) ships of such description and size and employed in such voyages as the pilotage authority of the district, with the approval of the Governor in Council, from time to time determines to be exempt from the compulsory payment of pilotage dues in such district; 25
- (d) ships employed in salvage operations;
- (e) ships employed in voyages
  - (i) between ports in the same province, or in any one port or harbour, or
  - (ii) between any one or more of the provinces of 30 Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island or Newfoundland and any other or others of them, or between a port in any one of the said provinces and any port in or beyond Hudson Strait or between a port in any 35 of the said provinces and any port in the United States of America on the St. Lawrence River or the Great Lakes;
- (f) ships of not more than two hundred and fifty tons register tonnage; 40
- (g) ships entering a harbour for refuge;
- (h) ships of war and hospital ships belonging to such foreign nations as may be specified by the pilotage authority; and
- (i) ships engaged in fishing. 45

The purpose of the amendment is to provide for the recognition in Canada of masters, mates and engineer certificates granted by the Republic of Ireland. Such certificates have been recognized in the past when Ireland was part of Her Majesty's dominions. However, the changes that have occurred in the composition of the Commonwealth make this alteration necessary if such recognition is to continue.

*Clause 8.* Section 324 presently reads as follows:

"324. The Governor in Council may create further pilotage districts and fix their limits and may rescind any district, other than the districts of Quebec and Montreal, created either by or under this or any other Act and may alter the boundaries of any pilotage district."

The purpose of this amendment is to permit the Governor in Council to change the boundaries of the pilotage districts of Quebec and Montreal in the same manner as for other pilotage districts in Canada.

*Clause 9.* Section 346 presently reads as follows:

"346. The following ships are, subject to section 347, exempt from the payment of pilotage dues:

- (a) ships belonging to Her Majesty;
- (b) Government ships except ships entrusted for operation and management to an agency of Her Majesty;
- (c) ships of such description and size not exceeding two hundred and fifty tons, register tonnage, as the pilotage authority of the district, with the approval of the Governor in Council, from time to time determines to be exempt from the compulsory payment of pilotage dues in such district;
- (d) ships registered in any part of Her Majesty's dominions while employed in salvage operations;
- (e) steamships registered in any part of Her Majesty's dominions
  - (i) employed in voyages between ports in the same province, or employed in any one port or harbour,
  - (ii) employed in voyages between any one or more of the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island or Newfoundland and any other or others of them, or between a port in any one of the said Provinces and any port in or beyond Hudson Strait or between a port in any of the said Provinces and any port in the United States of America on the River St. Lawrence or the Great Lakes,
  - (iii) employed in voyages between any port in the said Provinces or any of them and the port of New York or any port of the United States of America on the Atlantic, north of New York, or
  - (iv) employed in voyages between any port in the Province of British Columbia, and the port of San Francisco, or any port of the United States of America on the Pacific, north of San Francisco, and between any port in the Province of British Columbia and any port in Alaska;
- (f) ships registered in any of Her Majesty's dominions of not over two hundred and fifty tons register tonnage;
- (g) ships entering a harbour for refuge;
- (h) ships of war and hospital ships belonging to such foreign nation or nations as may be specified by the pilotage authority; and
- (i) ships registered in any of Her Majesty's dominions engaged in fishing."

Exception.

(2) Notwithstanding subsection (1), ships of more than two hundred and fifty tons, register tonnage, engaged in fishing are not exempt from the payment of pilotage dues in pilotage districts of the Province of Newfoundland unless the pilotage authority of the district so directs by by-law approved by the Governor in Council." 5

10. The said Act is further amended by adding thereto, immediately after section 356 thereof, the following section:

Pilots licensed in United States exempted.

"356A. Subsection (3) of section 354 and section 355 do not apply to a person acting as a pilot in a pilotage district the waters of which form part of the boundary waters between Canada and the United States and who holds a pilot's licence issued by a pilotage authority in the United States." 10

11. (1) The said Act is further amended by adding thereto, immediately after section 375 thereof, the following heading and Part: 15

## "PART VIA.

### GREAT LAKES PILOTAGE.

Pilots to be employed in Great Lakes Basin.

375A. (1) Notwithstanding anything in this Act, no owner or master of a vessel of three hundred gross tons or over shall operate the vessel 20

(a) in those portions of the waters of the Great Lakes Basin designated by the Governor in Council pursuant to paragraph (a) of subsection (4), unless the vessel is piloted by an officer or pilot authorized to navigate such waters, or 25

(b) in the waters of the Great Lakes Basin other than those described in paragraph (a), unless the vessel has on board an officer or pilot having the qualifications prescribed by the Governor in Council. 30

"Great Lakes Basin" defined.

(2) In this Part, "Great Lakes Basin" means the Canadian waters of the Great Lakes, their connecting and tributary waters, and the St. Lawrence river as far east as the boundary line between the United States and Canada crossing the said river near St. Regis in the Province of Quebec. 35

Exemptions by Minister.

(3) The Minister may, upon such terms and conditions as he deems advisable, exempt any owner or master from the requirements of subsection (1). 40

The granting of exemption from the compulsory payment of pilotage dues to British ships only is discriminatory against ships of other countries and in many cases is in violation of long standing treaties with other nations.

The purpose of this amendment is to eliminate such discrimination and to provide for the continuance in pilotage districts in the Province of Newfoundland of the requirement that fishing vessels of more than two hundred and fifty tons, register tonnage, are not exempt from the compulsory payment of pilotage dues unless the pilotage authority of a district, with the approval of the Governor in Council, so directs.

*Clause 10.* The reference to licensed pilots in sections 354 and 355 is to pilots licensed in Canada. However, the waters along the boundary between Canada and the United States are piloted by both pilots licensed in Canada and those licensed by pilotage authorities in the United States.

The purpose of this amendment is to place a pilot licensed by a pilotage authority in the United States in the same position as a pilot that is licensed in Canada for the purpose of these sections.

*Clause 11.* On completion of the St. Lawrence Seaway, it is anticipated that problems will arise respecting pilotage on the waters connecting the Great Lakes. It is planned that this problem will be dealt with jointly by Canada and the United States.

The purpose of this amendment is to enable the Governor in Council to make regulations requiring ships navigating the waters of the Great Lakes Basin to be piloted by or to have on board an officer or pilot having the qualifications prescribed by the Governor in Council.

It is understood that the Government of the United States plans to pass similar legislation and this amendment will enable this Part to be brought into force when the necessary United States legislation has been passed.

Regulations  
by Governor  
in Council.

- (4) The Governor in Council may make regulations
- (a) designating portions of the waters of the Great Lakes Basin as waters in which every vessel of three hundred gross tons or over shall be piloted by an officer or pilot authorized to navigate such waters; 5
  - (b) authorizing an officer or pilot having the prescribed qualifications to navigate the waters designated under paragraph (a);
  - (c) prescribing the qualifications for an officer or pilot required to be on board a vessel in the waters of the 10 Great Lakes Basin other than those designated under paragraph (a);
  - (d) prescribing the scale of fees to be charged for examinations required under this Part; and
  - (e) authorizing a person holding a pilot's licence issued 15 by the Government of the United States to navigate any of the Canadian waters of the Great Lakes Basin described in his licence.

Penalty.

(5) Every owner or master who violates subsection (1) or any of the regulations made under subsection (4) is 20 guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars for each day of the violation."

Commence-  
ment.

(2) This Part shall come into force on a day to be fixed 25 by proclamation of the Governor in Council.

1956, c. 34,  
s. 21.

Steamships  
not over 5  
tons, pleasure  
yachts.

**12.** Section 481 of the said Act is repealed and the following substituted therefor:

"**481.** Steamships not in excess of five tons gross tonnage and not carrying more than twelve passengers, and pleasure yachts propelled by mechanical power but not 30 fitted with boilers for propelling purposes, are exempt from annual inspection and from the regulations made under this Part except those respecting life saving equipment, fire extinguishing equipment, and precautions against fire."



*Clause 12.* Section 481 presently reads as follows:

"481. Steamships not in excess of five tons gross tonnage, and pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, are exempt from annual inspection and from the regulations made under this Part except those respecting life saving equipment, fire extinguishing equipment, and precautions against fire."

Under the present section, vessels under five tons gross tonnage are exempt from the annual inspection required under Part VII of the Act. However, small boats under five tons carrying on a commercial passenger service are frequently overloaded and the exemption from inspection leaves with the operators of such boats the discretion of deciding the number of persons they will carry.

The purpose of this amendment is to provide that the exemption from annual inspection does not apply if the vessel carries more than twelve passengers.

**13.** The said Act is further amended by adding thereto, immediately after section 491 thereof, the following section:

Directions for payment to municipality.

"**491A.** Notwithstanding section 491, where a provincial, municipal or local authority bears in whole or in part, the expense of prosecuting a violation of this Part in respect of which a fine is imposed, the court, justice of the peace or magistrate imposing the fine may direct that the proceeds of such fine be paid to that authority." 5

**14.** The said Act is further amended by adding thereto, immediately after section 616A thereof, the following section: 10

Appointment of persons to act as wardens at ports not designated by Governor in Council.

"**616B.** (1) The Minister may appoint a person to carry out the duties of a port warden for a harbour or district not designated by the Governor in Council as a harbour or district at which a port warden may be appointed. 15

Legal effect of acts.

(2) All acts done by or before such person have the same effect as if done by or before a port warden. 15

Fees.

(3) All fees received under this Part by a person appointed under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund." 20

**15.** Subsection (1) of section 647 of the said Act is repealed and the following substituted therefor:

Observance of regulations.

"**647.** (1) Every owner, master and person having the conduct of a vessel or raft shall obey the Collision Regulations as modified by any local rule under section 646, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by the Collision Regulations as so modified." 25

**16.** Section 687 of the said Act is repealed and the following substituted therefor: 30

Appeal.

"**687.** A person convicted summarily of an offence under this Act may appeal his conviction, and the provisions of the *Criminal Code* respecting appeals from summary convictions shall apply to such appeal." 30

*Clause 13.* The purpose of this amendment is to provide that the court, justice of the peace or magistrate imposing a fine under Part VII may direct that the proceeds of the fine be paid to the local authority bearing the expense of the prosecution.

*Clause 14.* The purpose of this amendment is to enable the Minister to appoint an authorized surveyor to act as port warden for areas where the appointment of a full time port warden is considered unnecessary.

*Clause 15.* Subsection (1) of section 647 presently reads as follows:

"647. (1) All owners and masters of vessels and rafts shall obey the Collision Regulations as modified by any local rule pursuant to section 646, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by the Collision Regulations as so modified."

The purpose of the amendment is to make it clear, in view of the increase in the number of motor boats in Canada, that a person in charge of a vessel whether or not he may be termed the master is responsible for obeying the Collision Regulations as well as the owner or master thereof.

*Clause 16.* Section 687 presently reads as follows:

"687. Where a person is convicted summarily of an offence under this Act, and the fine inflicted or the sum ordered to be paid exceeds twenty-five dollars, that person may appeal in manner provided by the provisions of the *Criminal Code* relating to summary convictions."

The purpose of this amendment is to permit an appeal by a person convicted summarily under the Act regardless of the amount of the fine imposed or the sum ordered to be paid.

**17.** Subsection (2) of section 705 of the said Act is repealed and the following substituted therefor:

Certified  
copies  
admissible.

"(2) A copy of any such document or extract therefrom is also admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same." 5

**18.** Subsection (1) of section 707 of the said Act is repealed and the following substituted therefor: 10

Application  
of penalties.

"**707.** (1) Where a fine is imposed under this Act for which no specific application is provided, the court, justice of the peace or magistrate imposing the fine may direct that the whole or any portion of it may 15

(a) be applied in compensating any person for any wrong or damage that may have been sustained by the act or default in respect of which the fine is imposed,

(b) be applied in or towards payment of the expenses of 20 the proceedings, or

(c) be paid to the provincial, municipal or local authority bearing in whole or in part the expense of prosecuting the violation of this Act in respect of which the fine was imposed." 25

*Clause 17.* Subsection (2) of section 705 presently reads as follows:

"(2) A copy of any such document or extract therefrom is also so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that person shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding ten cents for every folio of ninety words, but a person is entitled to have

(a) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship at the time being, and

(b) a certified copy of any declaration or document, a copy of which is made evidence by this Act,  
on payment of twenty-five cents for each copy."

This amendment is consequential upon the amendments contained in Clause 5.

*Clause 18.* Subsection (1) of section 707 presently reads as follows:

"707. (1) Where any court, justice of the peace or other magistrate imposes a fine under this Act for which no specific application is provided in this Act, that court, justice of the peace or magistrate may if they think fit direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage that he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings."

The purpose of this amendment is to provide that a court, justice of the peace or magistrate imposing a fine may, in addition to the manner presently set out in the section for the disposition of the fine, order the whole of the fine or any portion thereof to be paid to the local authority bearing the expense of the prosecution.



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Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-4.**

An Act to incorporate The Waterloo Mutual Insurance  
Company.

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Read a first time, Tuesday, 27th January, 1959.

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Honourable Senator EULER.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

20358-8

## THE SENATE OF CANADA

### BILL S-4.

#### An Act to incorporate The Waterloo Mutual Insurance Company.

Preamble.

**W**HEREAS 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 petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

**1.** Edgar James Bauer, retired manager, John Edward Motz, newspaper publisher, and Grant Nelson Hunter, manager, all of the city of Kitchener, in the province of Ontario, Ford Stanley Kumpf, retired insurance executive, 10 Philip Valentine Wilson, retired manager, Thomas William Seagram, executive, Alfred George Haehnel, retired pharmacist, Walter John McGibbon, one of Her Majesty's counsel, and Charles Adam Boehm, salesman, all of the city of Waterloo, in the province of Ontario, together with 15 such persons as become policyholders on the mutual system in the company, are incorporated under the name of The Waterloo Mutual Insurance Company, hereinafter called "the Company".

Corporate name.

Provisional directors.

**2.** The persons named in section 1 of this Act shall be 20 the provisional directors of the Company.

Head office.

**3.** The head office of the Company shall be at the city of Waterloo, in the province of Ontario.

Classes of insurance authorized.

**4.** The Company may make contracts for any of the following classes of insurance upon either the cash premium 25 or the mutual system:—

- (a) accident insurance;
- (b) aircraft insurance;





(c) automobile insurance;	
(d) boiler insurance;	
(e) credit insurance;	
(f) earthquake insurance;	
(g) explosion insurance;	5
(h) falling aircraft insurance;	
(i) fire insurance;	
(j) forgery insurance;	
(k) guarantee insurance;	
(l) hail insurance;	10
(m) impact by vehicles insurance;	
(n) inland transportation insurance;	
(o) live stock insurance;	
(p) machinery insurance;	
(q) marine insurance;	15
(r) personal property insurance;	
(s) plate glass insurance;	
(t) real property insurance;	
(u) sickness insurance;	
(v) sprinkler leakage insurance;	20
(w) theft insurance;	
(x) water damage insurance;	
(y) weather insurance;	
(z) windstorm insurance.	

Commence-  
ment of  
business.

5. (1) The Company shall not commence any business 25  
of insurance until bona fide applications have been received  
for fire insurance on the mutual system to an amount of at  
least two million dollars or, in lieu thereof, until an agree-  
ment has been entered into between the Company and the  
provincial Company as provided in section 18 of this Act. 30  
Upon a certificate of registry being issued to the Company  
it may then transact the business of fire insurance and, in  
addition thereto, civil commotion insurance, earthquake  
insurance, limited or inherent explosion insurance, falling  
aircraft insurance, impact by vehicles insurance, hail 35  
insurance, sprinkler leakage insurance, water damage  
insurance, weather insurance and windstorm insurance,  
limited to the insurance of the same property as is insured  
under a policy of fire insurance of the Company.

(2) The Company shall not commence any of the other 40  
classes of business authorized by section 4 of this Act until  
the surplus of the Company exceeds three hundred thousand  
dollars by an amount or amounts depending upon the nature  
of the additional class or classes of business as follows,  
that is to say:—for accident insurance, the said excess 45  
shall not be less than eighty thousand dollars; for aircraft  
insurance, not less than forty thousand dollars; for automo-  
bile insurance, not less than forty thousand dollars; for



boiler insurance, not less than forty thousand dollars; for credit insurance, not less than forty thousand dollars; for earthquake insurance, not less than twenty thousand dollars; for explosion insurance, not less than forty thousand dollars; for falling aircraft insurance, not less than ten thousand dollars; for forgery insurance, not less than forty thousand dollars; for guarantee insurance, not less than one hundred thousand dollars; for hail insurance, not less than fifty thousand dollars; for impact by vehicles insurance, not less than ten thousand dollars; for inland transportation insurance, not less than twenty thousand dollars; for live stock insurance, not less than forty thousand dollars; for machinery insurance, not less than forty thousand dollars; for marine insurance, not less than one hundred thousand dollars; for personal property insurance, not less than twenty thousand dollars; for plate glass insurance, not less than twenty thousand dollars; for real property insurance, not less than twenty thousand dollars; for sickness insurance, not less than twenty thousand dollars; for sprinkler leakage insurance, not less than ten thousand dollars; for theft insurance, not less than forty thousand dollars; for water damage insurance, not less than twenty thousand dollars; for weather insurance, not less than twenty thousand dollars; for windstorm insurance, not less than fifty thousand dollars.

(3) Notwithstanding anything to the contrary contained in this section, the Company may transact all or any of the classes of insurance business authorized by section 4 of this Act when the surplus amounts to at least one million dollars.

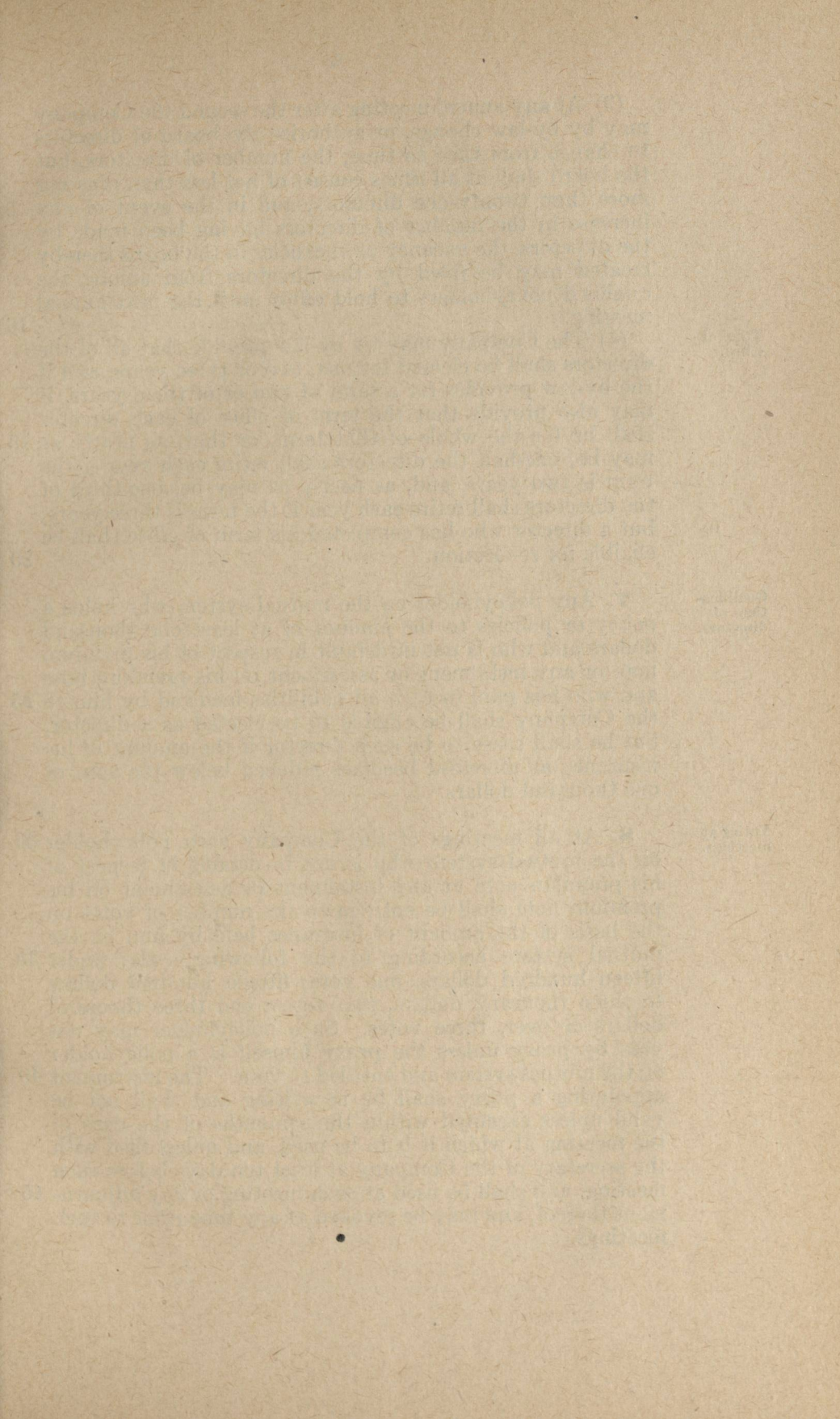
"Surplus" defined.

(4) In this section, the word "surplus" means the excess of assets over liabilities, including the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

Election of directors.

6. (1) There shall be elected at the first annual meeting a board of not less than nine nor more than twenty-one directors, who shall hold office for one year but shall be eligible for re-election.

(2) The Company shall, by by-law passed not less than three months prior to the holding of its second annual meeting after the passing of this Act, determine the number of directors to be elected at that and at subsequent annual meetings until otherwise changed by by-law.



(3) At any annual meeting after the second the Company may by by-law change, or authorize the board of directors to change from time to time, the number of directors, but the board shall at all times consist of not less than nine nor more than twenty-one directors, and in the event of any increase in the number of directors having been made by the directors, the vacancy or vacancies in the board thereby created may be filled by the directors from among the qualified policyholders to hold office until the next annual meeting.

Term of office.

(4) The Company may by by-law provide that all of the directors shall be elected for one, two or three years, and if the by-law provides for a term of two or of three years, it may also provide that the term of office of each director shall be for the whole of that term, or that, as nearly as may be, one-half the directors shall retire each year if the term is two years, and, as nearly as may be, one-third of the directors shall retire each year if the term is three years; but a director who has completed his term of office shall be eligible for re-election.

Qualifications of directors.

7. Any policyholder on the mutual system who holds a policy or policies to the amount of at least one thousand dollars and who is not in default in respect of his premium note or any instalment or assessment on his premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars.

Voting at meetings.

8. At all meetings of the Company each policyholder on the mutual system who is not in default in respect of his premium note or any instalment or assessment on his premium note shall be entitled to the number of votes on the basis of the amount of insurance held by him on the mutual system according to the following scale: under fifteen hundred dollars, one vote; fifteen hundred dollars to three thousand dollars, two votes; and three thousand dollars or over, three votes. Such policyholder may not vote by proxy unless the proxy himself is a policyholder on the mutual system and entitled to vote. The instrument appointing a proxy shall be in writing and shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the Company at least ten days before such meeting, and shall be used at such meeting or any adjournment thereof, and may be revoked at any time prior to such meetings.



Notice of meetings.

**9.** (1) Notice of every annual or special general meeting of the Company shall be sent by post to every policyholder on the mutual system and shall be published in two or more daily newspapers published at or near the place where the head office is located at least fifteen days prior to the day of the meeting. 5

(2) The directors shall at least seven days prior to the date of the annual meeting send to every policyholder on the mutual system by post the annual statement for the year ending on the last previous thirty-first day of December, which statement shall be certified by the auditors of the Company. 10

Liability of assets for losses on policies.

**10.** All the assets of the Company, including the premium notes given by policyholders, shall be liable for losses occurring on all the policies of the Company. A policyholder of the Company on the mutual system shall be liable in respect of any loss or other claim or demand against the Company to the extent of the amount unpaid upon his premium note and no more. 15

Provision for meeting deficiency of assets if Company wound up.

**11.** In the event of the winding-up of the Company if the assets on hand at the date of winding-up, exclusive of the unearned portion of the premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, an assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of such notes. 25

Assessment of premium notes and undertakings.

**12.** All premium notes and undertakings belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates, and for such sums, as the directors shall determine; and every policyholder on the mutual system who has given a premium note or undertaking shall pay the sums from time to time payable by him to the Company during the continuance of his policy in accordance with such assessment. 30 35

Effect of non-payment of assessment.

**13.** If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall become due the policy of insurance for which the said assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided, always, that the said policy shall be reinstated when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party; but nothing shall relieve the policyholder from his liability to pay such assessment or any subsequent assessments. 40 45

Proviso.





Right to sue  
for amount  
of assess-  
ment.

**14.** If any member or other person who has given a premium note or undertaking shall, for thirty days after the due date mentioned in the notice of assessment, neglect or refuse to pay said assessment the Company may sue for and recover the same with costs of suit and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. 5

Power of  
Company to  
deduct from  
payment due  
under a loss.

**15.** If there be any loss on property insured by the Company, the board of directors may deduct the amount of the premium note, less any paid assessments thereon, from the payment due under the loss and retain the amount so deducted until the time has expired for which insurance has been made, and at the expiration of the said time the insured shall have the right to demand and receive such part of the retained sum as shall not have been assessed against. 10 15

Insurance  
on cash plan.

**16.** No insurance on the cash plan shall make the insured a member of the Company or liable to contribute or pay any sum to the Company or to its funds or to any other member thereof beyond the cash premium agreed upon or give him any right to participate in the profits or surplus funds of the Company. 20

Distribution  
to policy-  
holders.

**17.** The directors may from time to time out of the earnings of the Company distribute equitably to the holders of policies issued by the Company on the mutual system such sums as in the judgment of the directors are proper and justifiable. 25

Power to  
acquire  
rights, etc.,  
of a certain  
Ontario  
insurance  
company.

**18.** (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property and may assume the obligations and liabilities of The Waterloo Mutual Fire Insurance Company, incorporated in the year 1863 under and pursuant to the provisions of chapter 52 of the Consolidated Statutes for Upper Canada, 1859, being an Act entitled "*An Act respecting Mutual Insurance Companies*", in this Act called "the provincial Company"; and in the event of such acquisition and assumption the Company shall perform and discharge all such obligations and liabilities of the provincial Company with respect to the rights and property acquired as are not performed and discharged by the provincial Company. 03 35 40

Duties in  
such event.

(2) No agreement between the Company and the provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

Approval of  
Treasury  
Board.



Coming  
into force.

**19.** This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the Canada Gazette. Such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the provincial Company present or represented by proxy at a meeting duly called for that purpose nor until the Superintendent of Insurance has been satisfied by such evidence as he may require that such approval has been given and that the provincial Company has ceased to do business or will cease to do business forthwith upon a certificate of registry being issued to the Company. 5 10

R.S., c. 31;  
1956, c. 28;  
1957-58,  
c. 11.

**20.** The *Canadian and British Insurance Companies Act* shall apply to the Company except as otherwise provided in this Act. 15

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Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-5.**

An Act respecting The Canadian Medical Association.

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Read a first time, Tuesday, 27th January, 1959.

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Honourable Senator SULLIVAN.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

20362-0

## THE SENATE OF CANADA

### BILL S-5.

An Act respecting The Canadian Medical Association.

Preamble.  
1909, c. 62.

WHEREAS The Canadian Medical Association, hereinafter called "the Association", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Repeal:

1. Section 2 of chapter 62 of the statutes of 1909 is repealed and the following substituted therefor:

- "2. The objects of the Association shall be
- (a) to promote the medical and related arts and sciences and to maintain the honour and the interests of the medical profession;
  - (b) to aid in the furtherance of measures designed to improve the public health and to prevent disease and disability;
  - (c) to promote the improvement of medical services however rendered;
  - (d) to publish the Canadian Medical Association Journal and such other periodic journals as may be authorized, together with such transactions, reports, books, brochures or other papers as may promote the objects of the Association;
  - (e) to assist in the promotion of measures designed to improve standards of hospital and medical services;
  - (f) to promote the interests of the members of the Association and to act on their behalf in the promotion thereof;
  - (g) to grant sums of money out of the funds of the Association for the furtherance of these objects; and
  - (h) to do such other lawful things as are incidental or conducive to the attainment of the above objects."

#### EXPLANATORY NOTES.

Section 2 of the Act incorporating The Canadian Medical Association, chapter 62 of the statutes of 1909, reads as follows:—

“2. The objects of the Association shall be the promotion of the medical and allied sciences, and the maintenance of the honour and the interests of the medical profession, by the aid of all or any of the following:—

- (a) Periodical meetings of the members of the Association, and of the medical profession generally, in different parts of Canada and elsewhere.
- (b) The publication of such information as may be thought desirable in the form of a periodical journal, which shall be the Journal of the Association.
- (c) The occasional publication of transactions or other papers.
- (d) The grant of sums of money out of the funds of the Association for the promotion of the medical and allied sciences in such manner as may from time to time be determined.
- (e) And such other lawful things as are incidental or conducive to the attainment of the above objects.”

The proposed new section is required for the purpose of restating and extending the objects of The Canadian Medical Association to meet new needs and requirements.

Repeal.

2. Section 7 of chapter 62 of the statutes of 1909 is repealed and the following substituted therefor:

"7. The Association may receive, acquire, accept and hold real and personal property by gift, purchase, legacy, lease or otherwise, for the purpose of the Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes." 5



Section 7 of chapter 62 of the statutes of 1909 reads as follows:—

“7. The Association may receive, acquire, accept and hold real and personal property by gift, purchase, legacy, lease or otherwise, for the purpose of the Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes: Provided however that the annual value of the real estate held by the Association shall not exceed the sum of fifty thousand dollars.”

The proposed new section would remove the limitation imposed upon The Canadian Medical Association by its Act of incorporation with regard to the value of land to be held by the Association to carry out its objects. This is in line with the powers granted in such matters at the present time to similar corporations.



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Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-6.**

An Act to confirm an Agreement between the Government of Canada and the Government of the Province of New Brunswick respecting Indian Reserves.

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First reading, Thursday, 29th January, 1959.

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The Honourable Senator ASELTINE

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

THE SENATE OF CANADA

**BILL S-6.**

An Act to confirm an Agreement between the Government of Canada and the Government of the Province of New Brunswick respecting Indian Reserves.

**H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts 5  
as follows:

Agreement  
ratified and  
confirmed.

**1.** The Agreement between the Government of Canada and the Government of the Province of New Brunswick, set out in the Schedule, is ratified and confirmed, and it shall take effect according to its terms. 10

EXPLANATORY NOTES.

The purpose of this legislation is to ratify and confirm an Agreement made on March 25, 1958, between the Government of Canada and the Government of the Province of New Brunswick in relation to lands forming part of Indian Reserves in the Province of New Brunswick.

## SCHEDULE.

MEMORANDUM OF AGREEMENT MADE THIS 25th DAY OF March, 1958.

BETWEEN

THE GOVERNMENT OF CANADA hereinafter referred to as  
"Canada"

OF THE FIRST PART;

AND

THE GOVERNMENT OF THE PROVINCE OF NEW  
BRUNSWICK hereinafter referred to as "New Brunswick"

OF THE SECOND PART.

WHEREAS since the enactment of the British North America Act, 1867, certain lands in the Province of New Brunswick set aside for Indians have been surrendered to the Crown by the Indians entitled thereto;

AND WHEREAS from time to time Letters Patent have been issued under the Great Seal of Canada purporting to convey said lands to various persons;

AND WHEREAS two decisions of the Judicial Committee of the Privy Council relating to Indian lands in the Provinces of Ontario and Quebec lead to the conclusion that said lands could only have been lawfully conveyed by authority of New Brunswick with the result that the grantees of said lands hold defective titles and are thereby occasioned hardship and inconvenience;

NOW THIS AGREEMENT WITNESSTH that the parties hereto, in order to settle all outstanding problems relating to Indian reserves in the Province of New Brunswick and to enable Canada to deal effectively in future with lands forming part of said reserves, have mutually agreed subject to the approval of the Parliament of Canada and the Legislature of the Province of New Brunswick as follows:

1. In this agreement, unless the context otherwise requires,
  - (a) "Province" means the Province of New Brunswick;
  - (b) "reserve lands" means those reserves in the Province referred to in the appendix to this agreement;



- (c) "patented lands" means those tracts of land in the Province in respect of which Canada accepted surrenders of their rights and interests therein from the Indians entitled to the use and occupation thereof and in respect of which grants were made by Letters Patent issued under the Great Seal of Canada;
  - (d) "minerals" includes salt, oil, natural gas, infusorial earth, ochres or paints, the base of which is found in the soil, fire clays, carbonate of lime, sulphate of lime, gypsum, coal, bituminous shale, albertite and uranium, but not sand, gravel and marl;
  - (e) "Indian Act" means the Indian Act, Revised Statutes of Canada 1952, cap. 149, as amended from time to time and includes any re-enactment, revision or consolidation thereof;
  - (f) "surrender" means the surrender for sale of reserve lands or a portion thereof pursuant to the Indian Act but does not include a surrender of rights and interests in reserve lands for purposes other than sale; and
  - (g) "public highways" means every road and bridge in reserve lands, constructed for public use by and at the expense of the Province or any municipality in the Province and in existence at the coming into force of this agreement.
2. All grants of patented lands are hereby confirmed except in so far as such grants purport to transfer to the grantees any minerals and said minerals are hereby acknowledged to be the property of the Province.
  3. New Brunswick hereby transfers to Canada all rights and interests of the Province in reserve lands except lands lying under public highways, and minerals.
  4. (1) In the event that a band of Indians in the Province becomes extinct, Canada shall revert in the Province all the rights and interests transferred to it under this agreement in the reserve lands occupied by such band prior to its becoming extinct.  
 (2) For the purposes of subparagraph (1) a band does not become extinct by enfranchisement.
  5. The mining regulations made from time to time under the Indian Act apply to the prospecting for, mining of or other dealing in all minerals in unsurrendered reserve lands and all minerals reserved in the grants referred to in paragraph 2, and any payment made pursuant to such regulations whether by way of rent, royalty, or otherwise, shall be paid to the Receiver General of Canada for the use and benefit of the Indian band or Indians from whose reserve lands such monies are so derived.





6. (1) Canada shall forthwith notify New Brunswick of any surrender and New Brunswick may within thirty days of receiving such notification elect to purchase the surrendered lands at a price to be agreed upon.
- (2) If New Brunswick fails to elect within such thirty-day period, Canada may dispose of the surrendered lands without further reference to New Brunswick.
- (3) Where a surrender is made under the condition that the surrendered lands be sold to a named or designated person at a certain price or for a certain consideration, New Brunswick shall exercise its election subject to that price or consideration.
- (4) Subject to subparagraph (3) of this paragraph, should Canada and New Brunswick be unable, within thirty days of the date of an election to purchase being made, to reach agreement on the price to be paid by New Brunswick for any surrendered lands, the matter shall be referred to arbitrators as follows:
  - (a) Canada and New Brunswick shall each appoint one arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator;
  - (b) the decision of the arbitrators as to the price to be paid by New Brunswick for the surrendered lands shall be final and conclusive; and
  - (c) the costs of arbitration shall be borne equally by Canada and New Brunswick.

IN WITNESS WHEREOF the Honourable Davie Fulton, Acting Minister of Citizenship and Immigration, has hereunto set his hand on behalf of the Government of Canada and the Honourable Norman B. Buchanan, Minister of Lands and Mines, has hereunto set his hand on behalf of the Government of the Province of New Brunswick.

Signed on behalf of the Government of Canada by The Honourable Davie Fulton Acting Minister of Citizenship and Immigration in the presence of

“Laval Fortier”

“E.D. FULTON”

Signed on behalf of the Government of the Province of New Brunswick by the Honourable Norman B. Buchanan, Minister of Lands and Mines in the presence of

“W.W. McCormack”

“NORMAN BUCHANAN”



## APPENDIX

RESERVE No.	NAME OF RESERVE	LOCATION OF RESERVE
GLOUCESTER COUNTY		
11	PABINEAU.....	In the Parish of Bathurst, on both sides of the Nipisiquit River just north of its confluence with the Pabineau River. It is approximately 2 miles south of Gloucester Junction, N.B.
13	POKEMOUCHE.....	In the Parish of Inkerman, consisting of 2 parcels of land along the south shore of the Pokemouche River, approximately 4 miles east of the rural Post Office of Pokemouche.
RESTIGOUCHE COUNTY		
3	EEL RIVER.....	In the Parish of Dalhousie along the north shore of Eel River at its mouth. It is approximately 2 miles south of Darlington Rural Post Office, N.B.
MADAWASKA COUNTY		
10	ST. BASILE (Edmundston)....	Along the north bank of the St. John River adjacent to the east limits of Edmundston East, N.B.
VICTORIA COUNTY		
20	TOBIQUE.....	In the Parishes of Perth and Denmark, on the north side of the Tobique River at its confluence with the Saint John River.
CARLETON COUNTY		
23	WOODSTOCK.....	In the Parish of Woodstock, on both sides of Highway No. 2, approximately 2 miles south of Woodstock, N.B.
YORK COUNTY		
6	KINGSCLEAR (French Village)...	In the Parish of Kingsclear, on both sides of Provincial Highway No. 2, approximately 1½ miles west of McKinley Ferry, N.B.
ST. JOHN COUNTY		
18	THE BROTHERS.....	Two small islands in Kennebecasis Bay in the Parish of St. John. They lie off shore from Sandy Point Road.
KENT COUNTY		
15	RICHIBUCTO.....	In the Parish of Weldford on the north or left bank of the Richibucto east from the confluence of the Molus River. The Rural Post Office of Big Cove is on the reserve.
16	BUCTOUCHE.....	In the Parish of Wellington, on the north or left bank of the Buctouche River and on the east side of Noels Creek at its confluence with said Buctouche River; 2 miles east of the Town of Buctouche.



## APPENDIX

RESERVE No.	NAME OF RESERVE	LOCATION OF RESERVE
NORTHUMBERLAND COUNTY		
1	INDIAN POINT.....	In the Parish of Northesk, east of the Northwest Miramichi River, approximately one and one half miles northeast of the Village of Sunny Corner.
2	EEL GROUND.....	In the Parish of Northesk on the north or left bank of the northwest Branch of the Miramichi River, approximately one mile west of its confluence with the main southwest branch of the Miramichi River; 3 miles west of the Town of Newcastle.
4	RED BANK.....	In the Parish of Southesk, approximately one mile west of the Village of Red Bank, and South of the Little Southwest Miramichi River near its confluence with the Northwest Miramichi River.
7	RED BANK.....	In the Parish of Southesk with a small part in the northeast corner in the Parish of Northesk. North of the Little Southwest Miramichi River opposite Red Bank Indian Reserve No. 4.
8	BIG HOLE TRACT.....	In the Parish of Northesk on the east or left bank of the Miramichi River opposite the mouths of the North Sevogle and Little Sevogle Rivers.
9	TABUSINTAC.....	In the Parish of Alnwick along both banks of the Tabusintac River west from the mouth of Stymest Millstream, approximately 5 miles up-river from the Village of Tabusintac.
14	BURNT CHURCH.....	In the Parish of Alnwick, on both sides of the Burnt Church River at its mouth and crossed by Provincial Highway No. 11, between the Rural Post Offices of Village St. Laurent and Riviere-des-Caches.
12	RENOUS.....	In the Parish of Blackville on the east or right bank of the Southwest Miramichi River opposite the mouth of the Renous River.

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Second Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-7.**

An Act respecting Gore District Mutual Fire Insurance  
Company.

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Read a first time, Wednesday, 4th February, 1959.

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Honourable Senator EULER.

THE SENATE OF CANADA

BILL S-7.

An Act respecting Gore District Mutual Fire Insurance Company.

Preamble.  
1937, c. 48.  
1944-45, c. 56.

WHEREAS Gore District Mutual Fire Insurance Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Change of name.

Existing rights saved.

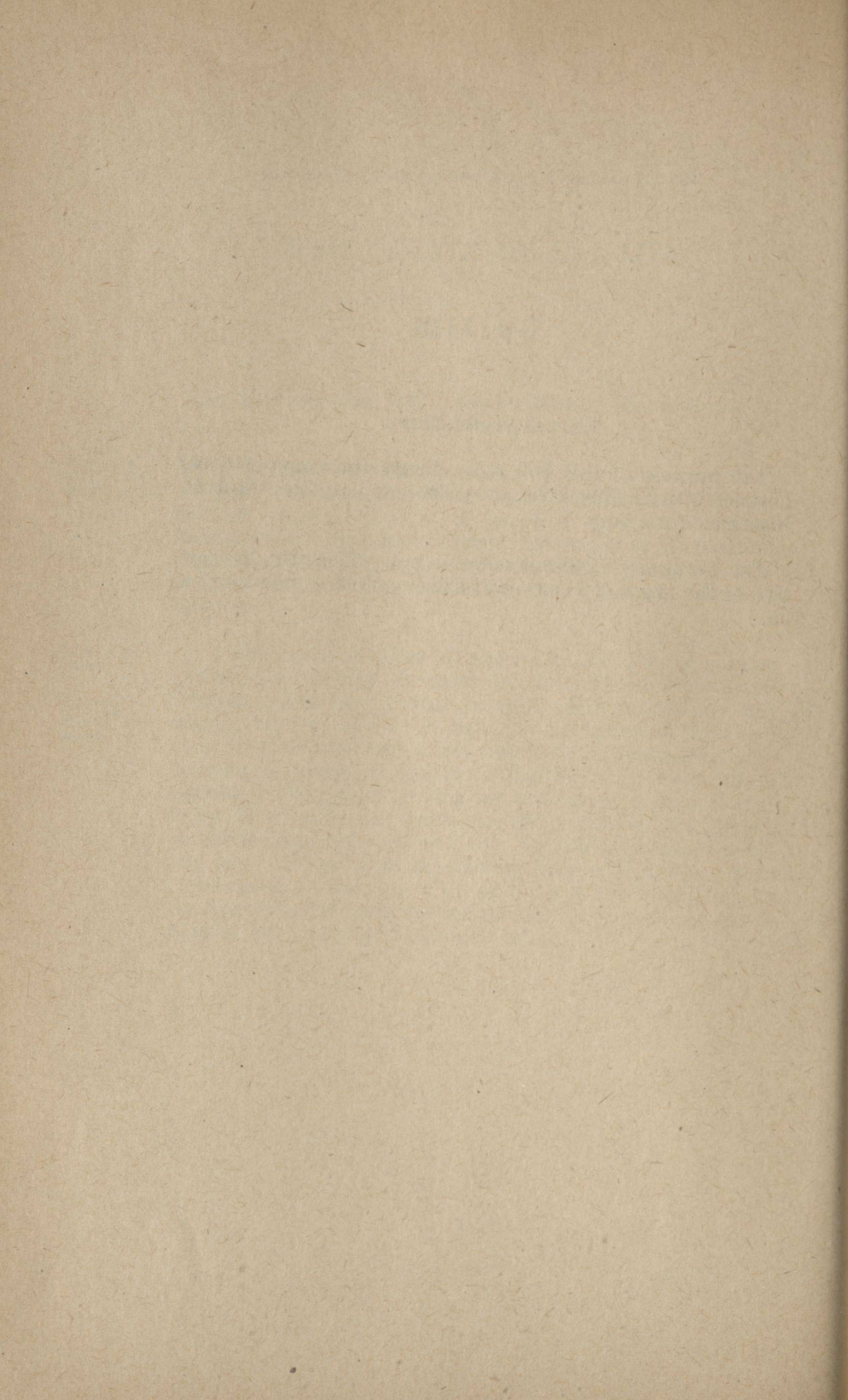
1. The name of Gore District Mutual Fire Insurance Company is hereby changed to Gore Mutual Insurance Company, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Company by its former name may be commenced or continued by or against the Company by its new name. 10 15 20



EXPLANATORY NOTE.

The purpose of this Bill is to change the name of Gore District Mutual Fire Insurance Company to Gore Mutual Insurance Company.

The Company's present name is not sufficiently descriptive of the types of insurance business which it now carries on.



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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-8.**

An Act respecting The Boiler Inspection and Insurance  
Company of Canada.

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Read a first time, Thursday, 5th February, 1959.

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Honourable Senator BRUNT.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

## THE SENATE OF CANADA

### BILL S-8.

An Act respecting The Boiler Inspection and Insurance Company of Canada.

Preamble.  
1875, c. 95;  
1882, c. 102;  
1889, c. 97;  
1892, c. 68.

WHEREAS The Boiler Inspection and Insurance Company of Canada, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Repeal.

1. Section 2 of chapter 95 of the statutes of 1875, chapter 97 of the statutes of 1889 and chapter 68 of the statutes of 1892 are repealed and the following substituted therefor: 10

Classes of insurance authorized.

"2. (1) The Company may undertake, transact and make contracts of insurance for all or any of the following classes of insurance:

- (a) fire insurance;
- (b) accident insurance; 15
- (c) aircraft insurance;
- (d) automobile insurance;
- (e) boiler insurance;
- (f) credit insurance;
- (g) earthquake insurance; 20
- (h) explosion insurance;
- (i) falling aircraft insurance;
- (j) forgery insurance;
- (k) guarantee insurance;
- (l) hail insurance; 25
- (m) impact by vehicles insurance;
- (n) inland transportation insurance;
- (o) live stock insurance;
- (p) machinery insurance;
- (q) marine insurance; 30

## EXPLANATORY NOTES.

The Company has, since its incorporation in 1875, transacted the business of boiler insurance, its powers having been extended slightly by the amending Acts of 1889 and 1892. It is now considered desirable to be in a position to extend operations throughout the field of fire and casualty insurance. Accordingly the Company seeks power to transact all of the usual classes of insurance except life insurance and clause 1 of the present Bill is designed to effect this purpose. Section 2 of chapter 95 of the statutes of 1875 and the two amending Acts of 1889 and 1892, which dealt exclusively with powers, are repealed.

Section 2 of chapter 95 of the statutes of 1875 reads as follows:

"2. The said company shall have power in the Dominion of Canada, or in Great Britain and Ireland, or in any of the dependencies thereof, or in foreign countries, to transact and carry on the business of insurance and re-insurance against loss or damage from explosion to stationary, marine and locomotive boilers, the machinery connected therewith, or the house or houses, store or stores, or other building or buildings, or vessel, steamer, boat or other craft in which the same are placed, or to which they may be attached, or to any goods, wares, merchandise, cargo or other property of any description stored or conveyed therein; and for the said purposes or any or either of them, at any and all times and places, to make and execute written or printed, or partly printed and partly written policies, contracts, agreements or undertakings according to the exigency of the particular case and cases, and generally to do and perform all the necessary matters and things connected with and proper to promote those objects."

Chapter 97 of the statutes of 1889 reads as follows:

"WHEREAS the Boiler Inspection and Insurance Company of Canada have, by their petition, prayed that the powers granted to them under their Act of incorporation may be extended, by granting them power to include under their policies insurance covering loss of life, or injury to person resulting from the explosion of insured boilers, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the provisions of "*The Insurance Act*", and in addition to the privileges conferred upon the Company, under their Act of incorporation and amendments thereto, the Boiler Inspection and Insurance Company of Canada, shall have the power of making, entering into and executing policies, contracts, agreements and undertakings, guaranteeing engineers and firemen in actual attendance upon any boiler insured by the said Company against loss of life or injury to person, resulting from the explosion thereof."

- (r) personal property insurance;
- (s) plate glass insurance;
- (t) real property insurance;
- (u) sickness insurance;
- (v) sprinkler leakage insurance;
- (w) theft insurance;
- (x) water damage insurance;
- (y) weather insurance;
- (z) windstorm insurance.

5

When  
Company  
may transact  
certain  
classes of  
business.

(2) When the amount paid upon the capital stock of the 10  
Company has been increased to at least three hundred  
thousand dollars, the Company may transact the business  
of fire insurance, boiler insurance, machinery insurance,  
personal property insurance, and in addition thereto,  
civil commotion insurance, earthquake insurance, falling 15  
aircraft insurance, hail insurance, impact by vehicles  
insurance, limited or inherent explosion insurance, sprinkler  
leakage insurance, water damage insurance, weather in-  
surance and windstorm insurance, limited to the insurance  
of the same property as is insured under a policy of fire 20  
insurance of the Company.

Additional  
amounts for  
certain  
other classes  
of business.

(3) The Company shall not commence any of the other  
classes of insurance authorized by subsection (1) until the  
paid capital, or the paid capital together with the surplus,  
has been increased by an amount or amounts depending 25  
upon the nature of the additional class or classes of business  
as follows, that is to say:—for accident insurance not less  
than eighty thousand dollars; for aircraft insurance not less  
than forty thousand dollars; for automobile insurance not  
less than forty thousand dollars; for credit insurance not 30  
less than forty thousand dollars; for earthquake insurance  
not less than ten thousand dollars; for explosion insurance  
not less than forty thousand dollars; for falling aircraft  
insurance not less than ten thousand dollars; for forgery 35  
insurance not less than forty thousand dollars; for guarantee  
insurance not less than one hundred thousand dollars; for  
hail insurance not less than fifty thousand dollars; for  
impact by vehicles insurance not less than ten thousand  
dollars; for inland transportation insurance not less than  
twenty thousand dollars; for live stock insurance not less 40  
than forty thousand dollars; for marine insurance not less  
than one hundred thousand dollars; for plate glass insurance  
not less than twenty thousand dollars; for real property  
insurance not less than twenty thousand dollars; for sick-  
ness insurance not less than twenty thousand dollars; 45  
for sprinkler leakage insurance not less than ten thousand  
dollars; for theft insurance not less than forty thousand  
dollars; for water damage insurance not less than twenty

Chapter 68 of the statutes of 1892 reads as follows:

“WHEREAS the Boiler Inspection and Insurance Company of Canada has, by its petition, prayed that an Act be passed conferring on it the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the provisions of *The Insurance Act*, The Boiler Inspection and Insurance Company of Canada, in addition to the powers granted to it by the Acts relating to the Company, may transact and carry on the business of insurance and re-insurance against loss or damage arising from breakage of, or injury to, any part of elevators, or hoists, or other machinery used for, or in connection with, passenger or other traffic in any warehouse, dwelling, office, or other building, and whether such elevator, or hoist is operated by steam, hydraulic, electric or other appliance of power,—against loss or damage arising from injury to machinery used for the production of electricity as a motive power, or illuminating agent,—against loss or damage arising from the breakage of, or injury to, steam engines or parts thereof, or other machinery used for the production of power,—against loss or damage arising from the breakage of, or injury to, shafting, hangers, pulleys, belts, or ropes, or other appliances used for the transmission of power,—and against loss of human life, or injury to person, from the explosion of steam boilers, or from the breakage of, or injury to, any of the classes of machinery enumerated in this Act; provided however, that the amount of insurance in respect of loss of life or injury to person upon any single risk shall not exceed two thousand dollars.

2. Before the Company is entitled to exercise the enlarged powers given by this Act, its subscribed capital shall be increased to at least two hundred thousand dollars, and the amount deposited by it with the Minister of Finance and Receiver General shall be increased to at least sixty thousand dollars.”

The present paid-up capital of the Company amounts to three hundred thousand dollars. Sub-clause (2) of clause 1 authorizes the transaction of certain classes of insurance with this amount of capital.

Sub-clause (3) of clause 1 prescribes the amount of increase in paid-up capital and surplus required before business may be transacted in the additional classes of insurance therein listed.

thousand dollars; for weather insurance not less than twenty thousand dollars; and for windstorm insurance not less than fifty thousand dollars.

When Company may transact any or all classes of insurance business.

(4) Notwithstanding anything to the contrary contained in this section, the Company may transact all or any of the classes of insurance business authorized by subsection (1) when the paid capital amounts to at least five hundred thousand dollars and the paid capital together with the surplus amounts to at least one million dollars. 5

"Surplus" defined.

(5) In this section, the word "surplus" means the excess of assets over liabilities, including the amount of capital stock and the reserve of unearned premiums calculated pro rata for the unexpired term of all policies of the Company in force." 10

Repeal.

2. Section 4 of chapter 95 of the statutes of 1875 is repealed and the following substituted therefor: 15

Capital stock.

"4. (1) The capital stock of the Company shall be one million dollars divided into one hundred thousand ordinary shares of the par value of ten dollars each.

Proviso.

(2) The Company may by by-law increase the amount of its authorized capital stock from time to time to an amount not exceeding two million dollars divided into shares of the par value of ten dollars each: Provided that no such by-law shall be valid or acted upon until it has been sanctioned by at least two thirds of the votes cast at a special general meeting of the shareholders of the Company duly called for considering the same." 20 25

Subdivision of existing capital stock.

3. The three thousand shares of the Company issued and outstanding prior to the passing of this Act and having a par value of one hundred dollars each shall be subdivided into thirty thousand of the aforesaid shares having a par value of ten dollars each on the basis of ten shares for one. The said thirty thousand ordinary shares shall constitute the total issued capital of the Company at the date of the coming into force of this Act. 30 35

Repeal.

4. Section 8 of chapter 95 of the statutes of 1875, as amended by section 2 of chapter 102 of the statutes of 1882, is repealed and the following substituted therefor:

Directors, election and terms of office.

"8. The stock, property, affairs and concerns of the said Association shall be managed and conducted by the said directors, one of whom shall be chosen President and one Vice-President; the said directors shall be elected annually at the annual general meeting of the shareholders and any retiring director shall be eligible for reelection if otherwise qualified; if any vacancy should at any time happen amongst the said directors during the term of office of any director, 40 45



The present authorized capital of the Company is five hundred thousand dollars with power to the Company to increase such capital to one million dollars. In view of the growth of the Company and the size of its surplus it is considered expedient that the authorized capital should be increased to one million dollars with power to the Company to increase such capital to two million dollars.

The book value of the existing shares of the capital stock of the Company of the par value of one hundred dollars is in excess of eight hundred dollars for each share. With the continued growth of the Company and the resulting increase in the book value of the shares the Company deems it expedient that the par value of the shares be reduced to ten dollars in order to give the capital stock of the Company greater marketability. This is provided for in clause 2 of the Bill.

Section 4 of chapter 95 of the statutes of 1875 reads as follows:

"4. The capital stock of the said Association shall be five hundred thousand dollars, and shall be divided into five thousand shares of one hundred dollars each, which shares shall be and are hereby vested in the several persons who shall subscribe for the same: Provided always that it shall and may be lawful for the said Association to increase its capital stock to a sum not exceeding one million dollars, as a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, shall agree upon."

The purpose of clause 3 is to subdivide the three thousand shares of the par value of one hundred dollars each, presently outstanding, into thirty thousand shares of the par value of ten dollars each.

Section 8 of the Act of incorporation of 1875 as amended by the Act of 1882 provides, *inter alia*, that notice of shareholders' meetings shall be given in accordance with section 6 of the 1875 Act which calls for fifteen days' continuous notice in a daily newspaper. The cost of inserting the usual form of annual notice for fifteen days is now well in excess of four hundred dollars. The amendment suggested in clause 4 would require only one insertion in at least two newspapers and is in line with the provisions of the *Canadian and British Insurance Companies Act*.

Section 8 of chapter 95 of the statutes of 1875 as amended by section 2 of chapter 102 of the statutes of 1882 reads as follows:

such vacancy shall be filled for the remainder of the term by the remaining directors or a majority of them, electing in such place or places a shareholder or shareholders eligible for such office; all elections of directors shall be made and take place at the annual general meeting of the shareholders to be holden at the head office of the Association, or elsewhere in the city of Toronto, on the first Wednesday in April, in each year, or such other day as may be appointed by by-law,—notice of such meeting being given at least fifteen days before in two or more daily newspapers published at or near the head office of the Company; and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the directors and then due; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as directors than should have been chosen, then a second vote on the names of such persons shall be taken and so on until the proper number of persons shall be elected: and the said directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and one to be Vice-President.”

Repeal.

5. Section 18 of chapter 95 of the statutes of 1875 is repealed.

"8. The Stock, property, affairs and concerns of the said Association shall be managed and conducted by the said Directors, one of whom shall be chosen President, and one Vice-President; the said Directors shall be elected annually at the annual general meeting of the shareholders as herein provided and any retiring Director shall be eligible for re-election if otherwise qualified: if any vacancy should at any time happen amongst the said Directors during the term of office of any Director, such vacancy shall be filled for the remainder of the term by the remaining Directors or a majority of them, electing in such place or places a shareholder or shareholders eligible for such office; all elections of Directors shall be made and take place at the annual general meeting of the shareholders to be holden at the head office of the Association, or elsewhere in the City of Toronto, on the first Wednesday in April, in each year, or such other day as may be appointed by by-law,—not less than fifteen days' notice of such meeting being given as provided in section six; and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be Directors; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors than should have been chosen, then a second vote on the names of such persons shall be taken, and so on until the proper number of persons shall be elected: and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and one to be Vice-President."

Section 18 of chapter 95 of the statutes of 1875 limits payment of dividends to twenty per cent of the capital in any one year. The paid-up capital is \$300,000 and the surplus is approximately \$2,250,000. The present limitation on the payment of dividends means that dividends of less than two and one-half per cent can be paid on such working capital. Clause 5 of the Bill accordingly seeks the repeal of the said section 18 which reads as follows:

"18. No larger dividend shall be made in any one year than twenty per cent. on the paid-up capital, and any larger amount earned shall be appropriated to a rest until such rest shall be equal to twenty-five per cent. of the amount of the capital for the time being."

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LIBRARY  
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AND ANATOMY  
HARVARD UNIVERSITY  
CAMBRIDGE, MASS.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-9.**

An Act respecting The North American Accident  
Insurance Company.

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Read a first time, Tuesday, 10th February, 1959.

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Honourable Senator HUGESSEN.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

## THE SENATE OF CANADA

### BILL S-9.

An Act respecting The North American Accident Insurance Company.

Preamble.  
1917, c. 65.

WHEREAS The North American Accident Insurance Company, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Change of  
name.

Existing  
rights saved.

1. The name of The North American Accident Insurance Company is hereby changed to The North American General Insurance Company, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Company by its former name may be commenced or continued by or against it by its new name. 10 15 20

EXPLANATORY NOTE.

The sole purpose of this Bill is to change the name of The North American Accident Insurance Company to The North American General Insurance Company.

The Company's present name is not sufficiently descriptive of the types of insurance business which it now carries on.





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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-10.**

An Act respecting Baloise Fire Insurance Company  
of Canada.

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Read a first time, Tuesday, 10th February, 1959.

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Honourable Senator Smith  
(*Kamloops*).

## THE SENATE OF CANADA

### BILL S-10.

An Act respecting Baloise Fire Insurance Company  
of Canada.

Preamble.  
1953-54, c. 69.

WHEREAS Baloise Fire Insurance Company of Canada, hereinafter called "the Company", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Change of  
name.

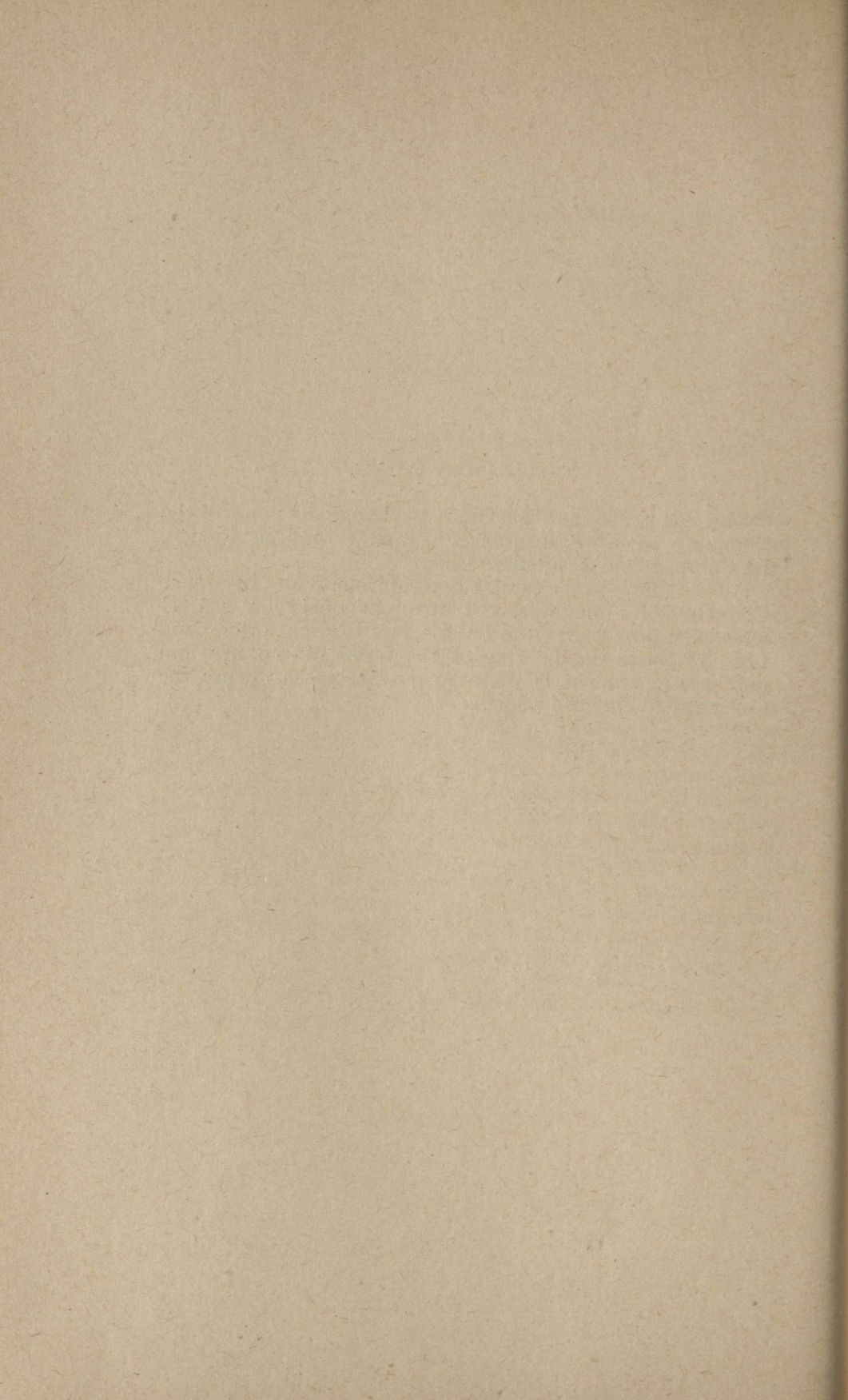
1. The name of Baloise Fire Insurance Company of Canada, and in French, La Baloise, Compagnie d'Assurance contre l'Incendie au Canada, is hereby changed to Elite Insurance Company, and in French, La Compagnie d'Assurances Elite, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by or in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Company by its former name may be commenced or continued by or against it by its new name. 10 15 20

Existing  
rights saved.

#### EXPLANATORY NOTES.

The sole purpose of this Bill is to change the name of the Company to Elite Insurance Company, and in French, La Compagnie d'Assurances Elite.

All the shares in the capital stock of Baloise Fire Insurance Company of Canada (except directors' qualifying shares) have been purchased from Baloise Fire Insurance Company Ltd., of Switzerland. One of the terms of the sale and purchase agreement is that the purchaser shall cause the Company to change its name.



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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-11.**

An Act to incorporate The Evangelical Mennonite  
Conference.

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Read a first time, Tuesday, 17th February, 1959.

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Honourable Senator Beaubien.

## THE SENATE OF CANADA

### BILL S-11.

#### An Act to incorporate The Evangelical Mennonite Conference.

- Preamble.** WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5
- Incorporation.** 1. David Plett Reimer, clergyman, of the postal district of Giroux, Archie Penner, clergyman, of the town of Steinbach, and Peter Loewen Friesen, clergyman, of the postal district of Morris, all in the province of Manitoba, are hereby incorporated under the name of The Evangelical 10
- Corporate name.** Mennonite Conference, hereinafter called "the Corporation", for the purposes set out in this Act and for the purpose of administering the property, business and other temporal affairs of the Corporation.
- Directors.** 2. The persons named in section 1 of this Act shall be 15 the first directors of the Corporation.
- Head office.** 3. (1) The head office of the Corporation shall be in the town of Steinbach, in the province of Manitoba, or at such other place as may be decided by the Corporation.
- Notice of change.** (2) Notice in writing shall be given to the Secretary of 20 State by the Corporation of any change of the head office and such notice shall be published forthwith in the *Canada Gazette*.
- Objects.** 4. The objects of the Corporation shall be (a) to promote, maintain, superintend and carry on in 25 accordance with the Christian faith, doctrines, constitution, acts and rulings of the Corporation any or all of the work of that body;



- (b) to advance and increase the diffusion of the Christian faith of the Corporation in all lawful ways;
- (c) to organize, maintain and carry on churches and missions and to erect and maintain and conduct therein churches, seminaries, schools, colleges, hospitals, dispensaries, orphanages and homes for the aged; 5
- (d) to promote the erection and purchase of houses of worship and parsonages;
- (e) to administer the property, business and other temporal affairs of the Corporation; 10
- (f) to establish, support and maintain a publishing house for the purpose of printing and disseminating Gospel literature for the support of the doctrines and faith of the Corporation;
- (g) to promote the spiritual welfare of all the congregations and mission fields of the Corporation. 15

Power to  
make  
by-laws.

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

- (a) the administration, management and control of the property, business and other temporal affairs of the Corporation; 20
- (b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;
- (c) the appointment or deposition of an executive committee or any special committees or boards from time to time created for the purposes of the Corporation, and defining the powers of such committees or boards; 25
- (d) the calling of regular or special meetings of the Corporation or of the executive committee or the board of directors; 30
- (e) fixing the necessary quorum and the procedure to be followed at all meetings referred to in the preceding paragraph;
- (f) determining the qualifications of members;
- (g) defining and applying the principles, doctrine and religious standards of the Corporation; 35
- (h) generally carrying out the objects and purposes of the Corporation.

Management.

**6.** Subject to and in accordance with the by-laws enacted by the Corporation under section 5, an executive committee consisting of such persons as the Corporation may from time to time elect or appoint thereto shall manage all the temporal affairs of the Corporation. 40

Incidental  
powers.

**7.** The Corporation may do all such lawful acts and things as are incidental or as may be conducive to the attainment of its objects. 45





Committees.

**8.** The Corporation may exercise all its powers by and through an executive committee or through such boards or committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

Power to acquire and hold property.

**9.** (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favor of the uses and purposes of the Corporation, or to, for or in favor of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the Corporation. 5  
10

(2) The Corporation may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgements recovered. 15

Investment in and disposal of property.

**10.** Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not; and may also, from time to time, invest all or any of its funds, or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property; and for the purpose of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments either wholly or partly. 20  
25  
30

Obligation to dispose of lands.

**11.** (1) No parcel of land or interest therein at any time acquired by the Corporation and not required for its actual use or occupation, and not held by way of security, shall be held by the Corporation, or by any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold or disposed of, so that the Corporation shall no longer retain any interest or estate therein except by way of security. 35  
40

Extension of time.

(2) The Secretary of State may extend the time for the sale or disposal of any such parcel of land, or any estate or interest therein, for a further period or periods not to exceed five years. 45



(3) The whole period during which the Corporation may hold any such parcel of land, or any estate or interest therein, under the foregoing provisions of this section, shall not exceed fifteen years from the date of the acquisition thereof, or after it shall have ceased to be required for actual use or occupation by the Corporation. 5

(4) Any such parcel of land, or any estate or interest therein, not within the exceptions hereinbefore mentioned, which has been held by the Corporation for a longer period than authorized by the foregoing provisions of this section 10 without being disposed of, shall be forfeited to Her Majesty for the use of Canada.

(5) The Corporation shall give the Secretary of State, when required, a full and correct statement of all lands, at the date of such statement, held by the Corporation, or in 15 trust for it, and subject to the provisions of this section.

Application  
of mortmain  
laws.

**12.** In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain 20 shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply 25 to the Corporation.

Transfer of  
property  
held in  
trust.

**13.** In so far as authorization by the Parliament of Canada is necessary, any person or corporation, in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes of the Corporation, 30 or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of  
documents.

**14.** Any deed or other instrument relating to real 35 estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Corporation and there is thereon the signature of any two officers of the Corporation 40 duly authorized for such purpose, or of his lawful attorney.

Disposition  
of property  
by gift  
or loan.

**15.** The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings 45 deemed necessary for any church, manse, seminary, college, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and conditions as it may deem expedient.



Borrowing  
powers.

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

- (a) borrow money upon the credit of the Corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse or become party to promissory notes and bills of exchange, and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Corporation, and countersigned by the proper party thereto, authorized by the by-laws of the Corporation, shall be binding upon the Corporation and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;
- (d) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation;
- (e) issue bonds, debentures or other securities of the Corporation;
- (f) pledge or sell such bonds, debentures or other securities for such sums and at any such prices as may be deemed expedient.

Limitation.

(2) Nothing in the preceding subsection shall be construed to authorize the Corporation to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

Investment  
of funds.

**17.** The Corporation may invest and reinvest any of its funds

- (a) in any bonds or debentures of any municipality or public school corporation or district in Canada, or in securities of or guaranteed by the Government of Canada or of any province thereof;
- (b) in first mortgages on freehold property in Canada and for the purposes of the same may take mortgages or assignments thereof whether such mortgages or assignments be made directly to the Corporation in its own corporate name or to some company or person in trust for it, and may sell and assign the same;
- (c) in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest funds subject to the limitation on investments in stocks, bonds and debentures set out in the *Canadian and British Insurance Companies Act*.

R.S., c. 31.

Jurisdiction.

**18.** The Corporation may exercise its functions throughout Canada.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-12.**

An Act to incorporate Pacific Standard Life  
Insurance Company.

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Read a first time, Tuesday, 3rd March, 1959.

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Honourable Senator McKEEN.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

20627-6

## THE SENATE OF CANADA

### BILL S-12.

#### An Act to incorporate Pacific Standard Life Insurance Company.

- Preamble. **W**HEREAS 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 petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5
- Incorporation. **1.** Harry J. Seed, insurance executive, J. M. Burnett, insurance executive, Esmond Lando, solicitor, and Clifford T. Ruddell, insurance executive, all of the city of Vancouver, in the province of British Columbia, Joseph N. Mitchell, 10 insurance executive, Edward D. Mitchell, insurance executive, and Henry Attias, attorney, all of the city of Los Angeles, in the state of California, one of the United States of America, together with such other persons as may become shareholders of the company, are hereby incorporated under 15 the name of Pacific Standard Life Insurance Company, hereinafter called "the Company".
- Corporate name.
- Provisional directors. **2.** The persons named in section 1 shall be the provisional directors of the Company.
- Capital stock. **3.** The capital stock of the Company shall be one million 20 dollars, divided into shares of one hundred dollars each.
- Subscription and payment before commencing business. **4.** The Company shall not commence any business of insurance until at least five hundred thousand dollars of its capital stock has been bona fide subscribed and at least that amount paid thereon, together with a contribution to 25 surplus of five hundred thousand dollars.
- Head office. **5.** The head office of the Company shall be in the city of Vancouver, in the province of British Columbia.





Powers.

6. The Company may make contracts of life insurance, personal accident insurance and sickness insurance.

Acquisition of certain rights and property.

7. (1) The Company may, by agreement, acquire the whole or any part of the rights and property and may assume the obligations and liabilities of British Pacific Insurance Company, a corporation incorporated by chapter 85 of the statutes of British Columbia, 1913, hereinafter called "the Provincial Company"; and in the event of such acquisition and assumption the Company shall perform and discharge all such obligations and liabilities of the Provincial Company with respect to the rights and property acquired as are not performed and discharged by the Provincial Company. 5 10

Submission to Treasury Board.

(2) No agreement between the Company and the Provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada. 15

Coming into force.

8. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*. Such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the Provincial Company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied by such evidence as he may require that such approval has been given and that the Provincial Company has ceased to transact the business of insurance or will cease to transact such business forthwith upon a certificate of registry being issued to the Company. 20 25

R.S., c. 31;  
1956, c. 28;  
1957-58, c. 11.

9. The *Canadian and British Insurance Companies Act* shall apply to the Company. 30

THE SENATE OF CANADA

**BILL S-13.**

An Act respecting The Canadian General Council  
of The Boy Scouts Association.

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Read a first time, Tuesday, 3rd March, 1959.

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Honourable Senator LAMBERT.

## THE SENATE OF CANADA

### BILL S-13.

An Act respecting The Canadian General Council  
of The Boy Scouts Association.

Preamble.  
1914, c. 130;  
1917, c. 73.

**WHEREAS** The Canadian General Council of The Boy Scouts Association, hereinafter called "the Corporation", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

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Repeal.

**1.** Section 8 of chapter 130 of the statutes of 1914 is repealed and the following substituted therefor:

"**S.** The Corporation may receive, acquire, accept, and hold real property, by grant, gift, purchase, devise, legacy, lease or otherwise, for the purposes of the Corporation; and may sell, lease, dispose of, mortgage, invest, or otherwise deal therewith in such manner as it may from time to time deem advisable for such purposes."

15

**2.** There shall not be, and shall be deemed not to have been in the past, any limitation on the annual value of the real estate held by or in trust for the Corporation.

## EXPLANATORY NOTES.

Section 8 of chapter 130 of the statutes of 1914 reads as follows:

"8. The Corporation may receive, acquire, accept, and hold real property, by grant, gift, purchase, devise, legacy, lease or otherwise, for the purposes of the Corporation; and may sell, lease, dispose of, mortgage, invest, or otherwise deal therewith in such manner as it may from time to time deem advisable for such purposes: Provided, however, that the annual value of the real estate held by the Corporation shall not at any time exceed the sum of fifty thousand dollars."

The Corporation has expanded greatly since its incorporation and the statutory limitation placed on the annual value of its real estate may now have been exceeded. The sole purpose of the Bill is to remove for the future and retroactively the monetary limitations on the annual value of the real estate held for the use, occupation and benefit of the Corporation. Since the substitution of other amounts for the limitations now imposed might well be rendered obsolete by further increases in land values, or the acquisition of additional property by the Corporation, this Bill seeks the repeal, both retroactively and for the future, of the restriction presently existing on the annual value of the property which the Corporation may hold.



THE SENATE OF CANADA

**BILL S-14.**

An Act to incorporate the Congregation of the Sisters  
of the Holy Family of Bordeaux.

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Read a first time, Tuesday, 3rd March, 1959

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Honourable Senator METHOT.

## THE SENATE OF CANADA

### BILL S-14.

An Act to incorporate the Congregation of the Sisters of the Holy Family of Bordeaux.

Preamble.

WHEREAS the Congrégation des Soeurs de la Sainte-Famille au Canada, hereinafter called "the Congregation", is a religious congregation in communion with the Roman Catholic Church; and 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 petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

1. Cécile Gonthier (known in the Congregation as Reverend Mother Marie-Delphine), Charlotte Aubin (known in the Congregation as Reverend Mother Saint-Jean-Evangéliste), both of the city of Montreal, Alice Leclerc (known in the Congregation as Reverend Mother Marie-de-Gonzague), of the city of Quebec, Maria Chouinard (known in the Congregation as Reverend Mother Marie-de-la-Croix), of Montreal, Carmen Normand (known in the Congregation as Reverend Mother Marie-Julie), of St. Paul l'Ermitte, in the county of L'Assomption, and Murielle Laurin (known in the Congregation as Reverend Mother Marie-de-Lorette), of the city of St. Laurent, all in the province of Quebec, and all who are or who may become members of the Congregation, are hereby incorporated under the name of the Congregation of the Sisters of the Holy Family of Bordeaux, and in French, Congrégation des Soeurs de la Sainte-Famille de Bordeaux, hereinafter called "the Corporation". 10 15 20 25

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the first directors of the Corporation and shall constitute the first Board of Directors of the Corporation.





Head office.

3. (1) The head office of the Corporation shall be in the city of Montreal, in the province of Quebec, or at such other place in Canada as may be designated by the Corporation.

Change of head office.

(2) Notice in writing shall be given to the Secretary of State by the Corporation of any change of the head office and a copy of such notice shall be published forthwith in the *Canada Gazette*. 5

Objects.

4. The objects of the Corporation, subject to the laws in force in Canada, shall be:

- (a) to provide educational facilities;
- (b) to establish and maintain orphanages; 10
- (c) to promote the contemplative life;
- (d) to care for and treat sick, wounded, indigent and other persons requiring such care;
- (e) to carry on missionary work;
- (f) to create, erect, organize, maintain, enlarge and 15  
operate, or direct and administer, within Canada, monasteries, hospitals with medical, surgical, pharmaceutical, clinical, laboratory, examination, research and experimental services, premises for patients under observation, homes for the convalescent and quarters 20  
for physicians, dispensaries, orphanages, homes for the aged, institutes, sanatoriums, schools or institutions for nurses and assistant-nurses, maternal care assistants, male nurses and assistant male nurses, and to award such persons efficiency certificates under such 25  
terms and conditions as may be determined by the Corporation;
- (g) to create, erect, organize, maintain, enlarge and operate or direct and administer, within Canada, 30  
teaching and educational institutions, such as colleges, schools, academies and institutes and to award pupils such certificates on such conditions as are determined by the Corporation;
- (h) to create, erect, organize, maintain, enlarge and operate or direct and administer, within Canada, rest 35  
and retreat houses, social services, homes for young girls and other persons and other similar undertakings;
- (i) to promote the development of medical and surgical science in general; 40
- (j) to create, maintain, administer and develop institutions for the teaching of medical technology and to maintain therein laboratories, clinics, museums and such other facilities as may be required or useful for the establishment, maintenance and advancement of the 45  
teaching of hygiene and of medical techniques;



- (k) to establish and organize medical bureaus consisting of physicians and surgeons attached to hospitals established and administered by the Corporation;
- (l) to administer in Canada the property, business and other temporal affairs of the Corporation.

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Additional powers.

**5.** Subject to the laws in force in Canada, the Corporation may:

- (a) enter into agreements with members of medical and surgical colleges, universities and other recognized medical centers, with school commissions, associations of teachers, governmental institutions and others; 10
- (b) establish and organize, in hospitals and in the teaching and other institutions administered by the Corporation, boards of governors or benefactors, the members of which shall act in an advisory capacity and in conformity with the rules and regulations of the Corporation; 15
- (c) acquire the real or personal property of any other corporation having objects similar to those of the Corporation on the assumption of all the obligations of such corporation. 20

Power to acquire and hold property.

**6.** (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real or personal, corporeal or incorporeal, and any or every estate or interest whatsoever given, granted, devised, mortgaged or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the uses and purposes of the Corporation or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with, the uses or purposes of the Corporation. 25 30

(2) The Corporation may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered. 35

Investment in and disposal of property.

**7.** Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real or personal property, held by the Corporation whether by way of investment for the uses and purposes of the Corporation or not, and may also, from time to time, invest all or any of its funds or moneys and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or 40 45



charge upon real property, and for the purposes of such investment may take, receive and accept mortgages, hypothecs or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages, hypothecs or assignments either wholly or partly. 5

Application  
of mortmain  
laws.

**8.** In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act, but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations in so far as this Act applies to the Corporation. 10 15

Board of  
Directors.

**9.** (1) The powers of the Corporation shall be exercised by a Board of Directors, hereinafter called "the Board", which shall control and administer all the business and affairs of the Corporation.

(2) The Board shall consist of the Provincial Mother, the Bursar Mother and four councillors of the Congregation. 20

(3) The Board of Directors may make, amend and repeal such by-laws, rules, orders and regulations, not contrary to law, as the Board may deem appropriate for the conduct and government of the Corporation and its members, for the promotion of its objects and for the acquisition, management, supervision and disposal of its property. 25

(4) In particular, without limiting the generality of subsection (3), the Board may make, amend and repeal by-laws, rules, orders and regulations concerning 30

(a) the requirements for admission to and continuance in membership of the Corporation, and the rights and duties of such members;

(b) the duration of the tenure and the mode of appointment of the members of the Board and the filling of any vacancy occurring on the Board, whether such vacancy is caused by death, resignation or otherwise; 35

(c) the calling and holding of meetings of the Board and fixing the quorum thereof.

**10.** In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held in trust or otherwise for the use and purposes of the Corporation, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property, or any part thereof, to the Corporation. 40 45



Disposition  
of property  
by gift or  
loan.

**11.** The Corporation may make a gift of or lend any of its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary or useful for any church, college, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and conditions as it may deem expedient. 5

Investment  
of funds.

**12.** The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of such securities as it may deem advisable, and also may lend its funds or any portion thereof on any such securities. 10

Borrowing  
powers.

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

- (a) borrow money upon the credit of the Corporation; 15
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the party thereto authorized by the by-laws of the Corporation and countersigned by the proper party thereto authorized by the said by-laws, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill; 20
- (d) issue bonds, or other securities of the Corporation;
- (e) pledge or sell such bonds, or other securities for such sums and at such prices as may be deemed expedient; 25
- (f) mortgage, hypothecate or pledge any property of the Corporation, real or personal, present or future, to secure the repayment of any money borrowed for the purposes of the Corporation. 30

Limitation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance. 35

**14.** The Corporation may do all such lawful acts and things as are incidental or as may be conducive to the attainment of its objects. 40

Territorial  
powers.

**15.** The Corporation may pursue its objects and exercise its rights and powers in any part of Canada. 30



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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-15.**

An Act respecting Co-operative Fire and Casualty Company.

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Read a first time, Tuesday, 10th March, 1959.

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Honourable Senator CAMERON.

THE SENATE OF CANADA

BILL S-15.

An Act respecting Co-operative Fire and Casualty Company.

Preamble.  
1951 (1st.  
Sess.), c. 68.

WHEREAS Co-operative Fire and Casualty Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Repeal.

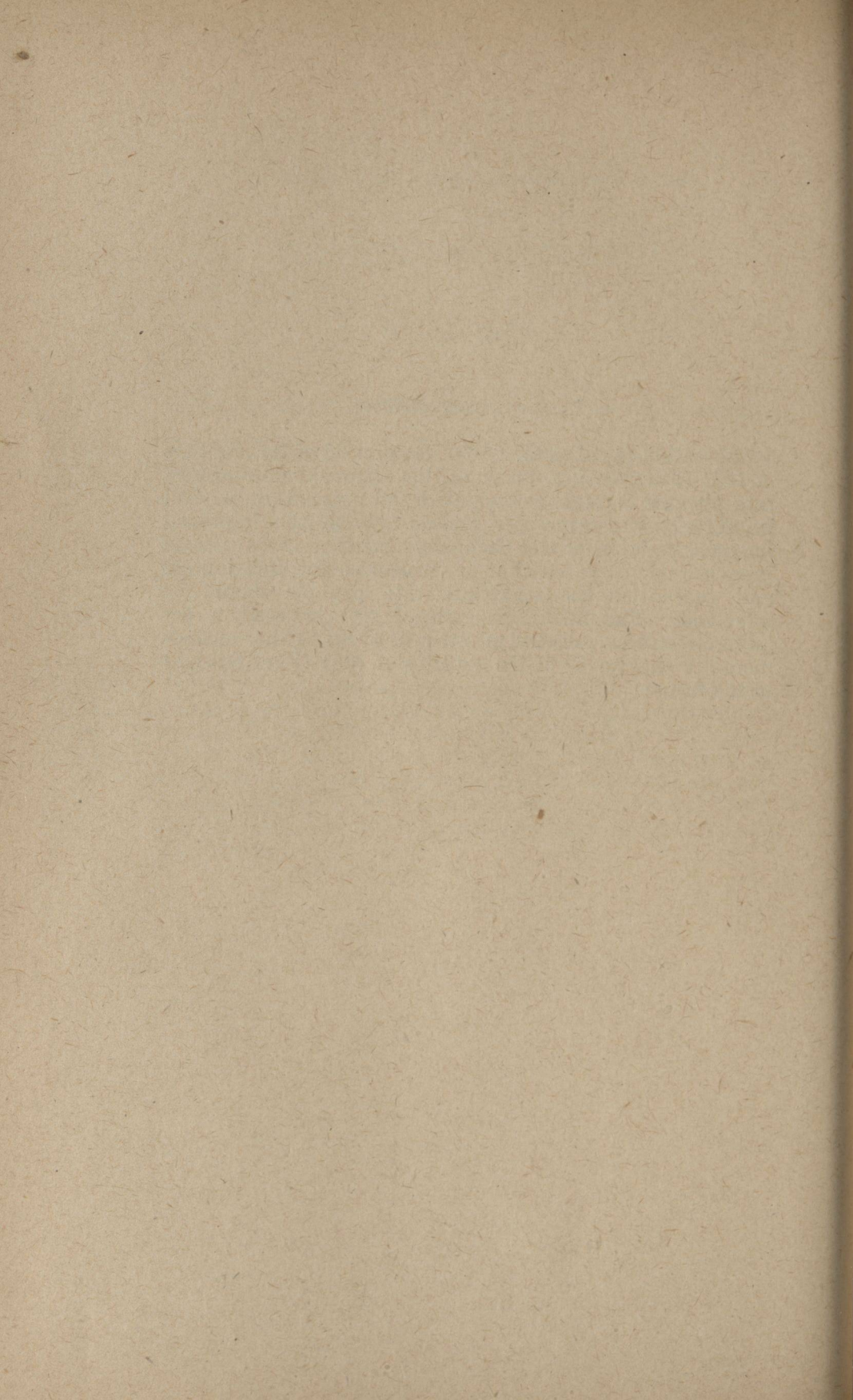
1. Subsection (4) of section 16 of chapter 68 of the statutes of 1951 (First Session) is repealed and the following substituted therefor:—

Repayment  
of contri-  
butions and  
moneys paid  
under  
guarantees.

“(4) All sums contributed as hereinbefore set forth and all sums paid under and by virtue of the said guarantees may be repaid out of the accumulated surpluses at such times and in such instalments as the directors may from time to time determine, and until so repaid the directors may pay interest thereon at such a rate as the directors may from time to time determine but not exceeding six per centum per annum.” 10 15

#### EXPLANATORY NOTES.

Subsection (4) of section 16 of chapter 68 of the statutes of 1951 (First Session) provides that the maximum interest rate payable on sums contributed and on guarantees shall be three per centum per annum. With the improved financial position of the Company and the general rise in interest rates, it is felt that in fairness to the contributors and guarantors the maximum rate payable should be increased. The maximum rate of six per centum per annum has been selected in order to avoid further amendments to chapter 68 of the statutes of 1951 (First Session) in the future.



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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-16.**

An Act to incorporate Foothills Pipe Lines Ltd.

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Read a first time, Tuesday, 10th March, 1959.

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Honourable Senator BRUNT.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

20651-6

## THE SENATE OF CANADA

### BILL S-16.

An Act to incorporate Foothills Pipe Lines Ltd.

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 petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

1. James Alexander Scott, executive, Eric Connelly, chartered accountant, and Everett William Costello, solicitor, all of the city of Calgary, in the province of Alberta, together with such persons as may become shareholders in the company, are incorporated under the name of Foothills Pipe Lines Ltd., hereinafter called "the Company". 10

Provisional directors.

2. The persons named in section 1 shall be the first directors of the Company. 15

Capital stock.

3. The capital stock of the Company shall consist of five million shares of the par value of five dollars per share.

Head office and other offices.

4. (1) The head office of the Company shall be at the city of Calgary, in the province of Alberta, which head office shall be the domicile of the Company in Canada; and the Company may establish such other offices and agencies elsewhere within or without Canada as it deems expedient. 20

(2) The Company may, by by-law, change the place where the head office of the Company is to be situate. 25

(3) No by-law for the said purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law and a copy of



the by-law certified under the seal of the Company has been filed with the Secretary of State and published in the *Canada Gazette*.

Pipe lines  
legislation  
to apply.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the 5 limitations, liabilities and provisions of any general legislation relating to pipe lines for the transmission and transportation of oil or natural or artificial gas or any products or by-products thereof which is enacted by Parliament.

Power to  
construct  
and operate  
pipe lines.

6. The Company, subject to the provisions of any general 10 legislation relating to pipe lines for the transmission and transportation of oil or natural or artificial gas or any products or by-products thereof which is enacted by Parliament, may

(a) within or outside Canada construct, purchase, lease or otherwise acquire and hold, develop, operate, 15 maintain, control, lease, mortgage, hypothecate, create liens or other security upon, sell, convey, or otherwise dispose of and turn to account any and all inter-provincial, extra-provincial and/or international pipe lines and all appurtenances relative thereto for the 20 gathering, transmitting, transporting, storing and delivering of any natural or artificial gas or oil or any products or by-products thereof or any of them, including pumping stations, terminals, storage tanks or reservoirs and all works relative thereto for use in 25 connection with the said pipe lines; and buy, or otherwise acquire, transmit, transport and sell, or otherwise dispose of and distribute natural and artificial gas and oil and any products or by-products thereof; and own, lease, sell, operate and maintain 30 aircraft and aerodromes for the purpose of its undertaking, together with the facilities required for the operation of such aircraft and aerodromes; and own, lease, operate and maintain interstation telephone, teletype and telegraph communication systems, and, 35 subject to the *Radio Act*, and any other statute relating to radio, own, lease, operate and maintain interstation radio communication facilities;

R.S., c. 233.

Power to  
hold land.

(b) purchase, hold, lease, sell, improve, exchange or otherwise deal in real property or any interest and 40 rights therein legal or equitable or otherwise howsoever and deal with any portion of the lands and property so acquired, and may subdivide the same into building lots and generally lay the same out into lots, streets and building sites for residential 45 purposes or otherwise and may construct streets





thereon and necessary sewerage and drainage systems and build upon the same for residential purposes or otherwise and supply any buildings so erected, or other buildings erected upon such lands, with electric light, heat, gas, water or other requisites, and lease or sell the same, upon such terms and subject to such conditions as appear requisite, either to its employees or to others; and

Ancillary powers.

(c) exercise as ancillary and incidental to the purposes or objects set forth in this Act, the powers following, unless such powers or any of them are expressly excluded by this Act, namely, the powers set forth in paragraphs (a) to (bb) inclusive of subsection (1) of section 14 of the *Companies Act*.

R.S., c. 53.

Sections of the *Companies Act* to apply. Proviso.

7. The provisions of subsections (7), (8), (9) and (10) of section 12 and sections 35, 36, 39, 40, 59, 62, 63, 64, 65, 84, 91 and 94 of Part I of the *Companies Act* apply to the Company: Provided that wherever in the said subsection (10) of section 12 and in the said sections 35 and 59 the words "Letters Patent or Supplementary Letters Patent" appear the words "Special Act" shall be substituted therefor.

Sections of the *Companies Act* not to apply.

8. Sections 153, 162, 167, 172, 184, 190, 193 and 194 of Part III of the *Companies Act* shall not be incorporated with this Act.

The Company not to make a loan to shareholders or directors.

9. (1) The Company shall not make any loan to any of its shareholders or directors or give, whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by any person of any shares in the Company: Provided that nothing in this section shall be taken to prohibit:

Proviso.

(a) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company with a view to enabling or assisting those persons to purchase or erect dwelling houses for their own occupation; and the Company may take, from such employees, mortgages or other securities for the repayment of such loans;

(b) the provision by the Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully paid shares in the capital stock of the Company to be held by or for the benefit of employees of the Company, including any director holding a salaried employment or office in the Company; or



(c) the making by the Company of loans to persons, other than directors, bona fide in the employment of the Company, with a view to enabling those persons to purchase fully paid shares in the capital stock of the Company, to be held by themselves by way of beneficial ownership. 5

(2) The powers under paragraphs (b) and (c) of subsection (1) of this section shall be exercised by by-law only.

(3) If any loan is made by the Company in violation of the foregoing provisions, all directors and officers of the Company making the same or assenting thereto, shall, until repayment of said loan, be jointly and severally liable to the Company and to its creditors for the debts of the Company then existing or thereafter contracted: Provided that such liability shall be limited to the amount of said loan with interest. 15

Proviso.

When redemption or purchase not a reduction of paid-up capital.

**10.** The redemption or purchase for cancellation of any fully paid preferred shares created by by-law pursuant to the provisions of this Act, in accordance with any right of redemption or purchase for cancellation reserved in favour of the Company in the provisions attaching to such preferred shares, or the redemption or purchase for cancellation of any fully paid shares of any class, not being common or ordinary shares, and in respect of which the by-laws provide for such right of redemption or purchase, in accordance with the provisions of such by-laws, shall not be deemed to be a reduction of the paid-up capital of the Company, if such redemption or purchase for cancellation is made out of the proceeds of any issue of shares made for the purpose of such redemption or purchase for cancellation, or if, 20 25 30

(a) no cumulative dividends, on the preferred shares or shares of the class in respect of which such right of redemption or purchase exists and which are so redeemed or purchased for cancellation, are in arrears; and 35

(b) if such redemption or purchase for cancellation of such fully paid shares is made without impairment of the Company's capital by payments out of the ascertained net profits of the Company which have been set aside by the directors for the purposes of such redemption or of such purchase for cancellation, and if such net profits are then available for such application as liquid assets of the Company, as shown by the last balance sheet of the Company, certified by the Company's auditors, and being made up to a date not more than ninety days prior to such redemption or purchase for cancellation, and after giving effect to such redemption or purchase for cancellation; 40 45



and, subject as aforesaid, any such shares may be redeemed or purchased for cancellation by the Company on such terms and in such manner as is set forth in the provisions attaching to such shares, and the surplus resulting from such redemption or purchase for cancellation shall be designated as a capital surplus, which shall not be reduced or distributed by the Company except as provided by a subsequent Act of the Parliament of Canada. 5

Commission  
on  
subscription.

**11.** The Company may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares, bonds, debentures, debenture stock or other securities of the Company: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom. 10

Proviso.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-17.**

An Act to incorporate Export Finance Corporation  
of Canada.

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Read a first time, Wednesday, 18th March, 1959.

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Honourable Senator BRUNT.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

20853-8

## THE SENATE OF CANADA

### BILL S-17.

#### An Act to incorporate Export Finance Corporation of Canada.

- 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 petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5
- Incorporation.** 1. Clement Tremblay, executive, of Lachute Mills, in the province of Quebec, Thomas Edwin Hays, executive, of Oakville, in the province of Ontario, and Stanley Stanger, executive, of the town of Hampstead, in the said province of Quebec, together with such persons as may become shareholders in the corporation, are hereby incorporated under the name of Export Finance Corporation of Canada, hereinafter called "the Corporation". 10
- Corporate name.**
- First directors.** 2. The persons named in section 1 of this Act shall be the first directors of the Corporation. 15
- Capital stock.** 3. The capital stock of the Corporation shall consist of ten million shares of the par value of five dollars each.
- Head office.** 4. (1) The head office of the Corporation shall be in the city of Montreal, in the province of Quebec, which head office shall be the domicile of the Corporation in Canada; and the Corporation may establish such other offices and agencies elsewhere within or without Canada as it deems expedient. 20





(2) The Corporation may, by by-law, change the place within Canada where the head office of the Corporation is to be situate. No by-law for such purpose shall be valid or acted upon until it is sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law and a copy of the by-law certified under the seal of the Corporation has been filed with the Secretary of State and published in the *Canada Gazette*. 5

**Objects.** 5. The objects of the Corporation shall be to finance and facilitate exports and imports and the exchange of goods and services between Canada and any nation of the Commonwealth of Nations or other nations, and between agencies or residents of Canada and such nations, or agencies or residents thereof. 15

**Powers.** 6. The Corporation, in the furtherance of its objects and not excluding the other powers necessary to their achievement, may

- (a) purchase, discount, rediscount, sell, negotiate with or without its endorsement or guaranty and guarantee notes, drafts, cheques, bills of exchange, acceptances, including bankers' acceptances, cable transfers and other evidences of indebtedness, warehouse receipts and contracts for the sale or purchase of goods or services; 20
- (b) purchase and sell securities, coin, bullion and exchange and guarantee securities; 25
- (c) make or underwrite a loan or a series of loans;
- (d) participate with buyer and seller in an export-import transaction; 30
- (e) entertain financing applications for resale to a lender in another country on a commission or fee basis;
- (f) purchase with its funds preferred or common stock in any other corporation.

**Payment of commission on subscription.** 7. The Corporation may pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares, bonds, debentures, debenture stock or other securities of the Corporation, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares, bonds, debentures, debenture stock or other securities of the Corporation: Provided, however, that as regards shares, such commission shall not exceed ten per centum of the amount realized therefrom. 35 40

**Proviso.**



By-laws.

**8.** The Corporation may from time to time make by-laws for

- (a) creating and issuing any shares as preferred shares with such preferred or other special rights, restrictions, conditions or limitations, whether in regard to dividends, voting, return of capital or otherwise, as may be set out in any such by-law, but no limitation shall be imposed upon the right to vote; 5
- (b) the conversion of preferred shares into common shares or common shares into preferred shares; 10
- (c) the redemption of any preferred shares created pursuant to the powers herein granted.

Sections of  
*Companies*  
Act to apply.  
R.S., c. 53.

Proviso.

Proviso.

**9.** The provisions of sections 14, 39, 40, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 91 and 94 of Part I of the *Companies Act* apply to the Corporation: 15  
Provided that wherever in the said sections 60 and 61 the words "letters patent or supplementary letters patent" appear, the words "Special Act" shall be substituted therefor: And provided further that wherever there appear in any of the said sections 48 to 58 inclusive references to the confirmation of a by-law by supplementary letters patent, such mention shall be deemed to mean instead the approval thereof by the Secretary of State and all other references to supplementary letters patent or the issue thereof in said sections shall be deemed to be references to such approval or the granting thereof. 20 25

Sections of  
*Companies*  
Act not to  
apply.

R.S., c. 53.

**10.** Sections 167, 190, 193 and 194 of Part III of the *Companies Act* shall not be incorporated with this Act.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-18.**

An Act to incorporate The Lutheran Church in Canada.

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Read a first time, Tuesday, 14th April, 1959.

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Honourable Senator EULER.

## THE SENATE OF CANADA

### BILL S-18.

An Act to incorporate The Lutheran Church in Canada.

Preamble.

**W**HEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

5

Incorporation.

**1.** Albert Schwermann, professor, of the city of Edmonton, in the province of Alberta, Arne Kristo, clergyman, of the city of Toronto, in the province of Ontario, Maynard Pollex, clergyman, of the city of Hamilton, in the province of Ontario, Clare Kuhnke, manager, of the city of Winnipeg, 10 in the province of Manitoba, and David Appelt, librarian, of the city of Saskatoon, in the province of Saskatchewan, together with such other persons, synodical districts and congregations as become members of the religious body hereby incorporated, are incorporated under the name 15 of The Lutheran Church in Canada, hereinafter called "the Corporation", for the purposes set out in this Act and for the purposes of administering the property, business and other temporal affairs of the Corporation.

Corporate name.

Directors.

**2.** The persons named in section 1 of this Act shall be 20 the first directors of the Corporation.

Head office.

**3.** (1) The head office of the Corporation shall be at the city of Edmonton, in the province of Alberta, or at such other place as may be decided by the Corporation.

Notice of change.

(2) Notice in writing shall be given to the Secretary of 25 State by the Corporation of any change of the head office and such notice shall be published forthwith in the *Canada Gazette*.



## Objects.

- 4.** The objects of the Corporation shall be
- (a) to promote, maintain, superintend and carry on in accordance with the faith, doctrines, constitution, acts and rulings of the Corporation any or all of the work of that body; 5
  - (b) to advance and increase the diffusion of the faith of the Corporation in all lawful ways;
  - (c) to organize, establish, maintain and carry on residences, missions, churches, places of worship, parsonages, orphanages, homes for the aged, rest homes and institutions and agencies for promoting, teaching, propagating and disseminating the Lutheran faith and doctrine and for training persons for the said purposes; 10
  - (d) to promote, organize, establish, maintain and carry on social service, welfare and guidance institutions and agencies; 15
  - (e) to promote education, instruction and culture, and to organize, establish, maintain and carry on schools, colleges, academies, seminaries, institutions of learning, recreational halls, centers and agencies, and industrial, technical and agricultural institutes and farms; 20
  - (f) to promote charity and to care for the poor, and to organize, establish, maintain and carry on charitable institutions, hospitals, clinics, dispensaries and cemeteries; 25
  - (g) to organize, establish, maintain and carry on libraries and houses and agencies for printing, publishing and disseminating literature, newspapers, periodicals and works of education, religion, art and science;
  - (h) to promote the spiritual welfare of all the congregations and mission fields of the Corporation. 30

Power to  
make  
by-laws.

- 5.** The Corporation may from time to time make by-laws, not contrary to law, for
- (a) the administration, management and control of property, business and other temporal affairs of the Corporation; 35
  - (b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;
  - (c) the appointment or deposition of an executive committee or any special committees or boards from time to time created for the purposes of the Corporation, and defining the powers of such committees or boards; 40
  - (d) the calling of regular or special meetings of the Corporation or of the executive committee or the board of directors; 45
  - (e) fixing the necessary quorum and the procedure to be followed at all meetings referred to in the preceding paragraph;





- (f) determining the qualifications of members;
- (g) defining and applying the principles, doctrine and religious standards of the Corporation;
- (h) generally carrying out the objects and purposes of the Corporation.

5

## Management.

**6.** Subject to and in accordance with the by-laws enacted by the Corporation under section 5 of this Act, an executive committee consisting of such persons as the Corporation may from time to time elect or appoint thereto shall manage all the temporal affairs of the Corporation.

10

## Incidental powers.

**7.** The Corporation may do all such lawful acts and things as are incidental or as may be conducive to the attainment of its objects.

## Committees.

**8.** The Corporation may exercise all its powers by and through an executive committee or through such boards or committees as may from time to time be elected or appointed by the Corporation for the management of its affairs.

15

## Power to acquire and hold property.

**9.** (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal, and any or every estate or interest whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the uses and purposes of the Corporation, or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the Corporation.

20

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(2) The Corporation may also hold such real property or estate therein as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

30

## Investment in and disposal of property.

**10.** Subject always to the terms of any trust relating thereto, the Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by way of investment for the uses and purposes of the Corporation or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property; and for the purposes of such investment may take,

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40



receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments either wholly or partly.

5

Application  
of mortmain  
laws.

**11.** In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said 10 powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

Transfer of  
property  
held in  
trust.

**12.** In so far as authorization by the Parliament of 15 Canada is necessary, any person or corporation, in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes of the Corporation, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions 20 of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of  
documents.

**13.** Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the 25 Parliament of Canada, be deemed to be duly executed if there is affixed thereto the seal of the Corporation and there is thereupon the signature of any officer of the Corporation duly authorized for such purpose.

Disposition  
of property  
by gift or  
loan.

**14.** The Corporation may make a gift of or lend any of 30 its property, whether real or personal, for or to assist in the erection or maintenance of any building or buildings deemed necessary for any church, college, manse, school or hospital or for any other religious, charitable, educational, congregational or social purpose upon such terms and conditions as 35 it may deem expedient.

Borrowing  
powers.

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

- (a) borrow money upon the credit of the Corporation;
- (b) limit or increase the amount to be borrowed; 40
- (c) make, draw, accept, endorse or become party to, promissory notes and bills of exchange and every such note or bill made, drawn, accepted or endorsed by the party thereto, authorized by the by-laws of the Corporation, and countersigned by the proper party 45



thereto, authorized by the by-laws of the Corporation, shall be binding upon the Corporation and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill; 5

(d) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation, or which it is obligated to pay or the payment of which is guaranteed by it; 10

(e) issue bonds, debentures or other securities of the Corporation;

(f) pledge or sell such bonds, debentures or other securities for such sums and at such prices as may be deemed expedient.

Limitation.

(2) Nothing in the preceding subsection shall be construed to authorize the Corporation to issue any note or bill payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance. 20

Powers of guarantee.

**16.** The Corporation may guarantee, with or without security, upon such terms as it may determine, any debts of, the performance of any obligations of and the repayment of any advances made to or for the purposes of, any Lutheran corporation, organization, association or society associated or affiliated with the Corporation. 25

Investment of funds.

**17.** The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of such securities as it may deem advisable, and may lend its funds or any portion thereof on any such securities. 30

Territorial powers.

**18.** The Corporation may exercise the rights and powers conferred upon it by this Act throughout Canada. 35

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-19.**

An Act respecting The Canadian Legion of the British  
Empire Service League.

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Read a first time, Tuesday, 21st April, 1959.

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Honourable Senator CROLL.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

20979-1

## THE SENATE OF CANADA

### BILL S-19.

An Act respecting The Canadian Legion of the British Empire Service League.

Preamble.  
1948, c. 84;  
1951 (1st  
Sess.),  
c. 86.

WHEREAS The Canadian Legion of the British Empire Service League has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Change of  
name.

Existing  
rights saved.

**1.** The name of The Canadian Legion of the British Empire Service League, hereinafter called "the Legion", is changed to The Canadian Legion, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Legion, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Legion which, notwithstanding such change in the name of the Legion, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Legion by its former name may be commenced or continued by or against it by its new name. 10 15

**2.** Section 4 of chapter 84 of the statutes of 1948 is amended by striking out the words "of the British Empire Service League" in paragraph (r) thereof. 20

**3.** Section 4 of chapter 84 of the statutes of 1948 is further amended by adding the following as paragraph (v):—  
“(v) to encourage, promote, engage in or support all forms of national, provincial, municipal or community service, or any charitable or philanthropic purpose.” 25



## EXPLANATORY NOTES.

The British Empire Service League has changed its name and the Legion now desires that its name should be simply The Canadian Legion.

Clause 1 of the Bill provides accordingly.

Clause 2 makes the identical change with respect to the ladies' auxiliaries of the Legion.

Clause 3 of the Bill seeks to enlarge the objects of the Legion. Section 4 of chapter 84 of the statutes of 1948 now reads as follows:—

"4. The purposes and objects of the Legion shall be:

- (a) to constitute an association of those who have served in His Majesty's navy, army, air force or any auxiliary force, which association shall be democratic and non-sectarian; and shall not be affiliated to or connected directly or indirectly with any political party or organization;
- (b) to bring about the unity of all who have so served;
- (c) to further among them the spirit of comradeship and mutual help, and the close and kindly ties of active service;
- (d) to pass on to their families and descendants the traditions for which they stand;
- (e) to perpetuate the memory and deeds of the fallen and of those who die in the future;
- (f) to promote and care for memorials to their valour and sacrifice, to provide suitable burial, to keep an annual memorial day, to preserve the records and memories of their service and to see that such service shall not be forgotten by the nation;
- (g) to ensure that proper attention shall be paid to the welfare of all who have served and the welfare of their dependents and to see to the maintenance and comfort of those who require special treatment, particularly the disabled, sick, aged and needy, and to promote the welfare of their dependents;
- (h) to educate public opinion regarding national duties to the dead, the disabled and others who have served, and their dependents;
- (i) to foster loyalty among the public and education in the principles of patriotism, duty and unstinted public service;
- (j) to strive for peace, good will and friendship among all nations, at the same time advocating the maintenance by Canada of adequate and sufficient forces on land, sea and in the air for the defence of our country and for the discharge of those obligations which rest upon us by virtue of our partnership in the British Commonwealth and Empire;

4. Section 6 of chapter 84 of the statutes of 1948, as amended by chapter 86 of the statutes of 1951 (First Session), is amended by adding the following as subsection (2):—

Delegation  
of power.

Proviso.

Proviso.

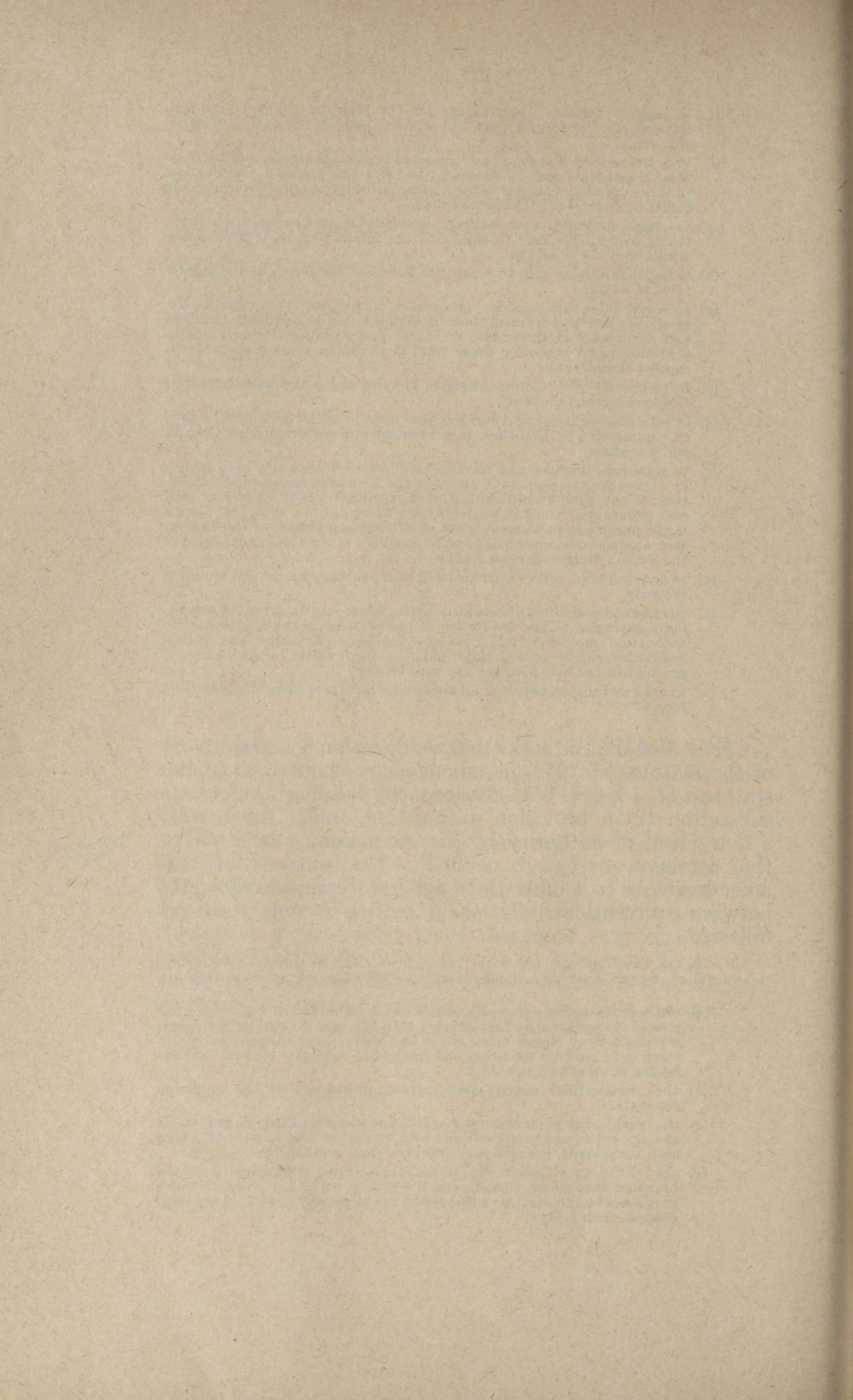
“(2) The dominion convention may by resolution au- 5  
thorize the dominion executive council to exercise any  
of the powers conferred by subsection (1): Provided that  
any such authorization may be modified or withdrawn by  
resolution of any subsequent dominion convention: And  
provided further that any by-law or rule passed or made 10  
under any such authorization, unless ratified and confirmed  
at the next ensuing meeting of the dominion convention,  
shall cease to have effect at the close of such convention.”

- (k) to support suitable undertakings for the training, employment and settlement of ex-service men and women, and the education of their children;
- (l) to preserve their statutory, acquired and legitimate rights, and those of their dependents and, in so doing, to offer the Legion's co-operation to those officially charged with the responsibility of administering such rights by federal or other governments;
- (m) to assist comrades now serving, especially in connection with their return to civil life, and to safeguard the interests of their dependents whilst they are in service;
- (n) to assist ex-service men to secure not less than the recognized standard rates of wages;
- (o) to secure adequate pensions, allowances, grants and war gratuities for ex-service men and women, their dependents, and the widows, children and dependents of those who are dead, and to labour for honourable provision being made for those who, in declining years are unable to support themselves;
- (p) to co-operate with Commonwealth, Empire and Allied associations of similar aims and objects;
- (q) to establish, organize and regulate provincial, district and local bodies, or commands and branches, in convenient centres throughout Canada and elsewhere;
- (r) to establish, organize and regulate provincial, district and local bodies of women for the purpose of assisting the Legion in seeing to the maintenance and comfort of disabled, sick, aged and needy ex-service men and women and their dependents, and to co-operate with the Legion in the promotion and carrying out of all aims and objects of the Legion, such a group to be known as a ladies' auxiliary of the Canadian Legion of the British Empire Service League;
- (s) to acquire, hold, sell or lease real and immovable, personal and movable property;
- (t) to raise and co-ordinate funds for assisting those mentioned in the preceding paragraphs, to provide for the administration of the Legion and its authorized provincial and district commands, branches and ladies' auxiliaries, and to see that these and other funds raised for such purposes are applied to those purposes and none other;
- (u) to act generally on behalf of all those who have served in His Majesty's forces.

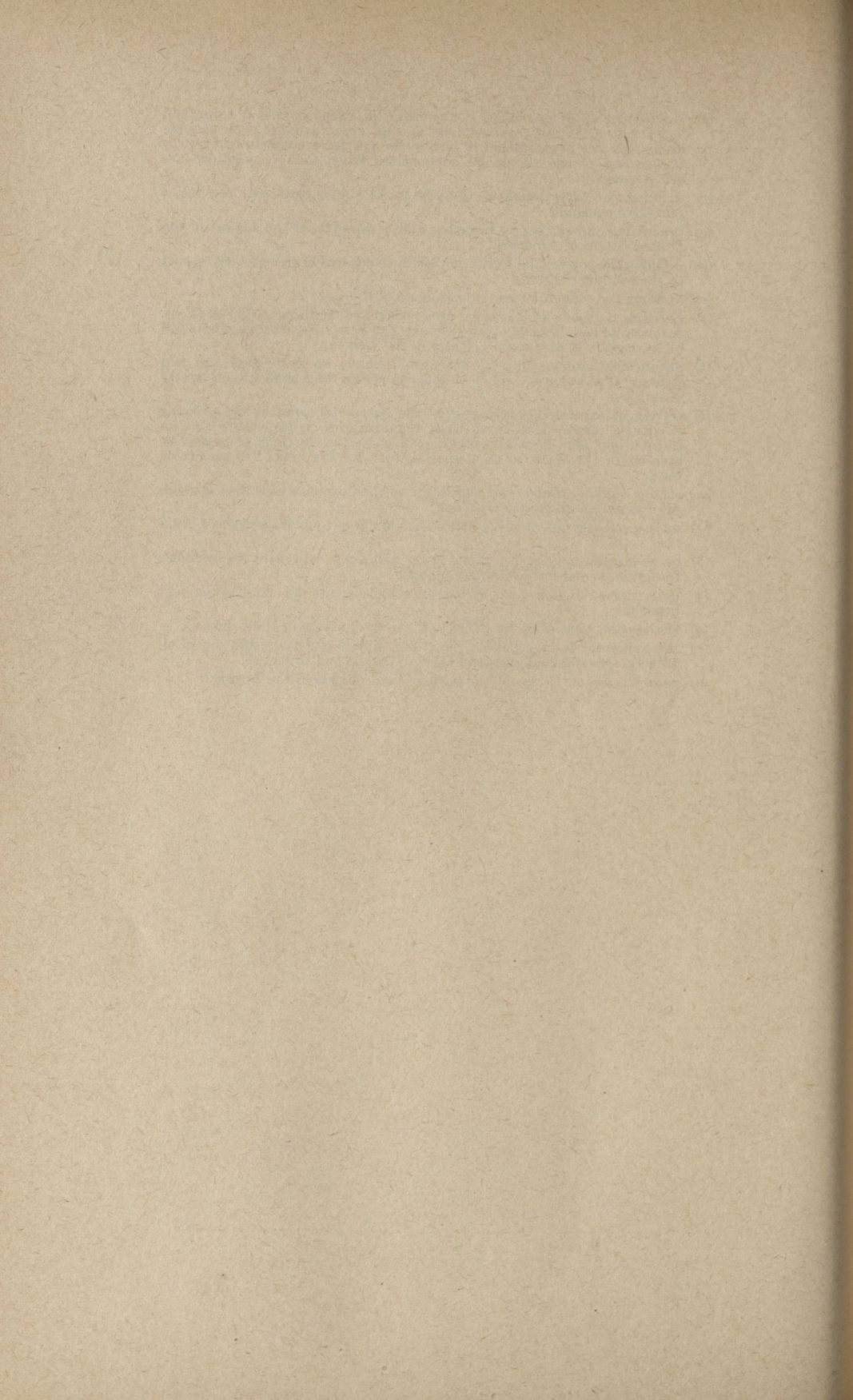
Clause 4 of the Bill seeks to amend section 6 of chapter 84 of the statutes of 1948, as amended by chapter 86 of the statutes of 1951 (First Session), by adding thereto as subsection (2) a provision authorizing, under safeguards, a delegation of authority by the dominion convention to the dominion executive council. The purpose of this amendment is to enable the Legion to operate efficiently between conventions. The said section 6 now reads as follows:—

"6. (1) The dominion convention may, from time to time, make, repeal, amend or re-enact by-laws and rules consistent with the provisions of this Act for:

- (a) defining the terms and conditions of membership in the Legion and the powers of suspension and expulsion of members and the rights, duties and privileges of all classes of members and the assessments and per capita taxes to be paid by members and method of collection thereof, and the issuing of membership cards;
- (b) the organization, management and administration of the dominion convention;
- (c) the organization of commands, councils and branches throughout Canada and the setting up of regulations with respect to the manner in which such commands, councils and branches shall conduct their affairs;
- (d) the setting up of ladies' auxiliaries in connection with commands and branches throughout Canada and the setting out of the powers of such auxiliaries and regulations with respect to the manner in which they shall conduct their affairs;



- (e) the setting up of provincial conventions for each provincial command and the organization, management and administration of such conventions, and the organization of provincial executive councils to exercise the powers of the provincial conventions when such conventions are not in session;
- (f) defining the jurisdiction of the provincial conventions and provincial executive councils;
- (g) organizing and setting up branches and commands of the Legion in the United States of America;
- (h) defining the powers and rights of all commands and branches with respect to the holding of assets;
- (i) defining the official badges and insignia of the Legion;
- (j) defining methods of banking, accounting and auditing to be used by commands and branches and defining the person or persons who shall have custody of the corporate seal of the Legion;
- (k) authorizing commands and branches to have an individual seal and defining the design of such seal and the person who shall have custody of same;
- (l) setting up special departments for the purpose of assisting and advising ex-service men's clubs as to their organizations, membership and interests, and also for the protection of particular sections of ex-service men or for the carrying on of special work for the benefit of ex-service men;
- (m) setting out the composition and duties of the dominion executive council, save as herein otherwise provided;
- (n) setting out the composition and duties of the provincial executive councils;
- (o) assessing and levying per capita taxes and dues to be paid by branches to dominion and provincial commands;
- (p) authorizing employment of servants and agents by commands and branches;
- (q) the appointment of committees and the designation of their duties;
- (r) the appointment, resignation, functions, duties and remuneration of all officers, servants and agents of the commands and branches;
- (s) generally for carrying out the purposes and objects of the Legion."



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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-20.**

An Act to amend the Length and Mass Units Act.

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First reading, Tuesday, 12th May, 1959.

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The Honourable Senator ASELTINE.

THE SENATE OF CANADA

BILL S-20.

An Act to amend the Length and Mass Units Act.

R.S., c.164.

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

1. Subsection (3) of section 2 of the *Length and Mass Units Act* is repealed and the following substituted therefor: 5

Mass.

“(3) The standard unit of mass for Canada is the pound, which is forty-five million, three hundred and fifty-nine thousand, two hundred and thirty-seven one-hundred-millionths of the international kilogramme.”

Commence-  
ment.

2. This Act shall come into force on a day to be fixed by 10 proclamation of the Governor in Council.



### EXPLANATORY NOTE.

The present subsection (3) of section 2 reads as follows:

“(3) The standard unit of mass for Canada is the pound, which is forty-five million, three hundred and fifty-nine thousand, two hundred and *forty-three* one-hundred-millionths of the international kilogramme.”

The standard of mass for Canada is the pound. The *Length and Mass Units Act* determines the value of the pound in relation to the international kilogramme. The purpose of this Bill is to change the value of the pound to conform with a recent International Agreement.



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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-21.**

An Act to amend the Weights and Measures Act.

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First reading, Tuesday, 12th May, 1959.

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The Honourable Senator ASELTINE.

## THE SENATE OF CANADA

### BILL S-21.

An Act to amend the Weights and Measures Act.

R.S., c.292.

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

**1.** Item 2 of Schedule II to the *Weights and Measures Act* is repealed and the following substituted therefor: 5

“(2) The standard unit of weight for Canada is the pound, which is forty-five million, three hundred and fifty-nine thousand, two hundred and thirty-seven one-hundred-millionths  $\left(\frac{45,359,237}{100,000,000}\right)$  of the International 10  
kilogram.”

**2.** The tables respecting weights contained in Schedule III to the said Act are repealed and the following substituted therefor:

“Table of the values of the principal denominations of 15  
weights of the Metric system expressed in terms of the standard weights of Canada.

#### EXPLANATORY NOTE.

The standard of mass for Canada is the pound. The purpose of this Bill is to change the value of the pound to conform with a recent International Agreement between Canada, New Zealand, the United Kingdom, South Africa, Australia and the United States of America.

## (3) WEIGHTS

Metric Denominations and Values	Equivalents expressed in terms of the Standards of Canada.		
	In Grammes	In pounds and decimal parts of a pound	In grains and decimal parts of a grain
Millier.....	1000000	2204.6226	
Quintal.....	100000	220.46226	
Myriagramme.....	10000	22.046226	
Kilogramme.....	1000	2.2046226	15432.358
Hectogramme.....	100	0.22046226	1543.236
Decagramme.....	10	0.0220462	154.324
Gramme.....	1	0.0022046	15.432
Decigramme.....	1/10	0.0002205	1.543
Centigramme.....	1/100	0.0000220	0.154
Milligramme.....	1/1000	0.0000022	0.015

Table of values of the principal denominations of the standard weights of Canada expressed in terms of the weights of the Metric system.

Canadian Denominations and Values	Equivalents expressed in terms of the Metric Standards
	In kilogrammes and decimal parts of a kilogramme
Ton.....	907.1847
Cental or hundredweight.....	45.359237
Pound.....	0.45359237
Ounce (Troy).....	0.03110348
Ounce.....	0.02834952
Dram.....	0.00177185
Grain.....	0.00006480

All weights in Table (3) are avoirdupois with exception of Troy ounce."

Commence-  
ment.

**3.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-22.**

An Act to amend the Export Credits  
Insurance Act.

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First reading, Wednesday, 20th May, 1959.

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The Honourable Senator ASELTINE.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

21238-1

## THE SENATE OF CANADA

### BILL S-22.

#### An Act to amend the Export Credits Insurance Act.

R.S., c. 105;  
1953-54, c. 15;  
1957, c. 8;  
1957-58, c. 15.

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

**1.** Subsection (1) of section 3 of the *Export Credits Insurance Act* is repealed and the following substituted therefor: 5

Export  
Credits  
Insurance  
Corporation.

“**3.** (1) There shall be a corporation to be known as Export Credits Insurance Corporation, consisting of those persons as members who for the time being are the Deputy Minister of Trade and Commerce and the Deputy Minister of Finance.” 10

**2.** Subsection (2) of section 4 of the said Act is repealed and the following substituted therefor:

Offices and  
agents.

“(2) The Corporation may establish offices or employ agents in any part of Canada, and if necessary may employ agents elsewhere than in Canada for the purpose of enforcing any right that may be vested in the Corporation.” 15

1953-54, c. 15,  
s. 2.

**3.** (1) Subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

Board of  
Directors.

“**5.** (1) The Corporation shall be under the management of a board of directors composed of the members of the Corporation and not more than five other directors appointed from time to time by the Governor in Council, one of whom shall be appointed by the Governor in Council to be President and General Manager of the Corporation.” 20

1953-54, c. 15,  
s. 2.

(2) Subsection (4) of section 5 of the said Act is repealed and the following substituted therefor:

Directors'  
fees.

“(4) The directors, except the Deputy Minister of Trade and Commerce and the Deputy Minister of Finance, the President and General Manager, and any alternate director 25 30



## EXPLANATORY NOTES.

### 1. The present subsection reads as follows:

"3. (1) There shall be a corporation to be known as Export Credits Insurance Corporation, consisting of those persons as members who for the time being are the Deputy Minister of Trade and Commerce, the Deputy of Finance and the Governor of the Bank of Canada."

The purpose of the amendment is to delete the reference to the Governor of the Bank of Canada.

### 2. The present subsection reads as follows:

"(2) The Corporation may establish offices or employ agents in any part of Canada, and if necessary may employ agents elsewhere than in Canada for purposes of enforcing any right that as a result of a contract of insurance may be vested in the Corporation."

The purpose of the amendment is to extend the subsection to cover the business transacted under the proposed new section 21A as set out in clause 5 of this Bill.

### 3. The present subsections (1) and (4) of section 5 read as follows:

"5. (1) The Corporation shall be under the management of a board of directors composed of the members of the Corporation and not more than *four* other directors appointed from time to time by the Governor in Council, one of whom shall be appointed by the Governor in Council to be President and General Manager of the Corporation.

"(4) The directors, except the Deputy Minister of Trade and Commerce, the Deputy Minister of Finance, *the Governor of the Bank of Canada*, the President and General Manager, and any alternate director are entitled to receive, for attendance at directors' meetings, such fees as may be fixed by the by-laws of the Corporation, but the aggregate amount of the fees paid to all directors, exclusive of expenses, shall not exceed three thousand dollars in any fiscal year."

The purpose of the amendment is to delete the reference to the Governor of the Bank of Canada.

are entitled to receive, for attendance at directors' meetings, such fees as may be fixed by the by-laws of the Corporation, but the aggregate amount of the fees paid to all directors, exclusive of expenses, shall not exceed three thousand dollars in any fiscal year."

5

Repeal.

4. Subsections (3), (4) and (5) of section 21 of the said Act are repealed.

5. The said Act is further amended by adding thereto, immediately after section 21 thereof, the following sections:

Definitions.

"21A. (1) In this section and in section 21B, 10

"Exporter."

(a) "exporter" means a person carrying on business in Canada;

"Export transaction."

(b) "export transaction" means a transaction within the meaning of subsection (1) of section 13;

"Guaranteed instrument."

(c) "guaranteed instrument" means an instrument payment of which is guaranteed by the Corporation under this section; 15

"Importer."

(d) "importer" means a person carrying on business or other activities outside Canada; and

"Instrument."

(e) "instrument" means a promissory note, bill of exchange or other negotiable instrument payable by an importer. 20

Power to guarantee, etc.

(2) When authorized by the Governor in Council, the Corporation may,

(a) guarantee, by an appropriate endorsement or otherwise, the payment of an instrument given by an importer to an exporter or to the nominee of an exporter under or in respect of an export transaction entered into between the importer and the exporter; 25

(b) purchase a guaranteed instrument; 30

(c) lend money to the holder of a guaranteed instrument upon the security thereof; and

(d) sell a guaranteed instrument to any person.

Payments out of C.R.F.

(3) All moneys required by the Corporation for 35

(a) implementing a guarantee given under this section,

(b) the purchase of a guaranteed instrument, or

(c) making a loan on the security of a guaranteed instrument,

shall be paid to the Corporation by the Minister of Finance out of the Consolidated Revenue Fund. 40

Limit of liability under contracts and guarantees.

"21B. (1) The aggregate of

(a) the liability of the Corporation under contracts of insurance entered into under section 21 and outstanding, and

(b) the liability of the importers under all outstanding guaranteed instruments, 45

shall not at any time exceed two hundred million dollars,

**4.** The present subsections read as follows:

"(3) The liability of the Corporation under the contracts of insurance entered into under this section and outstanding shall not at any time exceed two hundred million dollars and shall not be included in the liability of the Corporation for the purposes of section 14.

(4) The Corporation shall maintain a separate account of all receipts and disbursements arising out of contracts entered into under this section and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet expenses and overhead arising out of such contracts.

(5) All orders in council made under this section while Parliament is in session shall be laid before Parliament during such session and, if made while Parliament is not in session, shall be laid before Parliament at the next ensuing session."

**5.** The purpose of the proposed new section 21A is to authorize the Corporation to guarantee payment of negotiable instruments given to Canadian exporters by foreign importers in respect of export transactions, and to permit the Corporation to buy and sell guaranteed instruments and to lend money on the security thereof.

The proposed new section 21B will incorporate subsections (3), (4) and (5) of the present section 21 and extend them to guarantees. Expenditures in connection with guarantees must come within the present limit now set out in subsection (3) of section 21 of the Act.

and any liability under sections 21 and 21A shall not be included in the liability of the Corporation for the purposes of section 14.

Moneys received.

(2) All moneys received by the Corporation

(a) by way of recovery of any amount paid by the Corporation in discharge of its liability under a contract of insurance entered into under section 21; 5

(b) in discharge of the liability of an importer under an instrument;

(c) from the sale of a guaranteed instrument; or 10

(d) pursuant to a loan made by the Corporation on the security of a guaranteed instrument;

shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.

Separate accounts.

(3) The Corporation shall maintain a separate account of 15 all receipts and disbursements arising out of contracts entered into under section 21 and business transacted under section 21A and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the 20 amount required to meet expenses and overhead arising out of such contracts and business.

Orders to be laid before Parliament.

(4) All orders in council made under sections 21 and 21A while Parliament is in session shall be laid before Parliament during such session and, if made while Parliament is not in 25 session, shall be laid before Parliament at the next ensuing session."

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-23.**

An Act respecting The Roman Catholic Episcopal  
Corporation of Prince Rupert.

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Read a first time, Tuesday, 2nd June, 1959.

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Honourable Senator SMITH.  
(Kamloops)

## THE SENATE OF CANADA

### BILL S-23.

An Act respecting The Roman Catholic Episcopal Corporation of Prince Rupert.

Preamble.  
1924, c. 98.

WHEREAS The Roman Catholic Episcopal Corporation of Prince Rupert has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

**1.** Section 1 of chapter 98 of the statutes of 1924 is amended by striking out the words “and the Yukon Territory”.

**2.** Section 2 of chapter 98 of the statutes of 1924 is amended by striking out the words “or the Yukon Territory”. 10

Repeal.

**3.** Subsections (3), (4), (5), (6) and (7) of section 4 of chapter 98 of the statutes of 1924 are repealed.

## EXPLANATORY NOTES.

Chapter 98 of the statutes of 1924 incorporated the then incumbent Vicar Apostolic of the Vicariate Apostolic of Prince Rupert and the Yukon Territory, in communion with the Church of Rome, and his successors, under the name of The Roman Catholic Episcopal Corporation of Prince Rupert.

That part of the area formerly administered by the Corporation and consisting of the Yukon Territory became a separate Vicariate in 1945, and by chapter 48 of the statutes of 1945 the Vicars Apostolic of the Vicariate Apostolic of Whitehorse, in the Yukon Territory, were incorporated under the name of The Catholic Episcopal Corporation of Whitehorse.

Clauses 1 and 2 of the present Bill accordingly provide for the deletion of any reference to the Yukon Territory. Sections 1 and 2 of chapter 98 of the statutes of 1924 now read as follows:—

"1. The Right Reverend Emil Marie Bunoz, and his successors being Vicars Apostolic of the Vicariate Apostolic of Prince Rupert and the Yukon Territory in communion with the Church of Rome are incorporated under the name of "The Roman Catholic Episcopal Corporation of Prince Rupert", hereinafter called "the Corporation".

2. The head office of the Corporation shall be at Prince Rupert, in the Province of British Columbia or at such other place in British Columbia or the Yukon Territory as may be appointed by the Corporation."

The purpose of clause 3 of the Bill is to remove the restrictions imposed by subclauses (3) to (7), both inclusive, of section 4 of chapter 98 of the statutes of 1924. The said section 4 now reads as follows:—

"4. (1) The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy property, real or personal, corporeal or incorporeal, whatsoever, and any or every estate or interest whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the uses and purposes of the Corporation or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the Corporation.

(2) The Corporation may also hold such real property or estate therein as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered.

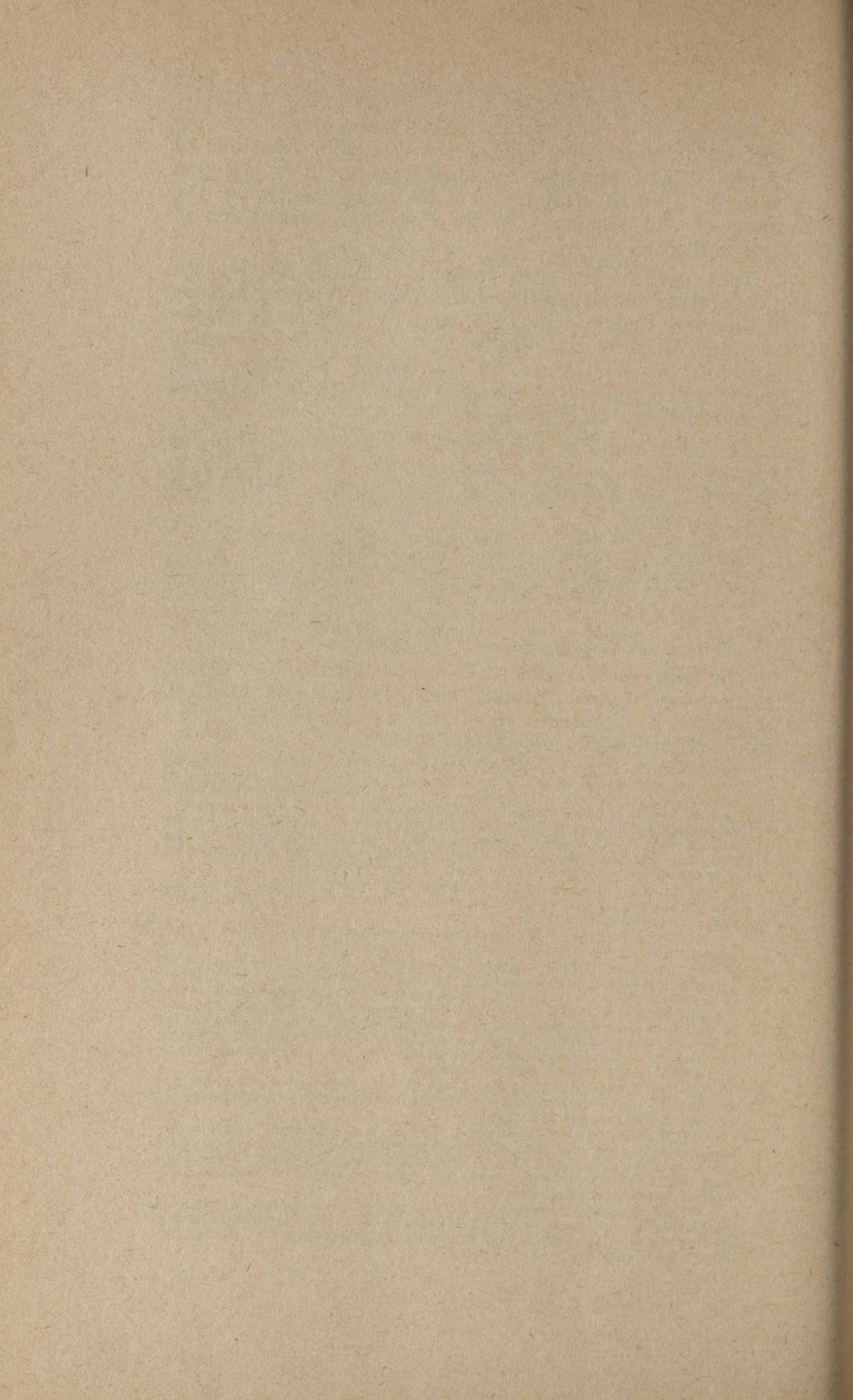
(3) The value of the real estate held by or in trust for the Corporation shall not exceed at any one time the sum of one million dollars.

(4) Any parcel of land or interest therein at any time acquired by the Corporation, and not required for its actual use and occupation, and not held by way of security, shall not be held by the Corporation or by any trustee on its behalf for a longer period than ten years after the acquisition thereof, or after it shall have ceased to be required for actual use or occupation by the Corporation, but at or before the expiration of such period the same shall be sold or otherwise disposed of or alienated so that the Corporation shall no longer retain any interest or estate therein except by way of security.

(5) The Secretary of State may direct that the time for the sale or disposal of any such real or immovable property shall be extended for a further period or periods not to exceed five years.

(6) The whole period during which the Corporation may hold such property under the foregoing provisions of this section shall not exceed fifteen years from the date of the acquisition thereof, or from the date on which it ceased to be required for the actual use and occupation of the Corporation or for the purposes of its business, as the case may be.

(7) Any real or immovable property as aforesaid not required by the Corporation for its own use, held by the Corporation for a longer period than authorized by the foregoing provisions of this section shall be forfeited to His Majesty for the use of the Dominion of Canada."





**S-24.**

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-24.**

An Act respecting the Testing, Inspection and Sale of Seeds.

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First reading, Wednesday, 3rd June, 1959.

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The Honourable Senator ASELTINE.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

21358-7

## THE SENATE OF CANADA

### BILL S-24.

An Act respecting the Testing, Inspection and Sale of Seeds.

HER 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 *Seeds Act*.

#### INTERPRETATION.

Definitions.	<b>2.</b> In this Act,	5
"Analyst."	(a) "analyst" means a person appointed or designated as an analyst pursuant to section 5;	
"Grade name."	(b) "grade name" includes any mark, description or designation of a grade;	
"Inspector."	(c) "inspector" means a person appointed or designated as an inspector pursuant to section 5;	10
"Label."	(d) "label" includes any legend, word, mark, symbol or design applied or attached to, included in, belonging to or accompanying any seed or package;	
"Minister."	(e) "Minister" means the Minister of Agriculture;	15
"Package."	(f) "package" includes a sack, bag, barrel, case or any other container in which seed is placed or packed;	
"Place."	(g) "place" includes any vehicle, vessel, railway car or aircraft;	
"Pre-scribed."	(h) "prescribed" means prescribed by regulation;	20
"Seed."	(i) "seed" means the seed of any cereal, forage, legume, turf, root, vegetable, tobacco, fibre or oil bearing crop grown, sold or represented for sale for the purposes of propagation; and	
"Sell."	(j) "sell" includes, sell, offer for sale, expose for sale, have in possession for sale and distribute.	25

#### EXPLANATORY NOTE.

The purpose of this Bill is to revise the *Seeds Act* to meet recent trends and developments in the production, processing and merchandising of seeds. The Bill contemplates no substantive changes in policy and is in a form similar to other agricultural statutes enacted in recent years.

## GENERAL.

Sale, import-  
ation and  
exportation  
of seed.

**3.** (1) Except as provided by the regulations, no person shall

- (a) sell, import into Canada or export out of Canada any seed unless the seed conforms to the prescribed standard and is marked and packed and the package 5  
labelled as prescribed, or  
(b) sell or advertise for sale in Canada or import into Canada seed of a variety that is not prescribed by the Minister for sale or importation into Canada.

Prohibitions.

(2) No person shall 10

- (a) sell, import into Canada or export from Canada seed under a grade name or designation so closely resembling a grade name established under subsection (1) of section 4 as to be likely to be mistaken therefor, or  
(b) apply to seed or to a package containing seed a grade 15  
name or other designation so closely resembling a grade name established under subsection (1) of section 4 as to be likely to be mistaken therefor,

unless the seed meets the requirements prescribed for the grade, has been graded and inspected as required by the 20  
regulations and is marked and packed and the package labelled in the prescribed manner.

## REGULATIONS.

Regulations.

**4.** (1) The Governor in Council may make regulations

- (a) establishing grades with appropriate grade names for seeds, and providing, in grades requiring varietal 25  
purity, for the use of the standards established by the Canadian Seed Growers' Association;  
(b) prescribing the terms and conditions under which and the manner in which seed crops may be inspected or seeds may be graded or tested; 30  
(c) prescribing the minimum standards of purity, germination, quality and disease for seeds;  
(d) respecting the packing and marking of seeds and the marking and labelling of the packages thereof;  
(e) prescribing the terms and conditions under which 35  
varietal names of seeds may be used;  
(f) for exempting any seed or any person from the operation of all or any of the provisions of this Act;  
(g) respecting the taking of samples and the testing of seeds for the purposes of this Act; 40  
(h) respecting the fees that may be charged for any services provided under this Act;  
(i) prescribing anything else that by this Act is required to be prescribed; and  
(j) generally, for carrying out the purposes and provisions 45  
of this Act.



Minister to  
prescribe  
weeds and  
varieties of  
seeds.

- (2) The Minister may, by order, prescribe  
 (a) the varieties of seeds that may be sold in Canada or imported into Canada, and  
 (b) the species of plants the seeds of which he deems are weed seeds for the purpose of establishing grades under this Act. 5

#### ADMINISTRATION.

Inspectors  
and  
analysts.

5. (1) The inspectors and analysts necessary for the administration and enforcement of this Act shall be appointed under the provisions of the *Civil Service Act*.

Idem.

(2) The Minister may designate any person as an inspector or analyst for the purposes of this Act. 10

Powers of  
inspector.

6. (1) An inspector may at any reasonable time  
 (a) enter any place in which he reasonably believes there is any seed to which this Act applies and may open any package found therein that he has reason to believe contains any such seed and may examine it and take samples thereof, and 15  
 (b) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading or other documents or papers with respect to the administration of this Act or the regulations. 20

Certificate  
of appoint-  
ment.

(2) An inspector shall be furnished with a prescribed certificate of his appointment or designation and on entering any place under subsection (1) shall, if so required, produce the certificate to the person in charge thereof. 25

Assistance  
to  
inspector.

(3) The owner or person in charge of any place described in subsection (1) and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and functions under this Act and shall furnish him with such information with respect to the administration of this Act and the regulations as he may reasonably require. 30

Seizure.

7. (1) Whenever an inspector believes on reasonable grounds that this Act has been violated, he may seize the seed or package by means of or in relation to which he reasonably believes the violation was committed. 35

Detention.

(2) Any seed or package seized pursuant to subsection (1) shall not be detained after  
 (a) the provisions of this Act and the regulations have, in the opinion of the inspector, been complied with, or 40  
 (b) the expiration of six months from the day of seizure, unless before that time proceedings have been instituted in respect of the violation, in which event the seed or package may be detained until the proceedings are finally concluded. 45



- Forfeiture. (3) Where a person has been convicted of an offence under this Act, every seed or package by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty, if such forfeiture is directed by the court. 5
- Regulations. (4) The Governor in Council may make regulations  
 (a) respecting the detention of anything seized under this section and for preserving or safeguarding anything so detained, and  
 (b) respecting the disposition of anything forfeited under 10 this section.
- Obstruction of inspector. **8.** (1) No person shall obstruct or hinder an inspector in the carrying out of his duties or functions under this Act.  
 False statement. (2) No person shall make a false or misleading statement either verbally or in writing to an inspector or other official 15 engaged in carrying out his duties or functions under this Act.

## OFFENCE.

- Offence. **9.** (1) Every person who, or whose employee or agent, has violated any provision of this Act or any regulation made under subsection (4) of section 7 is guilty of an offence 20 and is liable  
 (a) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment, 25  
 or  
 (b) upon conviction on indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.
- Offence by agent or by employee. (2) In a prosecution for an offence under this Act, it is 30 sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence.
- Limitation. **10.** No proceedings by way of summary conviction in 35 respect of an offence under this Act shall be instituted  
 (a) more than two years after the time when the subject matter of the proceedings arose, where the offence is a misrepresentation of the variety name or purity of variety of a seed; or 40  
 (b) more than six months after the time when the subject matter of the proceedings arose, where the offence is an offence other than that described in paragraph (a).





## EVIDENCE.

Certificate  
of analyst.

**11.** (1) A certificate of an analyst stating that he has examined a substance or a sample submitted to him by an inspector and stating the result of his examination is admissible in evidence in a prosecution for an offence under this Act, and is *prima facie* proof of the statement contained 5  
in the certificate.

Admissibil-  
ity.

(2) In a prosecution for a violation of this Act, a document purporting to be the certificate of an analyst shall be received in evidence, without proof of the signature of the person by whom it purports to be signed and without proof 10  
of his official position.

Trial of  
offences.

**12.** A complaint or information in respect of an offence under this Act may be heard, tried or determined by a magistrate or a justice if the accused is resident or carrying on business within his territorial jurisdiction, although the 15  
matter of the complaint or information did not arise in that territorial jurisdiction.

## REPEAL.

Repeal.  
R.S., c. 248.

**13.** The *Seeds Act*, chapter 248 of the Revised Statutes of Canada, 1952, is repealed.

## COMING INTO FORCE.

Coming  
into force.

**14.** This Act shall come into force on a day to be fixed 20  
by proclamation of the Governor in Council.

**S-25.**

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-25.**

An Act to confirm an Agreement between the Government  
of Canada and the Government of the Province of  
Nova Scotia respecting Indian Reserves.

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First reading, Tuesday, 9th June, 1959.

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Honourable Senator ASELTINE.

2nd Session, 24th Parliament, 7-8 Elizabeth II, 1959.

## THE SENATE OF CANADA

### BILL S-25.

An Act to confirm an Agreement between the Government of Canada and the Government of the Province of Nova Scotia respecting Indian Reserves.

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

Agreement  
ratified and  
confirmed.

1. The Agreement between the Government of Canada and the Government of the Province of Nova Scotia, set out in the Schedule, is ratified and confirmed, and it shall take effect according to its terms. 5

EXPLANATORY NOTE.

The purpose of this Bill is to ratify and confirm an agreement made on April 14, 1959, between the Governments of Canada and Nova Scotia in relation to lands forming part of Indian Reserves in the Province of Nova Scotia.

## SCHEDULE.

MEMORANDUM OF AGREEMENT MADE THIS 14TH DAY OF APRIL, 1959.

BETWEEN

THE GOVERNMENT OF CANADA, hereinafter referred to as "Canada",

of the first part,

AND

THE GOVERNMENT OF THE PROVINCE OF NOVA SCOTIA, hereinafter referred to as "Nova Scotia",

of the second part.

WHEREAS since the enactment of the British North America Act, 1867, certain lands in the Province of Nova Scotia set aside for Indians have been surrendered to the Crown by the Indians entitled thereto;

AND WHEREAS from time to time Letters Patent have been issued under the Great Seal of Canada purporting to convey said lands to various persons;

AND WHEREAS two decisions of the Judicial Committee of the Privy Council relating to Indian lands in the Provinces of Ontario and Quebec lead to the conclusion that said lands could only have been lawfully conveyed by authority of Nova Scotia with the result that the grantees of said lands hold defective titles and are thereby occasioned hardship and inconvenience;

NOW THIS AGREEMENT WITNESSETH that the parties hereto, in order to settle all outstanding problems relating to Indian reserves in the Province of Nova Scotia and to enable Canada to deal effectively in future with lands forming part of said reserves, have mutually agreed subject to the approval of the Parliament of Canada and the Legislature of the Province of Nova Scotia as follows:

1. In this agreement, unless the context otherwise requires,
  - (a) "Province" means the Province of Nova Scotia;
  - (b) "reserve lands" means those reserves in the Province referred to in the appendix to this agreement;
  - (c) "patented lands" means those tracts of land in the Province in respect of which Canada accepted surrenders of their rights and interests therein from the Indians entitled to the use and occupation thereof



and in respect of which grants were made by Letters Patent issued under the Great Seal of Canada;

- (d) "minerals" includes salt, oil, natural gas, infusorial earth, ochres or paints, the base of which is found in the soil, fire clays, carbonate of lime, sulphate of lime, gypsum, coal, bituminous shale, albertite and uranium, but not sand, gravel and marl;
  - (e) "Indian Act" means the Indian Act, Revised Statutes of Canada 1952, cap. 149, as amended from time to time and includes any re-enactment, revision or consolidation thereof;
  - (f) "surrender" means the surrender for sale of reserve lands or a portion thereof pursuant to the Indian Act but does not include a surrender of rights and interests in reserve lands for purposes other than sale; and
  - (g) "public highways" means every road and bridge in reserve lands, constructed for public use by and at the expense of the Province or any municipality in the Province and in existence at the coming into force of this agreement.
2. All grants of patented lands are hereby confirmed except insofar as such grants purport to transfer to the grantees any minerals and said minerals are hereby acknowledged to be the property of the Province.
  3. Nova Scotia hereby transfers to Canada all rights and interests of the Province in reserve lands except lands lying under public highways and minerals.
  4. (1) In the event that a band of Indians in the Province becomes extinct, Canada shall revert in the Province all the rights and interests transferred to it under this agreement in the reserve lands occupied by such band prior to its becoming extinct.  
 (2) For the purpose of subparagraph (1) a band does not become extinct by enfranchisement.
  5. The mining regulations made from time to time under the Indian Act apply to the prospecting for, mining of or other dealing in all minerals in unsurrendered reserve lands and all minerals reserved in the grants referred to in paragraph 2, and any payment made pursuant to such regulations whether by way of rent, royalty, or otherwise, shall be paid to the Receiver General of Canada for the use and benefit of the Indian band or Indians from whose reserve lands such monies are so derived.





6. (1) Canada shall forthwith notify Nova Scotia of any surrender and Nova Scotia may within thirty days of receiving such notification elect to purchase the surrendered lands at a price to be agreed upon.
- (2) If Nova Scotia fails to elect within such thirty-day period, Canada may dispose of the surrendered lands without further reference to Nova Scotia.
- (3) Where a surrender is made under the condition that the surrendered lands be sold to a named or designated person at a certain price or for a certain consideration, Nova Scotia shall exercise its election subject to that price or consideration.
- (4) Subject to subparagraph (3) of this paragraph, should Canada and Nova Scotia be unable, within thirty days of the date of an election to purchase being made, to reach agreement on the price to be paid by Nova Scotia for any surrendered lands, the matter shall be referred to arbitrators as follows:
- (a) Canada and Nova Scotia shall each appoint one arbitrator, and the two arbitrators so appointed shall appoint a third arbitrator;
- (b) the decision of the arbitrators as to the price to be paid by Nova Scotia for the surrendered lands shall be final and conclusive; and
- (c) the costs of arbitration shall be borne equally by Canada and Nova Scotia.

IN WITNESS WHEREOF the Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration, has hereunto set her hand on behalf of the Government of Canada and the Honourable R. Clifford Levy, Minister of Lands and Forests, has hereunto set his hand on behalf of the Government of the Province of Nova Scotia.

Signed on behalf of the Government of Canada by The Honourable Ellen L. Fairclough, Minister of Citizenship and Immigration in the presence of:

"E. S. RUMP"

"ELLEN L. FAIRCLOUGH"

Signed on behalf of the Government of the Province of Nova Scotia by The Honourable R. Clifford Levy, Minister of Lands and Forests in the presence of:

"M. PATRICIA CROCKER"

"R. CLIFFORD LEVY"



## APPENDIX

RESERVE No.	NAME OF RESERVE	LOCATION OF RESERVE
ANNAPOLIS COUNTY		
7	KEDGEMAKOOGE.....	10 parcels of land lying along the shore of Kedgemakooge (Kajimujik) Lake, together with Richie and Muise Islands and the unnamed Island lying between the two above-named Islands, approximately 12 miles east of Caledonia.
6	BEAR RIVER.....	See Digby County.
ANTIGONISH COUNTY		
23	POMQUET AND AFTON... (a)	parcel of land on both sides of Pomquet River, one mile west of Heatherton;
		(b) 2 parcels of land, approximately 2 miles east of Heatherton, on the south side of Highway No. 4.
CUMBERLAND COUNTY		
22	FRANKLIN MANOR.....	Approximately 10 miles southwest of Amherst, west of Hebert River.
DIGBY COUNTY		
6	BEAR RIVER.....	Approximately $\frac{1}{4}$ of a mile south of the town of Bear River on the Digby-Annapolis county line. Part of this reserve is in Annapolis County.
HALIFAX COUNTY		
17	BEAVER LAKE.....	Approximately 11 miles northeast from Sheet Harbour on the west side of Highway No. 24.
HANTS COUNTY		
13	SHUBENACADIE..... (Grand Lake)	On the west shore of Shubenacadie Grand Lake near Hants and Halifax county line.
14	SHUBENACADIE.....	Approximately 2 miles west of Shubenacadie on both sides of Indian Brook on the north side of the road from Nine Mile River to Shubenacadie.
34	ST. CROIX.....	7 miles south of Windsor at the north end of St. Croix Lake.
INVERNESS COUNTY		
2	WHYCOCOMAGH.....	At the east end of St. Patrick channel, approximately one mile east of the town of Whycomagh.
4	MALAGAWATCH.....	At the entrance of Denys Bay at the north shore of Malagawatch Harbour.
25	MARGAREE.....	A small reserve on the west bank of Margaree River about $\frac{1}{4}$ of a mile north of the junction of the southwest and northeast branches of Margaree River.



RESERVE No.	NAME OF RESERVE	LOCATION OF RESERVE
26	PORT HOOD.....	Small Reserve near Port Hood.
LUNENBURG COUNTY		
19	PENNAL.....	Between Camp Lake and Wallaback Lake, approximately 4 miles northeast of New Ross Settlement.
20	NEW ROSS.....	Near the northeast end of Wallaback Lake, about 10 miles northeast of the Pennal Indian Reserve No. 19.
21	GOLD RIVER.....	On the west side of Gold River near its mouth, approximately 3 miles west of Chester Basin Settlement.
PICTOU COUNTY		
24	FISHERS GRANT.....	On the south shore of the entrance into Pictou Harbour, about 4 miles north of the town of Trenton.
31	MERIGOMISH HARBOUR..	Indian (or Chapel) Island and Mules (or Mooley) Island, southwest of Olding Island in Merigomish Harbour.
QUEENS COUNTY		
10	PONHOOK LAKE.....	On the east shore of Medway River at the outlet of Ponhook Lake, 2 miles north of Bang Falls Settlement.
11	MEDWAY RIVER.....	On the west shore of Medway River, opposite Ponhook Lake Indian Reserve No. 10.
12	WILD CAT.....	Along both sides of Wildcat River, west of Molega Lake and north of Ponhook Lake, about 2 miles south of the town of South Brookfield.
RICHMOND COUNTY		
5	CHAPEL ISLAND.....	Approximately 5 miles east of St. Peters, on Highway No. 4, including the Chapel Island and two other adjacent Islands.
VICTORIA COUNTY		
1	MIDDLE RIVER.....	At the mouth of the Middle River on Highway No. 5, approximately 8 miles west of Baddeck.
CAPE BRETON COUNTY		
3	ESCASONI.....	On the north shore of East Bay of Bras d'Or Lake, approximately 20 miles east of Sydney.

CONFIDENTIAL.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-26.**

An Act to amend the Prisons and Reformatories Act.

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First reading, Wednesday, 10th June, 1959.

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Honourable Senator ASELTINE.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

21441-1

## THE SENATE OF CANADA

### BILL S-26.

R.S., cc. 217,  
333;  
1952-53, c. 7;  
1955, c. 40;  
1957, c. 34.

An Act to amend the Prisons and Reformatories Act.

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

1. Section 109 of the *Prisons and Reformatories Act* is repealed and the following substituted therefor: 5

"Court."

"109. In the sections of this Part relating to the Good Shepherd Reformatory at Halifax, in the Province of Nova Scotia, "court" includes a police or stipendiary magistrate or justice of the peace."

2. Section 121 of the said Act and the heading thereto 10 are repealed and the following substituted therefor:

"*Good Shepherd Reformatory, Halifax.*

Roman  
Catholic  
females.

121. Whenever any woman or girl, who is a Roman Catholic, is convicted in the Province of New Brunswick of any offence against any law of Canada punishable by 15 imprisonment for a maximum term of less than two years, the Court may sentence such woman or girl to imprisonment in the Good Shepherd Reformatory in the City of Halifax in the Province of Nova Scotia instead of the common gaol or other prison." 20

3. That portion of subsection (1) of section 122 of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

Imprison-  
ment in the  
Good  
Shepherd  
Reformatory.

"122. (1) Every judge, stipendiary magistrate or magis- 25  
trate before whom any female person being a Roman Catholic is convicted in the Province of New Brunswick of an offence against the law of Canada punishable by imprisonment in a city prison or common gaol for a term of two months or for any longer term, may sentence such



## EXPLANATORY NOTES.

*Clause 1.* The present section 109 reads as follows:

"109. In the sections of this Part relating to the Good Shepherd Reformatory at *Saint John*, in the Province of *New Brunswick*, "court" includes a police or stipendiary magistrate or justice of the peace."

The purpose of the proposed amendment is to provide that Roman Catholic females convicted in the Province of New Brunswick, in certain circumstances, may be sentenced to imprisonment in the Good Shepherd Reformatory at Halifax, Nova Scotia. This amendment was requested by the Province of New Brunswick and agreed to by the Province of Nova Scotia.

*Clause 2.* The present section 121 and the heading thereto read as follows:

*"Good Shepherd Reformatory, Saint John.*

121. Whenever any woman or girl, who is a Roman Catholic, is convicted in the Province of New Brunswick of any offence against any law of Canada punishable by imprisonment for a maximum term of less than two years, the Court may sentence such woman or girl to imprisonment in the Good Shepherd Reformatory in the City of *Saint John* in the said Province instead of the common gaol or other prison."

See note to clause 1.

*Clause 3.* The present portion of subsection (1) of section 122 being repealed reads as follows:

"122. (1) Every judge, stipendiary magistrate or magistrate before whom any female person being a Roman Catholic is convicted in the Province of New Brunswick of an offence against the law of Canada punishable by imprisonment in a city prison or common gaol for a term of two months or for any longer term, may sentence such female person to an extended or substituted imprisonment in the Good Shepherd Reformatory in the said City of *Saint John*, subject to the following conditions:"

See note to clause 1.

female person to an extended or substituted imprisonment in the Good Shepherd Reformatory in the City of Halifax in the Province of Nova Scotia, subject to the following conditions:"

4. The said Act is further amended by adding thereto, 5  
immediately after section 140 thereof, the following section:

"140A. (1) The Attorney General of Manitoba or his  
deputy may direct by warrant the removal of a person  
imprisoned for the commission of an indictable offence in  
any common gaol in the Province to any other common gaol 10  
in the Province, whenever he deems it expedient so to do,  
and a person transferred pursuant to this section shall be  
detained in the common gaol to which he is transferred for  
the unexpired portion of the term of imprisonment to which  
he was originally sentenced, unless in the meantime he is 15  
again transferred or is lawfully discharged.

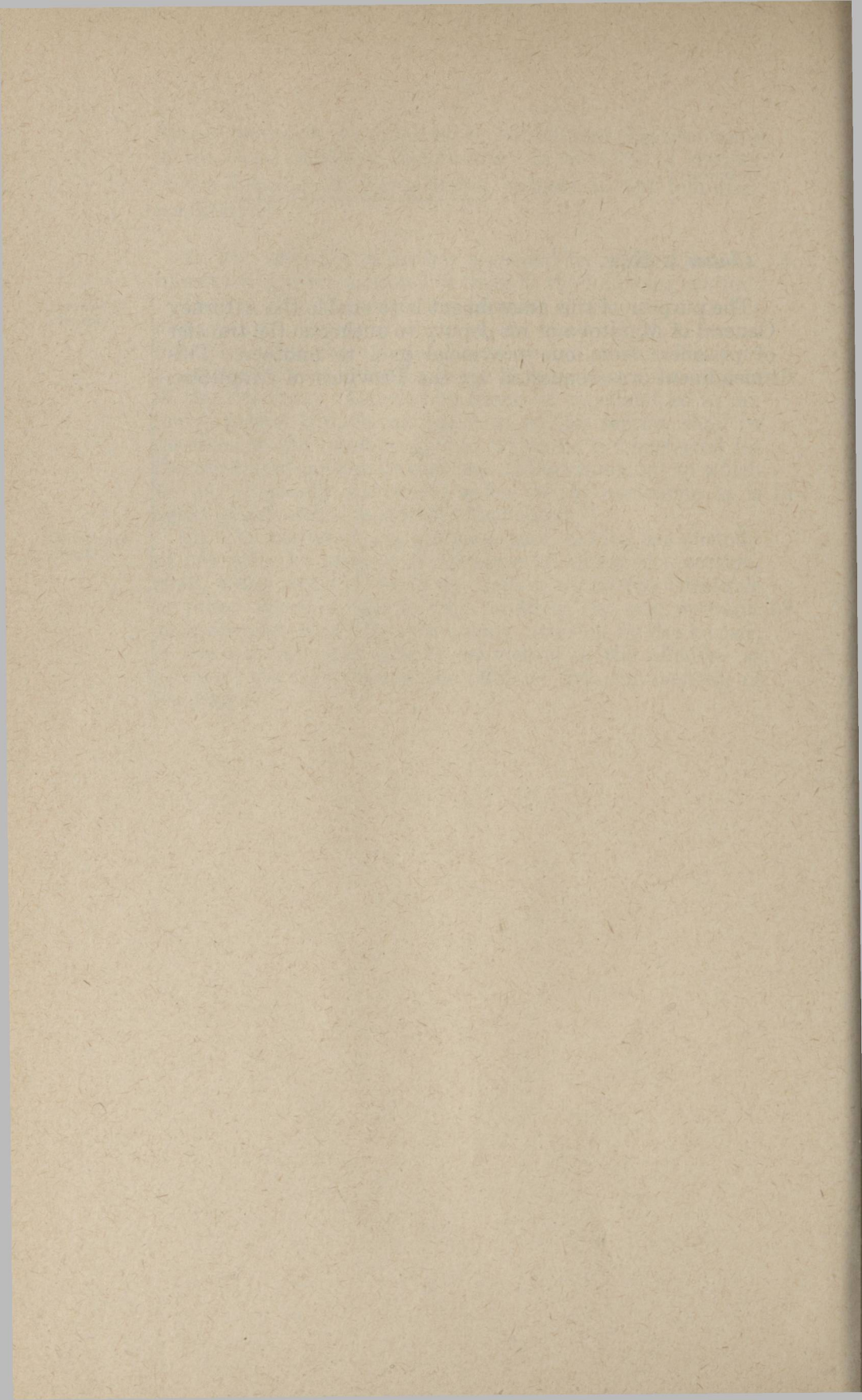
(2) The keeper of any common gaol, having the custody  
of any offender ordered to be removed under this section,  
shall, when required so to do, deliver up to the constable  
or other officer or person who produces the said warrant, 20  
such offender, together with a copy, attested by the keeper,  
of the sentence and date of conviction of the offender as  
given on the reception of the offender into the custody of  
the keeper."

Transfer of  
offenders.

Delivery of  
offender.

*Clause 4. New.*

The purpose of this amendment is to enable the Attorney General of Manitoba or his deputy to authorize the transfer of prisoners from one provincial gaol to another. This amendment was requested by the Province of Manitoba.



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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-27.**

An Act to incorporate The Free Methodist Church  
in Canada.

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Read a first time, Wednesday, 10th June, 1959.

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Honourable Senator LAMBERT.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1959

## THE SENATE OF CANADA

### BILL S-27.

An Act to incorporate The Free Methodist Church  
in Canada.

Preamble.  
1900, c. 101;  
1927, c. 107.

WHEREAS the Holiness Movement Church in Canada and The Free Methodist Church in Canada, recognizing their adherence to the same fundamental principles and doctrine of the Christian faith, and believing that the promotion of Christian unity is in accordance with the Divine will, have executed an agreement to merge with each other and to form a single religious body under the name of The Free Methodist Church in Canada; and

WHEREAS the said Churches have prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Merger and  
incorporation.

1. The Holiness Movement Church in Canada and The Free Methodist Church in Canada are hereby merged and the said Churches as so merged are hereby constituted a body corporate and politic and are continued under the name of The Free Methodist Church in Canada, hereinafter called "The Free Methodist Church".

Head office.

2. (1) The head office of The Free Methodist Church shall be at the town of Port Credit, in the province of Ontario, or at such other place as may be decided by The Free Methodist Church.

Notice of  
change.

(2) Notice in writing shall be given to the Secretary of State by The Free Methodist Church of any change of head office and such notice shall be published forthwith in the *Canada Gazette*.



Non-concurring congregations.

3. (1) If any congregation of the Holiness Movement Church in Canada, at a meeting of the congregation regularly called and held within two years of the coming into force of this Act, decides by a majority vote of sixty per cent of the persons present at such meeting not to merge with The Free Methodist Church, it shall be deemed not to have been so merged. Any such congregation is hereinafter referred to as a "non-concurring congregation" and the church concerned as an "independent church". The members of any such independent church shall be deemed not to have become members of The Free Methodist Church, but ministers of The Free Methodist Church may serve such independent churches without prejudice to their standing in The Free Methodist Church. 5 10

Voting procedure.

(2) The vote referred to in subsection (1) shall be taken by ballot in such form and manner and at such time and place as may be ordered by the congregation: Provided that not less than two weeks' notice of the time, place and purpose of the meeting shall be given to each member of the congregation by mail addressed to his last known address. 15 20

Proviso.

The persons entitled to vote as aforesaid shall be only those persons whose names are enrolled in full membership of the church at the time of the coming into force of this Act and who continue in membership at the time the vote is taken: Provided that in any province where, by an Act of the legislature respecting the Holiness Movement Church in Canada passed prior to the coming into force of this Act, other qualifications for voting have been prescribed, the qualifications for voting under this section shall be as provided in such Act. 25 30

Proviso.

(3) Any non-concurring congregation which, within two years of the coming into force of this Act, decides to join The Free Methodist Church may do so by a majority vote of sixty per cent conducted under the conditions and in the manner set out in subsections (1) and (2), but such joining shall be subject to the approval of The Free Methodist Church expressed in such form as may be provided in its by-laws, rules and regulations. 35 40

Procedure for non-concurring congregation joining The Free Methodist Church.

Restriction on name.

(4) A non-concurring congregation shall not use the name of either of the Churches mentioned in the preamble to this Act to designate the said congregation. 40 45

(5) Any member of a concurring congregation of the Holiness Movement Church in Canada may, within two years of the coming into force of this Act, notify in writing the secretary of the official board or pastor of the local church or society of which he is a member, of his intention not to become a member of The Free Methodist Church. If he does so, he shall cease to be a member of such local church or society and shall be deemed not to have become, 45





by virtue of this Act, a member of The Free Methodist Church and shall be granted a letter of transfer to such church or fellowship as he may select.

Non-concurring ministers.

(6) Any minister of the Holiness Movement Church in Canada may postpone his decision to come into The Free Methodist Church and, if so, he will be permitted to retain his parchments or credentials, without endorsement by The Free Methodist Church, for a period of two years from the coming into force of this Act, with all his present privileges as a clergyman and with the official sanction of The Free Methodist Church. During the said two year period such minister shall be amenable to The Free Methodist Church in all moral, spiritual and religious respects. He may attend the conference of The Free Methodist Church having jurisdiction in the territory within which he resides, but shall have no voice or vote in the proceedings of the conference. During the two year period herein provided he may be described or listed in such manner as the conference may provide. At the end of such period he will be required to have his parchments or credentials endorsed by The Free Methodist Church and enter into full relationship to such Church or to request a certificate of his standing to enable him to transfer to such evangelical Church or fellowship as he may select.

Management.

4. The spiritual and temporal affairs of The Free Methodist Church shall be managed and directed by a General Conference constituted, in the first instance, as provided for in the First Schedule to this Act, which reproduces extracts from the Agreement of Merger of the Holiness Movement Church in Canada and The Free Methodist Church in Canada concluded on the third day of December, 1958: Provided that, pending the holding of the first meeting of the General Conference in Canada, which shall be held at such time and place as the Executive Board of The Free Methodist Church in Canada as incorporated by chapter 107 of the statutes of 1927 may direct, such Executive Board may exercise all of the powers conferred on The Free Methodist Church or the General Conference under this Act and the affairs of The Free Methodist Church shall be managed and directed by such Executive Board.

Proviso.

Property vested in The Free Methodist Church.

5. (1) Upon the coming into force of this Act all the property, real and personal, to which either of the Churches mentioned in the preamble to this Act is now entitled or to which either of them may become entitled, belonging or held in trust or to the use of either of the Churches



mentioned in the preamble to this Act, shall henceforth be held and vested in The Free Methodist Church, and all such property shall be held 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 the Second Schedule to this Act, and all property, real and personal, hereafter acquired for or belonging to, or held by or in trust for or to the use of, any congregations of either of the Churches mentioned in the preamble to this Act shall be held and administered for the benefit of such congregations as a part of The Free Methodist Church, subject to the terms, conditions and provisions of the said trusts: 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, until otherwise directed by the General Conference upon the advice of the board or committee having charge of the fund.

Proviso.

Exception for non-concurring congregation.

(2) Notwithstanding subsection (1), when a congregation has decided in accordance with section 3 not to merge with The Free Methodist Church, all the property, real and personal, of such congregation shall be held by the existing trustees of the congregation, or other trustees elected by the congregation, free from any trusts or reversion in favour of The Free Methodist Church. At the same time, conveyances will be executed by the Holiness Movement Church in Canada to the duly qualified and elected trustees of such congregation conveying the interest of The Holiness Movement Church in Canada in such property to such church, upon the execution of a waiver by the trustees duly authorized by the church membership waiving any claim or claims upon the Holiness Movement Church in Canada or The Free Methodist Church except as to any equitable claims in any conference assets determinable under section 13.

Short form of trust deed.

**6.** In any deed or conveyance to trustees on behalf of the Free Methodist Church or any congregation thereof, the form of words contained in column one of the Second Schedule to this Act and distinguished by any number therein shall be taken to be the equivalent of the form of words contained in column two of the said Schedule and distinguished by the same number.



Objects.

7. The objects of The Free Methodist Church shall be to
- (a) promote, maintain, superintend and carry on, in accordance with the faith, doctrines, constitution, acts and rulings of the said Church, any or all of the work of that body; 5
  - (b) advance and increase the diffusion of the faith of the said Church in all lawful ways;
  - (c) organize, establish, maintain and carry on residences, missions, churches, places of worship, parsonages, orphanages, homes for the aged, rest homes and institutions, and agencies for promoting, teaching, propagating and disseminating the faith and doctrine of the said Church and for training persons for the said purposes; 10
  - (d) promote, organize, establish, maintain and carry on social service, welfare and guidance institutions and agencies; 15
  - (e) promote education, instruction and culture, and organize, establish, maintain and carry on schools, colleges, academies, seminaries, institutions of learning, recreational halls, centers and agencies, and industrial, technical and agricultural institutes and farms; 20
  - (f) promote charity and care for the poor, and organize, establish, maintain and carry on charitable institutions, hospitals, clinics, dispensaries and cemeteries; 25
  - (g) organize, establish, maintain and carry on libraries and houses and agencies for printing, publishing and disseminating literature, newspapers, periodicals and works of education, religion, art and science; and 30
  - (h) promote the spiritual welfare of all the congregations and mission fields of The Free Methodist Church.

General powers of The Free Methodist Church.

8. (1) The Free Methodist Church may from time to time appoint and remove the officers, agents and servants thereof and, notwithstanding anything contained in the First Schedule to this Act, from time to time may make, alter or repeal any by-laws, rules or regulations touching and concerning the constitution of and rules of procedure respecting the General Conference and such other bodies as may be established under this Act, the time and place of holding meetings and notices thereof, the conduct of Divine worship, and the good order, discipline and government of the said Church. 35 40

Documents to be evidence.

(2) Any copy of the by-laws, rules and regulations of The Free Methodist Church, or any amendments or alterations thereto, published in any book of discipline or journal of conference issued under the direction or authority of the General Conference of the said Church, and any copy of any by-law, rule, regulation or resolution of the said General 45



Conference under the seal of the said Church, and signed by the Secretary, shall be evidence in all courts of the contents thereof.

Boards and committees.

9. The Free Methodist Church may appoint from among its members boards or committees to take charge of, 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 from among the members of the said Church to take charge of, deal with and dispose of the said funds so formed, in accordance with the provisions of its by-laws, rules and regulations. 5 10

Acquisition and disposal of property.

10. (1) The Free Methodist Church shall have power to (a) acquire by purchase, lease, gift, devise or bequest any real or personal property, or any estate or interest therein, either absolutely or in trust, and, subject to the provisions of sections 4 and 5 of this Act, sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and apply the proceeds of any such property for its purposes; 15 20

Grants to other religious bodies.

(b) give, grant, convey, lease or otherwise alienate any property, real or personal, to any other church or religious body or organization or to any trustees, board, committee, or governing body thereof, as it may deem expedient, in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious work; 25 30

R.S., c. 31;  
1956, c. 58;  
1957-58, c. 11.

(c) lend money upon the security of real estate and invest and re-invest any of its funds and moneys in any securities authorized for investment by insurance companies under the *Canadian and British Insurance Companies Act*, and for all purposes of any loan or investment it shall have all such rights and remedies for the collection, enforcement or repayment thereof as any other individual or corporation would have by law in the premises; 35 40

Loans for building purposes.

(d) lend or give any of its property, funds or moneys for, or to assist in, the erection or maintenance of any building or buildings deemed necessary for any church, college, manse, school or hospital, or for any other religious, charitable, educational, congregational or social purpose, upon such terms and securities as it may deem expedient, and it shall have in respect of any such loan the rights and remedies mentioned in paragraph (c) above; 45





- Borrowing powers. (e) borrow money for its purposes upon its credit, and mortgage, hypothecate or pledge any of its property, real or personal, as security for any loan;
- Negotiable instruments. (f) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments; 5
- Annuities, etc. (g) receive and accept for its own use as to the principal sum or corpus thereof any moneys or other personal property subject to and in consideration of the payment of interest thereon or of any annuity in respect thereof; 10
- By-laws. (h) make such by-laws, rules or regulations as it may deem expedient for the exercise of any powers conferred by this Act and amend or repeal any such by-laws, rules or regulations; 15
- Boards and committees. (i) exercise the powers conferred by this Act, or any of them, by and through such boards, committees or other bodies as the General Conference or any conference acting within its jurisdiction under the provisions of the by-laws, rules and regulations may from time to time establish or appoint, and determine the method of appointment or election thereof, and define and prescribe the constitution, powers, duties, officers and quorum of such boards, committees or other bodies; 20
- Residual powers. (j) do all such lawful acts or things as may be requisite to carry out the terms and provisions of this Act and the objects and purposes of The Free Methodist Church. 25
- Restriction. (2) Nothing in this section shall be construed to authorize The Free Methodist Church to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance. 30
- Debentures. **11.** (1) The Free Methodist Church, and any board or committee appointed thereby or by any conference thereof having charge of any of the funds or property of The Free Methodist Church, and the trustees of any congregation of The Free Methodist Church, if such trustees first obtain the consent in writing of the conference within the bounds of which the lands of such congregation are situate, may issue debentures in such denominations and upon such terms as it or they may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized, and the seal (if any) of such Free Methodist Church or of the board, committee or trustees issuing the same, for any money borrowed under the authority of this Act, and the payment of such debentures and the interest 35 40 45



thereon may be secured by mortgage in favour of a trustee or trustees for the holders of such debentures upon any real estate under the control of The Free Methodist Church or of such board or committee thereof or of the trustees of such congregation. 5

Corporate seal.

(2) The said Church may provide a duplicate of its seal (if any) for each of the annual conferences referred to in the First Schedule to this Act, and the custody thereof shall be as may be directed by the said Church, and such duplicate seal may be affixed by such officers as the General Conference 10 may by by-law or resolution direct; and until direction 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 15 any property in charge of any board or committee of the said Church, be affixed by the chairman of the said board or committee, or such other officer as the board or committee directs.

Liability for debts.

**12.** (1) The Free Methodist Church shall assume all 20 the liabilities and be responsible for the satisfaction of all the debts and other obligations to which either of the Churches mentioned in the preamble to this Act were subject at the time of the coming into force of this Act.

(2) Notwithstanding anything contained in subsection 25 (1), The Free Methodist Church in receiving, taking or holding any property heretofore held by either of the Churches mentioned in the preamble to this Act shall not in any way become responsible or liable for the debts or obligations which have been specially contracted in respect 30 thereof, but the property specially charged with the said debts or obligations, and persons who have become liable in respect of the said debts or obligations shall remain liable in the same manner and to the same degree as if this Act had not been passed, save in so far as The Free Methodist Church 35 may undertake the payment of any such debts or obligations.

Exception.

Arbitration of equitable claims.

**13.** (1) Notwithstanding anything in this Act, any non-concurring congregation or any two or more of such congregation shall be entitled to whatever the arbitration 40 committee hereinafter described shall determine to be a fair and equitable share of the property, real and personal, rights, powers, authorities and privileges of or in connection with the Holiness Movement Church in Canada.



(2) Any equitable claims to the assets referred to in subsection (1) by any independent church or churches under this section shall be determined exclusively by an arbitration committee after a two year period subsequent to the coming into force of this Act. Such arbitration committee shall 5 consist of nine members of whom three shall be appointed by the non-concurring congregation or congregations at a conference of representatives thereof, three by The Free Methodist Church, and the remaining three by the six 10 members so appointed. Any determination, decision or order made by such arbitration committee shall be final and conclusive.

(3) The quorum of the committee shall be five and its organization, times and places of meeting and procedure shall be such as it may from time to time determine and the 15 decision of a majority of the members present at any meeting shall prevail.

(4) Any determination, decision or order made by the arbitration committee may be made a rule, order or decree of the Exchequer Court or any Superior Court of any 20 province of Canada and shall be enforced in like manner as any rule, order or decree of such court. A copy of such determination, decision or order, certified under the hand of the chairman, secretary, or acting chairman of the committee and verified by an affidavit or statutory declaration of 25 execution, shall be sufficient evidence of the due making and validity of any such determination, decision or order.

(5) The arbitration committee may retain counsel and engage all such professional or other assistance and may appoint and employ all such help as it may deem expedient 30 and may dismiss any person so retained, engaged, employed or appointed.

(6) All expenses of such arbitration committee, including compensation of counsel and other assistants, shall be paid in such manner and out of such funds of The Free Methodist 35 Church or of the non-concurring churches, or of both, as the committee may direct.

(7) If any vacancy occurs in the membership of the arbitration committee, it shall be filled by a member to be appointed in the manner in which the member vacating the 40 office was originally appointed.

(8) The arbitration committee shall make such provision as it may deem fair and equitable to protect the rights of all claimants upon the benevolent funds of the Holiness 45 Movement Church in Canada.

Repeal.

**14.** Chapter 107 of the statutes of 1927 and chapter 101 of the statutes of 1900 are repealed in so far as may be necessary to give full effect to this Act.



## FIRST SCHEDULE

AN EXTRACT FROM SCHEDULE A TO THE AGREEMENT OF MERGER BETWEEN THE HOLINESS MOVEMENT CHURCH IN CANADA AND THE FREE METHODIST CHURCH IN CANADA EXECUTED BY THE PARTIES THERETO ON THE 3RD DAY OF DECEMBER, 1958.

## 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 delegates 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.



## SECOND SCHEDULE

AN EXTRACT FROM SCHEDULE B TO THE AGREEMENT OF MERGER BETWEEN THE HOLINESS MOVEMENT CHURCH IN CANADA AND THE FREE METHODIST CHURCH IN CANADA EXECUTED BY THE PARTIES THERETO ON THE 3RD DAY OF DECEMBER, 1958.

## Trusts of Model Deed

AND it is hereby declared that the said trustees and their successors or the trustee for the time being, acting in the trusts herein shall hold the said lands upon the following trusts:—

## COLUMN TWO

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 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.

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 the said buildings for any of the purposes aforesaid.

3. And upon further trusts, they shall and will obey, perform and fulfill 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.

4. And upon further trust, to permit, in conformity with the doctrines, rules and regulations of the Free Methodist Church, and not otherwise, the following:—

## COLUMN ONE

1. Upon trust to use the trust property for purposes directed by society, and maintenance of public worship.

2. To erect and repair buildings.

3. To obey all lawful orders and directions.

4. To permit use of the trust property for church, parsonage and Sunday School purposes.



- (a) The use of the said church or meeting house, as a place of religious worship by a society of the Free Methodist Church, 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. 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 superintendent, 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

5. To sell burial plots and to let church property.

6. The trustees shall have power to mortgage or exchange or lease the trust property



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 superintendent 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 for or otherwise providing for all indebtedness of the trustees, shall be used by the trustees either for the purchase or improvement of property, 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 incumbent upon the purchaser or mortgagee 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.

7. In no case shall the church or parsonage property be sold, mortgaged or encumbered 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

or to sell such property with consent of the Conference.

7. Not to mortgage for current expenses.

8. The trustees shall keep proper accounts and minutes.





the said accounts or minutes as he or they may desire, and upon the 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.

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, 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 at a meeting and the chairman shall 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,

9. The trustees shall have ten days' notice of all special meetings and three days' notice of other meetings.

10. The number of trustees shall not be fewer than three, or more than nine, except



having been, cease to be a full member of the Free Methodist Church in Canada, or remove 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 to declare his place vacant, and it 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 not be filled, it shall be the duty of the Quarterly Conference to fill such vacancy.

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

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.



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.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-28.**

An Act to incorporate Standard Trust Company.

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Read a first time, Tuesday, 16th June, 1959.

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Honourable Senator BRUNT.

## THE SENATE OF CANADA

### BILL S-28.

An Act to incorporate Standard Trust Company.

Preamble. **W**HEREAS 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 petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 5

Incorporation. **1.** Stephen Boleslav Roman, executive, of the township of Markham, in the county of York, in the province of Ontario, Bertram Elmore Willoughby, realtor, Wilbur Carlisle Cochrane, executive, and Harry Albert Willis, 10 barrister-at-law, all of the city of Toronto, in the province of Ontario, Murray Axmith, executive, of the township of Etobicoke, in the county of York, in the province of Ontario, Wesley Gardiner Thompson, grain merchant, of the town of Blenheim, in the province of Ontario, George Gustav 15 Rodanz, farmer, of the township of Whitechurch, in the county of York, in the province of Ontario, and John Bull, farmer, of the township of Chinguacousy, in the county of Peel, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incor- 20 porated under the name of Standard Trust Company, hereinafter called "the Company".

Corporate name.

Provisional directors. **2.** The persons named in section 1 shall be the provisional directors of the Company.

Capital stock. **3.** The capital stock of the Company shall be three 25 million dollars, which may be increased to five million dollars.

Increase.

Amount to be subscribed before general meeting. **4.** The amount to be subscribed before the provisional directors may call a general meeting of the shareholders shall be five hundred thousand dollars. 30





Amount to be  
subscribed  
and paid  
before  
commence-  
ment.

**5.** The Company shall not commence business until at least one million dollars of the capital stock shall have been subscribed and at least one million dollars paid thereon.

Head office.

**6.** The head office of the Company shall be in the city of Toronto, in the province of Ontario.

5

*Trust  
Companies  
Act* to apply.

**7.** The Company has all the powers, privileges and immunities conferred by, and is subject to all the limitations, liabilities and provisions of the *Trust Companies Act*.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-29.**

An Act to incorporate Desjardins Life Insurance Company.

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Read a first time, Tuesday, 23rd June, 1959.

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Honourable Senator MONETTE.

## THE SENATE OF CANADA

### BILL S-29.

An Act to incorporate Desjardins Life Insurance Company.

Preamble.

**W**HEREAS 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 petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 5

Incorporation.

**1.** Willie Deschenes, manager, of the city of Kenogami, Albert Cote, professional engineer, of the city of Quebec, Jean Jacques Caron, manager, of the city of Three Rivers, Benoit Ste-Marie, general manager, of the town of Ri- 10 mouski, J. Alphonse Meunier, notary, of the city of St. Hyacinthe, Carrier Fortin, barrister-at-law, of the city of Sherbrooke, Jacques de Billy, barrister-at-law, of the city of Sillery, Maurice Perreault, manager, of the town of Amos, Cyrille Vaillancourt, senator and manager, of the city of 15 Levis, Marcel Gravel, manager, of the city of Joliette, Emile Girardin, secretary-manager, of the city of Montreal, Victor Falardeau, manager, of the city of Hull, and Georges Gauvreau, notary, of the village of New Carlisle, all in the province of Quebec, together with such persons as become 20 members of the company, are incorporated as a mutual life insurance company under the name of Desjardins Life Insurance Company, and, in French, L'Assurance-Vie Desjardins, hereinafter called "the Company"; and either 25 the English or the French name of the Company may be used in carrying on the business or operations of the Company.

Corporate name.

Provisional directors.

**2.** The persons named in section 1 shall be the provisional directors of the Company.

Head office.

**3.** The head office of the Company shall be at the city of 30 Levis, in the province of Quebec.



No share capital.

**4.** The Company shall be a corporation without share capital.

Classes of insurance authorized.

**5.** The Company may make contracts of life insurance, personal accident insurance and sickness insurance, and generally may carry on the business of life insurance in all its branches and forms. 5

Commencement of business.

R.S., c. 31; 1956, c. 28; 1957-58, c. 11.

**6.** The Company shall not commence business until a certificate of registry has been granted to it under the provisions of the *Canadian and British Insurance Companies Act*, but no such certificate shall be granted until an agreement has been entered into between the Company and the Provincial Company as provided in section 10 of this Act. 10

Policyholder a member.

**7.** Every person who has contracted with the Company for a policy of insurance or a policy providing for an annuity, and who holds such a policy upon which no premiums are overdue, shall be a member of the Company and be entitled to attend all general meetings of the Company, and shall have one vote for each policy for which he contracted, and which he holds. 20

Qualification of directors.

**8.** Every member of the Company shall be eligible to be elected as a director but he shall cease to be a director if he ceases to be a member of the Company.

Election of directors.

**9.** (1) There shall be elected at the first (annual meeting a board of not less than nine nor more than twenty-one directors, who shall hold office for one year but shall be eligible for re-election. 25

(2) The Company shall, by by-law passed not less than three months prior to the holding of its second annual meeting after the passing of this Act, determine the number of directors to be elected at that and at subsequent annual meetings until otherwise changed by by-law. 30

(3) At any annual meeting after the second the Company may by by-law change, or authorize the board of directors to change from time to time, the number of directors, but the board shall at all times consist of not less than nine nor more than twenty-one directors, and in the event of any increase in the number of directors having been made by the directors, the vacancy or vacancies in the board thereby created may be filled by the directors from among the qualified policyholders to hold office until the next annual meeting. 40



Term of  
office.

(4) The Company may by by-law provide that all of the directors shall be elected for one, two or three years, and if the by-law provides for a term of two or of three years, it may also provide that the term of office of each director shall be for the whole of that term, or that, as nearly as may be, 5  
one-half the directors shall retire each year if the term is two years, and, as nearly as may be, one-third of the directors shall retire each year if the term is three years; but a director who has completed his term of office shall be eligible for re-election. 10

Power to  
acquire  
rights, etc.,  
of a certain  
Quebec  
insurance  
company.

**10.** (1) The Company may acquire by agreement the whole or any part of the rights and property and may assume the obligations and liabilities of L'Assurance-Vie Desjardins, incorporated by chapter 102 of the statutes of Quebec, 1948, hereinafter called "the Provincial Company"; 15  
and in the event of such acquisition and assumption, the Company shall perform and discharge all such obligations and liabilities of the Provincial Company with respect to the rights and property acquired as are not performed and discharged by the Provincial Company. 20

(2) No agreement between the Company and the Provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

(3) The reserve fund composed of the contributions made 25  
to the Provincial Company by the credit unions known as "Desjardins" may, when the Company's financial position permits and with the approval of the Superintendent of Insurance, be refunded in whole or in part to such credit unions in proportion to their several contributions, but a 30  
credit union shall not be obliged to accept a refund of contributions and may elect to remain as a contributor until a refund is agreed upon with the Company.

(4) The Company may pay interest on contributions to such reserve fund or on the balances thereof that have not 35  
been refunded at such rate as the directors may from time to time determine but not exceeding six per cent per annum.

(5) Notwithstanding sections 7 and 8 of this Act, any credit union that has made a contribution to such reserve fund shall, so long as such contribution has not been refunded 40  
in full, be entitled to have a representative attend and vote at all general meetings of the members of the Company and such representative shall have one vote for every one thousand dollars, or fraction thereof, of contributions made 45  
by it and not refunded; such representatives may also elect from among themselves a number of directors equal to the lesser of three or the number of such representatives, and such directors shall form part of the board of directors provided by section 9 of this Act.





(6) Subject to the approval of the Company's directors, a credit union having thus contributed to such reserve fund may transfer, in whole or in part, the rights resulting therefrom to any other credit union.

Coming into  
force.

**11.** This Act shall come into force on a date to be 5  
specified by the Superintendent of Insurance in a notice in  
the *Canada Gazette*. Such notice shall not be given until  
this Act has been approved by a resolution adopted by at  
least two-thirds of the votes of the members of the Provin- 10  
cial Company present or represented by proxy at a meeting  
duly called for that purpose, nor until the Superintendent  
of Insurance has been satisfied by such evidence as he may  
require that such approval has been given and that the  
Provincial Company has ceased to do business or will cease  
to do business forthwith upon a certificate of registry being 15  
issued to the Company.

R.S., c. 31;  
1956, c. 28;  
1957-58, c. 11.

**12.** The *Canadian and British Insurance Companies Act*  
shall apply to the Company.

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-30.**

An Act to authorize the Construction of a Bridge across the  
Niagara River between the Province of Ontario and the  
State of New York.

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First reading, Tuesday, 14th July, 1959.

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Honourable Senator ASELTINE.

THE SENATE OF CANADA

BILL S-30.

An Act to authorize the Construction of a Bridge across the Niagara River between the Province of Ontario and the State of New York.

HER 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 *Queenston Bridge Act*.

CONSTRUCTION OF BRIDGE.

Approval of bridge.

2. Subject to this Act, the construction of the bridge 5 described in section 3 is hereby approved.

Authority to construct.

3. The Province of Ontario or any commission, corporation or other authority designated by the Lieutenant-Governor in Council of the Province of Ontario for the purpose (hereinafter in this Act referred to as "the 10 Province") may construct a bridge across the Niagara River for the use and passage of persons, vehicles and goods, together with all necessary approaches, roads and other works, from a point in Ontario at or near the settlement of Queenston to a point in New York at or near the 15 town of Lewiston.

Plans and drawings to be submitted.

4. (1) The bridge described in section 3 shall be constructed in accordance with and subject to such regulations for the safe-guarding of navigation of the Niagara River as the Governor in Council prescribes, and, for such purpose, 20 the Province shall, prior to the commencement of construction of the bridge, submit to the Governor in Council for examination and approval plans and drawings of the bridge and a map of its proposed location, indicating

#### EXPLANATORY NOTE.

The purpose of this Bill is to authorize the construction of a new bridge across the Niagara River at or near Queenston, Ontario. The proposed new bridge would replace the existing bridge across the Niagara River in the same area, the construction of which was authorized by an Act of Parliament passed in 1896.

The purpose of clause 7 of the Bill is to amend the Act of 1896, entitled *An Act to incorporate the Queenston Heights Bridge Company*, to permit the Company to sell or otherwise dispose of its interest in the Canadian portion of the existing Queenston bridge.

accurately all relevant soundings and showing the bed of the stream and the location of all other bridges in the area, and furnish to the Governor in Council such other information as is required for a full and satisfactory understanding of the project. 5

Approval of plans and drawings prior to commencement.

(2) Construction of the bridge shall not be commenced until such time as the plans and drawings referred to in subsection (1) and the location of the bridge have been approved by the Governor in Council, and no material change in such plans or drawings, or in the location of the bridge, shall be made after the commencement of construction of the bridge except with the prior approval of the Governor in Council. 10

Labour and materials.

5. Where available in Canada, Canadian labour and materials, to the extent of fifty per cent, as nearly as may be, of the cost of such labour and materials respectively, shall be employed in the construction of the bridge, and construction of the bridge shall not be commenced until such time as evidence satisfactory to the Minister of Labour has been submitted to him by the Province that the arrangements for the construction of the bridge are such as to ensure effective compliance with the requirements of this section. 20

Application of *Fair Wages and Hours of Labour Act*.

6. The *Fair Wages and Hours of Labour Act* applies in respect of Canadian labour employed in the construction of the bridge. 25

#### QUEENSTON HEIGHTS BRIDGE COMPANY.

1896, c. 43 (First Session).

7. *An Act to incorporate the Queenston Heights Bridge Company*, chapter 43 of the Statutes of 1896 (First Session), is amended by adding thereto the following section: 30

Power of Company to convey Canadian portion of bridge.

“22. (1) The Company may sell, transfer, assign, convey or otherwise dispose of to any person all that portion of the bridge or other works authorized to be constructed by this Act, together with all approaches, structures or other property appurtenant thereto and all rights, privileges and franchises incidental thereto, situated in Canada and belonging to or otherwise forming part of the assets or other property of the Company at any time after the 31st day of December, 1958. 35

Coming into force.

(2) This section shall be deemed to have come into force on the 1st day of January, 1959.” 40

Authority to remove existing bridge.

8. The Province may, subject to the provisions of any other Act of the Parliament of Canada applicable in respect thereof, remove the bridge or other works authorized to be constructed by the Act referred to in section 7.

THE SENATE OF CANADA

**BILL S-31.**

An Act to authorize the Construction of a Bridge across the Pigeon River between the Province of Ontario and the State of Minnesota.

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First reading, Tuesday, 14th July, 1959.

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Honourable Senator ASELTINE.

## THE SENATE OF CANADA

### BILL S-31.

An Act to authorize the Construction of a Bridge across the Pigeon River between the Province of Ontario and the State of Minnesota.

HER 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 *Pigeon River Bridge Act*.

Approval of bridge.

2. Subject to this Act, the construction, operation and maintenance of the bridge described in section 3, as provided for by the agreement contemplated by that section, is hereby approved. 5

Authority to enter into agreement.

3. The Province of Ontario (hereinafter referred to as "the Province") may, with the approval of the Governor in Council, enter into an agreement with the State of Minnesota for the construction, operation and maintenance of a bridge across the Pigeon River, for the free use and passage of persons, vehicles and goods, with all necessary approaches, roads and other works from a point in Ontario to a point in Minnesota, at or near the settlement of Pigeon River, Ontario. 15

Plans and drawings to be submitted.

4. (1) The bridge described in section 3 shall be constructed in accordance with and subject to such regulations for the safeguarding of navigation of the Pigeon River as the Governor in Council prescribes, and, for such purpose, the Province shall, prior to the commencement of construction of the bridge, submit to the Governor in Council for examination and approval plans and drawings of the bridge and a map of its proposed location, indicating accurately all relevant soundings and showing the bed of the stream and the location of all other bridges in the area, and furnish to the Governor in Council such other information as is required for a full and satisfactory understanding of the project. 20 25 30



#### EXPLANATORY NOTE.

The purpose of this Bill is to authorize the Province of Ontario, with the approval of the Governor in Council, to enter into an agreement with the State of Minnesota for the construction, operation and maintenance of an international bridge across the Pigeon River at or near the settlement of Pigeon River, Ontario. The proposed bridge would replace the existing bridge across the Pigeon River in the same area, built in 1930.

Approval of  
plans and  
drawings  
prior to  
commence-  
ment.

(2) Construction of the bridge shall not be commenced until such time as the plans and drawings referred to in subsection (1) and the location of the bridge have been approved by the Governor in Council, and no material change in such plans or drawings, or in the location of the bridge, shall be made after the commencement of construction of the bridge except with the prior approval of the Governor in Council. 5

Labour and  
materials.

**5.** Where available in Canada, Canadian labour and materials, to the extent of fifty per cent, as nearly as may be, of the cost of such labour and materials respectively, shall be employed in the construction of the bridge, and construction of the bridge shall not be commenced until such time as evidence satisfactory to the Minister of Labour has been submitted to him by the Province that the arrangements for the construction of the bridge are such as to ensure effective compliance with the requirements of this section. 15

Application  
of *Fair Wages  
and Hours of  
Labour Act.*

**6.** The *Fair Wages and Hours of Labour Act* applies in respect of Canadian labour employed in the construction of the bridge. 20

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Second Session, Twenty-Fourth Parliament, 7-8 Elizabeth II, 1959.

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THE SENATE OF CANADA

**BILL S-32.**

An Act to repeal certain Fisheries Laws in force in the  
Province of Newfoundland respecting the Exportation  
of Salt Fish.

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First reading, Tuesday, 14th July, 1959.

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Honourable Senator ASELTINE.

THE SENATE OF CANADA

**BILL S-32.**

An Act to repeal certain Fisheries Laws in force in the Province of Newfoundland respecting the Exportation of Salt Fish.

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

Acts  
repealed.

**1.** *The Exportation of Salt Fish (Permits) Act, 1942,* No. 10 of the Statutes of Newfoundland, 1942, *The 5*  
*Exportation of Salt Fish (Permits) Act,* chapter 211 of the Revised Statutes of Newfoundland, 1952, and all orders, rules and regulations made thereunder are repealed.

Coming  
into force.

**2.** This Act shall come into force on the 1st day of 10  
August, 1959.

#### EXPLANATORY NOTE.

The purpose of this Bill is to repeal certain fisheries laws of Newfoundland providing for the control, by means of permits, of exports from Newfoundland of codfish, haddock, hake, ling, pollock and cusk in salted form.

The laws being repealed are among those expressed by Term 22 of the Terms of Union of Newfoundland with Canada to continue in force in the Province of Newfoundland for a period of five years from the date of Union and thereafter until the Parliament of Canada otherwise provides.















