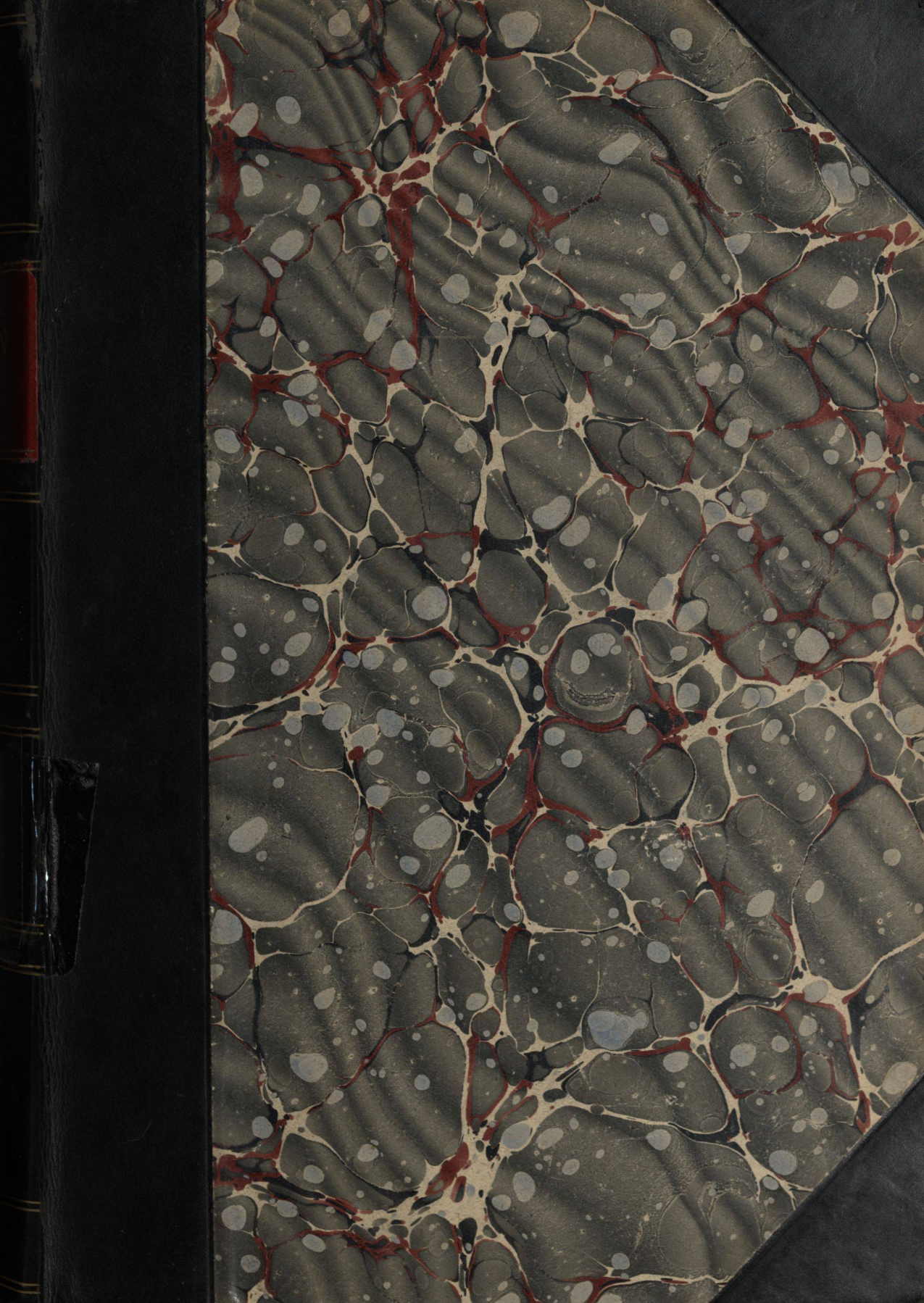

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SESSION 1947-48

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Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A7.

An Act for the relief of Richard Edward Welsh.

Read a first time, Tuesday, 23rd March, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5751

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A[7].

An Act for the relief of Richard Edward Welsh.

Preamble.

WHEREAS Richard Edward Welsh, domiciled in Canada and residing at the city of Westmount, in the province of Quebec, clerk, has by his petition alleged that on the fifth day of June, A.D. 1944, at Hove, in the county of Essex, England, he and Sylvia Susannah Frampton, who was then of Jarrow-on-Tyne, in the county of Durham, England, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Richard Edward Welsh and Sylvia Susannah Frampton, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Richard Edward Welsh may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sylvia Susannah Frampton had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[7].

An Act for the relief of Violet Maude Mitchell.

Read a first time, Tuesday, 23rd March, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5508

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[7].

An Act for the relief of Violet Maude Mitchell.

Preamble.

WHEREAS Violet Maude Mitchell, residing at the city of London, England, wife of Frank Mitchell, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the eighteenth day of November, A.D. 1919, at the said city of Montreal, she then being Violet Maude Thorne, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Violet Maude Thorne and Frank Mitchell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Violet Maude Thorne may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Mitchell had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL C7.

An Act for the relief of Elsie Williams Lodge.

Read a first time, Tuesday, 23rd March, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4932

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL C7.

An Act for the relief of Elsie Williams Lodge.

Preamble.

WHEREAS Elsie Williams Lodge, residing at the city of Sault Ste. Marie, in the province of Ontario, bookkeeper, wife of Russell Lindsay Lodge, who is domiciled in Canada and residing at the town of Waterloo, in the province of Quebec, has by her petition alleged that they were married on the seventeenth day of November, A.D. 1939, at the said city, she then being Elsie Williams, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elsie Williams and Russell Lindsay Lodge, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elsie Williams may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Russell Lindsay Lodge had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL D[7].

An Act for the relief of Joseph Albert Aldee Leveillee.

Read a first time, Tuesday, 23rd March, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5516

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D[7].

An Act for the relief of Joseph Albert Aldee Leveillee.

Preamble.

WHEREAS Joseph Albert Aldee Leveillee, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, merchant, has by his petition alleged that on the seventh day of July, A.D. 1925, at the town of St. Aime, in the said province, he and Marie Blanche Yvonne Brouillard, who was then of the said town, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Albert Aldee Leveillee and Marie Blanche Yvonne Brouillard, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Albert Aldee Leveillee may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Blanche Yvonne Brouillard had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL E7.

An Act to amend The North Fraser Harbour Commissioners Act.

Read a first time, Monday, 19th April, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9631

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E7.

An Act to amend The North Fraser Harbour Commissioners Act.

1913, c. 162; 1931, c. 41.

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

1. Subsection one of section six of *The North Fraser Harbour Commissioners Act*, chapter one hundred and sixty-two of the statutes of 1913, is repealed and the following substituted therefor:

Commissioners.

"**6.** (1) The Corporation shall consist of three commissioners two of whom shall be appointed by the Governor in Council and one by resolution of a majority of three persons, of whom one shall be nominated for that purpose by each of the following municipalities, namely, the municipality of Richmond, the municipality of Burnaby and the city of Vancouver."

Appointment, how made.

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

Power to hold and administer certain property for municipalities.

"**14.** (1) The Corporation may hold, take, develop, and administer on behalf of each of the municipalities of Richmond and Burnaby and the city of Vancouver, subject to such terms and conditions as may, at the time the control thereof is transferred to the Corporation, be agreed upon with the council of such municipality or city, the dock property and water lots owned by such municipality or city in the harbour as defined by this Act and all other property which may be placed under the jurisdiction of the Corporation."

Explanatory Notes.

Since January 1, 1929, the municipalities of South Vancouver and Point Grey were united with the city of Vancouver. The purpose of the Bill is to substitute the City of Vancouver for the municipalities of South Vancouver and Point Grey in the Act and thereby remove the anomaly now existing.

1. Section 6 (1) of The North Fraser Harbour Commissioners Act now reads as follows:—

"(1) The Corporation shall consist of three commissioners two of whom shall be appointed by the Governor in Council, and one, in writing, by at least a majority of four persons, elected, one by each of the municipalities of Richmond, South Vancouver, Burnaby and Point Grey, for that purpose."

The underlined words indicate the amendment.

2. Section 14 (1) of the said Act now reads as follows:—

"(1) The Corporation may hold, take, develop, and administer on behalf of any of the several municipalities of Richmond, South Vancouver, Burnaby and Point Grey, subject to such terms and conditions as may, at the time the control thereof is transferred to the Corporation, be agreed upon with the council of such municipality, the dock property and water lots owned by any such municipality in the harbour as defined by this Act and all other property which may be placed under the jurisdiction of the Corporation."

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

Profits of operation, if any, to belong to municipalities.

"**16.** After providing for the cost of management of all the property which the Corporation owns, controls, or manages under the preceding sections, and after providing for the cost of works or improvements authorized by the Corporation and for the performance of the other duties imposed upon the Corporation, and for capital charges and interest upon money borrowed by the Corporation for improvements, and for all other liabilities of the Corporation, and for a sinking fund to pay off any indebtedness incurred by the Corporation, any surplus profits shall be the property of the municipalities of Richmond and Burnaby and the city of Vancouver, equally between them, and shall be paid over by the Corporation to the treasurers of these municipalities and the city."

4. Section seventeen of the said Act is repealed and the following substituted therefor:

Books, etc., to be open to inspection by municipalities.

"**17.** All books, documents and papers having reference to the management and development of any property under the control of the Corporation shall at all times be open for inspection by the auditors of the municipalities of Richmond and Burnaby and the city of Vancouver; and the Corporation shall report annually all its proceedings in connection therewith to the councils of the said municipalities and city."

5. Subsection two of section twenty of the said Act is repealed and the following substituted therefor:

Confirmation of by-laws.

"(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the clerks of the municipalities of Richmond and Burnaby and the city of Vancouver."

3. Section 16 of the said Act now reads as follows:—

"**16.** After providing for the cost of management of all property which the Corporation owns, controls, or manages under the preceding sections, and after providing for the cost of works or improvements authorized by the Corporation and for the performance of the other duties imposed upon the Corporation, and for capital charges and interest upon money borrowed by the Corporation for improvements, and for all other liabilities of the Corporation, and for a sinking fund to pay off any indebtedness incurred by the Corporation, any surplus profits shall be the property of the municipalities of Richmond, South Vancouver, Burnaby and Point Grey, equally between them, and shall be paid over by the Corporation to the treasurers of these municipalities."

4. Section 17 of the said Act now reads as follows:—

"**17.** All books, documents and papers having reference to the management and development of any property under the control of the Corporation shall at all times be open for inspection by the auditors of the municipalities of Richmond, South Vancouver, Burnaby and Point Grey; and the Corporation shall report annually all its proceedings in connection therewith to the councils of the said municipalities."

5. Section 20 (2) of the said Act now reads as follows:—

"(2) No by-law shall have force or effect until confirmed by the Governor in Council and published in the *Canada Gazette*, and every such by-law shall, at least ten days before it is submitted to the Governor in Council, be served upon the clerks of the municipalities of Richmond, South Vancouver, Burnaby and Point Grey."

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL F7.

An Act to incorporate Western Pipe Lines.

Read a first time, Monday, 19th April, 1948.

Honourable Senator CRERAR.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10750

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F[7].

An Act to incorporate Western Pipe Lines.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct, maintain and operate a pipe line to transport and transmit natural gas as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act unless the context otherwise requires,

"Board."

(a) "Board" means the Board of Transport Commissioners for Canada;

"body of water."

(b) "body of water" includes any river, lake, stream, slough, watercourse, irrigation canal and ditch;

"city", "town", "village."

(c) "city", "town" and "village" mean, respectively, an incorporated city, town and village;

"Company."

(d) "Company" means the Western Pipe Lines incorporated by this Act;

"highway."

(e) "highway" includes a public road, road allowance, street, lane, square, boulevard, park or any public way or communication;

"land titles office."

(f) "land titles office" means the land titles office in which the title to land referred to is registered;

"person."

(g) "person" includes His Majesty in right of Canada and in right of any province of Canada and any body corporate or politic, partnership or association;

"registrar."

(h) "registrar" in respect of land in Alberta and Saskatchewan means the registrar of the land titles office of the registration district in which the title to such land is registered, and in respect of land in Manitoba means the district registrar of the land titles office in which the title to such land is registered;

"rural municipality."

(i) "rural municipality" when applied to areas in the province of Alberta includes municipal districts, improvement districts and special areas, and in the

province of Saskatchewan includes local improvement districts.

Incorporation.

2. Lionel D. M. Baxter, financial agent, Edward A. Nanton, broker, David A. B. Murray, broker, Gordon P. Osler, broker, and Harold G. Tucker, insurance manager, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the Company, are incorporated under the name of Western Pipe Lines.

Provisional directors.

3. (1) The persons named in section two of this Act are constituted the first or provisional directors of the Company.

Quorum.

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

Capital.

4. The capital stock of the Company shall consist of two million five hundred thousand shares without nominal or par value.

First meeting of shareholders.

5. So soon as ten per centum of the shares has been subscribed and paid, the provisional directors shall call a meeting of the shareholders of the Company at its head office.

Head office.

6. The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba.

Sec. 14 (1) and Part III of *The Companies Act*, to apply.

7. Paragraphs *(a)* to *(bb)* of subsection one of section fourteen of *The Companies Act, 1934*, substituting the words "this Act" for the words "the letters patent or supplementary letters patent" where they occur therein, and Part III of the said Act, except sections one hundred and sixty-three and one hundred and ninety thereof, apply to the Company.

Powers.

8. The Company may:

(a) buy or otherwise acquire natural gas;

(b) own, construct, provide, maintain, operate, repair and use pipe lines, reservoirs, machinery facilities, plant and equipment for the gathering, transportation and storage of natural gas;

(c) buy, lease or otherwise acquire, own and operate pipe line systems and connections, pumping, power plants, stations, structures, works, machinery, tanks, compressor stations, pressure apparatus, storage facilities and equipment;

(d) transport, transmit, pipe and convey natural gas by natural forces, mechanical compulsion, pressure or otherwise;

(e) lay out, construct, lay down, install, maintain, equip, operate, renew, use and repair a connected and continuous trunk or main line of pipe or pipes to transport or transmit natural gas from a point in the neighbourhood of the city of Calgary, in the province of Alberta, or from any point in the provinces of Alberta, Saskatchewan and Manitoba where it can be obtained, to a point or points within, at or near the boundaries of the cities of Winnipeg and St. Boniface in the province of Manitoba;

(f) lay out, construct, lay down, install, maintain, renew, operate, use and repair a connected and continuous branch line or lines to transport and transmit natural gas from the aforesaid line or lines to a point or points within, at or near the boundaries of the cities of Saskatoon and Prince Albert in the province of Saskatchewan, and also other branch lines from the said trunk or main line or lines or said branch line within, near or to any other city, town, or village through or near to which any of the said pipe lines may pass;

(g) lay down, take up, relay, connect, disconnect, repair, maintain, equip, operate and use any of the said pipe lines in, upon, across, through, over or under any land, including any highway, bridge, railway, tramway, and any body of water, as may be necessary for the purpose of transporting and transmitting natural gas;

(h) sell, distribute or otherwise dispose of natural gas to any city, town or village, and to consumers and distributors of the same for the purposes of fuel, light, heat and power or otherwise;

(i) acquire by purchase or otherwise, sell, distribute or otherwise dispose of a mixture of artificial and natural gas for fuel, light, heat, power and other purposes.

Further powers. Crown land.

9. The Company may, for the purpose of its undertaking;

(a) enter into and upon any Crown land owned or held either in the right of the Dominion of Canada or of the provinces of Alberta, Saskatchewan and Manitoba, without previous licence therefor, or into or upon the land of any person whomsoever lying in the intended route of the said pipe line or lines, and make surveys, examinations or other necessary arrangements on such land for fixing the site of the pipe lines and set out and ascertain such parts of the land as are necessary and proper for the same;

Grants.

(b) receive, take and hold all voluntary grants or donations of land and other real and personal property, and any bonus of money or debentures or other benefit of any sort made to it for the purpose of aiding in the construction, maintenance, operation, accommodation and use of the said pipe lines;

Purchase and sale of land or other property.

(c) purchase, take and hold of and from any person any land or other property necessary for the construction, maintenance, operation and use of the Company's pipe lines and works, and also alienate, sell or dispose of any land or property of the Company which has become unnecessary for its purposes;

Laying of pipe lines.

(d) lay, carry or place the pipe lines along, under, upon or across the land of any person on the located lines thereof;

Construction of roads and buildings.

(e) construct, erect, maintain, operate and use all necessary and convenient roads, buildings, stations, depots, wharves, docks, elevators and other structures, and construct, purchase and acquire machinery and other apparatus necessary for the accommodation, use and operation of the pipe lines;

Branch lines.

(f) lay out, construct, lay down, maintain, use and operate branch pipe lines, and exercise all the powers, privileges and authorities necessary therefor;

Pipe lines under railways or water.

(g) lay or construct the pipe lines in, upon, across, under or over any railway, tramway or body of water;

Make drains.

(h) make drains or conduits into, through or under the land of any person adjoining the pipe lines for the purpose of draining or conveying water from or to the same;

Alter lines.

(i) from time to time alter, divert, repair or discontinue the pipe lines and works hereinbefore mentioned or any of them, and substitute others in their stead; and

Other necessary acts.

(j) do all other acts necessary for the construction, maintenance, use and operation of the pipe lines.

Restoration.

10. The Company shall restore as nearly as possible to its former state any highway, railway, tramway, telegraph, telephone, electric line, wire, pole, body of water, water pipe, gas pipe, sewer or drain, which it diverts or alters, or it shall put the same in such a state as not materially to impair its usefulness.

Damage and compensation.

11. The Company shall in the exercise of its powers do as little damage as possible, and shall make full compensation to all persons for all damage by them sustained by reason of the exercise of such powers.

Practice of the Board.

12. In all applications by the Company to the Board, or in any applications affecting the works of the Company, the usual practice and procedure of the Board shall apply.

Approval of location by the Board.

13. The Company shall not commence the construction of the pipe lines until the general location has been approved by the Board, nor until the plans, profiles and books of reference of the line or lines or part thereof have been deposited with the Board and sanctioned by it, and the same or copies thereof duly certified by the secretary of the Board deposited with the registrar of the land titles office for the territory or area through which the said pipe line or branches thereof pass.

Plans, profiles and books of reference.

14. (1) All plans or profiles required to be deposited by the Company with the Board shall be drawn to such scale with such detail, and shall be of such character as the Board either by general regulation or in any case requires or sanctions.

(2) All such plans and profiles shall be certified and signed by the president, vice president or general manager of the Company, and also by an engineer of the Company.

(3) Any book of reference shall describe the portion of the land proposed to be taken in each parcel or lot of land upon, on or under which the pipe line or lines are to be placed, giving the number of lots or parcels and the area, length and width of the portion of each lot or parcel proposed to be taken, and the persons owning or occupying same so far as they can be ascertained.

(4) The Company shall deposit the original plans, profiles and books of reference so sanctioned by the Board or certified copies thereof in the offices of the registrars of the land titles offices for the districts through which the said lines may pass.

Errors.

15. The lines may be laid across or under the lands of any person on the located line although through error or other cause the name of such person has not been entered in the book of reference or although some other person is erroneously mentioned as the owner of or interested in such lands.

Receipt by registrar.

16. Every registrar of land titles shall receive and preserve in his office all plans, profiles, books of reference and certified copies thereof and other documents required by this Act to be deposited with him, and shall endorse thereon the time when the same were so deposited.

Change in line.

17. If any deviation, change or alteration is required to be made by the Company in the pipe lines or any portion thereof as sanctioned or constructed, a plan, profile and book of reference of such portion showing the deviation, change or alteration proposed, shall be submitted for the approval of the Board, and may be sanctioned by the

Board and, when so sanctioned, the same or certified copies thereof may be deposited and dealt with as hereinbefore provided with respect to such original plan, profile and book of reference.

Crown lands.

18. (1) The Company shall not take possession of, use or occupy any land vested in the Crown without the consent of the Governor in Council.

(2) The Company may with such consent and upon such terms as the Governor in Council prescribes take and appropriate for the use of its pipe lines and works so much of the land of the Crown lying on the route of the pipe line and also so much of the public beach or bed of any body of water, or of the land covered with the waters thereof, as is necessary for such pipe line.

Reserved Crown land.

19. Whenever it is necessary for the Company to occupy any part of the land belonging to the Crown reserved for naval, military or air purposes, it shall first apply for and obtain the licence and consent of the Governor in Council.

Indian reserve land.

20. (1) The Company shall not take possession of, use or occupy any part of any Indian reserve or land without the consent of the Governor in Council.

(2) When with such consent any part of such reserve or land is taken possession of, used or occupied by the Company, compensation shall be made as in the case of land taken without the consent of the owner.

Minerals.

21. The Company shall not, unless the same have been expressly purchased by it, be entitled to any mines or minerals in, upon or under any land purchased by it or taken by it under the provisions of this Act, except such parts as are necessary to be dug, carried away or used in the construction of the works.

Crossing railway.

22. The pipe lines of the Company shall not be laid or constructed in, upon, across, under or over any railway or tramway, whether under the legislative authority of the Parliament of Canada or not, until leave therefor has been obtained from the Board.

Lands in cities, towns, villages and rural municipalities.

23. (1) The Company shall not lay down or construct its pipe lines upon, in or under any highway within any city, town or village without the consent of such city, town or village.

(2) In the case of any rural municipality the Company may, upon the approval of the plan of its line therein by the Board, lay down, construct, maintain, repair, operate and use its pipe lines laid upon, in or under any highway in crossing such highway, doing as little damage as possible.

(3) In case the Company desires to lay down, construct, maintain, repair, operate and use its pipe lines, upon or under any highway in a rural municipality, running in the same direction as the highway, and as distinguished from crossing the highway, it shall first apply to the Board for permission so to do, and the Board may grant such permission upon such terms and conditions as it may deem suitable.

Railway crossing.

24. No railway, tramway, highway, telegraph, telephone, electric line, wire or pole shall be constructed upon, along or across the pipe lines of the Company without the permission of the Company or the order of the Board.

Area of land to be taken without consent.

25. The land which may be taken without the consent of the person owning the same shall not exceed for the right of way fifty feet in breadth.

Additional land required.

26. Should the Company require more land than it possesses or may take hereunder to secure the efficient construction, maintenance and operation of the pipe lines, it may apply to the Board for authority to take the same for such purposes without the consent of the owner, giving such notice and filing such plans, profiles and books of reference as the Board may require.

Disagreement.

27. In case the Company and any person, owning any land required by the Company for its purposes cannot agree as to the price or terms upon which the said land may be acquired, taken and used, all questions which arise between them shall be settled as hereinafter provided.

Expropriation. R.S.C., c. 170.

28. Sections two hundred and fifteen to two hundred and forty-eight of the *Railway Act*, shall, so far as they are applicable and not inconsistent with this Act, apply *mutatis mutandis* to the Company and to its works and undertaking.

Limitations.

29. All actions or suits for any damage or injury sustained by reason of the construction or operation of the pipe line may be commenced within one year next after the time when such supposed damage is sustained or, if there is continuation of damage, within one year next after the doing or committing of such damage ceases and not afterwards.

Borrowing powers.

30. (1) If authorized by by-law, duly passed by the directors and sanctioned by two-thirds in value of the subscribed stock of the votes cast at a special general

meeting of the shareholders duly called for considering the by-law, the directors of the Company may from time to time:

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

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

(c) issue bonds, debentures or other securities of the Company;

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

(e) mortgage, hypothecate, charge or pledge all or any of the real and personal property, undertaking and rights of the Company to secure any such bonds, debentures or other securities or any money borrowed or any other liability of the Company.

(2) Any such by-law may provide for the delegation of such powers by the directors to such officers or directors of the Company to such extent and in such manner as may be set out in such by-law.

(3) Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.

Power to reissue.

31. (1) Where the Company has redeemed any bonds or debentures previously issued, then:

(a) unless any provision to the contrary, whether express or implied, is contained in the bonds or debentures or in any contract entered into by the Company; or

(b) unless the Company has, by resolution of its shareholders or by some other act, manifested its intention that the bonds or debentures shall be cancelled,

the Company shall have power to reissue the bonds or debentures, either by reissuing the same bonds or debentures or by issuing other bonds or debentures in their place, but the reissue of a bond or debenture or the issue of another bond or debenture in its place, under the power by this section given to the Company, shall not be treated as the issue of a new bond or debenture for the purposes of any provision limiting the amount or number of bonds or debentures to be issued.

(2) On a reissue of redeemed bonds or debentures, the person entitled to the bonds or debentures shall have the same rights and priorities as if the bonds or debentures had never been redeemed.

(3) Where the Company has deposited any of its bonds or debentures to secure advances from time to time on current account or otherwise, the bonds or debentures shall not be deemed to have been redeemed by reason

only of the account of the Company having ceased to be in debit whilst the bonds or debentures remained so deposited.

Time for construction.

32. The construction of the main or trunk pipe lines of the Company shall commence within four years from the passing of this Act and shall be completed within three years thereafter.

Works for the general advantage of Canada.

33. The works and undertaking of the Company are declared to be for the general advantage of Canada.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL G7.

An Act to amend The National Parks Act.

Read a first time, Monday, 19th April, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9635

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G7.

An Act to amend The National Parks Act.

1930, (1st Sess.), c. 33; 1936, c. 43; 1937, c. 35; 1938, c. 35; 1946, c. 9; 1947, c. 66.

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

1. Section three of *The National Parks Act*, chapter thirty-three of the statutes of 1930, as amended by section two of chapter thirty-five of the statutes of 1938, is repealed and the following substituted therefor:—

Parks.

"**3.** The lands described in the Schedule to this Act constitute the National Parks of Canada."

2. Subsection two of section seven of the said Act is repealed and the following substituted therefor:—

Publication.

"(2) No regulation made under this Act has effect until it is published in the *Canada Gazette*".

Schedule repealed.

3. The Schedule to the said Act is repealed and the Schedule to this Act substituted therefor.

Repeal.

4. *The Nova Scotia and Prince Edward Island National Parks Act, 1936*, chapter forty-three of the statutes of 1936, *The National Parks Act, 1937*, chapter thirty-five of the statutes of 1937, *The National Parks Amendment Act, 1938*, chapter thirty-five of the statutes of 1938, *The National Parks (Boundaries) Amendment Act, 1946*, chapter nine of the statutes of 1946, and sections two to seven, inclusive, of *The National Parks Amendment Act, 1947*, chapter sixty-six of the statutes of 1947, are repealed.

Explanatory Notes.

The purpose of this Bill is to:

(1) Consolidate into one Act the descriptions of the National Parks of Canada.

(2) Provide that Regulations made under the authority of this Act shall not take effect until published once in the *Canada Gazette*.

1. This section provides that the areas described in the Schedule constitute the National Parks of Canada.

The National Parks Act (Chapter 33 of the Statutes of 1930)

(a) cancelled the Fort Howe, Vidals Point and Menissawok Parks;

(b) established as *National Parks* all the remaining *Dominion Parks* as same existed at the time.

Detailed descriptions of only five of the Parks were included in the Act. Other Dominion Parks had been established by Orders in Council under the provisions of Dominion Forest Reserves and Parks Act. There were a large number of these Orders in Council as the boundaries of some of the Parks had been changed many times.

Later the Wawaskesy, Buffalo and Nemiskam Parks were cancelled. A number of changes in the boundaries of some of the other Parks were made by the 1946 and 1947 amendments to the National Parks Act.

The Nova Scotia and Prince Edward Island National Parks Act 1936 (Chapter 43), made provision for the establishment of the present parks in those Provinces. The National Parks Act 1937, Chap. 35, made provision for the establishment of a Park in New Brunswick. This Park has recently been proclaimed.

It is desirable that one Act include the descriptions of all the National Parks.

2. This subsection at present reads as follows:—

"(2) All Regulations made hereunder shall be published in the *Canada Gazette* for a period of thirty days and shall thereupon have the same force and effect as if herein enacted".

It is considered one publication is sufficient and eliminates delays in making new Regulations effective.

3. The Schedule of this Bill sets out the descriptions of all National Parks as they presently exist.

4. This section repeals various Acts or parts of Acts dealing with National Parks now no longer necessary.

SCHEDULE

PART I.

National Parks in the Province of Alberta.

(1) BANFF NATIONAL PARK.

All and singular that certain parcel or tract of land situate lying and being in the Province of Alberta more particularly described as follows:

Commencing at the point of junction of the Interprovincial Boundary between Alberta and British Columbia and the height of land that divides the watershed area of Spray river from that of Kananaskis river which said point occurs on Mount Sir Douglas in latitude fifty degrees forty-three minutes, and longitude one hundred and fifteen degrees twenty minutes;

Thence in a general northerly direction and following throughout the said height of land to Mt. Birdwood;

Thence continuing northerly along the height of land between the valley of Spray river and the valley of Smuts creek through Mt. Smuts and Mt. Shark to a stone cairn on the summit of an isolated hill in latitude fifty degrees fifty-one minutes thirty seconds, and longitude one hundred and fifteen degrees twenty-five minutes, erected by H. F. Lambart, D.L.S. in 1935;

Thence on an astronomic bearing of three hundred and thirty-two degrees fourteen minutes, to a standard survey post, mound and pits on the left bank of Spray river approximately one thousand feet up-stream from the mouth of Turbulent creek, erected by M. P. Bridgland, D.L.S. in 1931;

Thence easterly and northerly following throughout the natural contour passing through the last described point to the point of intersection with a straight line defined by H. F. Lambart, D.L.S. in 1935 by a standard survey post and stone cairn east of Spray river hereinafter referred to and a stone cairn on the westerly side of Spray river near the said contour line and distant one mile more or less in a straight line down-stream from the junction of Spray Lakes creek with the said Spray river;

Thence across Spray river valley on an astronomic bearing of ninety-four degrees twenty-six minutes nine hundred feet more or less to the aforementioned standard survey post and stone cairn beside the trail on the easterly side of Spray river;

Thence continuing on the same course, two thousand six hundred and forty-six feet more or less to a stone cairn on the crest of a sharply defined ridge of Mount Nestor;

Thence northerly and following the said crest to Mount Nestor;

Thence northerly and following the crest of Goat Range to a point on the production of the following straight line defined by M. P. Bridgland, D.L.S., in 1931;

Thence on an astronomic bearing of fourteen degrees thirty decimal five minutes to a standard survey post and stone mound;

Thence continuing on the same course one hundred and twenty-four decimal naught three chains more or less to a standard survey post and stone mound on the height of land between the watersheds of Goat creek and Spray Lakes creek;

Thence continuing on the same course to the most southerly summit of Three Sisters Mountain;

Thence northwesterly following throughout the height of land that divides the watershed area of Spray river from that of Bow river to the summit of Mt. Rundle in latitude fifty-one degrees seven minutes twenty seconds, and longitude one hundred and fifteen degrees twenty-eight minutes;

Thence in a straight line defined by M. P. Bridgland, D.L.S. in 1931 toward the summit of Mt. Charles Stewart, on an astronomic bearing of sixty-nine degrees forty-eight decimal eight minutes to a standard survey post and stone mount on the east boundary of section fifteen in township twenty-five, range eleven, west of the Fifth Meridian;

Thence continuing on the same course fifty-seven decimal twenty chains more or less to a standard survey post and stone mound on the south boundary of the north half of section fourteen in the said township;

Thence easterly along the south boundary of the north half of sections fourteen and thirteen to the east boundary of section thirteen of the said township;

Thence northerly along the east boundary of the said section to a standard survey post, pits and mound thirty-nine decimal four links south of the northeast corner of the said section thirteen;

Thence on the astronomic bearing of sixty-nine degrees forty-eight decimal eight minutes to the summit of Mt. Charles Stewart;

Thence northeasterly following the height of land which bounds the watershed area of Carrot Creek and its tributaries to the point at which it becomes the height of land that divides the watershed area of Lake Minnewanka from that of Ghost river;

Thence continuing along the last mentioned height of land through Orient Point to a stone cairn in latitude fifty-one degrees sixteen minutes, longitude one hundred and fifteen degrees ten minutes;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of three hundred and forty-seven degrees thirty-seven decimal eight minutes a distance of five thousand six hundred and sixty-seven decimal seven feet more or less to a stone cairn;

Thence continuing on the same bearing nine hundred and forty-eight decimal three feet more or less to a standard survey post and stone cairn beside the trail through Devil's Gap;

Thence continuing on the same course one thousand eight hundred and forty-five decimal four feet more or less to a stone cairn;

Thence continuing on the same course to Devil's Fang Mountain;

Thence westerly and northerly following throughout all its sinuosities the height of land that forms the southerly and westerly limit of the watershed area of Ghost River or any of its tributaries to Mount Oliver;

Thence northerly along the height of land that forms the easterly limit of the watershed area of Dormer river to a stone cairn on an astronomic bearing of one hundred and thirty-five degrees and seven-tenths of a minute from the summit of Dormer Mountain;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of three hundred and fifteen degrees and seven-tenths of a minute, a distance of eight thousand five hundred and ninety-two decimal seven feet more or less to a stone cairn;

Thence continuing on the same course four thousand one hundred and eight-four feet more or less to a standard survey post and stone cairn beside the trail on the northerly side of Dormer river;

Thence continuing on the same course eight thousand nine hundred and eighteen decimal eight feet more or less to a cairn on the summit of Dormer Mountain;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of three hundred and twenty-six degrees five minutes to a stone cairn;

Thence continuing on the same course one thousand and eighty-three decimal eight feet more or less to a standard post and stone cairn beside the trail along Panther river;

Thence continuing on the same course nine hundred and eighty-one decimal six feet more or less to a stone cairn;

Thence continuing on the same course two thousand four hundred and eleven decimal six feet more or less to a stone cairn on the crest of a ridge of Barrier Mountain;

Thence continuing on the same course to the summit of Barrier Mountain;

Thence northwesterly along a well defined height of land to a stone cairn on the summit of Warden Rock;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of two hundred and eight-nine degrees thirteen decimal one minutes, a distance of seven thousand and forty-three decimal four feet more or less to a standard survey post and stone cairn beside the trail on the west side of Red Deer river;

Thence continuing on the same course one thousand nine hundred and eight decimal nine feet more or less to a stone cairn;

Thence continuing on the same course to the summit of a mountain in latitude fifty-one degrees forty-two decimal five minutes, longitude one hundred and fifteen degrees forty-four minutes;

Thence northwesterly following the height of land that forms the easterly and northerly limit of the watershed of Tyrrell creek, the northerly limit of the watershed of Divide creek and the easterly limit of the watershed of Peters creek to the summit of Condor peak;

Thence northerly along a well defined ridge to the forks of Peters creek in latitude fifty-one degrees forty-nine minutes, longitude one hundred and fifteen degrees fifty-seven minutes;

Thence northerly along the right bank of Peters creek to its confluence with Clearwater river;

Thence crossing Clearwater river to its left bank and following the said bank upstream to a stone cairn approximately half a mile east of the mouth of Indianhead creek;

Thence in a straight line defined by H. F. Lambart, D.L.S. in 1935 on an astronomic bearing of three hundred and twenty-nine degrees twenty-two decimal nine minutes, a distance of nine hundred and eight decimal two feet more or less to a standard survey post beside the trail along the valley;

Thence continuing on the same course to a stone cairn near the edge of timber;

Thence continuing on the same course to camera station two hundred and sixty-five A, which is a point on the height of land forming the easterly limit of the watershed area of Indianhead creek the said camera station together with all camera stations hereinafter referred to being triangulation points of surveys made by M. P. Bridgland, D.L.S.;

Thence northwesterly along the said height of land to its junction with the height of land between the watershed area of Clearwater river and those of Ram and Siffleur rivers;

Thence southwesterly along the last described height of land to the summit of Mount Kentigern;

Thence northwesterly along a sharply defined ridge between Siffleur river and one of its tributaries through camera station three hundred to a stone cairn on the east side of Siffleur river;

Thence in a straight line defined by H. F. Lambart, D.L.S. in 1935 on an astronomical bearing of two hundred and sixty-one degrees eighteen decimal seven minutes, a distance of six hundred and ninety-nine decimal seven feet more or less to a standard survey post and stone cairn beside the trail on the west side of Siffleur river;

Thence continuing on the same course one thousand one hundred and fourteen decimal four feet more or less to a stone cairn;

Thence continuing on the same course to camera station three hundred and five;

Thence westerly following a high rocky height of land through camera stations three hundred and six, three hundred and three, and three hundred and four to camera station three hundred and eight which last-mentioned station is on the height of land forming the easterly limit of the watershed area of Mistaya river;

Thence northwesterly along the last described height of land to camera station four hundred and twenty-five situate at the junction of the said height of land with the height of land enclosing the watershed area of Murchison creek;

Thence following the last described height of land through camera stations four hundred and twenty-six, four hundred and twenty-two, four hundred and twenty-one, and four hundred and twenty, and along the crest of a precipitous rock escarpment to a stone cairn in latitude fifty-one degrees fifty-nine minutes thirty seconds, longitude one hundred and sixteen degrees thirty-nine minutes;

Thence in a straight line defined by H. F. Lamart, D.L.S. in 1935 on an astronomic bearing of three hundred and thirty four degrees fifty-seven decimal five minutes a distance of two thousand and twenty-four decimal eight feet more or less to a standard survey post and stone cairn beside the trail on the southerly side of North Saskatchewan river;

Thence continuing on the same course two thousand two hundred and eighty-nine decimal four feet more or less to a standard post and stone cairn beside the trail on the northerly side of the said river;

Thence continuing on the same course two thousand five hundred and five decimal one feet more or less to a stone cairn on the height of land forming the easterly limit of the watershed of Owen creek;

Thence northerly following the said height of land to its junction with the height of land forming the easterly limit of the watershed of North Saskachewan river;

Thence northwesterly along the last described height of land through all its sinuosities to a stone cairn erected by H. F. Lambart, D.L.S., in 1935 at the summit of Nigel Pass;

Thence westerly, southeasterly and southwesterly along the height of land between the watershed areas of North Saskatchewan river and Athabaska river to a stone cairn on a well defined ridge overlooking Sunwapta Pass in latitude fifty-two degrees thirteen minutes, longitude one hundred and seventeen degrees nine point five minutes;

Thence following the survey of the said Pass by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of two hundred and thirty-eight degrees forty-two decimal two minutes, a distance of three thousand seven hundred and nine decimal seven feet more or less to a stone cairn;

Thence on an astronomic bearing of two hundred and eighteen degrees forty-eight minutes a distance of two thousand one hundred and forty-seven decimal three feet more or less to a stone cairn;

Thence on an astronomic bearing of two hundred and thirty-five degrees six minutes, a distance of two thousand six hundred and sixty-eight decimal one feet more or less to a stone cairn on a well defined ridge of the last described height of land on the westerly side of Sunwapta Pass;

Thence continuing southwesterly and northwesterly along the said height of land to The Snow Dome being a point on the Interprovincial Boundary between Alberta and British Columbia;

Thence southerly following the Interprovincial Boundary to the point of commencement, containing an area of two thousand five hundred and eighty-five square miles more or less, the boundaries herein described being shown on a copy of the map of Banff Park certified by Frederick Hatheway Peters, Surveyor General of Dominion Lands on the twenty-second day of April nineteen hundred and forty, said map being approved on behalf of the Dominion of Canada by The Honourable T. A. Crerar, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N. E. Tanner, Minister of Lands and Mines, and filed on the eighteenth day of April nineteen hundred and forty-one in the Land Titles Office for the South Alberta Land Registration District of Calgary in the Province of Alberta under No. 3845 Book E.Q. Folio 109, and whereof a copy is recorded in the Legal Surveys Division of said Department of Mines and Resources under number thirty-nine thousand six hundred and sixteen-A.

(2) JASPER NATIONAL PARK.

All and singular that certain parcel or tract of land situate lying and being in the Province of Alberta which may be more particularly described as follows:

Commencing at the Snow Dome being a point at the intersection of the Interprovincial Boundary between Alberta and British Columbia and the height of land which divides the watershed area of Saskatchewan River from that of Athabaska River in Latitude fifty-two degrees eleven minutes (52° 11′) and Longitude one hundred and seventeen degrees nineteen minutes (117° 19′); thence in a general northeasterly direction along said above described height of land across Sunwapta Pass and Nigel Pass to the summit of Cataract Pass which is at the extreme headwaters of Brazeau River; thence continuing along the same height of land in a general northeasterly direction to a point distant half a mile from the most easterly channel of Brazeau River, said distance being measured at right angles to the general direction of said channel; thence in a general northeasterly direction and following a line drawn parallel to and being distant half a mile in a perpendicular direction from the most easterly channel of Brazeau River to the point at which the said line intersects a straight line drawn on an astronomical bearing of North forty-five degrees east (N. 45° E.) from a point on the right bank of Brazeau River immediately opposite the junction of the stream which flows from Brazeau Lake with the said river; thence in a general northeasterly direction and following the right bank of Brazeau River to a point opposite the intersection of the left bank of Southesk River with the left bank of Brazeau River; thence in a straight line across Brazeau River to the last described point; thence in a general southwesterly direction following the left bank of Southesk River to its intersection with a straight line drawn south forty-five degrees east (S. 45° E.) from a mountain named Saracen Head, which mountain is a prominent landmark in Latitude fifty-two degrees forty-one minutes (52° 41′) and Longitude one hundred and sixteen degrees fifty-nine minutes (116° 59′); thence in a straight line having a bearing of north forty-five degrees west (N. 45° W.) to the summit of Saracen Head mountain; thence in a general northwesterly direction following the height of land forming the easterly limit of the watershed areas of Southesk and Rocky Rivers to its intersection with the height of land which encloses the watershed area of Fiddle River; thence in a general north-northwesterly direction following the last described height of land to the summit of Roche à Perdrix mountain in Latitude fifty-three degrees twelve minutes (53° 12′) and Longitude one hundred and seventeen degrees forty-eight minutes (117° 48′); thence in a general northwesterly direction following a sharply defined ridge to the summit of a knoll overlooking the Jasper Highway; thence in a straight line across the valley of Athabaska River to the rock point through which the Canadian National Railway passes in a tunnel; thence in a general north-northwesterly direction following the edge of a sharply defined escarpment to Ogre Canyon and continuing across the said canyon along the above described escarpment to Mount Boule

Roche which is a peak at the southerly extremity of Boule Range in Latitude fifty-three degrees seventeen minutes (53° 17′) and Longitude one hundred and seventeen degrees fifty-four minutes (117° 54′); thence in a general northwesterly direction following the height of land which forms the easterly limit of the watershed areas of Ogre and Moosehorn Creeks along the Boule Range to the summit of Triangulation Station No. 82 (Lambart 1927) which is a point on the height of land which divides the watershed area of Moosehorn Creek from that of Hay River in Latitude fifty-three degrees twenty-two minutes (53° 22′) and Longitude one hundred and eighteen degrees seven minutes (118° 07′); thence in a general west-northwesterly direction following the height of land which bounds the watershed area of Hay River and its tributaries to Triangulation Station No. 71 (Lambart 1927): thence in a general northwesterly direction along a well defined height of land to its point of intersection with a straight line having an astronomic bearing of one hundred and twenty-five degrees fifty-six minutes (125° 56′) from a wooden post in a stone mound on the right bank of Rock Creek marked "R. W. C. 29th Aug. 1928"; thence in a straight line across the valley of Rock Creek to Triangulation Station No. 68 (Lambart 1927) which is a point on the height of land dividing the watershed area of Rock Creek from that of Hay River in Latitude fifty-three degrees twenty-seven minutes (53° 27′) and Longitude one hundred and eighteen degrees twenty-one minutes (118° 21′); thence westerly and following the said height of land through all its sinuosities to its point of intersection with a straight line having an astronomic bearing of north forty-five degrees east (N. 45° E.) from Triangulation Station No. 5 (Lambart 1927) which is a point on the height of land dividing the watershed area of Rock Creek from that of Mowitch Creek; thence in a straight line having a bearing of south forty-five degrees west (S. 45° W.) across the valley of Rock Creek to said Triangulation Station No. 5; thence westerly along the above described height of land dividing the watershed area of Rock Creek from that of Mowitch Creek throughout all its sinuosities to its intersection with the height of land which divides the watershed area of Snake Indian River from that of Smoky River; thence west-northwesterly and following the last described height of land throughout all its sinuosities to a point on the summit of the westerly extension of Sunset Peak on the summit of which peak Triangulation Station No. 33 (Lambart 1927) is situated, said point being at the intersection of the said height of land and a straight line having an astronomic bearing of three hundred and twenty-nine degrees twenty-eight point eight minutes (329° 28·8′) from a stone cairn on the crest of the height of land forming the southerly limit of the watershed area of Blue Lake; thence in a straight line having an astronomic bearing of one hundred and forty-nine degrees twenty-eight point eight minutes (149° 28·8′) across Blue Lake to the above mentioned cairn; thence in a general westerly direction along the height of land forming the southerly limit of the watershed area of Blue Lake to its intersection with the height of land dividing the watershed area of Twintree Creek from that of Rockslide Creek, both of which creeks are tributaries of Smoky River; thence continuing along said last mentioned height of land to its intersection

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with a straight line having an astronomic bearing of ninety-two degrees twenty-one point two minutes (92° 21·2′) from a post in a stone mound on the south bank of Smoky River, said post being in Latitude fifty-three degrees twenty-nine minutes (53° 29′) and Longitude one hundred and nineteen degrees fifteen minutes (119° 15′); thence in a straight line having an astronomic bearing of two hundred and seventy-two degrees twenty-one point two minutes (272° 21·2′) to said post and continuing in the same straight line produced westerly across the valley of Smoky River to intersect the height of land forming the northerly limit of the watershed area of Short Creek; thence westerly along said last described height of land to Mount Resthaven in Latitude fifty-three degrees twenty-seven minutes (53° 27′) and Longitude one hundred and nineteen degrees thirty point five minutes (119° 30·5′); thence in a general south-southeasterly direction following the height of land which bounds the watershed area of Jackpine River to the point at which it intersects the summit of the Rocky Mountains in Latitude fifty-three degrees twenty-two minutes (53° 22′) and Longitude one hundred and nineteen degrees twenty-four point seven minutes (119° 24·7′) which point is a point on the Interprovincial Boundary between Alberta and British Columbia; thence southerly following the Interprovincial Boundary to point of commencement, said area containing 4,200 square miles, more or less; the boundaries herein described being shown on the north and the south sheets of the map of Jasper Park certified by Frederic Hatheway Peters, Surveyor General of Dominion Lands, on the thirteenth day of January, 1948, said map being approved on behalf of the Dominion of Canada by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N. E. Tanner, Minister of Lands and Mines, and filed on the 14th day of February, 1948 in the Land Titles Office for the North Alberta Land Registration District of Edmonton in the Province of Alberta under numbers 3974 and 3975 in Book E.U. Folio 192 and whereof a copy is of record in the Legal Surveys Division of the Surveys and Mapping Bureau of Mines, Forests and Scientific Services Branch of the Department of Mines and Resources, Ottawa, under numbers 40396 and 40397.

(3) Waterton Lakes National Park.

All and singular that certain parcel or tract of land situate, lying and being in the Province of Alberta, which may be more particularly described as follows:

Commencing at the intersection of the Interprovincial boundary between the provinces of Alberta and British Columbia with the International boundary between Canada and the United States; thence northerly following the said Interprovincial boundary to the intersection with the height of land separating the waters flowing into Bauerman and Blakiston Brooks and the waters flowing into the Castle River known as the Avion Ridge; thence in a general easterly direction following the said Avion Ridge on which are located Newman Peak and Mount Glendowan to the intersection with Cloudy Ridge; thence in a

general northeasterly direction following the said Cloudy Ridge to the headwaters of a small creek which emerges from a steep coulee near the mouth of which is located the Yarrow cabin; thence following the right bank of the said creek to the right bank of the south fork of Yarrow Creek; thence northeasterly following the right bank of the south fork of Yarrow Creek, a distance of sixty chains more or less, to its intersection with the easterly boundary of section sixteen, in township three, range thirty west of the Fourth Meridian; thence southerly along the easterly boundary of said section sixteen to the northeast corner of section nine in said township three; thence easterly a distance of eighty-one chains more or less along the north boundary of section ten in said township three to its northeast corner; thence southerly a distance of eighty-one chains more or less along the east boundary of said section ten to the northeast corner of section three; thence easterly a distance of forty-one chains more or less along the north boundary of the northwest quarter of section two in said township three to its northeast corner; thence southerly a distance of eighty chains more or less following the east boundary of the west half of section two to the southeast corner thereof, in said township three, range thirty; thence due south one chain more or less across the road allowance to the north boundary of township two, range thirty, west of the Fourth Meridian; thence easterly a distance of two hundred and twenty-one decimal twenty-three chains more or less along the north boundary of said township two, range thirty, to its northeast corner; thence southerly along the east outline of said township two a distance of two hundred and forty-one chains more or less to the northeast corner of section thirteen of said township two, range thirty; thence easterly along the north boundary of sections eighteen, seventeen and sixteen, in township two, range twenty-nine, a distance of two hundred and forty-three chains more or less to the northeast corner of said section sixteen; thence southerly along the easterly boundary of sections sixteen, nine and four, a distance of two hundred and forty-two chains more or less to the northeast corner of section thirty-three in township one, range twenty-nine; thence easterly along the north boundary of section thirty-four in said township one a distance of eighty-one chains more or less to its northeast corner; thence southerly along the east boundary of said section thirty-four a distance of eighty chains more or less to the northeast corner of section twenty-seven in said township one; thence easterly a distance of four hundred and eighty-six chains more or less along the north boundaries of sections twenty-six and twenty-five in said township one, range twenty-nine, and sections thirty, twenty-nine, twenty-eight and twenty-seven in township one, range twenty-eight to the northeast corner of section twenty-seven in said township one, range twenty-eight; thence southerly along the east boundary of said section twenty-seven a distance of eighty-one chains more or less to the northeast corner of section twenty-two in said township one, range twenty-eight; thence due south four miles more or less to said International boundary; thence westerly following said International boundary a distance of nineteen miles, more or less to the point of commencement; said parcel containing an area of approximately two hundred and four square miles; the boundaries herein described being

shown on a copy of the map of Waterton Lakes Park certified by Frederic Hatheway Peters, Surveyor General of Dominion Lands, on the thirteenth day of January, 1948, said map being approved on behalf of the Dominion of Canada by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N. E. Tanner, Minister of Lands and Mines, and filed on the 13th day of February, 1948, in the Land Titles Office for the South Alberta Land Registration District of Calgary in the Province of Alberta under No. 7673 Book EX, Folio 203, and whereof a copy is of record in the Legal Surveys Division of the Surveys and Mapping Bureau of Mines, Forests and Scientific Services Branch of the Department of Mines and Resources, Ottawa, under number 40398.

(4) Elk Island National Park.

All that parcel or tract of land situate, lying and being in the fifty-fourth township, range nineteen; townships fifty-two, fifty-three and fifty-four, range twenty, all west of the Fourth Meridian, in the Province of Alberta, more particularly described as follows:

Commencing at the northwest corner of section thirty-four in said township fifty-four, range twenty; thence southerly and along the east boundary of the road allowance to the northwest corner of section ten; thence westerly and along the south boundary of the road allowance to the northwest corner of section nine; thence southerly and along the east boundary of the road allowance to the northwest corner of section four; thence westerly and along the production westerly of the north boundary of the said section four and continuing westerly along the north boundary of section five to the northwest corner thereof; thence southerly and along the east boundary of the road allowance to the northwest corner of section thirty-two in said township fifty-three, range twenty; thence westerly and along the south boundary of the road allowance to the northwest corner of section thirty-one; thence southerly and along the east boundary of the road allowance between the said range twenty and range twenty-one to the intersection with the northerly limit of a surveyed roadway in said township fifty-two, range twenty, as shown upon a plan of survey of the said roadway of record in the Department of Public Works at Edmonton as Number 867; thence in a generally easterly direction along the said northerly limit of the surveyed roadway to the intersection with the westerly boundary of the road allowance between the said ranges nineteen and twenty; thence northerly and along the said westerly boundary of the road allowance to the southeast corner of section one in the said township fifty-four, range twenty; thence easterly and along the north boundary of the road allowance to the southeast corner of section six in the said township fifty-four, range nineteen; thence northerly and along the west boundary of the road allowance to the northeast corner of section thirty-one in said township fifty-four, range nineteen; thence westerly and along the south boundary of the road allowance to the point of commencement; Saving and Excepting from the said township fifty-three, range twenty, west of the Fourth Meridian: the surface together with all Mines and Minerals, both precious and base, namely:

Firstly: The surveyed highway and those portions of the statutory road allowances included within the limits of the said highway produced across the said statutory road allowances, as shown upon a plan of survey of the said highway of record in the said Department of Public Works as Plan Number 12723.

Secondly: An additional continuous strip of land three rods in perpendicular width adjoining throughout the southerly limit of said highway as shown upon said Plan Number 12723 and the productions of the said southerly limit across the aforesaid statutory road allowances.

Thirdly: That portion of the statutory road allowance adjoining the north boundary of the north half of section seven of the said township and the northerly three rods in width throughout of the said north half of section seven, and extending from the west boundary of the said north half of section seven easterly to its intersection with the Firstly and Secondly areas above described; said tract of land containing approximately seventy-five square miles; the boundaries herein described being shown on a copy of the map of Elk Island Park certified by Frederic Hatheway Peters, Surveyor General of Dominion Lands, on the twenty-ninth day of November, 1947, said map being approved on behalf of the Dominion of Canada by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N. E. Tanner, Minister of Lands and Mines, and filed on the 14th day of February 1948, in the Land Titles Office for the North Alberta Land Registration District of Edmonton in the Province of Alberta under number 3973 Book E.U. Folio 192 and whereof a copy is of record in the Legal Surveys Division of the Surveys and Mapping Bureau of the Mines, Forests and Scientific Services Branch of the Department of Mines and Resources, Ottawa, under number 40395.

(5) Wood Buffalo National Park

All and singular that certain parcel or tract of land lying and being partly in the Northwest Territories and partly in the Province of Alberta, and more particularly described, as follows: Commencing at the intersection of the sixtieth (60) parallel of north latitude, being the boundary between the Province of Alberta and the Northwest Territories, with the centre of the main channel of Salt river; thence westerly along the said sixtieth (60) parallel of north latitude to its intersection with the centre of the main channel of Little Buffalo river; thence following downstream the centre of the main channel of the said Little Buffalo river to its junction with the centre of the main channel of Nyarling river; thence following upstream the centre of the main channel of the said Nyarling river to its intersection with the thirty-fourth (34) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and thirty-two (132); thence westerly along the said thirty-fourth (34) base line to its intersection with the east boundary of range ten (10) west of the fifth (5) initial meridian of the Dominion Lands Survey System;

thence southerly along the said east boundary of range ten (10) west of the said fifth (5) meridian to its intersection with the thirty-first (31) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and twenty (120); thence easterly along the said thirty-first (31) base line to its intersection with the said fifth (5) meridian of the Dominion Lands Survey system; thence southerly along the said fifth (5) meridian to its intersection with the twenty-seventh (27) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and four (104); thence easterly along the said twenty-seventh (27) base line to its intersection with the centre of the main channel of Athabaska river; thence following downstream the said centre of the main channel of Athabaska river to a point nearest the beginning or southern end of the main channel of Embarras river; thence in a direct line to the centre of the said main channel of Embarras river at its southern end; thence following downstream the centre of the main channel of the said Embarras river to its outlet into lake Athabaska; thence westerly by a direct line to the nearest point on low water mark on the southerly or westerly shore of said lake Athabaska; thence westerly and northerly following the said low water mark of the southerly and westerly shore of lake Athabaska to a point nearest the beginning or southern end of the main channel of the stream known as rivière des Rochers; thence easterly in a direct line to the centre of the said main channel of rivière des Rochers at its southern end; thence following downstream the centre of the said main channel of rivière des Rochers to a point nearest the centre of the main channel of Slave river; thence westerly in a direct line to the centre of the said main channel of Slave river; thence following downstream the said centre of the main channel of Slave river to its intersection with the thirty-second (32) base line of the Dominion Lands Survey system being the north boundary of township one hundred and twenty-four (124); thence westerly along the said thirty-second (32) base line to its intersection with the centre of the main channel of Salt river; thence following downstream the said centre of the main channel of Salt river to the point of commencement; excluding thereout and therefrom all islands in the Slave river within the above described boundary; the whole containing by admeasurement an area of approximately 17,300 square miles be the same more or less, and as the boundaries described herein are shown hachured in black upon the map of Wood Buffalo Park and which are subject to the "note" thereon relating to the boundaries in certain rivers; which said map was issued by the Hydrographic and Map Service, Department of Mines and Resources at Ottawa in 1947, and whereof a copy is of record in the Legal Surveys Division of said Department under number forty-thousand three hundred and ninety-three.

Part II.

National Parks in the Province of British Columbia.

(1) Yoho National Park.

All and singular that certain parcel or tract of land situate lying and being in the Province of British Columbia, designated Yoho Park and shown bordered in yellow on the map of Yoho Park which was reprinted with corrections in the office of the Surveyor General and Chief of the Hydrographic Service, Department of Mines and Resources, Ottawa, in 1939, and of record in the Legal Surveys Division of said Department under number 39587, which said parcel may be more particularly described as follows:

Commencing at a point on the easterly boundary of the Province of British Columbia, said point being south of the main line of the Canadian Pacific Railway and ten miles perpendicularly distant therefrom; thence in a southwesterly direction along a line parallel to and ten miles perpendicularly distant from the main line of the Canadian Pacific Railway as constructed to the intersection of said line with the height of land which divides the watershed area of Kicking Horse River from that of Vermilion River in approximate latitude 51° 12′ N. and approximate longitude 116° 21′; thence in a general southwesterly direction and following the crest of the spur ridge which divides the watershed of Moose Creek from that of Ice River throughout all its sinuosities to the summit of a peak marked 9687 on said map; thence in a straight line to a point on the right bank of Ice River opposite the point at which the most southerly tributary shown on said map enters Ice River from the east side; thence following said right bank of Ice River downstream to its confluence with Beaverfoot River; thence following the right bank of said Beaverfoot River downstream to its intersection with the north boundary of Township twenty-five, Range nineteen, West of the fifth Meridian, or said north boundary produced easterly; thence west along said north boundary and the production thereof to the southeast corner of Section four in Township twenty-six, Range nineteen; thence north along the east boundary of said Section four to its intersection with the left bank of Kicking Horse River; thence in a general northwesterly direction and following throughout the left bank of Kicking Horse River to its intersection with the east boundary of Township twenty-six, Range twenty, West of the fifth Meridian; thence north along said east boundary of Township twenty-six to its intersection with the summit of a well defined ridge dividing the watershed of Porcupine Creek from that part of Kicking Horse River which lies west of said east boundary; thence in a general northerly direction along the summit of the height of land which forms the westerly boundary of the watershed area of that part of Kicking Horse river which lies upstream from the east boundary of said Township twenty-six, and following all the sinuosities of said height of land to its intersection with the summit of Mount Rhondda

which mountain is also a point on the summit of the Rocky Mountains forming the easterly boundary of the Province of British Columbia; thence in a general southeasterly direction and following the said summit of the Rocky Mountains throughout all its sinuosities to the point of commencement; said parcel containing an area of approximately 507 square miles.

(2) Kootenay National Park.

All those portions of the Province of British Columbia lying between the summit of the Rocky Mountains to the east and Columbia River to the west, which may be more particularly described as follows:

Firstly: Commencing at Monument numbered 14-C of the Interprovincial Boundary survey between the Province of Alberta and British Columbia as the same was established by the Interprovincial Boundary Commission, said Monument being in approximate Latitude fifty-one degrees, naught five minutes (51° 05′) North and Longitude one hundred and fifteen degrees, fifty-one minutes (115° 51′) West;

Thence in a general south-southeasterly direction along the height of land which divides the watershed area of Simpson River and Verdant Creek to the summit of Monarch Mountain;

Thence in a general southerly direction and following the sinuosities of the above described height of land to an outlying peak of Monarch Mountain distant approximately one (1) mile from the summit of said Mountain;

Thence westerly along a sharply defined ridge an estimated distance of twenty-five (25·00) chains to a stone cairn;

Thence in a straight line across the valley of Verdant Creek a distance of one hundred and eight decimal seven five three (108·753) chains more or less on a bearing of one hundred and ninety-nine degrees, naught six minutes (199° 06′) to a stone cairn;

Thence in a general southwesterly direction along the line of local watershed to the summit of Mount Shanks on Hawk Ridge;

Thence in a general southeasterly direction along the crest of Hawk Ridge to a stone cairn;

Thence in a straight line a distance of sixty decimal three eight seven chains (60·387) more or less on a bearing of one hundred and ninety-one degrees twenty minutes (191° 20′) to a stone cairn on the right bank of Simpson River;

Thence in a straight line a distance of seventy-eight decimal three one three (78·313) chains more or less on a bearing of one hundred and sixty degrees thirty-five minutes (160° 35′) to a stone cairn;

Thence southerly along a sharply defined line of watershed division to a camera station marked 8032 on the map of Kootenay Park, which camera station is on the point of a long ridge leading northwesterly from Octopus Mountain;

Thence in a straight line across the valley of Lachine Creek on a bearing of two hundred and twenty-nine degrees thirty-four minutes (229° 34′) to a stone cairn, said cairn being about forty-four decimal thirty (44·30) chains west of Lachine Creek measured along said straight line;

Thence in a general southwesterly direction along a well-defined line of watershed division to intersect the crest of Mitchell Range;

Thence in a general southerly direction along the crest of Mitchell Range to its intersection with the production of a straight line as the same is surveyed part way across the valley of Daer Creek, said straight line being marked on the ground by three stone cairns and having a southerly bearing of one hundred and fifty degrees fourteen minutes (150° 14′);

Thence in a straight line across the valley of Daer Creek on said bearing of one hundred and fifty degrees fourteen minutes (150° 14′) and on said line produced to its intersection with the crest of Mitchell Range;

Thence in a general south-southeasterly direction along the crest of Mitchell Range and following always that ridge of said Range from which there is direct westerly drainage into Kootenay River to a point on the north boundary of Group Lot 12064, said point being distant thirty-one decimal thirty-one (31·31) chains more or less west from the northeast corner of said Lot;

Thence easterly along the north boundary of said Lot to the northeast corner thereof;

Thence southerly along the east boundaries of Group Lots 12064, 12062 and 12061 to the southeast corner of said Lot 12061;

Thence westerly and following the south boundary of said Lot 12061 and said south boundary produced to the left, or easterly, bank of Kootenay River;

Thence southerly along the easterly bank of Kootenay River to its intersection with the north boundary of the south half of Group Lot 11837 produced easterly across Kootenay River;

Thence westerly in a straight line to the easterly extremity of the north boundary of the south half of Group Lot 11837;

Thence continuing westerly in the same straight line and following the north boundaries of the south halves of Group Lots 11837 and 11838 respectively to the west boundary of said Lot 11838;

Thence southerly along said west boundary of Group Lot 11838 fifteen decimal nine naught one (15·901) chains more or less to an iron bar in an earth mound;

Thence in a general westerly direction along a well-defined line of local watershed to a peak on the crest of Stanford Range, said peak being marked 8609 on the map of Kootenay Park;

Thence southwesterly across the summit of Kimpton Pass along the line of watershed between Kimpton and Shuswap Creeks to a camera station marked 8335 on the map of Kootenay Park;

Thence southerly and westerly along the line of watershed between Stoddart and Shuswap Creeks to a wooden post in an earth mound planted at the intersection of said line of watershed with the north boundary of District Lot numbered 4596;

Thence west along the north boundary of said Lot 4596 to a stone cairn built at its intersection with the east boundary of Group Lot 9248, said point of intersection being distant fourteen decimal one five one (14·151) chains more or less north from the southeast corner of said Lot 9248;

Thence northerly along the east boundary of said Lot 9248 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 9248 to the southeast corner of Group Lot 8996;

Thence northerly along the east boundary of said Lot 8996 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 8996 to the northwest corner of said Lot;

Thence westerly along the north boundary of Group Lot 8208 to the southeast corner of Group Lot 8207;

Thence northerly along the east boundary of said Lot 8207 to the southwest corner of Group Lot 10114;

Thence easterly along the south boundary of said Lot 10114 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10114 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 10114 to the northwest corner of said Lot, which point is also the southeast corner of Group Lot 9010;

Thence northerly along the east boundaries of Group Lots 9010 and 9560 to the northeast corner of said Lot 9560;

Thence westerly along the north boundary of said Lot 9560 to the northwest corner of said Lot, which point is also a point on the south boundary of Group Lot 9011;

Thence continuing westerly along the south boundary of said Lot 9011 to the southwest corner of said Lot;

Thence northerly along the west boundary of said Lot 9011 and said west boundary produced to its intersection with the south boundary of Group Lot 10112;

Thence easterly along the south boundary of said Lot 10112 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10112 to the southwest corner of Group Lot 9577;

Thence easterly along the south boundary of said Lot 9577 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 9577 to the northeast corner of said Lot, which corner is a point on the south boundary of Group Lot 10720;

Thence easterly along the south boundary of said Lot 10720 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10720 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 10720 to the northwest corner of said Lot, which corner is a point on the east boundary of Group Lot 9042;

Thence northerly along the east boundaries of Group Lots 9042 and 9043 to the northeast corner of said Lot 9043;

Thence westerly along the north boundary of said Lot 9043 to a point which is the southeast corner of Group Lot 9044;

Thence northerly thirty-one decimal eight six (31·86) chains more or less to the northerly extremity of the most easterly boundary of said Lot 9044;

Thence westerly along the boundary of said Lot 9044 to the interior corner of said Lot;

Thence northerly along the boundary of said Lot 9044 to the easterly extremity of the most northerly boundary of said Lot 9044;

Thence in a general northeasterly direction and following the line of local watershed to a camera station marked 8170 on the map of Kootenay Park;

Thence in a general east-northeasterly direction and following the height of land which divides the watershed areas of Sinclair and Kindersley Creeks to a camera station marked 8807 on the map of Kootenay Park, which camera station is a point on the crest of the Brisco Range;

Thence in a general north-northwesterly direction and following the crest of said Brisco Range to a camera station marked 8640 on the map of Kootenay Park;

Thence northerly and easterly along a well-defined ridge forming the southerly confine of the Boyce Creek watershed area to the point of intersection of said ridge with the southerly production of a straight line having a bearing of two hundred and eighteen degrees forty-nine minutes (218°49′) more or less from a stone cairn erected at a point on the west boundary of Group Lot 12053 distant thirty-six decimal nine three nine (36·939) chains more or less south from the northwest corner of said Lot to a stone cairn distant fifty-four decimal seven nine one (54·791) chains more or less on said bearing from the first above mentioned cairn;

Thence in a straight line to said stone cairn on the west boundary of said Lot 12053;

Thence northerly along the west boundaries of Group Lots 12053 and 11165 to a point on the west boundary of said Lot 11165 which is also the southwest corner of Group Lot 11187;

Thence easterly along the south boundary of said Lot 11187 to the southeast corner of said Lot;

Thence northerly along the east boundaries of Group Lots 11187, 11659 and 11390 to the northeast corner of said Lot 11390, which said corner is a point on the south boundary of Group Lot 11389;

Thence easterly along the south boundary of said Lot 11389 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 11389 to the northeast corner of said Lot:

Thence in a straight line on an approximate bearing of thirty-three degrees naught one minute (33° 01′) to a stone cairn on the north side of Whitetail Creek distant thirty-seven decimal naught nine (37·09) chains more or less from said northeast corner of Lot 11389;

Thence continuing in the same straight line to intersect the crest of the height of land between the right and left forks of Whitetail Creek;

Thence in a general northeasterly direction and following along the crest of the above described height of land to the summit of Mount Verendrye which is a peak of Vermilion Range;

Thence in a general northwesterly direction along the crest of said Vermilion Range to the southerly boundary of the Railway Belt;

Thence northeasterly along the southerly boundary of said Railway Belt to the Interprovincial boundary between Alberta and British Columbia;

Thence southerly along the said Interprovincial boundary to monument numbered 14-C hereinbefore mentioned as the point of commencement, containing an area of four hundred and nineteen (419) square miles, more or less, and

Secondly: Commencing at the above described intersection of the southerly boundary of the Railway Belt with the Interprovincial boundary between British Columbia and Alberta;

Thence southwesterly along the southerly boundary of said Railway Belt to the crest of the Vermilion Range;

Thence northwesterly along the said crest to the southeasterly boundary of Yoho National Park;

Thence northeasterly along the said Park boundary to the Interprovincial boundary between British Columbia and Alberta;

Thence southeasterly along the said Interprovincial boundary to the point of commencement, containing an area of one hundred and twenty-four (124) square miles, more or less;

The said portions comprising together an area of five hundred and forty-three (543) square miles, more or less, all as shown on a map of Kootenay Park drawn and printed at the office of the Surveyor General at Ottawa, and bearing a certificate signed by F. H. Peters, Surveyor General, dated February 1, 1928, a copy of said map being on file in the Department of Lands, Victoria, British Columbia, numbered 7 T 312, a duplicate of which is of record in the Department of Mines and Resources, Ottawa, under number 35608.

(3) Glacier National Park.

All that certain tract of land in the Province of British Columbia shown bordered in yellow and designated Glacier National Park on the Map of Glacier Park being sheet 82-N-S.W. of the National Topographic Series reprinted with corrections in 1946 and filed in the Legal Surveys Division of the Department of Mines and Resources, Ottawa, which said tract may be more particularly described as follows with reference to the said map:

Commencing at the summit of Mount McNicoll in approximate latitude 51° 27′ N. and approximate longitude 117° 35′; thence in a general northeasterly direction along the summit of the main ridge dividing the watershed area of Alder Creek from that of Mountain Creek to a well defined point at the end of the ridge; thence easterly

in a straight line across the valley of Beaver River to the northern extremity of Prairie Hills, which point is marked 7261 on said map of Glacier Park; thence in a general south-southeasterly direction and following the summit of the height of land which forms the easterly limit of the watershed area of Beaver River throughout all its sinuosities to the summit of Caribou Peak; thence continuing along the same height of land first southerly and afterwards westerly and northerly around the head of Beaver River watershed area to the summit of Mount Wheeler; thence in a general westerly direction along the summit of the main ridge on which Mounts Kilpatrick and Purity are situated and continuing across the Van Horne Névé to the summit of Tomatin Peak; thence crossing the valley of Incomappleux River on a bearing of approximately south seventy-five degrees west, a distance of about four miles, to the extreme point of a high spur ridge of the Albert Snowfield; thence continuing westerly along said high spur ridge to its intersection with the height of land forming the westerly limit of the Incomappleux River watershed area; thence in a general north-northwesterly direction following the summit of the last described height of land to its intersection with the height of land which divides the watershed of Illecillewaet River from that of Incomappleux River; thence continuing in a general northerly direction along the summit of the ridge on which are shown two stations marked 8612 and 7641 respectively on said map of Glacier Park; thence northerly in a straight line across the valley of Illecillewaet River to a point marked 7434 on said map of Glacier Park; thence in a general north-northwesterly direction along the summit of the height of land forming the easterly limit of the watershed area of Tangier Creek through Corbin Peak and Mount Carson to the summit of Sorcerer Mountain; thence in a general easterly direction and following throughout the summit of the height of land which forms the northerly limit of the watershed area of Mountain Creek to the point of commencement; said area containing approximately 521 square miles.

(4) Mount Revelstoke National Park

All and singular that certain parcel or tract of land situate lying and being within the former Railway Belt in the Province of British Columbia, designated Mount Revelstoke Park and shown bordered in red on the map of said Park printed at the Surveyor General's Office at Ottawa, in January, 1923, and of record in the Legal Surveys Division of the Department of Mines and Resources under number 37962, which said parcel may be more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of section three, township twenty-four, range two, west of the sixth meridian; thence easterly following the south boundary of section three a distance of twenty chains more or less to the southwest corner of legal subdivision one of said section three; thence southerly following the west boundary of legal subdivisions sixteen and nine of section thirty-four, township twenty-three, range two, west of the sixth meridian, to the southwest corner of said legal subdivision nine; thence easterly in a straight line to the southeast corner of the northeast quarter of section thirty-one, township twenty-three, range one, west

of the sixth meridian, said line being the southerly limit of the north half of sections thirty-four, thirty-five and thirty-six, township twenty-three, range two, and section thirty-one, township twenty-three, range one, west of the sixth meridian; thence northerly along the east boundary of said section thirty-one and section six in township twenty-four, range one, west of the sixth meridian to the northeast corner of said section six; thence easterly along the north boundary of sections five, four and three of said township twenty-four to the northeast corner of said section three; thence northerly along the easterly boundary of section ten to the northeast corner of said section ten; thence easterly following the south boundary of section fourteen, to the southeast corner of the section; thence northerly following the east boundary of said section fourteen, or the extension thereof, to the point of intersection with Clachnacudainn Creek; thence southeasterly following the right bank of Clachnacudainn Creek to its junction with Illecillewaet River; thence northeasterly following the right bank of Illecillewaet River to its junction with Woolsey Creek, formerly Silver Creek in approximately section seven, township twenty-five, range twenty-eight, west of the fifth meridian; thence northwesterly following the right bank of Woolsey Creek to its junction with an unnamed creek in approximately section two, township twenty-six, range twenty-nine, west of the fifth meridian; thence westerly and southwesterly following the right bank of the said unnamed creek to the point of intersection with the north boundary, or the extension thereof, of section fifteen, township twenty-five, range one, west of the sixth meridian; thence westerly following the north boundary of section fifteen or the extension thereof and the north boundaries of sections sixteen, seventeen and eighteen of said township and the north boundary of section thirteen, township twenty-five, range two, to the northwest corner of the said section thirteen; thence southerly following the west boundaries of sections thirteen, twelve and one of said township, and the west boundaries of sections thirty-six, twenty-five and twenty-four of township twenty-four, range two, to the northeast corner of section fourteen; thence westerly following the north boundary of said section fourteen to the northwest corner of the northeast quarter of the section; thence southerly following the west boundary of the said northeast quarter to the northeast corner of the southwest quarter of said section; thence westerly following the north boundary of the said southwest quarter to the northwest corner of the quarter section; thence southerly following the west boundary of the said quarter section to the northeast corner of section ten; thence westerly following the north boundary of said section ten to the northwest corner of legal subdivision fourteen of section ten; thence southerly following the westerly boundary of legal subdivisions fourteen, eleven, six and three of section ten and legal subdivisions fourteen and eleven of section three to the southwest corner of legal subdivision eleven of said section three; thence easterly along the southerly boundary of said legal subdivision eleven to the northeast corner of the southwest quarter of section three; thence southerly along the easterly boundary of the southwest quarter of section three to the point of commencement; said parcel containing an area of approximately 100 square miles.

Part III

National Park in the Province of Saskatchewan

(1) Prince Albert National Park

All and singular that certain parcel or tract of land situate lying and being in the Province of Saskatchewan which may be more particularly described as follows:

Section thirteen, the north halves of sections fourteen and fifteen, sections nineteen to thirty-six inclusive, all in township fifty-three, range one; all of townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range one; the north half of township fifty-three, range two; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range two; the north half of township fifty-three, range three; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range three; the north half of township fifty-three, range four, lying east of the east bank of the Sturgeon River; that part of township fifty-four, range four, lying east of the east bank of Sturgeon River; townships fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range four, and all that portion of township sixty-two, range four, covered by Lavallee Lake; that part of township fifty-four, range five, lying east of the east bank of Sturgeon River; that part of township fifty-five, range five, lying east of the east bank of Sturgeon River; townships fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range five; those parts of sections twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, township fifty-five, range six, lying east of the east bank of the Sturgeon River; those parts of sections one and twelve, township fifty-six, range six, lying east of the east bank of Sturgeon River, all west of the third meridian; said park containing an area of approximately one thousand four hundred and ninety-six square miles.

Part IV.

National Park in the Province of Manitoba.

(1) Riding Mountain National Park.

All and singular that certain parcel or tract of land situate lying and being in the Province of Manitoba which may be more particularly described as follows:

All of the sections in township eighteen, range sixteen; the following sections in township eighteen, range seventeen: sections one, thirteen, twenty-four, twenty-five, twenty-six, thirty-five, thirty-six and the east half of section twelve; all the sections in township nineteen, ranges sixteen and seventeen; the following sections in township nineteen, range eighteen: the northwest quarter of section nineteen excepting thereout all that portion taken for a public road, as same is shown coloured pink on a plan filed in the Neepawa Land Titles Office as Deposit No. 2642, sections twenty-five, twenty-six, twenty-seven, legal subdivisions thirteen and fourteen of sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six; all that portion of the original Dominion Government road allowance adjoining the north boundary of section nineteen, in said township nineteen described as follows: Commencing at a point on the north boundary of said section nineteen, distant easterly thereon, thirty-four feet (34′) from the northwest corner of said section nineteen: thence easterly along the said north boundary four hundred feet (400′); thence northerly at right angles with said north boundary sixty-six feet (66′) to the northern limit of said Original Government Road Allowance; thence westerly along the northern limit of said Road Allowance, three hundred and eighty-two feet (382′); thence southwesterly in a straight line to the point of commencement; all that portion of the original Dominion Government Road Allowance between sections twenty-nine and thirty in said township nineteen which lies north of the production in a straight line westerly of the south boundary of the southwest quarter of said section twenty-nine, and all that portion of the original Government Road Allowance between sections thirty-one and thirty-two in said township nineteen which lies to the south of the southern shore line of Clear Lake as the last two mentioned road allowances are shown upon plan of township nineteen, range eighteen west of the Principal Meridian approved and confirmed at Ottawa by T. Shanks for the Surveyor General of Dominion Lands on the fourth day of April, nineteen hundred and twenty-one; the following sections in township nineteen, range nineteen: sections twenty-five, twenty-six, thirty-four, thirty-five and thirty-six, the east half of section thirty-three, the northeast quarter of section twenty-four and legal subdivisions thirteen, fourteen, fifteen and sixteen of section twenty-seven; all of the sections in township twenty, range sixteen, except the east half of section twenty-five and the north half and the southeast quarter of section thirty-six; all of the sections in township twenty, ranges seventeen and eighteen; all of the sections in township twenty, range nineteen, except sections five, six and seven, the west halves of sections four and eight and the southwest quarter

of section eighteen; all of the sections in township twenty, range twenty, except sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve; all of the sections in township twenty, range twenty-one, except sections six, seven and eighteen; the following sections in township twenty, range twenty-two: sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections in township twenty-one, range sixteen, except sections one, twelve, thirteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; the south half and northeast quarter of section fourteen and the northeast quarter of sections eleven, twenty-eight and thirty-one; all of the sections in township twenty-one, ranges seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three; the following sections in township twenty-two, range seventeen: sections two, three, four, five, six, seven, eight, nine, ten, eleven, sixteen, seventeen and eighteen, the west halves of sections one and twelve, the south halves of sections fourteen and fifteen, and the southwest quarter of section thirteen; all of the sections in township twenty-two, ranges eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five; all of the sections in township twenty-two, range twenty-six, except the west halves of sections six and seven; all of the sections in township twenty-three, range eighteen, except sections thirteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, the north half and southeast quarter of section twelve and the northeast quarter of section one; all of the sections in township twenty-three, range nineteen, except sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections and fractional sections in township twenty-three, range twenty, lying east and south of the Vermilion river, except the west half of section twenty-five and sections twenty-six, thirty-five and thirty-six; all of the sections in township twenty-three, range twenty-one, except sections twelve, thirteen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, and the north halves of sections one and twenty-two; all of the sections in township twenty-three, range twenty-two, except sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections in township twenty-three, range twenty-three, except sections twenty-five, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections in the south half of township twenty-three, range twenty-four; all of the sections in the south half of township twenty-three, range twenty-five; the following sections in township twenty-three, range twenty-six: sections one, two, three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen; all being west of the first meridian and containing approximately one thousand one hundred and forty-eight (1,148) square miles.

Part V.

National Parks in the Province of Ontario.

(1) Point Pelee National Park.

All and singular that certain parcel or tract of land known as Point Pelee in the Township of Mersea, in the County of Essex, in the Province of Ontario, and being comprised of the Naval Reserve at said Point Pelee as shown on a plan of said Naval Reserve, signed by Alexander Baird, Provincial Land Surveyor at Leamington, on the twenty-seventh of February, eighteen hundred and eighty-three, and of record in the Lands and Development Services Branch, Department of Mines and Resources at Ottawa, under number three hundred and sixty-five; the said parcel containing approximately six square miles.

(2) St. Lawrence Islands National Parks.

Firstly: The following eleven islands as same are shown on the plan of the Canadian Islands in the River St. Lawrence between Kingston and Brockville which consists of sheets numbered 1, 2 and 3, signed by Frank Pedley, Deputy Superintendent General of Indian Affairs and S. Bray, Chief Surveyor, Department of Indian Affairs, dated January 23, 1912 at Ottawa:

In the Township of Leeds:—

Mermaid Island containing .. 3·80 acres, more or less.
Aubrey Island containing..... 14·30 " " " "
Beau Rivage Island containing 10·30 " " " "
Gordon Island containing..... 15·50 " " " "
Camelot Island containing.... 23·40 " " " "

In the Township of Lansdowne:—

Endymion Island containing 10·90 acres, more or less.
Constance Island containing.. 7·30 " " " "
Georgina Island containing... 23·30 " " " "

In the Township of Yonge:—

Adelaide Island containing 13·10 acres, more or less.

In the Township of Elizabethtown:—

Stovin Island containing 10·20 acres, more or less.

In the Township of Pittsburgh:—

Cedar Island, one of the former Imperial properties handed over to the Dominion of Canada in 1870 as included in the schedule to the Ordnance and Admiralty Lands Act (Chapter 58, Revised Statutes of

Canada, 1906) and as said island is shown on the aforementioned Sheet No. 1 of the plan of the Canadian Islands in River St. Lawrence; the said island containing an area of 23 acres, more or less.

Secondly: All those certain portions of Grenadier Island as said Island is shown on said Sheet Number Two of the plan of the Canadian Islands in River St. Lawrence and which portions may be more particularly described as follows:

1. The whole of the Dominion Park Lot containing 5·10 acres more or less, as said Park lot is shown bordered in red upon a plan entitled "Dominion Park and Lighthouse Site at the westerly end of Grenadier Island," signed by S. Bray, Chief Surveyor, Department of Indian Affairs, on the nineteenth day of May, nineteen hundred and five, of record number Ont. P. six hundred and eighty-one in the Indian Affairs survey records, Department of Mines and Resources, Ottawa, and whereof a copy was recorded in the Registrar's Branch, Department of the Secretary of State of Canada, in liber 254, folio 476, and filed as plan No. 3 in plan book No. 14, on the twenty-first day of January, nineteen hundred and twenty-four.

2. That portion of said Grenadier Island described as follows:—

Beginning at the point of intersection of the easterly limit of said Dominion Park Lot with the shore line of River St. Lawrence on the northwesterly side of said Grenadier Island; thence south 22° 22′ east a distance of 10·45 chains, along the easterly boundary of said Dominion Park Lot to a gas pipe post planted at the southeast corner thereof; thence south 22° 22′ East a distance of 2·45 chains, more or less, along the prolongation of the easterly boundary of said Dominion Park Lot to its intersection with the shore line of River St. Lawrence on the south side of said Grenadier Island; thence easterly following the shore line of said Grenadier Island to its intersection with the westerly boundary of Lot number one; thence north 21° 28′ west along the westerly boundary of said lot number one a distance of 11·49 chains, more or less to its most northerly intersection with the shore line of River St. Lawrence on the northwesterly side of said Grenadier Island; thence north 88° west a distance of 4·15 chains, more or less, to the point of beginning; containing an area of 5 acres, more or less; all bearings being magnetic for year 1905.

Thirdly: Broder Park, comprising the whole of Doran's Island or Canada Island, in River St. Lawrence opposite Lot 33, in the Township of Williamsburg, County of Dundas, Province of Ontario and Dominion of Canada, distant about one thousand feet from the north shore of River St. Lawrence and nearly opposite the westerly limit of the Village of Morrisburg, containing by admeasurement seventeen acres and sixty-nine hundredths of an acre, more or less, and shown on the plan of survey made by F. M. Eagleson, Ontario Land Surveyor, dated at Winchester, Ontario, August 12, 1919, of record in the office of the Registrar of Deeds for the said County, a copy of which is of record number fourteen hundred and eight-four in the Indian Affairs Survev records, Department of Mines and Resources, Ottawa.

Fourthly: Mallorytown Landing.—

Parcel 1: All that portion of the east half of Lot number twenty-two in the Broken Front Concession of the township of Yonge in the county of Leeds in the province of Ontario, which portion may be more particularly described as follows: Commencing at the water's edge of River St. Lawrence, on the centre line between the east and west halves of said lot twenty-two; thence northerly following said centre line thirty-five and one-half rods; thence easterly at right angles to said centre line seventeen rods; thence northerly and parallel to said centre line eight rods; thence easterly at right angles to said centre line twenty-two rods more or less to the road; thence southerly twenty rods; thence westerly and parallel with said line drawn at right angles to said centre line twenty-two rods, more or less, to the nearest point, seventeen rods from the said centre line; thence southerly and parallel with the said centre line nine rods to the water's edge; thence following the water's edge of River St. Lawrence twenty-two rods to the place of commencement including island in said river in connection therewith; reserving thereout two rods on east side for the purpose of widening road; as said parcel is deeded to His Majesty the King in the right of the Dominion of Canada for Parks purposes by James P. Mallory, Egbert I. Mallory, David S. Mallory, Amasa W. Mallory and Cassie Mallory of the said Township of Yonge, by indenture dated the eleventh day of June, nineteen hundred and four; also saving and excepting therefrom the portion taken for the Provincial Highway.

Parcel 2: All that portion of Lot twenty-two in the Broken Front Concession of the Township of Front of Yonge in said county of Leeds, comprising an area of three acres and thirty-eight hundredths of an acre, more or less, which portion may be more particularly described as follows: Commencing at a point in the division line between Lots twenty-two and twenty-three in said concession, distant ten thousand seven hundred and seven feet and fourteen hundredths of a foot measured southerly thereon from the rear of said concession; thence north thirty degrees, fifty-six minutes and thirty seconds east six hundred and ninety-six feet and seventy-three hundredths of a foot, more or less, to the beginning of a curve; thence northeasterly along a curve to the right of radius five thousand six hundred and fifty-four feet and sixty-five hundredths of a foot, a distance of forty-one feet and fifty-one hundredths of a foot arc measurement, the long chord of which has a bearing of north thirty-one degrees, nine minutes and seven seconds east and a length of forty-one feet and fifty-one hundredths of a foot to intersect the division line between the east and west halves of said lot twenty-two; thence south thirty degrees, forty-five minutes and thirty seconds east along said last mentioned division line five hundred and twenty-five feet, more or less, to the normal high water mark of River St. Lawrence; thence westerly along said normal high water mark to said division line between lots twenty-two and twenty-three; thence north thirty degrees and twenty-eight minutes west along said division line fifty feet, more or less, to the point of commencement.

The areas of the parcels described under fourthly containing together six acres and five-tenths of an acre, more or less.

(3) Georgian Bay Islands National Parks.

All and singular those certain islands or parts of islands situate in Georgian Bay, Province of Ontario, as follows:

(a) Islands or parts of Islands opposite Baxter Township

Beausoleil Island containing 2,712 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in Indian Affairs survey records, Department of Mines and Resources, Ottawa, under Plan No. 789.

Island No. 92 containing 28·07 acres, and Island No. 93 containing 9·03 acres as shown upon a plan signed by Chas. E. Fitton, O.L.S., Orillia, Ontario, dated January 4th, 1897, and of record in said Indian Affairs survey records under Plan No. 385.

Island No. 95:—Lot B thereon containing 37·00 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in said Indian Affairs survey records under Plan No. 795.

Island No. 147-0 containing 1·50 acres and Island No. 154 containing 1·30 acres as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated April 16th, 1900, and of record in said Indian Affairs survey records under Plan No. 381.

(b) Islands or parts of Islands opposite Gibson Township

Island No. 75 (Bone Island):—Lots M, F, and E thereon containing 50 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in said Indian Affairs survey records under Plan No. 793.

Island No. 139 (Portage Island):—Lot D thereon containing 18·00 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in said Indian Affairs survey records under Plan No. 792.

Island No. 200 (Gray Island) containing 12·50 acres as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated April 20th, 1901, and of record in said Indian Affairs survey records under Plan No. 399.

(c) Islands opposite Freeman Township

Island No. 220 containing 1·20 acres; Island No. 221 containing 2·30 acres; and Island No. 226 containing 1·30 acres, all as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated April 20th, 1901, and of record in said Indian Affairs survey records under Plan No. 399.

Island No. 355, containing 1·85 acres; Island No. 356 containing 3·00 acres; Island No. 358 containing 4·90 acres; Island No. 359 containing 3·70 acres; Island No. 371 containing 2·20 acres; Island 371A (Gilford Rocks) containing 1·75 acres; Island No. 372 containing 2·00 acres; Island No. 373 containing 1·10 acres; Island No. 374 containing 1·00 acre; Island No. 383 containing 2·90 acres; and

Island No. 397 containing 47·75 acres, all as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 409.

Island No. 400 containing 1·00 acre, and Island No. 401½ containing 4·00 acres as shown upon a plan signed by J. G. Sing, D and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 407.

Island No. 402 containing 2·50 acres as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 405.

(d) Islands opposite Conger Township

Island No. 473 containing 1·25 acres; Island No. 497 containing 3·25 acres; and Island No. 504 (McQuade Island) containing 4·85 acres as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 409.

(e) Island opposite St. Edmund Township

Flowerpot Island as shown on Manitoulin Sheet No. 8 S. W. of the Standard Topographical Series dated 1926, and issued by the Department of Mines and Resources, Ottawa; said island containing an area of 495 acres more or less.

The said islands and the parts of islands contain together approximately 3,458 acres.

Part VI

National Parks in the Province of New Brunswick

(1) New Brunswick National Park

All and singular that certain parcel or tract of land situate lying and being in the Province of New Brunswick which may be more particularly described as follows:

Beginning at the Southeast corner of the breakwater situated on the West side of the outlet of the Upper Salmon (Alma) River; thence in a Northwesterly direction following the Easterly side of said breakwater and the Westerly shore at low tide of the said river for approximately three miles upstream to a point opposite the outlet of Lake Brook, a tributary of aforesaid river flowing from the East; thence across said river to the point of intersection between the East bank or shore of said Upper Salmon (Alma) River and the Northwest bank or shore of said Lake Brook; thence in a Northeasterly direction following the various courses of said bank or shore of said brook upstream to a point where the same intersects the East limit of the Highway Road leading from Alma and Hebron vicinity to the Old Shepody Road; thence in a Northerly direction following said limit of said Highway Road to its intersection with the Northern limit of the aforementioned Old Shepody

Road; thence in a Westerly direction following said limit of said Old Shepody Road (a portion of which is now Highway Number Fourteen) to its intersection with the West limit of Lot Number Four, granted to Isaiah Wallace; thence in a Southerly direction along said limit of said lot and the Southern prolongation of same South four degrees and fifty-seven minutes West by the Magnet of the year 1947, a distance of eighty-three chains and ninety-nine links to a Beech post standing in the South limit of Lot Number Sixty-eight, granted to W. A. McManus; thence South eighty-six degrees and forty-eight minutes East along the said limit of said lot, a distance of twenty-seven chains and eight-six links to a Spruce post standing in the West limit of Lot Letter V, granted to J. Vernon; thence along said limit of said lot South four degrees and forty-four minutes West, a distance of twelve chains and forty-two links to another Spruce post standing in the Southwest angle of said lot; thence along the South limit of said lot South eighty-six degrees and twenty-five minutes East, a distance of nine chains and eighty-seven links to a point in the Eastern bank or shore of Drummond Stream (the outlet of Point Wolfe Lake); thence in a Southerly direction along said bank or shore of said Stream to the Northeasterly bank or shore of Point Wolfe River; thence in a Southeasterly direction along said bank or shore of said River to a point opposite a tributary of said River flowing from Keyhole Lake, said outlet being approximately thirty chains below the outlet of Drummond Stream; thence across said River to the point of intersection between the Eastern bank or shore of said tributary and the Southwestern bank or shore of said River; thence in a Southerly direction following said bank or shore of said tributary and said bank or shore of Keyhole Lake to a Spruce post standing in the Southern bank or shore of said Lake; thence by the Magnet of the aforesaid year South twenty-one degrees East, a distance of twenty-four chains and twenty-nine links to another Spruce post standing in the Northern bank or shore of Meadow Lake, said lake situated on the West branch of Goose River approximately one mile above the outlet of said branch; thence in a Southerly direction following the Western bank or shore of said lake to a point in the Eastern bank or shore of the aforesaid West branch; thence in a Southerly direction following said bank or shore of said branch and said bank or shore of Goose River to the shore of the Bay of Fundy; thence in a general Easterly direction along said shore of said Bay to the Western side of the aforesaid breakwater; and thence in a Southerly and Easterly direction along said breakwater to the place of beginning.

Containing seventy-nine and one-half square miles, more or less, and situated in the Parish of Alma, County of Albert, Parishes of Waterford and Hammond, County of Kings, and Parish of St. Martins, County of Saint John.

(2) Fort Beausejour Historic Park

All and singular that certain parcel or tract of land lying and being in the Parish of Westmorland, County of Westmorland, in the Province of New Brunswick and Dominion of Canada, said parcel

comprising a portion of the Ordnance and Admiralty Lands known as Fort Cumberland as set out in the Schedule of the Ordnance and Admiralty Lands Act, being Chapter 115 of the Revised Statutes of Canada, 1927, together with some adjoining lands, all of which are shewn on a plan of survey of the said Park dated July 21, 1927, and signed by G. A. Bennett, Deputy Surveyor, which plan is filed in the Registry Office at Dorchester, New Brunswick, as Plan No. 513 and is also on record in the Legal Surveys Division of the Department of Mines and Resources at Ottawa, as Plan No. 36971 together with the following described parcels:

PARCEL ONE.

All that part of that lot of farm land situate at Westmorland Point in the County of Westmorland, in the Province of New Brunswick conveyed to His Majesty, the King, represented by the Soldier Settlement Board of Canada by Chandler C. Hewson and Alice M. Hewson, his wife, by Deed dated the 8th day of September, A.D. 1919, and registered in the office of the Registrar of Deeds in and for the said County on the 15th day of October, A.D. 1919, in Book M. 9, commencing at page 350 of records by the official number 109703, which part may be more particularly described as follows:—

Beginning at an iron bar placed in the ground and inscribed VIIIA, said bar being located on the straight line joining monument B.S. VIII, and monument B.S. IX on the Beausejour Park boundary and being 605·2 feet distant from monument B.S. VIII, aforementioned; thence by a magnetic bearing south 34° 58′ east or turning an internal angle of 22° 58′ left from the straight line joining monument B.S. VIII and monument B.S. IX on the Beausejour Park boundary and proceeding a distance of 221·8 feet to an iron bar placed in the ground and inscribed VIIIB, thence by a magnetic bearing south 58° 06′ west, or turning an internal angle of 86° 56′, and proceeding a distance of 92 feet to an iron bar placed in the ground and inscribed VIIIC, and located on the straight line joining B.S. VIII and monument B.S. IX on the Beausejour Park boundary, and being 840·7 feet distant from monument B.S. VIII aforementioned; thence by a magnetic bearing north 12° 00′ west or turning an internal angle of 70° 06′ and proceeding along lands of the Beausejour National Park a distance of 235·5 feet to an iron bar placed in the ground and inscribed VIIIA the same being the point or place of beginning, the area containing 0·23 acres more or less.

PARCEL TWO.

All that lot, piece or parcel of land and premises situate lying and being at Westmorland Point in the Parish of Westmorland in the County of Westmorland, and Province of New Brunswick, bounded and described as follows:—

Beginning at a steel bar placed in the ground and inscribed XXII, said bar being 705 feet distant from monument B.S. VII on the straight line joining said B.S. VII and monument XVIII. Monument B.S. VII being on the Beausejour Park Boundary and monument XVIII being at the northerly corner of lands formerly belonging to the Soldier Settlement Board, and presently being deeded to the Beausejour Park

and known as Parcel "A". Thence by the magnet of the year 1941 N.48° 23′ W along lands of Gordon Bulmer for 343 feet to a steel bar placed in the ground and inscribed XXI and being on the southeasterly boundary of the west public road leading to the Museum from the main highway. Thence northeasterly along the southeasterly boundary of the aforementioned public road for 510 feet, to a steel bar placed in the ground on the southeasterly boundary of the said road and inscribed XX. Thence S.45° 15′ E along lands of Gordon Bulmer for 330 feet to a steel bar placed in the ground and inscribed XIX. Thence S.40° 33′ W or turning an internal angle of 94° 12′ and proceeding along lands now in the possession of Alan Carter and along lands of the Soldier Settlement Board (the latter presently being deeded to Fort Beausejour Park) and known as Parcel "A", for 491 feet to a steel bar inscribed XXII and being point or place of beginning. The whole area herein described containing 3·85 acres more or less.

The lands herein intended to be conveyed being shown and set forth on a plan made by T. D. Pickard of the Town of Sackville in the Province of New Brunswick, Provincial Land Surveyor, a copy of which is filed in the Registry Office for the County of Westmorland in the month of January A.D. 1942, and is referred to in a Deed from Alice L. Bulmer et al to John Clarence Webster, which said Deed is duly registered in the office of the Registrar of Deeds, etc., in and for the said County of Westmorland in Libro T. 12, pages 655 and 656 by the No. 154517 of said Records on the 22nd day of January, A.D. 1942, and designated as Parcel "B" in the plan of T. D. Pickard.

PARCEL THREE.

All that other certain piece or parcel of land and premises situate lying and being in the Parish of Westmorland aforesaid, bounded and described as follows:—

Beginning at a point designated and marked by the figure "7" on a certain plan dated at Moncton, N.B., on September 25, 1941, prepared and surveyed by C. W. Milton, Registered Engineer, of certain lots of land situate at Fort Beausejour in the Parish of Westmorland aforesaid, which said plan is on file in the office of the Registrar of Deeds in and for the County of Westmorland, thence on a course south 18 degrees 15 minutes west a distance of 330 feet more or less, thence south 9 degrees no minutes east by the magnet a distance of 380 feet more or less, thence on a course north 45 degrees 45 minutes east a distance of 1679 feet, thence on a course north 44 degrees, 15 minutes west, a distance of 524 feet, thence on a course south 41 degrees, no minutes west, a distance of 1168 feet to the point or place of beginning, the same being intended to be that certain lot or piece of land designated as parcel "A" on the said plan above mentioned and referred to, containing 16·70 acres being the same land and premises conveyed to the said John Clarence Webster by Arthur Wellsly Bulmer by deed dated the 1st day of November, A.D. 1941, being lot designated as Parcel "A" in the said plan.

All of the lands herein described containing together approximately 81·3 acres.

Part VII.

National Park in the Province of Prince Edward Island.

(1) Prince Edward National Park.

All and singular those certain parcels or tracts of land which may be more particularly described as follows:

Parcel No. 1—

All the lands and lands covered by water along the northerly coast of Prince Edward Island constituting the shore frontage between the entrance of New London Bay and Rustico Harbour which lie to the north of the following described line and which may be more particularly known and described as follows:—

Commencing at the point of intersection of a line having a bearing S. 57° 14′ 7 W. from an iron post marked N.P. No. 1 with the line of mean high tide on an indentation of New London Bay, said bearing and all other bearings referred to herein being astronomic bearings referred to the 63rd Meridian of west longitude and said post being in approximate north latitude 46° 29′ 40″ and west longitude 63° 24′ 50″.

Thence on a bearing of N. 57° 14′ 7 E. to said post.

Thence continuing in a straight line on said bearing of N. 57° 14′ 7 E., a distance of fourteen chains and twenty-nine decimal five links more or less to an iron post marked N.P. No. II.

Thence on a bearing of N. 71° 54′ 2 E. a distance of eight chains and forty-seven links more or less to an iron post marked N.P. No. III.

Thence on a bearing of S. 61° 23′ 8 E. a distance of ten chains and twenty-nine links more or less to an iron post marked N.P. No. IV.

Thence on a bearing of N. 83° 04′ 7 E. a distance of fifty-seven chains and twenty-two links more or less to an iron post marked N.P. No. VI, said post No. VI being on the west boundary of land owned by Hamilton McNeill, farmer.

Thence southerly and following said west boundary to an iron post marked N.P. No. VII which post is at the intersection of said boundary with the northerly limit of the Cavendish-Rustico road and is distant S. 15° 29′ 1 E. forty-three chains and fifteen links more or less from iron post marked N.P. No. VI.

Thence easterly along said northerly limit to an iron post marked N.P. No. VIII, said post being planted at the intersection of said northerly limit with the westerly boundary of land owned by Ernest Webb, farmer, and being distant N. 74° 02′ 7 E. twelve chains and sixty-three decimal eight links more or less from iron post marked N.P. No. VII.

Thence southerly and following said westerly boundary of land owned by Ernest Webb to an iron post marked N.P. No. IX planted at the southwesterly corner thereof, which post is distant S. 15° 53′ 8 E. seventy-one chains and eighty-four decimal two links more or less from iron post marked N.P. No. VIII.

Thence in a straight line on a bearing of N. 71° 42′ 4 E. a distance of twenty-four chains and seventeen decimal four links more or less to an iron post marked N.P. No. X planted at the intersection of said line with the westerly limit of the New Glasgow-Cavendish road.

Thence northerly along said westerly limit of New Glasgow-Cavendish road to a point, said point being distant S. 15° 31′ 3 E., a distance of seven chains from an iron post marked N.P. No. XI, at the intersection of the said westerly limit with the southerly limit of the Cavendish-Rustico road aforesaid.

Thence on a bearing of S. 74° 40′ W., a distance of three chains and nineteen links more or less, to a point, said point being on a bearing of S. 15° 31′ 3 E., a distance of three chains and nineteen links from the southwesterly corner of a cemetery in the southwesterly angle formed by said New Glasgow-Cavendish road with the Cavendish-Rustico road aforesaid.

Thence on a bearing of N. 15° 31′ 3 W., a distance of three chains and nineteen links to the said southwesterly corner of said cemetery.

Thence on a bearing of N. 15° 42′ W. a distance of three chains and eighty-one links more or less to the northwesterly corner of said cemetery, being a point on the southerly limit of the Cavendish-Rustico road.

Thence along said southerly limit on a bearing of N. 74° 40′ E. a distance of three chains and twenty links more or less to an iron post marked N.P. No. XI, which post is planted at the southwesterly intersection of the New Glasgow-Cavendish and Cavendish-Rustico roads and is distant N. 15° 31′ 3 W. sixty-nine chains and thirty-seven decimal two links more or less from iron post marked N.P. No. X.

Thence on a bearing of N. 25° 19′ W. a distance of one chain and one link more or less to an iron post marked N.P. No. XII, said post being at the northwesterly intersection of the New Glasgow-Cavendish and Cavendish-Rustico roads.

Thence northerly along the westerly limit of the New Glasgow-Cavendish road to an iron post marked N.P. No. XIII distant N. 16° 20′ 7 W. thirty-nine chains and fifty-four links more or less from iron post marked N.P. No. XII.

Thence on a bearing of N. 72° 44′ 2 E. a distance of thirteen chains and seventy-three links more or less to an iron post marked N.P. No. XIV.

Thence on a bearing of N. 86° 50′ 4 E. a distance of twenty-one chains and eighty-four links more or less to an iron post marked N.P. No. XV.

Thence on a bearing of S. 68° 33′ 4 E. a distance of twenty chains and two decimal five links more or less to an iron post marked N.P. No. XVI.

Thence on a bearing of S. 82° 22′ E. a distance of thirty-nine chains and fifty-four links more or less to an iron post marked N.P. No. XVII.

Thence on a bearing of S. 80° 52′ 1 E, a distance of fifty-two chains and seventy-two decimal five links more or less to an iron post marked N.P. No. XVIII.

Thence on a bearing of S. 79° 17′ 6 E. a distance of sixty chains and seventy-one decimal two links more or less to an iron post marked N.P. No. XIX.

Thence on a bearing of S. 44° 31′ E. a distance of seventeen chains and eighty-five decimal one links more or less to an iron post marked N.P. No. XX.

Thence on a bearing of S. 52° 44′ 9 E. a distance of twenty chains and ninety-one links more or less to an iron post marked N.P. No. XXI.

Thence on a bearing of N. 89° 07′ 6 E. a distance of seventeen chains and six decimal two links more or less to an iron post marked N.P. No. XXII.

Thence on a bearing of S. 21° 27′ 5 E. a distance of twenty-three chains and thirty-one decimal one links more or less to an iron post marked N.P. No. XXIII.

Thence on a bearing of S. 39° 09′ 9 E. a distance of thirty-nine chains and fifty decimal one links more or less to an iron post marked N.P. No. XXIV.

Thence on a bearing of S. 61° 54′ 8 E. a distance of ten chains and thirty-six decimal six links more or less to an iron post marked N.P. No. XXV.

Thence on a bearing of S. 6° 50′ W., a distance of six chains and twenty-two decimal eight links more or less, to an iron post.

Thence on a bearing of S. 47° 44′ W., a distance of three chains and fifty-seven decimal three links more or less, to an iron post.

Thence on a bearing of S. 21° 31′ 8 W., a distance of five chains and forty-nine decimal six links more or less, to an iron post marked N.P. No. XXVI.

Thence on a bearing of S. 17° 52′ 7 E a distance of nineteen chains and fourteen decimal five links more or less to an iron post marked N.P. No. XXVII.

Thence on a bearing of S. 29° 18′ 8 E. a distance of twenty-three chains and sixty-eight decimal two links more or less to an iron post marked N.P. No. XXVIII.

Thence on a bearing of S. 3° 32′ 5 E. a distance of eighteen chains and sixty-six decimal seven links more or less to an iron post marked N.P. No. XXIX.

Thence on a bearing of S. 81° 15′ 6 W. a distance of fourteen chains and forty decimal nine links more or less to an iron post marked N.P. No. XXX.

Thence on a bearing of S. 4° 37′ 2 W. a distance of two chains and ninety-one decimal three links more or less to an iron post marked N.P. No. XXXI.

Thence on a bearing of S. 62° 55′ 6 E. a distance of seventeen chains and fourteen decimal eight links more or less to an iron post marked N.P. No. XXXII.

Thence on a bearing of S. 43° 48′ 1 E. a distance of twenty chains and five decimal four links more or less to an iron post marked N.P. No. XXXIII.

Thence on a bearing of S. 25° 18′ E. a distance of seventeen chains and twenty-six decimal three links more or less to an iron post marked N.P. No. XXXIV.

Thence on a bearing of S. 35° 30′ 5 W. a distance of one chain and thirteen decimal one links more or less to an iron post marked N.P. No. XXXV, said post being on the northerly limit of the road to Rustico Harbour.

Thence on a bearing of S. 80° 45′ 5 E. and following said northerly limit a distance of two chains and fourteen decimal seven links more or less to an iron post marked N.P. No. XXXVI.

Thence on a bearing of N. 8° 53′ 2 E. a distance of one chain and two decimal six links more or less to an iron post marked N.P. No. XXXVII.

Thence on a bearing of S. 81° 06′ 8 E. a distance of six chains and forty-nine links more or less to an iron post marked N.P. No. XXXVIII.

Thence on a bearing of N. 80° 51′ 5 E. a distance of two chains and seventy decimal five links more or less to an iron post marked N.P. No. XXXIX.

Thence continuing easterly on said bearing of N. 80° 51′ 5 E. to intersect the line of mean high tide of the Gulf of St. Lawrence.

Thence northerly and westerly following said line of mean high tide to the point on the easterly side of the entrance to New London Bay.

Thence easterly and southerly following the line of mean high tide of New London Bay and the estuaries and indentations thereof to the place of commencement.

PARCEL No. 2—

All of the island known as Rustico Island which lies on the outer or seaward side of Rustico Bay on the northerly coast of Prince Edward Island.

PARCEL No. 3—

All the lands and lands covered by water along the northerly coast of Prince Edward Island which constitute the shore frontage between Rustico Bay and Covehead Bay and which may be more particularly known and described as follows:—

Commencing at the point of intersection of a line having a bearing of N. 88° 38′ 2 W. from an iron post marked N.P. No. XL with the line of mean high tide on the shore of Rustico Bay, said bearing and all other bearings referred to herein being astronomic bearings referred to the 63rd meridian of West longitude, and said post being in approximate north latitude 46° 25′ 30″ and west longitude 63° 12′ 43″.

Thence on a bearing of S. 88° 38′ 2 E. to said post.

Thence continuing in a straight line on said bearing of S. 88° 38′ 2 E. a distance of sixty-four chains and eighty-one decimal seven links more or less to an iron post marked N.P. No. XLI.

Thence continuing in the same straight line on a bearing of S. 88° 38′ 2 E.a distance of thrity-two chains and fifty-two decimal three links more or less to an iron post marked XLII.

Thence continuing in the same straight line on a bearing of S. 88° 38′ 2 E. to intersect the line of mean high tide of Brackley Bay; thence

easterly along the line of mean high tide of Brackley Bay and Covehead Bay to the entrance of Covehead Harbour; thence westerly along the line of mean high tide of the Gulf of St. Lawrence to the entrance of Rustico Bay; thence easterly along the line of mean high tide of Rustico Bay to the point of commencement.

PARCEL No. 4—

All the lands along the northerly coast of Prince Edward Island constituting the shore frontage between Covehead Bay and Tracadie Bay which may be more particularly known and described as follows:—

Commencing at the point of intersection of a line having a bearing of N. 47° 30′ 8 W., from an iron post with the line of mean high tide of the entrance to Covehead Bay, said bearing and all other bearings referred to herein being astronomic bearings referred to the 63rd Meridian of west longitude, and said post being in approximate north latitude 46° 25′ 51″ and west longitude 63° 08′ 41″.

Thence on a bearing of S. 47° 30′ 8 E., to said post.

Thence continuing in a straight line on said bearing of S. 47° 30′ 8 E., a distance of thirty-one chains and eighty-eight links more or less, to an iron post marked N.P. No. XLVI.

Thence on a bearing of S. 75° 40′ 8 E. a distance of twenty-six chains and thirty-one decimal eight links more or less to an iron post marked N.P. No. XLVII.

Thence on a bearing of S. 76° 18′ E., a distance of twenty-nine chains and thirty decimal one links more or less to an iron post marked N.P. No. XLVIII.

Thence continuing in the same straight line on a bearing of S. 76° 18′ E., a distance of forty-two chains and thirty-three links more or less to an iron post marked N.P. No. XLIX.

Thence on a bearing of S. 57° 12′ 8 E., a distance of twenty-one chains and fifty-three decimal one links more or less to a post marked N.P. No. L.

Thence continuing in the same straight line on a bearing of S. 57° 12′ 8 E., a distance of thirty-six chains and eighteen decimal four links more or less to an iron post marked N.P. No. LI.

Thence continuing in the same straight line on a bearing of S. 57° 12′ 8 E., a distance of twenty-nine chains and ninety links more or less to an iron post marked N.P. No. LII said last mentioned post being on the westerly boundary line of land owned by Ray Carr.

Thence southerly along said westerly boundary to an iron post marked N.P. No. LIII, distant S. 18° 27′ 6 E., a distance of twenty-five chains and seventy-two decimal four links more or less, from iron post marked N.P. No. LII.

Thence on a bearing of N. 83° 11′ 2 E., a distance of eight chains and seventeen decimal four links, more or less, to an iron post.

Thence on a bearing of S. 18° 27′ 6 E., a distance of six chains and fifty-four decimal five links, more or less, to an iron post.

Thence on a bearing of S. 83° 12′ 8 E., a distance of eight chains and nine decimal five links, more or less to an iron post.

Thence on a bearing of S. 18° 27′ 6 E., a distance of eighteen chains and eighty-five decimal five links, more or less, to an iron post marked

N.P. No. LV, which said post is on the northerly limit of the Stanhope-Tracadie road.

Thence easterly and following said northerly limit of the Stanhope-Tracadie road, to an iron post marked N.P. No. LVI.

Thence easterly and continuing to follow said northerly limit of the Stanhope-Tracadie road to its intersection with the easterly limit of Campbell's road.

Thence in a straight line defining said easterly limit on a bearing of No. 17° 28′ 6 W., a distance of forty-five chains and ninety-seven links more or less, to an iron post marked N.P. No. LXIII, said post being at the southwesterly corner of property owned by George D. DeBlois.

Thence on a bearing of N. 61° 41′ 4 E., a distance of eight chains and sixty-three decimal seven links more or less, to an iron post marked N.P. No. LXXI.

Thence on a bearing of S. 31° 25′ E. a distance of four chains and twenty-eight decimal three links more or less, to an iron post marked N.P. No. LXX.

Thence on a bearing of N. 67° 30′ E. a distance of five chains and ninety links more or less, to an iron post marked N.P. No. LXIX.

Thence on a bearing of N. 27° 54′ W., a distance of twelve chains and ninety-nine links more or less, to an iron post marked N.P. No. LXVIII.

Thence on a bearing of N. 81° 27′ E., a distance of twenty-five chains and two-tenths of a link more or less, to an iron post marked N.P. No. LX.

Thence on a bearing of S. 55° 40′ 8 E., a distance of thirty-seven chains and seventy decimal one links more or less, to an iron post marked N.P. LXI.

Thence on a bearing of N. 80° 31′ 9 E., a distance of twenty-nine chains and sixty-one decimal five links more or less to an iron post marked N.P. No. LXII.

Thence continuing on said bearing of N. 80° 31′ 9 E., to high-water mark of the Gulf of St. Lawrence, thence westerly along said line of high water mark to the point of commencement.

Parcel No. 5—

All the lands lying between the Gulf of St. Lawrence and Tracadie Bay on the northerly coast of Prince Edward Island which extend easterly from the entrance of said Tracadie Bay to a line drawn true north from a standard concrete post of the Topographical Surveys marked No. 132-11-L said bearing being referred to the 63rd meridian of west longitude.

Part VIII

National Parks in the Province of Nova Scotia

(1) Cape Breton Highlands National Park

All that certain piece or parcel of land situate, lying and being in the Counties of Victoria and Inverness, Province of Nova Scotia, and more particularly described as follows:

Beginning at that point where a line on the westerly side of the Cabot Trail, parallel to, and at a constant perpendicular distance of three hundred (300) feet from the centre line of the said Cabot Trail, is intersected by a line produced on an azimuth of North ninety degrees West (N 90° 00′W) from an iron post marked "A", which iron post is set at the top of the cliff there rising perpendicularly from the shore, the said iron post "A" being distant six thousand three hundred and eleven (6,311) feet on an azimuth of North twenty-nine degrees forty-four minutes East (N29° 44′E) from a metal monument set in a large granite boulder near the schoolhouse at North Ingonish, the said monument being designated 11K7 of the Topographical Survey of Canada, and set by W. A. Fletcher, D.L.S., in the year 1936;

Thence on an azimuth of North ninety degrees West (N90° 00′W) a distance of eleven thousand three hundred and fifty-one (11,351) feet more or less unto an iron post marked "E";

Thence on an azimuth of South sixty-two degrees forty-three minutes West (S62° 43′W) a distance of ten thousand five hundred and thirty-seven (10,537) feet unto an iron post marked "F";

Thence on an azimuth of South thirty degrees three minutes East (S30° 03′E) a distance of twelve thousand nine hundred and ninety-nine (12,999) feet unto an iron post marked "G";

Thence on an azimuth of South seventy-nine degrees thirty-seven minutes East (S79° 37′E) a distance of two thousand seven hundred and eighty-six (2,786) feet unto an iron post marked "H";

Thence on an azimuth of North thirty-two degrees forty-one minutes East (N32° 41′ E) a distance of one thousand one hundred and seventy-one (1,171) feet unto an iron post marked "I";

Thence on an azimuth of South seventy-eight degrees fifty-one minutes East (S78° 51′E) a distance of three hundred and fifty-five (355) feet more or less to intersect the easterly limit of the Public Road known as the Cabot Trail;

Thence in a southerly direction, along said easterly limit of the Cabot Trail to the line of high-water mark on the left (or north) bank of Clyburn Brook;

Thence in an easterly direction along said highwater mark and following the several courses thereof to the point of intersection with the line of high-water mark of the North Bay of Ingonish;

Thence crossing the mouth of Clyburn Brook to the point of intersection of the lines of high-water mark of the right (or south) bank of Clyburn Brook and of the North Bay of Ingonish;

Thence easterly, westerly, and southerly along the line of high-water mark of the North Bay of Ingonish, the peninsula locally known

as Middle Head and the sand beach south of Middle Head, throughout all the sinuosities of the coast to the point of intersection of such high-water mark with a line produced on an azimuth of North seventy-two degrees eight minutes East (N72° 08′E) from an iron post marked "V" planted at the northerly limit of the Public Road which, on the south side of what is locally known as the Freshwater Lake, connects the sand beach with the main Cabot Trail, said iron post marked "V" being at a distance of five thousand two hundred and eighty-one (5,281) feet, on an azimuth of South twenty-one degrees twenty-two minutes East (S21° 22′E) from a metal monument set in a large gray boulder about eighty yards south from the Roman Catholic Church at South Ingonish and thirty-five feet south-east from the centre line of the Cabot Trail, said metal monument being designated, 11K5 of the Topographical Survey of Canada, and set by W. A. Fletcher, D.L.S., in the year 1936;

Thence on an azimuth of South seventy-two degrees eight minutes West (S72° 08′W) to the iron post marked "V";

Thence westerly along the northerly limit of said Public road on the south side of the Freshwater Lake to the point of intersection with the easterly limit of the present Cabot Trail;

Thence northerly along said easterly limit of the present Cabot Trail to an iron post set on the easterly limit thereof and marked "U" which iron post is at a distance of four thousand four hundred and seventy-two (4,472) feet, on an azimuth of South thirteen degrees forty-five minutes West (S13° 45′W) from the before described monument 11K5, of the Topographical Survey of Canada;

Thence on an azimuth of North fifty-eight degrees West (N58°W) a distance of two hundred and thirty-one and one-tenth (231·1) feet to an iron post marked "W";

Thence on an azimuth of South eighty-seven degrees sixteen minutes West (S87° 16′W) a distance of six thousand five hundred and eighty-five (6,585) feet unto a wooden post;

Thence on an azimuth of South seventy-three degrees thirty-two minutes west (S73° 32′W) a distance of two thousand six hundred and ninety-one (2,691) feet unto a wooden post;

Thence on an azimuth of North sixty degrees thirty-four minutes West (N60° 34′W) a distance of three thousand three hundred and thirty-six (3,336) feet unto a wooden post;

Thence on an azimuth of North seventy-eight degrees fifty-nine minutes West (N78° 59′W) a distance of four thousand six hundred and seventy-three (4,673) feet unto a wooden post;

Thence on an azimuth of South seventy-four degrees thirty-nine minutes West (S74° 39′W) a distance of eleven thousand six hundred and twenty (11,620) feet unto a wooden post;

Thence on an azimuth of North sixty degrees twenty-two minutes West (N60° 22′W) a distance of one thousand two hundred and eighty-three (1,283) feet unto a wooden post;

Thence on an azimuth of South seventy-four degrees fifty-nine minutes West (S74° 59′W) a distance of fifteen thousand four hundred and twenty-eight (15,428) feet unto a wooden post;

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Thence on an azimuth of North sixty-one degrees four minutes West (N61° 04′W) a distance of seven thousand five hundred and sixty-nine (7,569) feet unto a wooden post;

Thence on an azimuth of South sixty-three degrees fifty-five minutes West (S63° 55′W) a distance of thirteen thousand seven hundred and ninety-three (13,793) feet to a wooden post;

Thence on an azimuth of South thirty-four degrees fifty-three minutes West (S34° 53′W) a distance of nine thousand five hundred and fifty-seven (9,557) feet to a wooden post;

Thence on an azimuth South fifty-six degrees seven minutes West (S56° 7′W) a distance of four thousand nine hundred and forty-six (4,946)feet to a wooden post;

Thence on an azimuth North eighty degrees fifty-six minutes West (N80° 56′W) a distance of fifteen thousand five hundred and eighty-eight (15,588) feet to a wooden post;

Thence on an azimuth of North fifty-six degrees fifty-six minutes West (N56° 56′W) a distance of fifteen thousand three hundred and ten (15,310) feet to a wooden post;

Thence on an azimuth of South fifty-five degrees fifty-three minutes West (S55° 53′W) a distance of eleven thousand six hundred and thirty-five (11,635) feet to a wooden post;

Thence on an azimuth of South sixteen degrees fifty-three minutes West (S16° 53′W) a distance of thirteen thousand four hundred and thirty-three (13,433) feet to a wooden post;

Thence on an azimuth of North forty-six degrees five minutes West (N46° 05′W) a distance of five thousand five hundred and seventeen (5,517) feet to a wooden post;

Thence on an azimuth of South fifty-nine degrees fifteen minutes West (S59° 15′W) a distance of seven thousand four hundred and ninety-two (7,492) feet more or less to a point bearing due east (astronomical) from the common angle of Crown Grants Numbered 10236, 4515 and 22333, granted to Servant LeFort, Francis LeFort and Silvert Pourier respectively as shown on sheet No. 11 County of Inverness Crown Land map, Province of Nova Scotia.

Thence on an azimuth of North thirty-eight degrees forty-two minutes West (N38° 42′W) a distance of thirteen thousand two hundred and thirty-seven (13,237) feet to a wooden post;

Thence on an azimuth of North twenty-four degrees twenty-six minutes East (N24° 26′E) by the southeasterly boundary of Grants Numbered 14974, 21876, 20102, 13370, 15141, and 19000 formerly granted to Charles Romard et al, Hyazinth Chaisson et al, Edmund Chaisson, Nictau Maillet et al, and Severin Aucoin respectively and to the Cheticamp Gold Mining Company a distance of ten thousand five hundred and fifty-six (10,556) feet to a wooden post set at the northeasterly corner of Grant 19000;

Thence northwesterly along the northerly limit of said Grant 19000 a distance of three thousand six hundred and thirty (3,630) feet to a wooden post;

Thence northeasterly following the westerly limit of the lands formerly granted by the Crown to one Joseph Chaisson by Grant

No. 14541 to the point of intersection of ordinary high-water mark on the southwesterly or left bank of the Cheticamp River;

Thence following the said left bank of the said river the several courses thereof by the line of ordinary high-water mark in a northwesterly direction and down stream to an iron pipe;

Thence on an azimuth of South sixty-eight degrees nine minutes West (S68° 09′W) a distance of five hundred and fifty-two and five tenths (552·5)feet to an iron pipe set on the southern margin of the "Big Marsh" so called;

Thence on an azimuth of North fifty-four degrees twenty-six minutes West (N54° 26′W) a distance of one thousand six hundred and fifty-three and eight tenths (1,653·8) feet to an iron pipe set at ordinary high-water mark on the southwesterly or left bank of the said Cheticamp River, the said pipe being at a distance of eight thousand one hundred and seven (8,107) feet on an azimuth of South ten degrees thirty-nine minutes West (S10° 39′W) from a metal post designated 11K34, established by W. A. Fletcher, D.L.S. of the Topographical Survey of Canada in the year 1936;

Thence following the shore of the said river the several courses thereof by the line of ordinary high-water mark in direction generally northeasterly to a point where the said high-water mark intersects the high-water mark of the westerly coast of Cape Breton Island;

Thence northerly and easterly along said high-water mark throughout all the sinuosities of the coast to its intersection with the high-water mark of the right bank of MacKenzie River;

Thence southerly along the high-water mark of the right bank of MacKenzie River to its intersection with a straight line produced on an azimuth of South eighty-five degrees and forty-six minutes West (S85° 46′W) from a mark in the centre stone in a cairn set on the western side of the Public Road known as the Cabot Trail, which centre stone and cairn is at a distance of eight hundred and twenty-eight (828) feet measured on an azimuth of North twenty-seven degrees fifty-one minutes East (N27° 51′E) from monument 11K28, set by W. A. Fletcher, D.L.S., of the Topographical Survey of Canada, in 1936;

Thence from the said point of intersection, on an azimuth of North eighty-five degrees forty-six minutes East (N85° 46′E) to the mark in the centre stone in the cairn;

Thence on an azimuth of North eighty-five degrees forty-six minutes East (N85° 46′E) a distance of three thousand seven hundred and sixty-two (3,762) feet more or less unto a wooden post;

Thence on an azimuth of South seventy-eight degrees and five minutes East (S78° 05′E) a distance of two thousand one hundred and sixty (2,160) feet more or less unto a wooden post;

Thence on an azimuth of South sixty-six degrees forty minutes East (S66° 40′E) a distance of two thousand one hundred and seventeen (2,117) feet more or less unto a wooden post;

Thence on an azimuth of South fifty-four degrees nineteen minutes East (S54° 19′E) a distance of two thousand two hundred and seventeen (2,217) feet more or less unto a wooden post;

Thence on an azimuth of South thirty-nine degrees twenty-one minutes East (S39° 21′E) a distance of one thousand and eighty-one (1,081) feet more or less unto a wooden post;

Thence on an azimuth of South eighty-five degrees twenty-nine minutes East (S85° 29′E) a distance of one thousand three hundred and eight (1,308)feet more or less unto a wooden post;

Thence on an azimuth of North sixty degrees twenty-one minutes East (N60° 21′E) a distance of two thousand three hundred and forty-four (2,344) feet more or less unto a wooden post;

Thence on an azimuth of North sixty-nine degrees twenty-seven minutes East (N69° 27′E) a distance of two thousand four hundred and seventy-six (2,476) feet unto a wooden post;

Thence on an azimuth of North seventy-one degrees thirty-three minutes East (N71° 33′E) a distance of eight hundred and twenty-seven (827) feet unto a wooden post;/

Thence on an azimuth of North sixty-four degrees thirty-seven minutes East (N64° 37′E) a distance of six hundred and sixteen (616) feet unto a wooden post;

Thence on an azimuth of South eighty-six degrees twenty-five minutes East (S86° 25′E) a distance of six thousand seven hundred and thirty-seven (6,737) feet unto a wooden post;

Thence on an azimuth of South seventy-five degrees twenty-four minutes East (S75° 24′E) a distance of six thousand two hundred and one (6,201) feet unto a wooden post;

Thence on an azimuth of North sixty-four degrees twenty-one minutes East (N64° 21′E) a distance of nine thousand five hundred and sixty-seven (9,567) feet unto a wooden post;

Thence on an azimuth of North eighty-six degrees forty-one minutes East (N86° 41′E) a distance of eight thousand and fifty-two (8,052) feet unto a wooden post;

Thence on an azimuth of North sixty-eight degrees forty-four minutes East (N68° 44′E) a distance of one thousand nine hundred and seventy-nine (1,979) feet unto a wooden post;

Thence on an azimuth of North forty-two degrees forty-seven minutes East (N42° 47′E) a distance of four thousand one hundred and fifty-nine (4,159) feet unto a wooden post;

Thence in a straight line on a course of South forty-five degrees East (S45° 00′E) astronomical to a point on the Aspy River distant five hundred (500) feet downstream from the easterly or downstream bridge over which the Cabot Trail crosses said River;

Thence in a straight line on a course of South forty-five degrees East (S45° 00′E) astronomical to its intersection with the southerly limit of the various parcels of Crown Granted Land in the Cape North Settlement;

Thence following said southerly limit of the various parcels of Crown Granted Lands in an easterly direction to its intersection with a Brook, said Brook being the Creek which flows immediately west of the intersection of the Cabot Trail and the road to White Point;

Thence in a northeasterly direction following said creek down stream to its intersection with a line to the east of the said Cabot

Trail said line being three hundred (300) feet measured in a perpendicular direction therefrom;

Thence in a southeasterly direction by a line perpendicularly distant three hundred (300) feet northeasterly from the easterly side of the Cabot Trail to a point, the same being distant three hundred (300) feet perpendicularly and on a bearing of North twenty degrees sixteen minutes East (N20° 16′E) from an iron bar driven near the southwestern margin of the travelled road leading to Neil Harbour and New Haven;

Thence on an azimuth of South twenty degrees sixteen minutes West (S20° 16′W) a distance of three hundred (300) feet to the said iron bar as above described;

Thence on an azimuth of South twenty degrees sixteen minutes West (S20° 16′W) a distance of one thousand four hundred and nine and one-tenth (1,409·1) feet to a point at the western end of the Sand Bar and distant one thousand four hundred and thirty-one (1,431) feet on an azimuth of South nine degrees forty-seven minutes East (S9° 47′E) from a metal monument number 11K11 set in 1936 by W. A. Fletcher, D.L.S., of the Topographical Survey of the Dominion of Canada, in the southern end of the concrete abutment under the eastern end of the steel bridge by which the Cabot Trail crosses a stream known as Neil Brook flowing into the head of Neil Harbour;

Thence in a southerly direction following the highwater mark of the easterly coast of Cape Breton to that point at which the line of high-water mark is intersected by a line produced on an azimuth of North ninety degrees East (N90° 00′E) from an iron post marked "A" as above described;

Thence on an azimuth of North ninety degrees West (N90° 00′W) to the point of beginning.

SAVING AND EXCEPTING THEREFROM all that certain lot, piece or parcel of land situate, lying and being at Ingonish, in the County of Victoria, being a part of Crown Grant No. 5219 made to Honourable T. D. Archibald the 20th day of September, A.D. 1860, the said lot, piece or parcel of land being more particularly described as follows:

Beginning at a point on the southeastern boundary of lands conveyed by the said T. D. Archibald to the Trustees of the Roman Catholic Church at Ingonish at a distance of one thousand two hundred and seventy-three (1,273) feet from the intersection of said boundary with the line of high-water mark on the shore of the North Bay of Ingonish, said point being marked by an iron bar stamped with the letter "R";

Thence southwesterly along the said boundary a distance of nine hundred and fifty-seven (957) feet;

Thence northwesterly at right angles to said southeastern boundary, following a blazed line passing approximately six (6) feet south of the well on the Church property, a distance of three hundred and thirty (330) feet more or less to the northwestern boundary of the lands conveyed as aforesaid to the said Trustees;

Thence northeasterly along the said northwestern boundary a distance of nine hundred and fifty-seven (957) feet to an iron bar stamped with the letter "T";

Thence at right angles to the said northwestern boundary in a southeasterly direction a distance of three hundred and thirty (330) feet more or less to the point of beginning, said area containing seven and one-half ($7\frac{1}{2}$) acres more or less.

ALSO SAVING AND EXCEPTING THEREFROM and not including all that certain lot of land twenty feet in width extending from the Cabot Trail in a northeasterly direction along the northwestern boundary of the lot of land excluded by the said description to the prolongation in a straight line northwesterly of the northeastern boundary of the lot of land so excluded by said description.

ALSO SAVING AND EXCEPTING THEREFROM that certain parcel of land described as follows:

Commencing at the iron post marked "I" marking the Park boundary at this point, said post being as shown on a plan and referred to in a description signed by John Russell, Provincial and Dominion Land Surveyor, on February 28th, 1938, describing the lands expropriated under the provisions of the Expropriation Act, Chapter 21 of the Revised Statutes of Nova Scotia, 1923, for a public purpose, namely, for the purpose of establishing a National Park, the said plan and description being deposited in the office of the Registrar of Deeds for the Registration District of the County of Victoria, on the 26th day of July A.D. 1938, thence following the northerly limit of the said park on an azimuth of S 78° 51′ E a distance of 355 feet more or less to intersect the easterly limit of the public road known as the Cabot Trail, thence in a southerly direction along the said easterly limit of the Cabot Trail a distance of 66 feet more or less to the intersection of a line drawn parallel with and 66 feet perpendicularly distant from the said northerly limit of said park, thence in a westerly direction following the said line a distance of 378 feet more or less to its intersection with the park boundary, thence in a northerly direction following the park boundary on an azimuth of N 32° 41′ E a distance of 66 feet more or less to the point of commencement.

The term azimuth as used in the foregoing description having reference to the astronomical meridian at the commencement of each course.

(2) FORT ANNE HISTORIC PARK.

All and singular that certain property situated in the town and county of Annapolis and Province of Nova Scotia, known as the Fort Anne grounds, said parcel containing thirty-one (31) acres more or less, as shown on a plan of the War Department's property, Annapolis, Nova Scotia, prepared to show lands handed over to the Dominion Government on the 27th July, 1883 and signed at Halifax, Nova Scotia, by Colonel Charles S. Akers, Officer Commanding Royal Engineers and Thomas Wiley, Lieutenant-Colonel, for the Dominion of Canada.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL H[7].

An Act to amend the Prisons and Reformatories Act.

Read a first time, Tuesday, 20th April, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10928

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[7].

An Act to amend the Prisons and Reformatories Act.

R.S., c. 163; 1928, c. 41; 1931, c. 46; 1947, c. 68.

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

1. The *Prisons and Reformatories Act*, chapter one hundred and sixty-three of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after section one hundred and forty-seven thereof, the following sections:

Imprisonment in New Haven.

"**147**A. Every court in the province of British Columbia, before which any male person apparently over the age of sixteen years and under the age of twenty-three years is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of three months, or for any longer term, may sentence such person to imprisonment for the term of not less than three months and for an indeterminate period thereafter of not more than two years less one day in New Haven, instead of the common gaol of the county or judicial district where the offence was committed or was tried, and such person shall thereupon be imprisoned in New Haven, until he is lawfully discharged or paroled pursuant to section one hundred and forty-seven B, and shall be subject to all the rules and regulations of the institution as may be approved from time to time by the Lieutenant-Governor in that behalf.

Explanatory Notes.

The purpose of the proposed section 147A is to provide indeterminate sentences for the province of British Columbia. The amendment corresponds to sections 46 and 47(2), which relate to Ontario.

Board of Parole.

"**147B.** The Lieutenant-Governor may appoint a Board of Parole for the said province whose duty it shall be to inquire from time to time into the cases of prisoners sentenced to New Haven, and where as a result of such inquiry the Board thinks proper, it may permit prisoners serving indeterminate sentences to be paroled under conditions approved of by the Minister of Justice, and when the terms on which such prisoners paroled have been complied with, the Board may recommend for the consideration of the Minister of Justice the final discharge of such prisoners.

Transfer of offenders.

"**147C.** The Lieutenant-Governor may authorize the Attorney-General or his deputy from time to time by warrant to direct the removal of any person imprisoned in New Haven, to the common gaol known as Oakalla Prison Farm whenever he deems it expedient so to do, there to be detained for the unexpired portion of the term of imprisonment to which such person was originally sentenced, and such person shall thereupon be imprisoned in Oakalla Prison Farm for the residue of such term unless in the meantime he is lawfully discharged, and shall be subject to all the rules and regulations of the Oakalla Prison Farm."

Definition "New Haven"

"**147D.** In this Part the expression "New Haven" means the institution established in British Columbia for the reclamation of juvenile offenders known as New Haven and situate on Lot 164, Group 1, New Westminster District in the said province."

The purpose of the proposed section 147B is to provide a Board of Parole in the province of British Columbia. The amendment corresponds to section 43, which relates to Ontario.

The purpose of the proposed section 147C is to provide for the transfer of offenders as in the case of Ontario under section 50.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[7].

An Act to amend the Yukon Placer Mining Act.

Read a first time, Tuesday, 20th April, 1948.

Honourable Senator ROBERTSON.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10936

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[7].

An Act to amend the Yukon Placer Mining Act.

R.S. c., 216; 1946, c. 35.

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

"Commissioner" substituted for "Gold Commissioner".

1. The *Yukon Placer Mining Act*, chapter two hundred and sixteen of the Revised Statutes of Canada, 1927, is amended by deleting the words "Gold Commissioner" wherever the same appear therein and substituting therefor in each case the word "Commissioner".

Repeal.

2. (1) Paragraph *(f)* of subsection one of section two of the said Act is repealed.

(2) Paragraphs *(j)*, *(k)* and *(l)* of subsection one of section two of the said Act are repealed and the following substituted therefor:—

"mining inspector".

"*(j)* "mining inspector" means a mining inspector appointed under this Act and acting within the limits of his jurisdiction;

"mining recorder".

(k) "mining recorder" means a mining recorder appointed under this Act and acting within the limits of his jurisdiction;

"Minister".

(l) "Minister" means the Minister of Mines and Resources;

"Territory".

(m) "Territory" means the Yukon Territory."

Mining Officials.

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

"**3.** Mining recorders, mining inspectors, deputy mining recorders and deputy mining inspectors shall be appointed, in the manner authorized by law, for the purpose of carrying out the provisions of this Act."

Explanatory Notes.

The purposes of this Bill are to:—

(1) Substitute for the words "Gold Commissioner" the word "Commissioner".

(2) Make some minor changes in the Act conforming to the practice under the Yukon Quartz Mining Act.

(3) Provide for recording excess work.

(4) Simplify the provisions for grouping claims for the performance of work.

(5) Provide for affixing tags to posts.

(6) Extend the area in which prospecting leases may be granted.

1. Some years ago the positions of "Commissioner" and "Gold Commissioner" were abolished and their powers were vested in the Comptroller whose name was subsequently changed to "Controller". The position of "Commissioner" is being re-established under the Yukon Act and the powers of the Gold Commissioner are for the most part being vested in the Commissioner.

2. Paragraph *(f)* is repealed and replaced by paragraphs *(j)* and *(k)*. Present paragraphs *(j)*, *(k)* and *(l)* are repealed and where necessary are replaced. The Department of the Interior was replaced by the Department of Mines and Resources, chapter 33 of the statutes of 1936. Paragraphs *(f)*, *(j)*, *(k)* and *(l)* presently read:—

"*(f)* "Gold Commissioner", "mining recorder", and "mining inspector" mean, each of them, the officer so named, appointed under this Act and acting within the limits of his juridiction;

(j) "Minister" means the Minister of the Interior;

(k) "Person" includes a female as well as a male person;

(l) "Territory" means the Yukon Territory."

3. Section 3 presently reads:—

"**3.** Gold Commissioners and Acting and Assistant Gold Commissioners, mining recorders, mining inspectors and deputies thereto, shall be appointed, in the manner authorized by law, for the purpose of carrying out the provisions of this Act."

The underlined words have been deleted and the balance of the section revised.

4. Section five of the said Act is repealed and the following substituted therefor:—

Jurisdiction of Commissioner.

"**5.** The Commissioner shall possess all the powers and authority of a mining recorder and a mining inspector."

5. Section twenty-seven of the said Act is repealed and the following substituted therefor:—

Forms of applications and grants.

"**27.** The forms of application for grant, of application for renewal of grant, and of grant of a claim shall be those contained respectively in Schedules "A", "B" and "C" to this Act."

6. Subsection one of section twenty-eight of the said Act is repealed and the following substituted therefor:—

Time allowed for filing applications.

"**28.** (1) An application in duplicate for a grant of a claim shall be filed with the mining recorder within ten days after the location thereof, if it is located within ten miles of the mining recorder's office."

7. Sections thirty-one and thirty-two of the said Act are repealed and the following substituted therefor:—

When claims one hundred miles from recorder's office.

"**31.** (1) In the event of a claim being more than one hundred miles from a recorder's office, and situated where other claims are being located, the locators, not less than five in number, are authorized to meet and appoint one of their number an emergency recorder, who may receive applications for grants of claims located in accordance with the provisions of this Act.

Record of application.

(2) The emergency recorder shall note on each application the day upon which such application was received by him and the amount of fees paid in respect thereto.

Notification of applications.

"**32.** (1) The emergency recorder shall, as soon as possible after his appointment, notify the mining recorder for the district in which the claims are situate of his appointment, and he shall deliver personally or otherwise to such mining recorder the applications and fees received by him in respect of such claims.

Recorder to issue grants.

(2) Where the emergency recorder has accepted from any person an application made in accordance with this Act and on the form set out in Schedule "A" and the fee therefor, the mining recorder may issue to such person a grant in the form set out in Schedule "C".

4. Section 5 presently reads:—

"**5.** The Gold Commissioner shall have jurisdiction within such mining districts as the Commissioner directs, and within such districts shall possess also all the powers and authority of a mining recorder or mining inspector."

The underlined words have been deleted.

5. Section 27 presently reads:—

"**27.** The forms of application for grant, of grant, and of renewal of grant of a claim shall be those contained respectively in Schedules A, B, and C to this Act."

The change corrects the error in the present section in that the form of application for renewal of grant is set out in Schedule B to the Act.

6. Section 28 presently reads:—

"**28.** An application for a grant of a claim shall be filed with the mining recorder within ten days after the location thereof, if it is located within ten miles of the mining recorder's office.

(2) One extra day shall be allowed for every additional ten miles or fraction thereof."

The words "in duplicate" have been inserted.

7. Sections 31 and 33 have been brought into line with the practice under the Yukon Quartz Mining Act.

Sections 31 and 32 presently read:—

"**31.** In the event of a claim being more than one hundred miles from a recorder's office, and situated where other claims are being located, the locators, not less than five in number, are authorized to meet and appoint one of their number an emergency recorder, who shall act in that capacity until a mining recorder is appointed.

"**32.** The emergency recorder shall, at the earliest possible date after his appointment, notify the nearest mining recorder thereof, and upon the arrival of the mining recorder, he shall deliver to him his records and fees received for recording claims.

(2) The mining recorder shall then issue to each person whose name appears in the records a grant for his claim, provided an application has been made by him in accordance with the form in Schedule A to this Act.

Date of grant in such cases.

(3) The grant mentioned in subsection two shall date from the time the emergency recorder accepted the application and fees.

Failure of emergency recorder to notify mining recorder.

(4) Where the emergency recorder fails, within four months, to notify the mining recorder of his appointment and to deliver to him the applications for claims received and the fees collected, the mining recorder may refuse to issue grants for such claims."

8. Section thirty-four of the said Act is repealed and the following substituted therefor:

Claim to be staked by applicant in person.

"**34.** No application shall be received for a claim which has not been staked by the applicant in person in the manner specified in this Act: Provided, that if any person files with the mining recorder powers of attorney from not more than two persons he may stake subsequent to such filing not more than three claims in the name of each such person during any year the power of attorney is in force."

Proviso.

9. Section thirty-six of the said Act is repealed and the following substituted therefor:—

Limitation.

"**36.** Any person who records a claim in his own name or who has a claim recorded in his name by power of attorney shall not have the right to locate or have located for him another claim within the valley or basin of the same creek or river within sixty days of the date on which the said claim was located."

10. The said Act is further amended by adding thereto, immediately after section thirty-seven thereof, the following section:—

Tagging of claims.

"**37A.** (1) As soon as reasonably possible after a grant of a claim the holder of the claim shall affix or cause to be affixed securely to each of the posts of the said claim a metal tag plainly marked or impressed with the number and letter or letters, if any, of the grant of the claim, and in default the claim may be cancelled by the mining recorder on the application of anyone who, in the opinion of the mining recorder, has been misled by the lack of such tags.

Supply of tags.

(2) The mining recorder on application shall supply the numbered tags, mentioned in subsection one, free of charge.

Applicable after June 1, 1948.

(3) This section applies in respect of all claims granted after the first day of June, nineteen hundred and forty-eight."

11. Subsection seven of section thirty-eight of the said Act is repealed and the following substituted therefor:—

Rules of procedure.

"(7) The procedure in all cases before the Commissioner under this section, and on appeal therefrom, shall be in accordance with rules prepared by the Commissioner."

(3) The grant shall date from the time the emergency recorder recorded the application."

8. The revision of this section fixes definitely the number of claims which may be staked under power of attorney in any year. Section 34 presently reads:—

"**34.** No application shall be received for a claim which has not been staked by the applicant in person in the manner specified in this Act: Provided that if any person satisfies the mining recorder that he is about to undertake a *bona fide* prospecting trip, and files with the mining recorder a power of attorney, from not more than two persons, authorizing him to stake claims for them in consideration of their having enabled him to undertake the trip, he may stake one claim in the name of each such person upon any creek on which he makes a discovery."

9. The amendment extends the provision of the present section to a person who has had claims staked for him by power of attorney. Section 36 presently reads:—

"**36.** Any person having recorded a claim shall not have the right to locate another claim within the valley or basin of the same creek or river within sixty days of the date on which he has located the said claim."

10. Adds a new section to provide for the affixing of metal tags to location posts. This provision is in effect in the Northwest Territories and is desired by miners and prospectors in the Yukon Territory.

11. Subsection seven of section 38 presently reads:—

"(7) The procedure in all cases before the Gold Commissioner under this section, and on appeal therefrom, shall be in accordance with rules prepared by the Gold Commissioner and approved by the Commissioner."

This amendment is consequent upon the abolition of the position of Gold Commissioner.

Where more work done than required.

12. Section forty of the said Act is amended by adding thereto the following subsection:—

"(4) Where more work is performed by or on behalf of the recorded owner of a claim than is required by this Act during any year to be performed the excess work up to a value of eight hundred dollars upon proof of the same having been performed in accordance with the provisions of this Act shall be applied by the mining recorder upon work required to be done during the subsequent year or years; excess work may only be recorded during the year in which it was performed or within fourteen days of the expiry of such year."

Proportionate contribution of work, etc., in case of co-owners.

13. Section forty-four of the said Act is repealed and the following substituted therefor:—

"**44.** Where two or more persons are co-owners in a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon and to the payment of renewal fees, and in the event of its being proved to the mining recorder, after notice of hearing has been served on all parties interested in the manner directed by him, that any co-owner has not done so, his interest may, by order of the mining recorder, become vested in the other co-owners, who have performed the work and paid the fees in proportion to their interests."

14. Section fifty of the said Act is repealed and the following substituted therefor:—

Owners of adjoining claims concentrating work on one or more claims.

"**50.** (1) Adjoining claims, not exceeding ten in number, may be grouped together for the performance of work by the owner or owners thereof upon filing with the mining recorder a notice of his or their intention so to group such claims and obtaining a grouping certificate in the form set out in Schedule "H".

Owners of more than ten claims, some of which do not adjoin.

(2) Adjoining claims exceeding ten in number and any number of claims some of which do not adjoin may with the approval of the Commissioner be grouped together for the performance of work by the owner or owners thereof if such owner or owners show to the satisfaction of the Commissioner that said claims are to be operated by a system of mining which has a direct bearing upon all other claims affected and renders a considerable area necessary to successful operation by the system proposed, and the Commissioner may, in such cases, issue a grouping certificate in the form set out in Schedule "H".

Commissioner may issue grouping certificate under certain conditions.

Work on one or more claims in a group.

(3) The holder or holders of a grouping certificate in the form set out in Schedule "H" to this Act may perform on any one or more of the claims in respect of which the grouping certificate was issued, all or any part of the work required to entitle him or them to a certificate of work for

12. Adds a new subsection providing for the recording of excess work done in any year up to the value of $800. The present act permits recording work for one year at a time.

13. Substitutes the words "mining recorder" for the words "Gold Commissioner".

14. This new section follows to some extent the grouping provisions of the Yukon Quartz Mining Act, section 53. The method provided in the Yukon Quartz Mining Act is a simpler and easier method of grouping claims for the performance of work. Section 50 presently reads:—

"**50.** Upon application being made to him by the owner, or owners, of adjoining claims, which claims do not exceed ten in number, the mining recorder may grant permission for a term not exceeding five years to such owner, or owners, to perform on any one or more of such claims all of the work required to entitle such owner or owners to a renewal grant for each of the same.

(2) Where such claims are recorded in the name of more than one owner, before said permission is granted, a partnership agreement creating a joint and several liability on the part of all of the owners of said claims for the joint working of the same shall be executed by each of said owners and filed with the mining recorder.

(3) Upon application being made to him for such permission with respect to more than ten adjoining placer mining claims, or any number of placer mining claims, some of which do not adjoin, by the owner or owners thereof, the same may be granted by the mining recorder with the approval of the Commissioner for the period aforesaid if, upon report by the mining inspector, it is

each claim so held by him or them, but if such work is not done the claims shall be deemed to be vacant and abandoned without any declaration of cancellation or forfeiture on the part of the Crown.

Commissioner may cancel grouping certificate.

(4) Any grouping certificate issued by the Commissioner may be cancelled by him upon the expiry of sixty days from the mailing of a notice by registered mail to the owners of the claims in the group, in case it appears from the report of a mining inspector or otherwise that the system of mining contemplated when such grouping certificate was issued is not being installed or operated with reasonable diligence."

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

Renewing of grouped claims.

"**51.** (1) Grants of claims in respect of which a grouping certificate has been issued, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day."

16. Subsection six of section seventy-four of the said Act is repealed and the following substituted therefor:—

Rules of procedure.

"(6) The procedure in all cases before a board of arbitrators under this Act shall be in accordance with rules prepared by the Commissioner."

17. (1) Subsection one of section eighty-nine of the said Act is repealed and the following substituted therefor:—

Lease to prospect for placer mining.

"**89.** (1) The Commissioner may grant a lease to prospect for the purposes of placer mining as defined in this Act on lands which are the property of the Crown, or the mining rights of which are available for disposal under the provisions of this Act, upon receipt of an application accompanied by evidence to his satisfaction of the applicant's financial ability and intention to incur the expenditure necessary to thoroughly prospect the area described in the application."

Application and evidence required.

(2) Section eighty-nine of the said Act is further amended by adding thereto, immediately after subsection six thereof, the following subsection:

shown to the satisfaction of the Gold Commissioner that said claims are to be operated by a system of mining which has a direct bearing upon all of the claims affected, and renders a considerable area necessary to successful operation by the system proposed.

(4) Where such claims are recorded in the names of more than one owner, before such permission is granted, a partnership agreement, as provided by subsection two hereof, shall be executed and filed with the mining recorder.

(5) Such agreement shall state the address within the Yukon Territory at which the notice of cancellation, hereinafter referred to, may be served upon the said partnership; service of such notice at which address shall be good and sufficient notice to all the parties to said partnership agreement and to all persons interested.

(6) Such permission, however, shall be subject to cancellation at any time by the Gold Commissioner, with the approval of the Commissioner, after sixty days' notice to the persons interested, in case it appears from the report of the mining inspector or otherwise that the system of mining contemplated when such permission was granted is not being installed or operated with reasonable diligence."

15. Is a necessary amendment following the alteration of the previous section fifty. Subsection one of section 51 presently reads:—

"**51.** Grants of claims in respect of which such permission has been granted, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day."

16. Subsection six of section 74 presently reads:—

"(6) The procedure in all cases before a board of arbitrators under this Act shall be in accordance with rules prepared by the Gold Commissioner and approved by the Commissioner."

17. Subsection one of section 89 presently reads:—

"**89.** (1) The Gold Commissioner may grant a lease to prospect for the purposes of placer mining as defined in this Act on lands which are the property of the Crown, or the mining rights of which are available for disposal under the provisions of this Act, situated on any creek or river in the Yukon Territory, upon receipt of an application, accompanied by evidence to his satisfaction of the applicant's financial ability and intention to incur the expenditure necessary to thoroughly prospect the area described in the application."

The only changes are the substitution of "Commissioner" for "Gold Commissioner" and the deletion of the words "situated on any creek or river in the Yukon Territory".

Size of locations other than on creek or river.

"(6a) Locations other than on a creek or river shall not exceed one thousand feet in width and five miles in length measured along the line parallel to the base line of the creek or river and shall be made only on abandoned ground as defined in subsection five of this section."

Schedules "C" and "E".

18. Schedules "C" and "E" to the said Act are amended by deleting the words "the Interior" wherever they occur and substituting therefor the words "Mines and Resources".

19. Schedule "D" to the said Act is repealed and the following substituted therefor:—

Schedule D.

"SCHEDULE D.

FEES.

1. For grant of a claim for one year	$10.00
2. For grant of a claim for five years	50.00
3. For renewal of grant of a claim:	
For one year	10.00
For two years	20.00
For three years	30.00
For four years	40.00
For five years	50.00
4. Recording an abandonment	2.00
5. For a grouping certificate:	
(a) Ten claims or under	5.00
(b) Over ten claims	5.00
For each claim over ten	1.00
6. Registration of any document	2.00
If it affects more than one claim, for each additional claim	1.00
7. For filing any document	1.00
8. Abstract of Title:	
For first entry	1.00
For each additional entry	10
9. For copies of any documents recorded:	
Up to three folios	3.00
For each additional folio	50
10. For grant of water:	
Of 50 inches or less	10.00
From 50 to 200 inches	25.00
From 200 to 1,000 inches	50.00
For each additional 1,000 inches or fraction thereof	50.00"

20. The said Act is further amended by adding thereto, immediately after Schedule "G" thereof, the following Schedule:—

Schedule H.

"SCHEDULE H.

GROUPING CERTIFICATE

Fee Paid $..... .....

Mining District

In accordance with the provisions of section fifty of the *Yukon Placer Mining Act* the owners of the following claims are permitted to group such claims together for the performance of work:

Dated at.....

this.....day of

.....194....

.....

Mining Recorder (or Commissioner)."

This deletion will permit an extension of the area in which prospecting leases may be granted.

Subsection (6*a*) provides where locations other than on a creek or river may be made.

18. The Department of Mines and Resources replaced the Department of the Interior. Chapter 33 of the statutes of 1936.

19. Schedule "D" at present reads:—

"SCHEDULE D.

SCALE OF PRICES TO BE CHARGED.

For grant of a claim for one year	$10.00
For grant of a claim for five years	50.00
For renewal of grant of a claim	10.00
Recording an abandonment	2.00
Registration of any document	2.00
If it affects more than one claim, for each additional claim.	1.00
For filing any document	1.00
Abstract of title—	
For first entry	2.00
Each additional entry	0.50
For copy of document—	
Up to 200 words	2.50
For each additional 100 words	0.50
For grant of water—	
Of 50 inches or less	10.00
From 50 to 200 inches	25 00
From 200 to 1,000 inches	50.00
For each additional 1,000 inches or fraction thereof	50.00"

As the recording of excess work is provided for, fees for the renewal of grants for 1, 2, 3, 4 and 5 years are provided. Fees for grouping certificate are also provided. Changes are made in the fees for abstracts and for copies of documents and the Schedule with these changes is re-enacted.

20. Provides a form of grouping certificate to be issued by a mining recorder or the Commissioner under section fifty of the Act.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J[7].

An Act to amend the Yukon Quartz Mining Act.

Read a first time, Tuesday, 20th April, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10932

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J[7].

An Act to amend the Yukon Quartz Mining Act.

R.S., c. 217; 1928, c. 53; 1932, c. 23; 1946, c. 13.

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

"Commissioner" substituted for "Gold Commissioner".

1. The *Yukon Quartz Mining Act*, chapter two hundred and seventeen of the Revised Statutes of Canada, 1927, is amended by deleting the words "Gold Commissioner" wherever the same appear and substituting therefor in each case the word "Commissioner".

2. (1) Paragraph (*d*) of subsection one of section two of the said Act is repealed and the following substituted therefor:

"Department"

"*(d)* "Department" means the Department of Mines and Resources;"

Paragraph repealed.

(2) Paragraph (*i*) of subsection one of section two of the said Act is repealed.

(3) Paragraph (*u*) of subsection one of section two of the said Act is repealed and the following substituted therefor:

"Minister".

"*(u)* "Minister" means the Minister of Mines and Resources;"

3. Section thirteen of the said Act is amended by adding thereto the following subsections:

Vacant lands within limits of group claims may be included.

"(2) Where two or more claims are contiguous and comprise a group recorded in the name of one person and it was the manifest intention of the locator of such claims as shown by the sketches accompanying the applications for the same to include as part of such claims all the lands lying within the outside limits of such group and extensions of such outside limits, the vacant lands within such limits and extensions, but outside the limits of any claim, shall be open for staking only by the recorded owner of that group;

Explanatory Notes

The purposes of this Bill are to:—

(1) Substitute for the words "Gold Commissioner" the word "Commissioner".

(2) Reserve small areas lying between claims in a group to the person who has staked that group.

(3) Amplify the provisions relating to an emergency recorder.

(4) Provide that sixteen claims instead of eight may be grouped for the performance of work.

(5) Provide for affixing tags to posts.

(6) Provide for recording excess work.

(7) Provide for the issue of renewal leases to the person who pays the fees and rent.

(8) Permit a claim in certain cases to include an area up to sixty acres.

1. Some years ago the positions of "Commissioner" and "Gold Commissioner" were abolished and their powers were vested in the Comptroller whose name was subsequently changed to "Controller". The position of "Commissioner" is being re-established under the *Yukon Act* and the powers of the "Gold Commissioner" are, for the most part, being vested in the Commissioner.

2. Paragraphs *(d)*, *(i)* and *(u)* of section two presently read:—

"*(d)* "Department" means the Department of the Interior;

"*(i)* "Gold Commissioner" means the officer so named, appointed under the *Yukon Placer Mining Act;*

"*(u)* "Minister" means the Minister of the Interior of Canada;"

The Department of Interior was taken over by the Department of Mines and Resources, chapter 33, 1936 statutes.

3. New subsections. A person may stake eight claims in a group as provided by section 12 (2) of this Act. If he happens to exceed, in laying out his claim, fifteen hundred feet between his two posts, or stake after his first claim, his subsequent claims at an angle to his first claim, there may appear on survey small areas between the boundaries of his claims which might be staked by some other person and this might prevent the development of the property.

Subsection two reserves these fractions to the original staker. Subsection three provides that, if the staker has not had the fractions included in his claims, or does not stake the areas, such areas will again be available after the approval of the survey of the claims by the Surveyor General.

but any such land may upon survey be included in one or more of such claims by a Dominion land surveyor pursuant to this Act.

Lands not so included open for staking.

(3) Any land that is available only to the recorded owner of claims under subsection two and that is not included in any claim by the Dominion land surveyor is, upon approval of the survey of such claims by the Surveyor General, available for staking by any person under this Act."

4. Subsection two of section thirty-two of the said Act is repealed and the following substituted therefor:

Plan to be submitted.

"(2) The locator shall submit with his application a plan in duplicate showing as clearly as possible the position of the location applied for in its relation to the prominent topographical features of the district and to the adjoining claims or some other known point and the position of the stakes by which the location is marked on the ground."

5. Section thirty-nine of the said Act is amended by adding thereto the following subsection:

Record of application.

"(2) The emergency recorder shall note on each application the day upon which such application was received by him and the amount of fees paid in respect thereto."

6. Subsection four of section forty of the said Act is repealed and the following substituted therefor:

Failure of emergency recorder to notify mining recorder.

"(4) Where the emergency recorder fails, within four months, to notify the mining recorder of his appointment and to deliver to him the applications for claims received and the fees collected, the mining recorder may refuse to grant entry for such claims."

7. Section forty-one of the said Act is repealed and the following substituted therefor:

Accompanying affidavit.

"**41.** (1) No mineral claim shall be recorded unless the application is accompanied by an affidavit or solemn declaration made by the applicant in the Form "A" of this Act, or, if it be a fractional claim, in the Form "A-1".

Filing of application.

(2) Each application shall be filed in duplicate with the mining recorder."

Section re-numbered.

8. Section forty-five of the said Act is re-numbered section forty-six.

9. The said Act is further amended by adding thereto, immediately after section forty-four thereof, the following section:

4. The purpose of this amendment is to require the plan to be in duplicate.

5. This is a new subsection requiring the emergency recorder to note the time and receipt of applications and fees.

6. To give the discretion to the mining recorder in place of the Gold Commissioner whose position is now abolished. Subsection four of section forty presently reads:—

"(4) If the emergency recorder fails within four months to notify the Government mining recorder of his appointment, or to deliver to him the applications received and the fees collected, entry for such claims may be refused in the discretion of the Gold Commissioner".

7. Section forty-one presently reads:

"**41.** No mineral claim shall be recorded without the application being accompanied by an affidavit or solemn declaration made by the applicant in form "A" of this Act, or if it be a fractional claim in the form "A-1" except claims for which application has been made to an "emergency recorder."

The underlined words have been deleted. All applications will have to be made on the proper forms after the amendment becomes effective.

Subsection two provides that the application must be in duplicate.

8. In 1946 sections 46 and 47 of the Act were repealed by section 2, chapter 13.

9. A new section requiring holders of claims to affix tags to the posts of claims. The tags are to be supplied by the mining recorder, free of charge.

Tagging of Claims.

"**45.** (1) As soon as reasonably possible after the recording of the claim the holder of the claim shall affix or cause to be affixed securely to each of the posts of the said claim a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the mining recorder on the application of anyone who in the opinion of the mining recorder has been misled by the lack of such tags.

Supply of tags.

(2) The mining recorder on application shall supply the numbered tags, mentioned in subsection one, free of charge.

(3) This section applies in respect of all claims recorded after the first day of June, nineteen hundred and forty-eight."

10. Subsection one of section fifty-three of the said Act, as enacted by section three of chapter thirteen of the statutes of 1946, is repealed and the following substituted therefor:

Number of adjoining claims that may be grouped for working.

"**53.** (1) Adjoining claims, not exceeding sixteen in number, may be grouped together for the performance of work by the owner or owners thereof upon filing with the mining recorder at any time before the recording of the work a notice of his or their intention so to group such claims and obtaining a certificate in form "E" of this Act."

11. Section fifty-four of the said Act is amended by adding thereto, immediately after subsection two thereof, the following subsections:

Where more work done than required.

"(2a) Where more work is performed by or on behalf of the recorded owner of a claim than is required by this Act during any year to be performed the excess work up to a value of four hundred dollars upon proof of the same having been performed in accordance with the provisions of this Act shall be applied by the mining recorder upon work required to be done during the subsequent year or years; excess work may only be recorded during the year in which it is performed or within fourteen days of the expiry of such year.

Geological investigations and aerial reconnaissance.

(2b) Where it is shown that a recorded owner has done work or has had work performed for him in geological investigations, aerial reconnaissance or other like preliminary operations that appear to be essential to the successful location of commercial ore bodies on a claim or a number of claims grouped together for the performance of work, such work or any portion thereof may be considered by the Commissioner, in his discretion, as representation work if it has been performed in the first three years subsequent to the date of the record of the claim or group of claims

10. Subsection one of section fifty-three presently reads:—

"**53.** (1) Adjoining claims, not exceeding eight in number, may be grouped together for the performance of work by the owner or owners thereof upon filing with the mining recorder a notice of his or their intention so to group such claims and obtaining a certificate in form "E" of this Act."

The amendment will permit grouping of sixteen claims and will permit grouping at any time before the work is recorded.

11. Two new subsections are added. Subsection 2 *(a)* permits the recording of excess work. Subsection 2 *(b)* permits geological investigations, aerial reconnaissances and other like preliminary operations to be considered as representation work in the first three years of the claim.

affected; but such work shall not be accepted in satisfaction of the requirements for a certificate of improvements nor accepted as excess representation work on any claim beyond the termination of the third year after the date of the record of such claim."

12. The said Act is further amended by adding thereto, immediately after section seventy-seven thereof, the following section:

Joint applicants for renewal to contribute proportionately to payment of rental and fees.

"**77A.** Where two or more persons have the right of renewing a lease from the Crown, each such person shall proportionately to his interest contribute to the payment of rental and fees for the renewal of such lease, and in the event of it being proved to the Commissioner after a notice of hearing has been served on all parties interested, in the manner directed by the Commissioner, that one of such persons has not contributed and that the other person or persons have paid the full rental and fees for the renewal of such lease, the Minister may issue the lease to the person or persons who have paid the rental and fees."

13. Sections eighty-one and eighty-two of the said Act are repealed and the following substituted therefor:

When Dominion land surveyor may include fraction within the claim. Proviso.

"**81.** In case either post No. 1 or post No. 2 of a mineral claim be on the boundary line of a previously located claim, which boundary line is not at right angles to said location line, the Dominion land surveyor when making the survey may include the fraction so created within the claim which is being surveyed: Provided that such fraction is available and open to disposal and that the claim including the fraction does not exceed in area sixty acres.

Fractional claim to contain as nearly as possible all certain unoccupied ground.

"**82.** A Dominion land surveyor when surveying a fractional mineral claim may survey such claim so that it shall contain as nearly as possible all the unoccupied ground lying between the previously located mineral claims as described in the affidavit and sketch furnished by the locator when the claim was recorded: Provided that the area of the claim as surveyed is less than sixty acres.

Penalty for including more than 51·65 acres.

"**82A.** Where a Dominion land surveyor pursuant to section eighty-one or eighty-two includes in a claim more than fifty-one and sixty-five one-hundreths acres before the survey is approved by the Surveyor General, the recorded owner shall pay to the mining recorder as a penalty the sum of five dollars for each acre or fraction thereof included in the claim in excess of fifty-one and sixty-five one-hundreths acres."

12. A new section authorizing the Minister to issue a renewal of a lease to a person who has paid the rental and the fees.

13. The amendment to these sections increases the number of acres that may be included in a claim in these cases to sixty acres. This permits the fractional areas referred to in subsection two of section thirteen, which are being added to the Act by section three of this Act, to be included in a claim by the Surveyor. However, as a deterrent to overstaking in such cases a penalty is provided in section eighty-two-A of five dollars per acre for each acre over 51·65 acres, the standard size of claims.

Paragraph deleted.

14. Form "A-1" (application for fractional claim) in Schedule I to the said Act is amended by deleting paragraph six thereof.

15. Schedule II to the said Act is repealed and the following substituted therefor:

"SCHEDULE II.

FEES.

1.	Recording mineral claim	$10.00
2.	For a substitutional record	10.00
3.	Application for a lease and issue of same	10.00
4.	For Certificate of Work—	
	For one year	5.00
	For two years	10.00
	For three years	15.00
	For four years	20.00
	For five years	25.00
5.	For a certificate of improvements	5.00
6.	For a grouping certificate	5.00
7.	Recording assignments, abandonments, affidavits, or any other document	2.50
	If document affects more than one claim, for each additional claim	1.00
8.	For an abstract of the record of a claim—	
	For the first entry	1.00
	For each additional entry	0.10
9.	For copies of any documents recorded—	
	Up to three folios	3.00
	For each additional folio	0.50
10.	For recording a power of attorney to stake from one person	4.00
11.	For recording a power of attorney to stake from two persons	8.00
12.	For recording an assignment of a quartz mining lease	3.00
13.	Rental for whole or fractional mineral claim granted under lease for term of twenty-one years: —	
	If acreage is 51·65 acres or less	50.00
	Add for each acre or fraction thereof over 51·65 acres	5.00
14.	Rental for renewal term of twenty-one years—	
	If acreage is 51·65 acres or less	200.00
	Add for each acre or fraction thereof over 51·65 acres.	20.00
15.	Rental iron and mica claim as defined by Section 18	150.00
16.	Rental for renewal term of 21 years iron and mica claim	600.00

14. Paragraph six of Form "A-1" presently reads:—

"6. I have inscribed on my post at the intersection with the..... mineral claim the following words:—

(The particulars written on each intersection post to be fully set out)."

It is impossible, until a survey is made, to say where an intersection will be.

15. Schedule II presently reads as follows:—

"SCHEDULE II.

FEES.

1.	Recording mineral claim	$ 10.00
2.	For a substitutional record	10.00
3.	Application for a lease and issue of same	10.00
4.	Recording every certificate of work	5.00
5.	For a certificate of improvements	5.00
6.	For a grouping certificate (1946, c. 13, s. 7)	5.00
7.	Recording assignments, abandonments, affidavits, or any other document	2.50
	If document affects more than one claim, for each additional claim	1.00
8.	For granting period of six months within which to record	4.00
9.	For an abstract of the record of a claim—	
	For the first entry	4.00
	For each additional entry	0.50
10.	For copies of any documents recorded where same do not exceed three folios	4.00
	Where such copies exceed three folios, 30 cents per folio for every folio over three.	
11.	For recording a power of attorney to stake from one person	4.00
12.	For recording a power of attorney to stake from two persons	8.00
13.	For recording an assignment of a quartz mining lease	3.00
14.	Rental, whole or fractional mineral claim granted under lease for term of 21 years	50.00
15.	Rental for renewal term of 21 years	200.00
16.	Rental iron and mica claim as defined by Section 18	150.00
17.	Rental for renewal term of 21 years iron and mica claim.	600.00"

When powers of attorney to stake and permission to record within six months relate to placer mining claims also, the fees prescribed by the *Placer Mining Act and Regulations* shall be collected in addition to the fee prescribed by these Regulations. 1924, c. 74, Sch. 2.

As the recording of excess work is provided for, fees for certificate of work for one, two, three, four and five years are included. Additional rent is required in the case of oversized claims. Changes have been made in the fees for abstracts and copies of documents. Item eight and the last four lines of the Schedule are no longer necessary consequent upon the repeal of section forty-six in 1946 by chapter 13.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL K[7].

An Act for the relief of Ella Margaret McLaughlin Baisley.

Read a first time, Thursday, 22nd April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
10940 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[7].

An Act for the relief of Ella Margaret McLaughlin Baisley.

Preamble.

WHEREAS Ella Margaret McLaughlin Baisley, residing at the village of Montebello, in the province of Quebec, clerk, wife of John Barry Baisley, who is domiciled in Canada and residing at the said village, has by her petition alleged that they were married on the eighteenth day of November, A.D. 1933, at the said village, she then being Ella Margaret McLaughlin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ella Margaret McLaughlin and John Barry Baisley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ella Margaret McLaughlin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Barry Baisley had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL L7.

An Act for the relief of Mavis Aurelia Leney Ogilvie Walker.

Read a first time, Thursday, 22nd April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7074

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL L[7].

An Act for the relief of Mavis Aurelia Leney Ogilvie Walker.

Preamble.

WHEREAS Mavis Aurelia Leney Ogilvie Walker, residing at the city of Montreal, in the province of Quebec, wife of James Joslin Walker, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the first day of December, A.D. 1917, at the said city, she then being Mavis Aurelia Leney Ogilvie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mavis Aurelia Leney Ogilvie and James Joslin Walker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mavis Aurelia Leney Ogilvie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Joslin Walker had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M7.

An Act for the relief of Joanna Wright Farrell.

Read a first time, Thursday, 22nd April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
5615 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M[7].

An Act for the relief of Joanna Wright Farrell.

Preamble.

WHEREAS Joanna Wright Farrell, residing at the city of Montreal, in the province of Quebec, wife of Dominic Mark Farrell, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of August, A.D. 1939, at the town of Lachute, in the said province, she then being Joanna Wright, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joanna Wright and Dominic Mark Farrell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joanna Wright may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Dominic Mark Farrell had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N7.

An Act for the relief of Margaret Patricia Jones Gavey.

Read a first time, Thursday, 22nd April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
6356 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N7.

An Act for the relief of Margaret Patricia Jones Gavey.

Preamble.

WHEREAS Margaret Patricia Jones Gavey, residing at the city of Montreal, in the province of Quebec, wife of Joshua Charles Eugene Gavey, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of July, A.D. 1930, at the city of Ottawa, in the province of Ontario, she then being Margaret Patricia Jones, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Patricia Jones and Joshua Charles Eugene Gavey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Patricia Jones may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joshua Charles Eugene Gavey had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL O7.

An Act for the relief of Selma Rattner Fridhandler.

Read a first time, Thursday, 22nd April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1356

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL O[7].

An Act for the relief of Selma Rattner Fridhandler.

Preamble

WHEREAS Selma Rattner Fridhandler, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Sam Fridhandler, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of October, A.D. 1945, at the city of London, England, she then being Selma Rattner, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Selma Rattner and Sam Fridhandler, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Selma Rattner may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sam Fridhandler had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL P7.

An Act for the relief of Lucien Menard.

Read a first time, Monday, 26th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6115

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P7.

An Act for the relief of Lucien Menard.

Preamble.

WHEREAS Lucien Menard, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, storekeeper, has by his petition alleged that on the twentieth day of July, A.D. 1942, at the said city, he and Flore Dupont, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lucien Menard and Flore Dupont, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lucien Menard may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Flore Dupont had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Q[7].

An Act for the relief of Sheila Trench Thomson Ellis.

Read a first time, Monday, 26th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5897

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Q[7].

An Act for the relief of Sheila Trench Thomson Ellis.

Preamble.

WHEREAS Sheila Trench Thomson Ellis, residing at the city of Glasgow, Scotland, wife of John McLeod Ellis, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the ninth day of November, A.D. 1945, at the said city of Glasgow, she then being Sheila Trench Thomson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sheila Trench Thomson and John McLeod Ellis, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sheila Trench Thomson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John McLeod Ellis had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R7.

An Act for the relief of Alexandre Hebert.

Read a first time, Monday, 26th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1797

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R[7].

An Act for the relief of Alexandre Hebert.

Preamble.

WHEREAS Alexandre Hebert, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, printer, has by his petition alleged that on the seventh day of August, A.D. 1934, at the city of Malone, in the state of New York, one of the United States of America, he and Yvonne Emond, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alexandre Hebert and Yvonne Emond, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alexandre Hebert may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Yvonne Emond had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL S7.

An Act for the relief of Anne Greenblatt Pliss.

Read a first time, Monday, 26th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2532

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S7.

An Act for the relief of Anne Greenblatt Pliss.

Preamble.

WHEREAS Anne Greenblatt Pliss, residing at the city of Montreal, in the province of Quebec, ticket girl, wife of Irving Pliss, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of August, A.D. 1943, at the said city, she then being Anne Greenblatt, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anne Greenblatt and Irving Pliss, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anne Greenblatt may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Irving Pliss had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL T7.

An Act for the relief of Sonnie Levitt Shereck.

Read a first time, Monday, 26th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2544

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL T[7].

An Act for the relief of Sonnie Levitt Shereck.

Preamble.

WHEREAS Sonnie Levitt Shereck, residing at the city of Montreal, in the province of Quebec, wife of Harold Shereck, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of June, A.D. 1936, at the said city, she then being Sonnie Levitt, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sonnie Levitt and Harold Shereck, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sonnie Levitt may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Shereck had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL U7.

An Act for the relief of James Young.

Read a first time, Monday, 26th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U[7].

An Act for the relief of James Young.

Preamble.

WHEREAS James Young, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, police officer, has by his petition alleged that on the twenty-fourth day of January, A.D. 1941, at the city of Lachute, in the said province, he and Lila Young, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between James Young and Lila Young, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Young may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lila Young had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V7.

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

Read a first time, Monday, 26th April, 1948.

Right Honourable Senator MACKENZIE.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10529

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V7.

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

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

Interpretation.

"dominion convention."

"dominion command."

"provincial command."

"branch."

1. In this Act unless the context otherwise requires,

(a) "dominion convention" means the appointed delegates from branches assembled in general meeting at a time and place to be specified by the preceding dominion convention or by the dominion executive council.

(b) "dominion command" means the supreme authority of the Legion, that is the dominion convention and, when it is not in session, the dominion executive council.

(c) "provincial command" means the provincial convention and, when it is not in session, the provincial executive council.

(d) "branch" means a body of persons fulfilling the qualifications of membership who, having made petition to the proper provincial command, have been issued a charter by the dominion command.

Incorporation.

2. (1) C. Basil Price, executive, and Lucien Lalonde, barrister, both of the city of Montreal, in the province of Quebec, Lionel D. Baxter, executive, and Arthur E. Moore, railway employee, both of the city of Winnipeg, in the province of Manitoba, Alfred Watts, barrister, of the city of Vancouver, in the province of British Columbia, and Gordon H. Rochester, civil servant, of the city of Ottawa,

in the province of Ontario, together with such persons as become members of the association hereby incorporated are hereby constituted a body corporate under the name of "The Canadian Legion of the British Empire Service League", hereinafter called "the Legion".

Provisional executive council.

(2) The persons named in subsection one shall be the provisional dominion executive council of the Legion.

Head office.

3. The head office of the dominion command shall be at the city of Ottawa, in the province of Ontario, or in such other place in Canada as may be from time to time determined by the dominion command.

Purposes and objects.

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

(a) to bring about the unity of all who have served in His Majesty's navy, army, air force or any auxiliary force;

(b) to further among them the spirit of comradeship and mutual help, and the close and kindly ties of active service;

(c) to pass on to their families and descendants the traditions for which they stand;

(d) to perpetuate the memory and deeds of the fallen and of those who die in the future;

(e) 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;

(f) 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;

(g) to educate public opinion regarding national duties to the dead, the disabled and others who have served, and their dependents;

(h) to foster loyalty among the public and education in the principles of patriotism, duty and unstinted public service;

(i) to support suitable undertakings for the training, employment and settlement of ex-service men and women, and the education of their children;

(j) 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;

(k) 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;

(l) to assist ex-service men to secure not less than the recognized standard rates of wages;

(m) 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;

(n) to co-operate with Commonwealth, Empire and Allied associations of similar aims and objects;

(o) to establish, organize and regulate provincial, district and local bodies, or commands and branches, in convenient centres throughout Canada and elsewhere;

(p) 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;

(q) to acquire, hold, sell or lease real and immovable, personal and movable property;

(r) 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.

Governing body.

5. The governing body of the Legion shall be the dominion convention and when it is not in session the dominion executive council, and the governing body shall have supreme jurisdiction in all matters consistent with the purposes and objects of the Legion, and its decisions on questions of policy and as to the courses of action to be taken in respect thereof shall be authoritative and binding upon all commands, councils and branches.

By-laws.

6. (1) The dominion convention, and when it is not in session the dominion executive council, 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.

By-laws to be submitted to the dominion convention.

(2) With the exception of by-laws respecting servants and agents of commands and branches when the dominion executive council takes action to pass, repeal, amend or re-enact any by-law, then such action must be submitted to the next dominion convention where it may be confirmed by a majority vote of the whole convention and, should such action be not so confirmed, then such a by-law and every repeal, amendment or re-enactment of a by-law so passed by the dominion executive council shall be null and void.

Dominion convention.

Proviso.

7. (1) A dominion convention shall be held at least once every two years: Provided that with the unanimous consent of all provincial commands a three year interval may be allowed between conventions.

Branch delegates to dominion convention.

(2) Every branch shall be entitled to send to the dominion convention as representing its members, one delegate for every one hundred members or fraction thereof, but such representation shall be subject to change at any dominion convention with respect only to subsequent conventions.

Committees.

(3) At a dominion convention in addition to other committees the following committees shall be set up to draft resolutions or reports for submission to the convention:

(a) committee on resolutions;

(b) committee on procedure;

(c) committee on credentials;

(d) committee on ways and means;

(e) committee on appeals;

(f) committee on constitution and laws.

Dominion executive council.

8. The dominion executive council shall consist of such officers and members as are specified from time to time by by-law and the officers with the exception of the immediate past president shall be elected by ballot at the dominion convention by a majority of the whole convention and at such election voting may be by proxy.

Rights of commands and branches.

9. (1) The primary unit of the Legion shall be the branch and, save as herein otherwise provided, each branch shall exercise autonomy with regard to its affairs and shall have power to make by-laws and regulations to govern its activities so long as they are consistent with this Act and by-laws passed under its authority.

To sue and be sued.

(2) Any command or branch may sue or be sued in its own name.

Assets of branch.

(3) Except as herein otherwise provided, no command shall have any rights in the assets of any branch or be liable for any of the debts or obligations of any branch and no branch shall have any right in the assets of any command or of any other branch or be liable for any of the debts or obligations of any command or of any other branch.

Assets of provincial command.

(4) Except as herein otherwise provided, no provincial command shall have any rights in the assets or be liable for any debts or obligations of dominion command and dominion command shall not have any rights in the assets or be liable for any of the debts or obligations of any provincial command.

Collection of dues, etc.

(5) Where any branches or commands collect any per capita tax, dues or assessments made by dominion command, such branch or command shall, for such purpose, act only as the agent and trustee of the dominion command and where any branch collects any per capita tax, dues or assessments for a provincial command, such branch shall, for the purpose of such collection, act only as agent or trustee for such provincial command.

Suspension of charter by president of dominion executive council.

(6) The president of the dominion executive council may, after enquiry and for cause clearly stated, suspend the charter or powers of any command, branch or auxiliary or any officers thereof and such action shall be appealable in accordance with by-laws made in this regard.

Suspension of charter by president of provincial executive council.

(7) The president of the provincial executive council may, with respect to his command, for cause clearly stated, suspend the charter or powers of any branch or auxiliary or any officer thereof, and such action shall be appealable in accordance with by-laws made in this regard.

Property of suspended branch to vest in provincial command.

10. The real and immovable, personal and movable property of any branch suspended by by-law shall vest in the provincial command of the province wherein the property is situated and only such assets shall be liable for debts or liabilities of such branch.

Power to hold property.

11. Any command or branch of the Legion may hold, possess or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise any real or immovable property necessary or requisite for the carrying out of its purposes and objects, and may sell, mortgage, pledge, hypothecate or alienate such property in any manner.

Power to borrow and to invest moneys.

12. The dominion and provincial commands and any branch may, as and when required, for the purposes and objects of the Legion:

(a) borrow money upon the credit of the respective command or branch;

(b) make, accept, draw, endorse, and execute bills of exchange, promissory notes and other negotiable instruments;

(c) issue bonds, debentures or other securities and pledge or sell the same for such sums or prices as may be deemed expedient;

(d) hypothecate, mortgage or pledge any real or personal property of the respective command or branch to secure any money so borrowed;

(e) invest the funds of the respective command or branch in such manner and upon such securities as it may deem advisable.

Ladies' auxiliaries.

13. (1) Subject to provisions of this Act, any command or branch may set up a ladies' auxiliary in connection with or under the control of the respective command or branch.

By-laws.

(2) Ladies' auxiliaries shall be governed by the by-laws passed by such auxiliaries but these by-laws shall not become effective unless they conform to the purposes and objects of the Legion and only if they have been approved by the respective command or branch and the provincial executive council having jurisdiction.

Legion to take over assets and assume liabilities of incorporated body.

14. (1) The Legion shall take over all assets and assume the liabilities of the corporate body incorporated by virtue of letters patent dated the seventeenth of July, 1926, under *The Companies Act* and named "The Canadian Legion of the British Empire Service League".

By-laws.

(2) The by-laws of the said corporate body shall be the by-laws of the Legion until repealed, re-enacted or amended as herein provided.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL W7.

An Act for the relief of Hazel Violet Camp Mace.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5607

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W7.

An Act for the relief of Hazel Violet Camp Mace.

Preamble.

WHEREAS Hazel Violet Camp Mace, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Lewis Henry Mace, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of May, A.D. 1944, at the said city, she then being Hazel Violet Camp, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hazel Violet Camp and Lewis Henry Mace, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hazel Violet Camp may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lewis Henry Mace had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X7.

An Act for the relief of Adah Elizabeth Jeffries Heinz.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
10043 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X[7].

An Act for the relief of Adah Elizabeth Jeffries Heinz.

Preamble.

WHEREAS Adah Elizabeth Jeffries Heinz, residing at the city of Montreal, in the province of Quebec, hairdresser, wife of Ernst Siegfried Herman Heinz, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifth day of August, A.D. 1936, at the said city, she then being Adah Elizabeth Jeffries, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Adah Elizabeth Jeffries and Ernst Siegfried Herman Heinz, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Adah Elizabeth Jeffries may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernst Siegfried Herman Heinz had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Y[7].

An Act for the relief of Mabel Findlay Turner Rollo.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1569

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Y7.

An Act for the relief of Mabel Findlay Turner Rollo.

Preamble.

WHEREAS Mabel Findlay Turner Rollo, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Rupert Alfred Rollo, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourth day of March A.D. 1933, at the said city, she then being Mabel Findlay Turner, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mabel Findlay Turner and Rupert Alfred Rollo, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mabel Findlay Turner may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Rupert Alfred Rollo had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Z[7].

An Act for the relief of Anna Dagmar Dahl.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6536

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Z[7].

An Act for the relief of Anna Dagmar Dahl.

Preamble.

WHEREAS Anna Dagmar Dahl, residing at the city of Toronto, in the province of Ontario, hairdresser, wife of Karl Eric Wilhelm Dahl, who is domiciled in Canada and residing at the town of Dorion, in the province of Quebec, has by her petition alleged that they were married on the eighth day of October, A.D. 1928, at the city of Montreal, in the said province of Quebec, she then being Anna Dagmar Erickson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Dagmar Erickson and Karl Eric Wilhelm Dahl, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Dagmar Erickson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Karl Eric Wilhelm Dahl had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A[8].

An Act for the relief of Florence Evelyn White Marshall.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5743

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A[8].

An Act for the relief of Florence Evelyn White Marshall.

Preamble.

WHEREAS Florence Evelyn White Marshall, residing at the city of London, England, wife of Frederick Russell Marshall, who is domiciled in Canada and residing at the city of Sherbrooke, in the province of Quebec, has by her petition alleged that they were married on the nineteenth day of June, A.D. 1943, at the said city of London, she then being Florence Evelyn White, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Florence Evelyn White and Frederick Russell Marshall, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Florence Evelyn White may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Russell Marshall had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[8].

An Act for the relief of Kathryn Mae Richardson Rowe.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
6221 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[8].

An Act for the relief of Kathryn Mae Richardson Rowe.

Preamble.

WHEREAS Kathryn Mae Richardson Rowe, residing at the city of Montreal, in the province of Quebec, wife of Kenneth Arthur Rowe, who is domiciled in Canada and residing at the city of Lachine, in the said province, has by her petition alleged that they were married on the seventh day of June, A.D. 1940, at the city of Ottawa, in the province of Ontario, she then being Kathryn Mae Richardson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathryn Mae Richardson and Kenneth Arthur Rowe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathryn Mae Richardson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Arthur Rowe had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL C[8].

An Act for the relief of Margaret Dawson Jamieson Turnbull McKay.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7950

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL C[8].

An Act for the relief of Margaret Dawson Jamieson Turnbull McKay.

Preamble.

WHEREAS Margaret Dawson Jamieson Turnbull McKay, residing at the village of Bishopton, in the province of Quebec, housekeeper, wife of William Osmond McKay, who is domiciled in Canada and residing at the town of Cookshire, in the said province, has by her petition alleged that they were married on the nineteenth day of June, A.D. 1943, at South Ham, in the said province, she then being Margaret Dawson Jamieson Turnbull, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Dawson Jamieson Turnbull and William Osmond McKay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Dawson Jamieson Turnbull may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Osmond McKay had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL D[8].

An Act for the relief of Margaret Elizabeth Dunn Vezina.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7620

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D[8].

An Act for the relief of Margaret Elizabeth Dunn Vezina.

Preamble.

WHEREAS Margaret Elizabeth Dunn Vezina, residing at the city of Toronto, in the province of Ontario, stenographer, wife of Joseph Alfred Wilfrid Vezina, who is domiciled in Canada and residing at the city of Sherbrooke, in the province of Quebec, has by her petition alleged that they were married on the sixteenth day of September, A.D. 1942, at the said city of Toronto, she then being Margaret Elizabeth Dunn, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Elizabeth Dunn and Joseph Alfred Wilfrid Vezina, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Elizabeth Dunn may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Alfred Wilfrid Vezina had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL E[8].

An Act for the relief of Elizabeth Craig Blair.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8082

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E[8].

An Act for the relief of Elizabeth Craig Blair.

Preamble.

WHEREAS Elizabeth Craig Blair, residing at the city of Montreal, in the province of Quebec, saleswoman, wife of John Alexander Blair, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-seventh day of February, A.D. 1924, at the said city, she then being Elizabeth Craig, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expendient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Craig and John Alexander Blair, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Craig may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Alexander Blair had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48

THE SENATE OF CANADA

BILL F8.

An Act for the relief of Charles Henry Kennell.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7716

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F[8].

An Act for the relief of Charles Henry Kennell.

Preamble.

WHEREAS Charles Henry Kennell, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, clerk, has by his petition alleged that on the twenty-first day of June, A.D. 1930, at the said city, he and Winnifred Olive Hope Gates, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles Henry Kennell and Winnifred Olive Hope Gates, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Henry Kennell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Winnifred Olive Hope Gates had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[8].

An Act for the relief of Muriel Frances Pratt Fiddes.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

3904

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[8].

An Act for the relief of Muriel Frances Pratt Fiddes.

Preamble.

WHEREAS Muriel Frances Pratt Fiddes, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Ernest Fiddes, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the twenty-ninth day of January, A.D. 1944, at East Acton, in the county of Middlesex, England, she then being Muriel Frances Pratt, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Frances Pratt and Ernest Fiddes, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Frances Pratt may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Fiddes had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL H[8].

An Act for the relief of Leah Zeiger Rudenko.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1565

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[8].

An Act for the relief of Leah Zeiger Rudenko.

Preamble.

WHEREAS Leah Zeiger Rudenko, residing at the city of Montreal, in the province of Quebec, nurse, wife of Abraham Rudenko, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of December, A.D. 1935, at the said city, she then being Leah Zeiger, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leah Zeiger and Abraham Rudenko, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leah Zeiger may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Abraham Rudenko had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[8].

An Act for the relief of Ruth Harris.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the
Committee on Divorce

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7934

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[8].

An Act for the relief of Ruth Harris.

Preamble.

WHEREAS Ruth Harris, residing at the city of Montreal, in the province of Quebec, clerk, wife of John Joseph Harris, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of June, A.D. 1929, at the said city, she then being Ruth Bamlett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ruth Bamlett and John Joseph Harris, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ruth Bamlett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Joseph Harris had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J[8].

An Act for the relief of Eva Booth Morrison McCormick.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5144

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J[8].

An Act for the relief of Eva Booth Morrison McCormick.

Preamble.

WHEREAS Eva Booth Morrison McCormick, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of James McCormick, junior, who is domiciled in Canada and residing at the city of Three Rivers, in the said province, has by her petition alleged that they were married on the fourth day of February, A.D. 1936, at the said city of Montreal, she then being Eva Booth Morrison, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Booth Morrison and James McCormick, junior, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Booth Morrison may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James McCormick, junior, had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[8].

An Act for the relief of Naomi Evelyn Masterangelo Rosenstein.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5885

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[8].

An Act for the relief of Naomi Evelyn Masterangelo Rosenstein.

Preamble.

WHEREAS Naomi Evelyn Masterangelo Rosenstein, residing at the city of Montreal, in the province of Quebec, wife of Lewis Rosenstein, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of May, A.D. 1938, at the said city, she then being Naomi Evelyn Masterangelo, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts, as follows:—

Marriage dissolved.

1. The said marriage between Naomi Evelyn Masterangelo and Lewis Rosenstein, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Naomi Evelyn Masterangelo may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lewis Rosenstein had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL L[8].

An Act for the relief of Jean Lauder Rutledge.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1577

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL L[8].

An Act for the relief of Jean Lauder Rutledge.

Preamble.

WHEREAS Jean Lauder Rutledge, residing at the city of Montreal, in the province of Quebec, secretary, wife of Robert Joseph Rutledge, who is domiciled in Canada and residing at the town of Farnham, in the said province, has by her petition alleged that they were married on the twenty-fifth day of June, A.D. 1938, at the said city, she then being Jean Lauder, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Lauder and Robert Joseph Rutledge, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Lauder may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Joseph Rutledge had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M8.

An Act for the relief of Henry George Chartier.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5755

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M[8].

An Act for the relief of Henry George Chartier.

Preamble.

WHEREAS Henry George Chartier, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, welder, has by his petition alleged that on the tenth day of June, A.D. 1941, at the city of Westmount, in the said province, he and Laura Emily Hubbard, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Henry George Chartier and Laura Emily Hubbard, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Henry George Chartier may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Laura Emily Hubbard had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL N[8].

An Act for the relief of Francis Russell Stone.

Read a first time, Thursday, 29th April, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8066

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N[8].

An Act for the relief of Francis Russell Stone.

Preamble.

WHEREAS Francis Russell Stone, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, engineer, has by his petition alleged that on the twenty-fifth day of April, A.D. 1942, at the said city, he and Lenora May Theriault, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Francis Russell Stone and Lenora May Theriault, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Francis Russell Stone may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lenora May Theriault had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL O[8].

An Act for the relief of Mathilda Welter Jackson.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
6368 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL O[8].

An Act for the relief of Mathilda Welter Jackson.

Preamble.

WHEREAS Mathilda Welter Jackson, residing at the city of Montreal, in the province of Quebec, radio writer, wife of Mervin Jackson, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of August, A.D. 1942, at the town of Clinton, in the province of Ontario, she then being Mathilda Welter, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mathilda Welter and Mervin Jackson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mathilda Welter may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Mervin Jackson had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL P8.

An Act for the relief of Joseph Thomson Mowat.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6352

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P[8].

An Act for the relief of Joseph Thomson Mowat.

Preamble.

WHEREAS Joseph Thomson Mowat, domiciled in Canada and residing at the town of Hampstead, in the province of Quebec, average adjuster, has by his petition alleged that on the fifth day of September, A.D. 1934, at the city of Montreal, in the said province, he and Isabel Richardson Henderson, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Thomson Mowat and Isabel Richardson Henderson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Thomson Mowat may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Isabel Richardson Henderson had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Q[8].

An Act for the relief of Mary Hrychuk Fleury.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5599

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Q[8].

An Act for the relief of Mary Hrychuk Fleury.

Preamble.

WHEREAS Mary Hrychuk Fleury, residing at the city of Ottawa, in the province of Ontario, waitress, wife of Jean Fleury, who is domiciled in Canada and residing at the city of Hull, in the province of Quebec, has by her petition alleged that they were married on the tenth day of October, A.D. 1933, at the said city of Hull, she then being Mary Hrychuk, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Hrychuk and Jean Fleury, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Hrychuk may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jean Fleury had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R8.

An Act for the relief of Anna Kathleen Burnie Beebe.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7843

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R[8].

An Act for the relief of Anna Kathleen Burnie Beebe.

Preamble.

WHEREAS Anna Kathleen Burnie Beebe, residing at the city of Montreal, in the province of Quebec, secretary, wife of Reginald Joseph Beebe, who is domiciled in Canada and residing at the town of Noranda, in the said province, has by her petition alleged that they were married on the twenty-third day of March, A.D. 1940, at the town of Baie Comeau, in the said province, she then being Anna Kathleen Burnie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Kathleen Burnie and Reginald Joseph Beebe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Kathleen Burnie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald Joseph Beebe had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S[8].

An Act for the relief of Jenny Muriel Pressley Scott.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
7851 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S[8].

An Act for the relief of Jenny Muriel Pressley Scott.

Preamble.

WHEREAS Jenny Muriel Pressley Scott, residing at the city of Montreal, in the province of Quebec, wife of Robert Bruce Scott, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of September, A.D. 1946, at the town of St. Laurent, in the said province, she then being Jenny Muriel Pressley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jenny Muriel Pressley and Robert Bruce Scott, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jenny Muriel Pressley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Bruce Scott had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL T[8].

An Act for the relief of Mary Pappas Gigantes, otherwise known as Maria Papadatos Gigantes.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6123

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL T[8].

An Act for the relief of Mary Pappas Gigantes, otherwise known as Maria Papadatos Gigantes.

Preamble.

WHEREAS Mary Pappas Gigantes, otherwise known as Maria Papadatos Gigantes, residing at the city of Montreal, in the province of Quebec, clerk, wife of Denis Gigantes, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of December, A.D. 1943, at the said city, she then being Mary Pappas, otherwise known as Maria Papadatos, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Pappas, otherwise known as Maria Papadatos, and Denis Gigantes, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Pappas, otherwise known as Maria Papadatos, may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Denis Gigantes had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL U[8].

An Act for the relief of Gilbert Brinton Campbell.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5893

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U[8].

An Act for the relief of Gilbert Brinton Campbell.

Preamble.

WHEREAS Gilbert Brinton Campbell, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, clerk, has by his petition alleged that on the twenty-sixth day of February, A.D. 1938, at the city of Montreal, in the said province, he and Sylvia Patricia Ashworth, who was then of the said city of Verdun, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gilbert Brinton Campbell and Sylvia Patricia Ashworth, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gilbert Brinton Campbell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sylvia Patricia Ashworth had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL V8.

An Act for the relief of Helen McGregor Hanley.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4847

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V[8].

An Act for the relief of Helen McGregor Hanley.

Preamble.

WHEREAS Helen McGregor Hanley, residing at the city of Montreal, in the province of Quebec, waitress, wife of John Horace Hanley, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-first day of July, A.D. 1923, at the said city, she then being Helen McGregor, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Helen McGregor and John Horace Hanley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Helen McGregor may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Horace Hanley had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W8.

An Act for the relief of Yudit Mary de Bartok Richardson.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
6217 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W[8].

An Act for the relief of Yudit Mary de Bartok Richardson.

Preamble.

WHEREAS Yudit Mary de Bartok Richardson, residing at the city of Montreal, in the province of Quebec, waitress, wife of James Vallance Richardson, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of October, A.D. 1935, at the said city, she then being Yudit Mary de Bartok, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Yudit Mary de Bartok and James Vallance Richardson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Yudit Mary de Bartok may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Vallance Richardson had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL X[8].

An Act for the relief of Abraham Schechter.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2033

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X[8].

An Act for the relief of Abraham Schechter.

Preamble.

WHEREAS Abraham Schechter, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, cutter, has by his petition alleged that on the ninth day of June, A.D. 1918, at the said city, he and Poline (Pauline) Doctor, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Abraham Schechter and Poline (Pauline) Doctor, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Abraham Schechter may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Poline (Pauline) Doctor had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Y8.

An Act for the relief of Caroline Alice Woods Mayhew.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7831

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Y[8].

An Act for the relief of Caroline Alice Woods Mayhew.

Preamble.

WHEREAS Caroline Alice Woods Mayhew, residing at the city of Montreal, in the province of Quebec, office clerk, wife of Harold Thomas Mayhew, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the tenth day of July, A.D. 1943, at the said city of Montreal, she then being Caroline Alice Woods, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Caroline Alice Woods and Harold Thomas Mayhew, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Caroline Alice Woods may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Thomas Mayhew had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Z[8].

An Act for the relief of Giana Stephen Cantlie Lyman.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6458

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Z[8].

An Act for the relief of Giana Stephen Cantlie Lyman.

Preamble.

WHEREAS Giana Stephen Cantlie Lyman, residing at the city of Montreal, in the province of Quebec, wife of Walter Kenneth Gordon Lyman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of December, A.D. 1925, at the said city, she then being Giana Stephen Cantlie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Giana Stephen Cantlie, and Walter Kenneth Gordon Lyman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Giana Stephen Cantlie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Walter Kenneth Gordon Lyman had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A9.

An Act for the relief of James Gustov Reed.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1670

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A9.

An Act for the relief of James Gustov Reed.

Preamble.

WHEREAS James Gustov Reed, domiciled in Canada and residing at the city of Sherbrooke, in the province of Quebec, restaurateur, has by his petition alleged that on the twenty-eighth day of November, A.D. 1931, at the village of Waterville, in the said province, he and Elsie Heath, who was then of the town of Asbestos, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between James Gustov Reed and Elsie Heath, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Gustov Reed may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elsie Heath had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B9.

An Act for the relief of Elizabeth Ruth Maitland Harley.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9759

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[9].

An Act for the relief of Elizabeth Ruth Maitland Harley.

Preamble.

WHEREAS Elizabeth Ruth Maitland Harley, residing at the city of Vancouver, in the province of British Columbia, wife of Bruce Falconer Harley, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the thirteenth day of April, A.D. 1943, at the said city of Vancouver, she then being Elizabeth Ruth Maitland, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Ruth Maitland and Bruce Falconer Harley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Ruth Maitland may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bruce Falconer Harley had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL C9.

An Act for the relief of Daisy Elizabeth May Fishlock W allis

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7938

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL C9.

An Act for the relief of Daisy Elizabeth May Fishlock Wallis.

Preamble.

WHEREAS Daisy Elizabeth May Fishlock Wallis, residing at the city of Verdun, in the province of Quebec, saleslady, wife of John Joseph Clarence Wallis, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of August, A.D. 1937, at the said city, she then being Daisy Elizabeth May Fishlock, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Daisy Elizabeth May Fishlock and John Joseph Clarence Wallis, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Daisy Elizabeth May Fishlock may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Joseph Clarence Wallis had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL D[9].

An Act for the relief of Gertrude Agnes Dorothy Cunningham McLarnon.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7094

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D9.

An Act for the relief of Gertrude Agnes Dorothy Cunningham McLarnon.

Preamble.

WHEREAS Gertrude Agnes Dorothy Cunningham McLarnon, residing at the city of Montreal, in the province of Quebec, clerk, wife of Francis Patrick McLarnon, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the nineteenth day of July, A.D. 1941, at the said city, she then being Gertrude Agnes Dorothy Cunningham, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gertrude Agnes Dorothy Cunningham and Francis Patrick McLarnon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gertrude Agnes Dorothy Cunningham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Francis Patrick McLarnon had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL E9.

An Act for the relief of Jeannette Ore Paige.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6229

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E[9].

An Act for the relief of Jeannette Ore Paige.

Preamble.

WHEREAS Jeannette Ore Paige, residing at the city of Toronto, in the province of Ontario, cook, wife of Arden Martin Paige, who is domiciled in Canada and residing at the village of Bolton Centre, in the province of Quebec, has by her petition alleged that they were married on the nineteenth day of May, A.D. 1933, at North Troy, in the state of Vermont, one of the United States of America, she then being Jeannette Ore Proulx, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jeannette Ore Proulx and Arden Martin Paige, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jeannette Ore Proulx may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arden Martin Paige had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F9.

An Act for the relief of Reva James Nathanson.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6002

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F[9].

An Act for the relief of Reva James Nathanson.

Preamble.

WHEREAS Reva James Nathanson, residing at the city of Montreal, in the province of Quebec, wife of Paul Louis Nathanson, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of October, A.D. 1943, at the city of Toronto, in the province of Ontario, she then being Reva James, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Reva James and Paul Louis Nathanson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Reva James may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Paul Louis Nathanson had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL G9.

An Act for the relief of Gerald Roderick Bartlett.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5994

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[9].

An Act for the relief of Gerald Roderick Bartlett.

Preamble.

WHEREAS Gerald Roderick Bartlett, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chauffeur, has by his petition alleged that on the thirty-first day of December, A.D. 1932, at the said city, he and Violet May Olsen, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gerald Roderick Bartlett and Violet May Olsen, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gerald Roderick Bartlett may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Violet May Olsen had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL H[9].

An Act for the relief of Dorothy Jardine Palmer Petrie.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
8181 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[9].

An Act for the relief of Dorothy Jardine Palmer Petrie.

Preamble.

WHEREAS Dorothy Jardine Palmer Petrie, residing at the town of Hampstead, in the province of Quebec, wife of James Gordon Petrie, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-ninth day of June, A.D. 1937, at the city of Fredericton, in the province of New Brunswick, she then being Dorothy Jardine Palmer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Jardine Palmer and James Gordon Petrie, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Jardine Palmer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Gordon Petrie had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[9].

An Act for the relief of Nellie Maisie Wingham Carphin.

Read a first time, Monday, 3rd May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8090

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[9].

An Act for the relief of Nellie Maisie Wingham Carphin.

Preamble.

WHEREAS Nellie Maisie Wingham Carphin, residing at the town of Greenfield Park, in the province of Quebec, wife of George William Cunningham Carphin, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the twenty-seventh day of January, A.D. 1925, at the city of Montreal, in the said province, she then being Nellie Maisie Wingham Coolledge, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nellie Maisie Wingham Coolledge and George William Cunningham Carphin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nellie Maisie Wingham Coolledge may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George William Cunningham Carphin had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J9.

An Act for the relief of Beatrice Gertrude Corbin Simand.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8086

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J9.

An Act for the relief of Beatrice Gertrude Corbin Simand.

Preamble.

WHEREAS Beatrice Gertrude Corbin Simand, residing at the city of Toronto, in the province of Ontario, wife of Gerald Abraham Simand, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-sixth day of September, A.D. 1943, at the said city of Toronto, she then being Beatrice Gertrude Corbin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Beatrice Gertrude Corbin and Gerald Abraham Simand, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Beatrice Gertrude Corbin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gerald Abraham Simand had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL K[9].

An Act for the relief of Margaret McCallum Cameron Baird Brine.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee of Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7156

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[9].

An Act for the relief of Margaret McCallum Cameron Baird Brine.

Preamble.

WHEREAS Margaret McCallum Cameron Baird Brine, residing at the city of Montreal, in the province of Quebec, clerk, wife of Kenneth Gordon Henry Brine, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1943, at the said city, she then being Margaret McCallum Cameron Baird, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret McCallum Cameron Baird and Kenneth Gordon Henry Brine, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret McCallum Cameron Baird may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kenneth Gordon Henry Brine had not been solemnized.

Fourth Session Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL L[9].

An Act for the relief of Leila May Willett Ascah.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5160

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL L[9].

An Act for the relief of Leila May Willett Ascah.

Preamble.

WHEREAS Leila May Willett Ascah, residing at the city of Montreal, in the province of Quebec, wife of John Watson Garland Ascah, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of August, A.D. 1926, at the city of Quebec, in the said province, she then being Leila May Willett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leila May Willett and John Watson Garland Ascah, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leila May Willett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Watson Garland Ascah had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M9.

An Act for the relief of Joseph Ulric Stanislas Caron.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7835

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M⁹.

An Act for the relief of Joseph Ulric Stanislas Caron.

Preamble.

WHEREAS Joseph Ulric Stanislas Caron, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, detective, has by his petition alleged that on the fifth day of December A.D. 1927, at the said city, he and Marie Alina Picard, who was then of the said city, a spinster were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Ulric Stanislas Caron and Marie Alina Picard, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Ulric Stanislas Caron may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Alina Picard had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL N9.

An Act for the relief of Edith Elizabeth Walker.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6442

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N⁹.

An Act for the relief of Edith Elizabeth Walker.

Preamble.

WHEREAS Edith Elizabeth Walker, residing at the town of Mount Royal, in the province of Quebec, secretary, wife of William Edward Walker, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the fifth day of July, A.D. 1935, at the town of Barnstable, in the state of Massachusetts, one of the United States of America, she then being Edith Elizabeth Stanley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Elizabeth Stanley and William Edward Walker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Elizabeth Stanley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Edward Walker had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48

THE SENATE OF CANADA

BILL O9.

An Act for the relief of Yvonne Jeanne Leslie.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9763

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL O⁹.

An Act for the relief of Yvonne Jeanne Leslie.

Preamble.

WHEREAS Yvonne Jeanne Leslie, residing at the city of Montreal, in the province of Quebec, wife of William Wilson Leslie, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the eighteenth day of June, A.D. 1945, at the said city of Montreal, she then being Yvonne Jeanne de Bergasa, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Yvonne Jeanne de Bergasa and William Wilson Leslie, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Yvonne Jeanne de Bergasa may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Wilson Leslie had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P9.

An Act for the relief of Bertha (Brana) Hindes Ramer.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1573

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P9.

An Act for the relief of Bertha (Brana) Hindes Ramer.

Preamble.

WHEREAS Bertha (Brana) Hindes Ramer, residing at the city of Montreal, in the province of Quebec, agent, wife of Eli Ramer, who is domiciled in Canada and residing at town of St. Lambert, in the said province, has by her petition alleged that they were married on the twentieth day of June, A.D. 1922, at the city of Chernowitz, province of Bukovina, Roumania, she then being Bertha (Brana) Hindes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Bertha (Brana) Hindes and Eli Ramer, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Bertha (Brana) Hindes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Eli Ramer had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Q9.

An Act for the relief of Ellen Gertrude Hinks Fairhurst.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7946

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Q[9].

An Act for the relief of Ellen Gertrude Hinks Fairhurst.

Preamble.

WHEREAS Ellen Gertrude Hinks Fairhurst, residing at the city of Montreal, in the province of Quebec, seamstress, wife of James Henry Fairhurst, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of May, A.D. 1930, at the said city, she then being Ellen Gertrude Hinks, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ellen Gertrude Hinks and James Henry Fairhurst, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ellen Gertrude Hinks may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Henry Fairhurst had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R[9].

An Act for the relief of Shirley Marder Berman.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5164

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R⁹.

An Act for the relief of Shirley Marder Berman.

Preamble.

WHEREAS Shirley Marder Berman, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Samuel Berman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirteenth day of June, A.D. 1943, at the said city, she then being Shirley Marder, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Shirley Marder and Samuel Berman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Shirley Marder may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Berman had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S9.

An Act for the relief of Vera Maud Thayer Gunn.

Read a first time, Tuesday, 4th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7942

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S[9].

An Act for the relief of Vera Maud Thayer Gunn.

Preamble.

WHEREAS Vera Maud Thayer Gunn, residing at the city of Montreal, in the province of Quebec, typist, wife of Gilbert George Gunn, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifth day of November, A.D. 1940, at the said city, she then being Vera Maud Thayer, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Vera Maud Thayer and Gilbert George Gunn, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Vera Maud Thayer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gilbert George Gunn had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL T9.

An Act respecting the Dominion Bureau of Statistics.

Read a first time, Tuesday, 4th May, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
12168 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL T9.

An Act respecting the Dominion Bureau of Statistics.

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

Short Title.

Short title.

1. This Act may be cited as *The Statistics Act*.

Interpretation.

Definitions.

2. In this Act,

"Bureau". *(a)* "Bureau" means the Dominion Bureau of Statistics;

"carrier". *(b)* "carrier" means any person engaged in the business of transporting goods, wares, or merchandise by land, water or air, including an express company;

"department". *(c)* "department" includes any branch or agency of the Government of Canada or of the government of a province, as the case may be;

"Minister". *(d)* "Minister" means the Minister of Trade and Commerce;

"public utility". *(e)* "public utility" means (i) any person owning, operating or managing an undertaking for the supply of electricity, gas or water or for the transmission of oil by pipe line; and (ii) any telegraph, cable or telephone company;

"regulation". *(f)* "regulation" means any regulation, order, rule or instruction made or issued under this Act.

General.

Dominion Bureau of Statistics.

3. There shall be a Bureau under the Minister, to be called the Dominion Bureau of Statistics, the duties of which shall be

Explanatory Notes.

The purpose of this Bill is to revoke and replace the present Statistics Act, R.S.C., c. 190. The changes are so numerous and important that it is considered advisable to have a new Act. Underlining and perpendicular marginal lines indicate the changes.

1. The title is unchanged.

2. In Section 2, clause *(c)* is new and clauses *(b)* and *(e)* provide new definitions relating to the Bureau's authority to secure statistics from road and air transport organizations and public utilities. They replace the present definition of "transportation company" which reads:

> "*(d)* 'transportation company' means any railway, telegraph, telephone and express company and any carrier by water."

Clause *(f)* is amended to include the underlined expressions used in the text.

3. As revised, this Section expresses more completely the basic functions of the Bureau.

To collect statistical information.

(a) to collect, compile, analyse, abstract and publish statistical information relative to the commercial, industrial, financial, social, economic and general activities and condition of the people;

To collaborate with Government departments.

(b) to collaborate with all other departments of the Government in the collection, compilation and publication of statistical records of administration according to any regulations;

To take the census.

(c) to take the census of Canada as provided in this Act; and

To maintain a co-ordinated system of social and economic statistics.

(d) generally to organize a scheme of co-ordinated social and economic statistics pertaining to the whole of Canada and to each of the provinces thereof.

Dominion Statistician, appointment and duties.

4. (1) The Governor in Council may appoint an officer to be called the Dominion Statistician, who shall hold office during pleasure, and whose duties shall be, under the direction of the Minister,

(a) to advise on all matters pertaining to statistical policy and to confer with the several departments of Government to that end;

(b) to organize and maintain a scheme of co-operation in the collection, classification and publication of statistics as between the several departments of Government;

(c) to supervise generally the administration of this Act and to control the operations and staff of the Bureau; and

(d) to report annually to the Minister with regard to the work of the Bureau during the preceding year.

Officials.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Bureau may be appointed in the manner authorized by law.

Commissioners, enumerators, and agents.

5. The Minister may employ from time to time, in the manner authorized by law, such commissioners, enumerators, agents or persons as are necessary to collect for the Bureau such statistics and information as he deems useful and in the public interest, relating to such commercial, industrial, financial, social, economic and other activities as he may determine, and the duties of such commissioners, enumerators, agents or persons shall be such as the Minister prescribes.

4. Paragraphs *(a)* to *(d)* of subsection (1) of Section 4 define more adequately the duties of the Dominion Statistician. Present subsection (1) reads as follows:

"The Governor in Council may appoint an officer to be called the Dominion Statistician, who shall hold office during pleasure, whose duties shall be, under the direction of the Minister, to prepare all schedules, forms and instructions, and generally to supervise and control the Bureau, and to report annually to the Minister with regard to the work of the Bureau during the preceding year."

Subsection (2) is unchanged except that the unnecessary words "and shall hold office during pleasure" which conclude the present subsection have been deleted.

5. Section 5 is merely a grammatical re-arrangement of the present wording without change in effect.

Oath of office.

6. (1) Every officer, census commissioner, enumerator, agent and other person employed in the execution of any duty under this Act or under any regulation, before entering on his duties, shall take and subscribe the following oath:

I,....., solemnly swear that I will faithfully and honestly fulfil my duties as.....

.....

.....

in conformity with the requirements of the Statistics Act and of all regulations thereunder, and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such.....

Attestation.

(2) The oath shall be taken before such person, and returned and recorded in such manner as the Minister prescribes.

7. The Minister shall:

Rules.

(a) make and prescribe such rules, regulations, instructions, schedules and forms as he deems requisite for conducting the work and business of the Bureau, the collecting, compiling and publishing of statistics and other information and the taking of any census authorized by this Act;

Verification.

(b) prescribe what schedules, returns and information are to be verified by oath, the form of oath to be taken, and shall specify the officers and persons by and before whom the said oaths are to be taken.

STATISTICS.

No discrimination.

8. (1) The Governor in Council shall not, nor shall the Minister, in the execution of the powers conferred by this Act, discriminate between individuals or companies to the prejudice of any such individuals or companies.

Collection of statistics by "sampling".

(2) Notwithstanding anything in this Act, the Minister may authorize the collection of statistics by means of the statistical method known as "sampling".

Arrangements with provincial governments.

9. (1) The Minister may enter into any arrangement with the government of any province providing for any matter necessary or convenient for the purpose of carrying out or giving effect to this Act, and in particular for all or any of the following matters:

(a) the execution by provincial officers of any power or duty conferred or imposed on any officer under this Act or any regulation;

(b) the collection by any provincial department or officer of any statistical or other information required for the purpose of carrying out this Act; and

6. Section 6 re-enacts present Section 6, substituting the word "regulations" for the expression "proclamations, orders in council and instructions."

7. The only change is the insertion of the underlined words more fully defining the matters on which there should be Ministerial direction.

8. Subsection (1) is unchanged.

Subsection (2) is new. It will facilitate the use of the sampling method in providing economically and at short notice essential information which could otherwise be obtained only through much more extensive and costly methods of investigation. Frequently, information can be secured by the sampling method with so small a margin of error as to make complete enumeration unnecessary and uneconomical. Sampling also reduces the burden of questionnaires.

9. No change, except that in subsections (1) and (2) the words "any regulation" replace the words "the regulations", and subsection (3) provides for a fine that is not otherwise provided for in the Act.

(c) the supplying of statistical information by any provincial department or officer to the Dominion Statistician.

Provincial officers.

(2) All provincial officers executing any power or duty conferred or imposed on any officer under this Act or any regulation, in pursuance of any arrangement entered into under this section, shall, for the purposes of the execution of that power or duty, be deemed to be officers under this Act.

Schedules that may be sent post free.

Regulations.

(3) All schedules or forms returned to a provincial department in pursuance of any arrangement entered into under this section shall be free of Canada postage, under such regulations as are from time to time made in that respect by the Governor in Council, and any person violating any such regulation is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars.

Penalty.

Access to public records.

10. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act can be obtained or which would aid in the completion or correction thereof, shall grant to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Dominion Statistician, access thereto for the obtaining of such information therefrom.

Inquiries.

11. The Minister may, by special letter of instruction, direct any officer, census commissioner or other person employed in the execution of this Act to make inquiry under oath as to any matter connected with the taking of the census or the collection of statistics or other information or the ascertaining or correction of any supposed defect or inaccuracy therein; and such officer, census commissioner or other person shall then have the same power as is vested in any court of justice, of summoning any person, of enforcing his attendance and of requiring and compelling him to give evidence on oath, whether orally or in writing, and to produce such documents and things as such officer, census commissioner or other person deems requisite to the full investigation of such matter or matters.

Evidence of appointment.

12. Any letter purporting to be signed

(a) by the Minister or the Dominion Statistician, or by any person thereunto authorized by the Governor in Council, and giving notice of any appointment or removal of or setting forth any instructions to any person employed in the execution of this Act; or

10. No change.

11. No change.

12. The only change is re-arrangement to clarify the intent.

(*b*) by any officer, census commissioner or other person thereunto duly authorized, giving notice of any appointment or removal of or setting forth any instructions to any person employed under the superintendence of the signer thereof,

shall be, respectively, *prima facie* evidence of such appointment, removal or instructions, and that such letter was signed and addressed as it purports to be.

Presumption.

13. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of a census, or the collection of statistics or other information, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form or as setting forth such instructions, shall be presumed to have been supplied by the proper authority to the person so producing it, and shall be *prima facie* evidence of all instructions therein set forth.

Remuneration.

14. (1) The Minister shall, subject to the approval of the Governor in Council, cause to be prepared one or more tables setting forth the rates of remuneration or allowances for the several census commissioners, enumerators, agents and other persons employed in the execution of this Act, which may be a fixed sum, a rate per diem, or a scale of fees, together with allowances for expenses.

Voted by Parliament.

(2) Such remuneration or allowances and all expenses incurred in carrying this Act into effect shall be paid out of moneys provided by Parliament for that purpose.

Condition of payment.

(3) No remuneration or allowance shall be paid to any person for any service performed in connection with this Act until the service required of such person has been faithfully and entirely performed.

Secrecy.

No individual return to be published or divulged.

15. (1) No individual return and no part of an individual return made, and no answer to any question put, for the purposes of this Act, shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person, other than a person employed by the Bureau or working under arrangement with the Bureau and sworn under section six, be permitted to see any such individual return, part or answer.

13. No change.

14. No change.

15. In subsection (1), the underlined words are added to meet the needs of Government Departments, in order to avoid duplication of returns and to preserve secrecy.

No report to reveal individual particulars.

(2) No report, summary of statistics or other publication under this Act shall contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

(3) This section does not apply to returns or answers made pursuant to section twenty-five or section twenty-six.

Census of Population and Agriculture.

Census of population and agriculture every tenth year.

16. The census of population and agriculture of Canada shall be taken by the Bureau, under the direction of the Minister, in the month of June in the year one thousand nine hundred and fifty-one and every tenth year thereafter, on a day to be fixed by the Governor in Council.

Manitoba, Saskatchewan and Alberta.

17. A census of population and agriculture of the provinces of Manitoba, Saskatchewan and Alberta shall be taken by the Bureau, under the direction of the Minister, in the month of June in the year one thousand nine hundred and fifty-six and every tenth year thereafter, on a day to be fixed by the Governor in Council.

Census districts.

18. The Governor in Council shall divide the country in respect of which the census is to be taken into census districts, and each census district into subdistricts to correspond respectively, as nearly as may be, with the electoral divisions and subdivisions for the time being, and in territories not so defined or so situated as to admit of adhering to boundaries already established, into special divisions and subdivisions, for the purpose of the census.

Details.

19. (1) Each census of population and agriculture shall be so taken as to ascertain with the utmost possible accuracy for the various territorial divisions of Canada, or of the provinces of Manitoba, Saskatchewan and Alberta, as the case may be,

(a) their population and the classification thereof, as regards name, age, sex, conjugal condition, relationship to head of household, nationality, race, education, wage-earnings, religion, profession or occupation and otherwise;

(b) the number of houses for habitation, whether occupied or vacant, under construction or otherwise, the materials thereof and the number of rooms inhabited;

(c) the area of occupied land and its value and its condition thereof as improved for cultivation, in fallow, in forest, unbroken prairie, marsh or waste land, and otherwise; the tenure and acreage of farms and the value of farms, buildings and implements;

Subsection (2) is unchanged.

Subsection (3) is added for clarification. It replaces the words "except as hereinafter set forth" presently contained in subsection (1) and which have been deleted therefrom. No change in actual practice is involved.

16. No change except to change the year from 1931 to 1951 and to re-arrange the language for clarification.

17. No change except to change the year from 1936 to 1956 and to re-arrange the language for clarification.

18. No change.

19. In subsection (1) of Section 19, present clause *(f)* has been re-lettered as *(e)* and present clause *(e)* has been deleted. It reads:

"*(e)* the municipal, educational, charitable, penal and other institutions thereof;"

The statistics referred to in the deleted clause are now collected annually with the co-operation of the appropriate authorities.

(d) the products of farms, with the values of such products and the number and value of domestic animals within the preceding census or calendar year; and

(e) such other matters as may be prescribed by the Governor in Council.

(2) To promote economy, the method of statistical sampling may be used for the securing of some of the information specified in subsection one if, in the opinion of the Dominion Statistician, the sampling method will yield data adequate to meet census needs and the Dominion Statistician may, as he deems advisable, omit some of such information from the quinquennial census if, in his opinion, the change at five-year intervals is not of sufficient importance to warrant the expense of collection and compilation.

Census of Industry, Construction, Trading and Service Establishments, Etc.

Census of industry, etc.

20. A census with regard to mines, quarries, fisheries and forests, and of manufacturing, construction, commercial, and service establishments, and of such other industrial, trading, business and professional activities as may be prescribed by the Minister, shall be taken at such intervals as the Minister may direct, so as to ascertain with the utmost possible accuracy the products and operations thereof.

Statistical data.

21. (1) The Dominion Statistician shall, under the direction of the Minister, prepare forms for the collection of such data as may be, in his judgment, desirable for the proper presentation of industrial statistics, and the said forms shall embody inquiries as to the

(a) name under which business is carried on;

(b) kind of goods manufactured or business done;

(c) capital invested;

(d) principal stock or raw materials used, and total value thereof;

(e) gross quantity and value of articles manufactured;

(f) number of persons employed, distinguished as to sex, adults and children;

(g) power used or generated;

(h) total wages and salaries paid;

(i) number of days on which business was carried on, and any other special matter.

Completion of forms.

(2) The Minister may employ agents or other persons for the collection of the statistics referred to in subsection one or a form may be sent to the person from whom information is desired and such person shall answer the inquiries

Subsection (2) is added to save unnecessary expense.

20. Section 20 is a revision of present Section 20. Its express extension to the construction industry and to commercial and service establishments involves no important change in practice, the Bureau, by authorization, having taken an annual census of the construction industry since 1934, and having included a census of commercial and service establishments in the decennial census of 1931 and of 1941. Present Section 20 reads:

"**20.** A census of the products of industry shall be taken at such intervals as may be determined by the Minister, so as to ascertain with the utmost possible accuracy

(a) the products of all mines and quarries, fisheries, forests, manufacturing establishments, and the number and kind of buildings and other works of construction used in connection with the same;

(b) any other trade and business which may be prescribed, with the quantity of real estate and the number and kind of buildings and plant used in connection therewith; and

(c) any other matters that may be prescribed by the Minister."

21. In subsection (1), corrections only are made.

Subsection (2) is re-arranged and enables the forms to be sent to the proper organizations, the members or officers of which from time to time may be unknown to the Bureau.

thereon and return the same to the Bureau, properly certified as accurate, not later than the time prescribed thereon or such extended time as the Minister in his discretion may allow.

Statistics of commerce and navigation compiled in annual report.

Contents of annual report.

22. The Dominion Statistician shall, under the direction of the Minister,

(a) annually prepare a report on the statistics of commerce and navigation of Canada with foreign countries, which shall, according to the principles and in the manner defined in the regulations,

(i) state the kinds, quantities and values of the merchandise entered and cleared coastwise into and from the customs collection ports of Canada,

(ii) comprehend all goods, wares and merchandise exported from Canada to other countries,

(iii) comprehend all goods, wares and merchandise imported into Canada from other countries,

(iv) comprehend all navigation employed in the foreign trade of Canada;

Monthly reports.

(b) prepare and publish monthly reports of the exports and imports of Canada, including the quantities and values of accounts drawn from the warehouse and such other statistics relative to the trade and industry of the country as the Minister may consider expedient.

Returns of imports and exports from customs.

23. The Department of National Revenue shall send to the Dominion Statistician, in such manner and form and at such periods as the Governor in Council may prescribe, returns of imports from and exports to foreign countries arriving at or leaving Canada by water, land or air, and of the navigation employed in the foreign trade of Canada.

Domestic trade.

24. The Dominion Statistician shall prepare and make a report annually containing the results of any information collected during the preceding year upon the domestic trade of Canada.

Carriers and Public Utilities.

Annual returns of carriers and public utilities.

25. (1) When so required by the Minister, every carrier and public utility shall annually prepare returns in such form as may be prescribed by the Governor in Council with respect to its operations.

Certification.

(2) Such returns shall be signed and certified as accurate by the individual concerned or by the secretary or other responsible officer if the carrier or public utility is a corporation.

22. No change.

23. In this section, the words "land or air" replace the word "rail" in order to include trade by all means of transportation.

24. No change.

25. This section is a revision of present Section 25. In order to meet govermental needs and public demand, "transportation company" has been changed to "carrier" and "public utility" has been added. The revision simplifies the requirements, as attestation upon oath has been replaced by mere certification. Present Section 25 reads as follows:

"**25.** Every transportation company shall annually prepare returns in such form as may be prescribed by the Governor in Council with respect to its capital, traffic equipment, working expenditure, and such other information as the Governor in Council may prescribe.

(2) Such returns shall be dated and signed by and attested upon the oath of the secretary or some other chief officer of the company, and shall also be attested upon the oath of the president, or, in his absence, of the vice-president or manager of the company.

Period included.

(3) Such returns shall be made for the period beginning from the day to which the then last yearly returns made by the carrier or public utility extended, or if no such returns have been previously made, from the commencement of the operation of the carrier or public utility and ending with the last day of December in the year for which the returns are to be made or with such other day as the Minister may direct.

Date of forwarding.

(4) Such returns, completed as required by this section, shall be forwarded by such carrier or public utility to the Dominion Statistician within one month after the first day of February in each year or within one month after any other day directed by the Minister under subsection three.

Monthly returns.

26. (1) When so required by the Minister, every carrier shall prepare returns of his traffic and operations monthly, and every public utility shall prepare returns of its operations monthly, that is to say, from the first to the close of the month inclusive; such returns to be in accordance with the form prepared by the Dominion Statistician and approved by the Minister.

Date of forwarding.

(2) Such return, signed by the individual concerned or, if the carrier or public utility is a corporation, by an officer responsible for the correctness of the same, shall be forwarded to the Dominion Statistician within forty-five days from the end of the month to which the return relates.

Returns to be privileged.

27. All returns made in pursuance of section twenty-five or twenty-six shall be privileged communications and shall not be evidence in any court whatever, except in any prosecution for

(a) default in making such returns in accordance with the requirements of this Act;

(b) perjury in making any oath required by this Act in connection with such returns;

(c) forgery of any such return; or

(d) signing any such return knowing the same to be false.

Criminal Statistics.

Courts to furnish criminal statistics.

28. The clerk of every court or tribunal administering criminal justice, or in case of there being no clerk, the judge or other functionary presiding over such court or tribunal shall, before the end of October in each year, fill in and transmit to the Dominion Statistician, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the

(3) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company extended, or if no such returns have been previously made, from the commencement of the operation of the company and ending with the last day of December in the year for which the returns are to be made or with such other date as the Minister may direct.

(4) Such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Dominion Statistician within one month after the first day of February in each year or within one month after any other date directed by the Minister under the last preceding subsection."

26. This Section is a revision of present Section 26 so as to deal with monthly returns by carriers and public utilities. Present Section 26 reads as follows:

"**26.** Every transportation company shall prepare returns of its traffic monthly, that is to say, from the first to the close of the month inclusive; such returns to be in accordance with the form prepared by the Dominion Statistician and approved by the Minister.

(2) A copy of such returns, signed by the officer of the company responsible for the correctness of the same shall be forwarded by the company to the Dominion Statistician within seven days from the day to which the said returns have been prepared."

27. No change except as to cross-reference.

28. No change.

Dominion Statistician relating to the criminal business transacted in such court or tribunal.

Wardens and sheriffs.

29. The warden of every penitentiary and reformatory and the sheriff of every county and district shall, before the end of October in each year, fill in and transmit to the Dominion Statistician, for the year ending the thirtieth day of September preceding, such schedules as he receives from time to time from the Dominion Statistician relating to the prisoners committed to the penitentiary, reformatory or jail.

Records.

30. Every person required to transmit any schedules mentioned in section twenty-eight or twenty-nine shall from day to day make and keep entries and records of the particulars to be comprised in such schedules.

Pardons.

31. The Secretary of State shall, before the end of October in each year, cause to be filled in and transmitted to the Dominion Statistician such schedules for the year ending the thirtieth day of September last preceding, relative to the cases in which the prerogative of mercy has been exercised, as the Minister may prescribe.

GENERAL STATISTICS.

General statistics.

32. Subject to the direction of the Minister, the Bureau shall collect, compile, analyse, abstract and publish statistics in relation to all or any of the following matters:

(a) population;
(b) births, deaths, marriages, divorces;
(c) epidemiology, morbidity;
(d) immigration and emigration;
(e) employment, unemployment, payrolls, man-hours;
(f) agriculture, horticulture, dairying, cold storage;
(g) factories, mines and productive industries generally;
(h) education;
(i) public and private finance;
(j) wholesale and retail trade and supplying of services;
(k) hospitals, mental institutions, tuberculosis institutions, charitable and benevolent institutions;
(l) prices and cost of living;
(m) any other matters prescribed by the Minister or by the Governor in Council.

Special statistics.

33. The Governor in Council may authorize the Minister to have any special statistical investigation made that is deemed advisable, and may prescribe the manner and by what means such investigation shall be made.

29. No change.

30. No change, except that the present words "any such schedules" is replaced by the underlined words.

31. This Section re-enacts present section 32.

Present Section 31 has been deleted as being no longer needed by the Bureau or by the Department of Finance. It reads:

"**31.** Every officer required to transmit to the Minister of Finance true copies of returns made by justices of the peace shall, before the end of October in each year, transmit to the Minister true copies of all such returns for the year ending the thirtieth day of September last preceding."

32. Section 32 replaces present section 33 of the Act. The statistics indicated by underlining have been heretofore obtained under prescription of the Minister or Governor in Council.

33. Section 33 re-enacts present section 34 of the Act.

Offences and Penalties.

34. Every person employed in the execution of any duty under this Act or any regulation who,

Desertion or false declaration.

(a) after having taken the prescribed oath, deserts from his duty, or wilfully makes any false declaration, statement or return touching any such matter; or

Unlawful information.

(b) in the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not duly authorized to obtain, or

Improperly divulging information.

(c) fails to keep inviolate the secrecy of the information gathered or entered on the schedules and forms, and who, except as allowed by this Act and the regulations, divulges the contents of any schedule or form filled in, in pursuance of this Act or any regulation, or any information furnished in pursuance of this Act or any regulation;

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding three hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months and not less than one month, or to both fine and imprisonment.

35. Every person who, without lawful excuse,

Refusal to answer or gives false answer.

(a) refuses or neglects to answer, or wilfully answers falsely, any question requisite for obtaining any information sought in respect of the objects of this Act or any regulation, or pertinent thereto, which has been asked of him by any person employed in the execution of any duty under this Act or any regulation; or

Refusal or neglect, false information or deception.

(b) refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form which he has been required to fill in, and to return the same when and as required of him under this Act or any regulation, or wilfully gives false information or practises any other deception thereunder;

is, for every such refusal or neglect, or false answer or deception, guilty of an offence and is liable, upon summary

Penalty.

conviction, to a fine not exceeding one hundred dollars and not less than twenty dollars, or to imprisonment for a term not exceeding three months and not less than one month, or to both fine and imprisonment.

Wilful refusal or neglect to grant access to records.

36. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act or any regulations can be obtained, or which would aid in the completion or correction thereof, who

34. Section 34 re-enacts section 35 of the Act, the underlined word "is" replacing the words "shall be".

35. Section 35 re-enacts present Section 36 of the Act, substituting "one month" for "thirty days" in conformity with the other sections, and substituting "is" for "shall be".

36. Section 36 re-enacts present Section 37 of the Act.

refuses or neglects to grant access thereto to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Dominion Statistician, and every person who wilfully hinders or seeks to prevent or obstruct such access, or otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act or any regulation, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding three hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months and not less than one month, or to both fine and imprisonment.

Leaving notice.

37. The leaving by an enumerator, agent or other person employed in the execution of this Act or any regulation, at any house or part of a house, of any schedule or form purporting to be issued under this Act or any regulation, and having thereon a notice requiring that it be filled in and signed within a stated time by the occupant of such house or part of a house, or in his absence by some other member of the family, shall, as against the occupant, be a sufficient requirement so to fill in and sign the schedule or form, though the occupant is not named in the notice, or personally served therewith.

Leaving notice at office.

38. The leaving by an enumerator or agent or other person employed in the execution of this Act or any regulation at the office or other place of business of any person or the delivery by registered letter to any person or his agent, of any schedule or form purporting to be issued under this Act or any regulation, and having thereon a notice requiring that it be filled in and signed within a stated time, shall, as against the person be a sufficient requirement to fill in and sign the schedule or form, and if so required in the notice, to mail the schedule or form within a stated time to the Bureau.

Disclosing secret information.

Unauthorized use of information.

Penalty.

39. Every person employed under this Act who

(a) wilfully discloses or makes known directly or indirectly to any person not entitled under this Act or any regulation to receive the same, any information obtained by him in the course of his employment which might exert an influence upon or affect the market value of any product or article, or

(b) uses any such information for the purpose of speculating in any product or article,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

37. Section 37 re-enacts present Section 38 of the Act.

38. Section 38 re-enacts present Section 39 of the Act, the underlined words being inserted in conformity with the preceding section.

39. Section 39 is new. Its purpose is to ensure against abuse of information.

Application of fines.

40. Any fine imposed and recovered for any offence under this Act shall belong to His Majesty for the public uses of Canada, but the Minister may authorize the payment of one-half of any such fine to the prosecutor.

Limitation of time for prosecution.

41. Where an offence against this Act or any regulation has been committed the complaint may be made or the information laid within twelve months from the time when the matter of the complaint or information arose.

Repeal.

42. The *Statistics Act*, chapter one hundred and ninety of the Revised Statutes of Canada, 1927, is repealed.

40. Section 40 re-enacts present Section 40 of the Act.

41. Section 41 is new. Section 1142 of the Criminal Code provides that, if no time limit is fixed in the Act relating to a case, summary conviction proceedings may not be taken after "six months from the time when the matter of the complaint or information arose." That time-limit is inappropriate to statistics and places difficulties in the way of departmental acts of grace relating to extension of time for the furnishing of returns, many of which are not furnished within six months of due date.

42. Section 42 is self-explanatory.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL U9.

An Act to amend the Canada Evidence Act.

Read a first time, Wednesday, 5th May, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

12268

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U9.

An Act to amend the Canada Evidence Act.

R.S., c. 59; 1931, c. 5; 1938, c. 4; 1940, c. 5; 1942-43, c. 19; 1943-44, c. 20; 1947, cc. 13, 14.

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

1. Subsection two of section four of the *Canada Evidence Act*, chapter fifty-nine of the Revised Statutes of Canada, 1927, as enacted by section one of chapter four of the statutes of 1938, is repealed and the following substituted therefor:

Wife or husband competent and compellable witness for prosecution.

"(2) The wife or husband of a person charged with an offence against *The Juvenile Delinquents Act* or with an offence against any of the sections two hundred and two to two hundred and six, inclusive, two hundred and eleven to two hundred and nineteen, inclusive, two hundred and thirty-eight, two hundred and thirty-nine, two hundred and forty-two, subsection three, two hundred and forty-four, two hundred and forty-five, two hundred and ninety-eight to three hundred and two, inclusive, three hundred and eight to three hundred and eleven, inclusive, three hundred and thirteen to three hundred and sixteen, inclusive, and three hundred and fifty-four of the *Criminal Code*, shall be a competent and compellable witness for the prosecution without the consent of the person charged."

1929, c. 46.

R.S., c. 36.

Explanatory Note.

The purpose of this amendment is to make the wife or the husband a competent and compellable witness for the prosecution in a charge against the other under *The Juvenile Delinquents Act*, chapter 46 of the statutes of 1929.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL V9.

An Act for the relief of Joseph Chiarella.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6532

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V⁹.

An Act for the relief of Joseph Chiarella.

Preamble.

WHEREAS Joseph Chiarella, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, contractor, has by his petition alleged that on the twenty-sixth day of August, A.D. 1933, at the said city, he and Elmerinda Poce, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Chiarella and Elmerinda Poce, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Chiarella may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elmerinda Poce had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W9.

An Act for the relief of Merle Allene Dalton.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
5603 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W9.

An Act for the relief of Merle Allene Dalton.

Preamble.

WHEREAS Merle Allene Dalton, residing at the village of Mosherville, in the province of Nova Scotia, teacher, wife of George Horatio Dalton, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the sixth day of October, A.D. 1945, at Cornwallis, in the said province of Nova Scotia, she then being Merle Allene Anthony, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Merle Allene Anthony and George Horatio Dalton, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Merle Allene Anthony may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Horatio Dalton had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X[9].

An Act for the relief of George Nestor Cloutier.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5285

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X⁹.

An Act for the relief of George Nestor Cloutier.

Preamble.

WHEREAS George Nestor Cloutier, domiciled in Canada and residing at the village of Roxton Pond, in the province of Quebec, cost accountant, has by his petition alleged that on the twenty-ninth day of July, A.D. 1944, at the city of Granby, in the said province, he and Ellen Kennedy, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between George Nestor Cloutier and Ellen Kennedy, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Nestor Cloutier may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ellen Kennedy had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Y[10].

An Act for the relief of Rae Bellam Baron.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7708

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Y[10].

An Act for the relief of Rae Bellam Baron.

Preamble.

WHEREAS Rae Bellam Baron, residing at the city of Outremont, in the province of Quebec, milliner, wife of Joseph Baron, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-third day of December, A.D. 1945, at the said city of Montreal, she then being Rae Bellam Litwin, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rae Bellam Litwin and Joseph Baron, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rae Bellam Litwin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Baron had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Z[9].

An Act for the relief of Rhea Lillian Appel Ostroff.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7086

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Z⁹.

An Act for the relief of Rhea Lillian Appel Ostroff.

Preamble.

WHEREAS Rhea Lillian Appel Ostroff, residing at the city of Ottawa, in the province of Ontario, book-keeper, wife of Sam Ostroff, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the first day of September, A.D. 1940, at the said city of Montreal, she then being Rhea Lillian Appel, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rhea Lillian Appel and Sam Ostroff, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rhea Lillian Appel may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sam Ostroff had not been solemnized.

Fourth Session, Twentieth Parliament. 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL A[10].

An Act for the relief of Alice Elizabeth Tucker Shaw.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7720

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A[10].

An Act for the relief of Alice Elizabeth Tucker Shaw.

Preamble.

WHEREAS Alice Elizabeth Tucker Shaw, residing at the city of Verdun, in the province of Quebec, clerk, wife of Henry David Shaw, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of November, A.D. 1937, at the said city, she then being Alice Elizabeth Tucker, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Elizabeth Tucker and Henry David Shaw, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Elizabeth Tucker may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry David Shaw had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL B[10].

An Act for the relief of Libby Raikles Lerner.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6454

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[10].

An Act for the relief of Libby Raikles Lerner.

Preamble.

WHEREAS Libby Raikles Lerner, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Sol Lerner, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of September, A.D. 1946, at the said city, she then being Libby Raikles, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Libby Raikles and Sol Lerner, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Libby Raikles may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sol Lerner had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL C[10].

An Act for the relief of Beatrice Catherine McCabe Sowerby.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7078

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL C[10].

An Act for the relief of Beatrice Catherine McCabe Sowerby.

Preamble.

WHEREAS Beatrice Catherine McCabe Sowerby, residing at the city of Outremont, in the province of Quebec, wife of John Ralph Sowerby, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-eighth day of July, A.D. 1939, at the city of Toronto, in the province of Ontario, she then being Beatrice Catherine McCabe, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Beatrice Catherine McCabe and John Ralph Sowerby, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Beatrice Catherine McCabe may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Ralph Sowerby had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D[10].

An Act for the relief of John Morrell.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6462

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D[10].

An Act for the relief of John Morrell.

Preamble.

WHEREAS John Morrell, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, marine mechanic, has by his petition alleged that on the twenty-first day of August, A.D. 1920, at the city of Montreal, in the said province, he and Rita Chandler, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Morrell and Rita Chandler, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Morrell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Rita Chandler had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E[10].

An Act for the relief of Lily White Borgan.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5767

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E[10].

An Act for the relief of Lily White Borgan.

Preamble.

WHEREAS Lily White Borgan, residing at the city of Vancouver, in the province of British Columbia, house maid, wife of Philip Borgan, who is domiciled in Canada and residing at the town of St. Ignace de Stanbridge, in the province of Quebec, has by her petition alleged that they were married on the eighteenth day of February, A.D. 1933, at the city of Montreal, in the said province of Quebec, she then being Lily White, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lily White and Philip Borgan, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lily White may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Philip Borgan had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F[10].

An Act for the relief of James Donald Bacon.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5990

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F[10].

An Act for the relief of James Donald Bacon.

Preamble.

WHEREAS James Donald Bacon, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, supervisor, has by his petition alleged that on the nineteenth day of October, A.D. 1940, at the said city, he and Gwendolyn Florence Adkins, who was then of the city of Lachine, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between James Donald Bacon and Gwendolyn Florence Adkins, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Donald Bacon may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Gwendolyn Florence Adkins had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[10].

An Act for the relief of Laurel Gwendolyn Wilband Walsh.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5759

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[10].

An Act for the relief of Laurel Gwendolyn Wilband Walsh.

Preamble.

WHEREAS Laurel Gwendolyn Wilband Walsh, residing at the town of Amherst, in the province of Nova Scotia, nurse's aid, wife of John Curry Walsh, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the nineteenth day of October, A.D. 1939, at the said town, she then being Laurel Gwendolyn Wilband, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Laurel Gwendolyn Wilband and John Curry Walsh, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Laurel Gwendolyn Wilband may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Curry Walsh had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL H[10].

An Act for the relief of Lillian Eileen Rendle Nadler.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5869

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[10].

An Act for the relief of Lillian Eileen Rendle Nadler.

Preamble.

WHEREAS Lillian Eileen Rendle Nadler, residing at the city of Montreal, in the province of Quebec, wife of Allan Nadler, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the seventh day of May, A.D. 1945, at the city of Glasgow, Scotland, she then being Lillian Eileen Rendle, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lillian Eileen Rendle and Allan Nadler, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lillian Eileen Rendle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Allan Nadler had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[10].

An Act for the relief of Claire Alice Tucker Vincent.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1777

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[10].

An Act for the relief of Claire Alice Tucker Vincent.

Preamble.

WHEREAS Claire Alice Tucker Vincent, residing at the town of Longueuil, in the province of Quebec, teacher, wife of Wade Douglas Vincent, who is domiciled in Canada and residing at the town of Sutton, in the said province, has by her petition alleged that they were married on the twelfth day of April, A.D. 1941, at the parish of Sutton, in the said province, she then being Claire Alice Tucker, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Claire Alice Tucker and Wade Douglas Vincent, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Claire Alice Tucker may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Wade Douglas Vincent had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48

THE SENATE OF CANADA

BILL J[10].

An Act for the relief of Audrey Beryl Fryer.

Read a first time, Thursday, 6th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5873

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J[10].

An Act for the relief of Audrey Beryl Fryer.

Preamble.

WHEREAS Audrey Beryl Fryer, residing at the city of Montreal, in the province of Quebec, operator, wife of Edward Walter Fryer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of September, A.D. 1940, at the city of Verdun, in the said province, she then being Audrey Beryl Clark, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Audrey Beryl Clark and Edward Walter Fryer, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Audrey Beryl Clark may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Walter Fryer had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[10].

An Act for the relief of Aldoria Rodier dit St. Martin.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6119

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[10].

An Act for the relief of Aldoria Rodier dit St. Martin.

Preamble.

WHEREAS Aldoria Rodier dit St. Martin, domiciled in Canada and residing at the city of Hull, in the province of Quebec, porter, has by his petition alleged that on the second day of September, A.D. 1929, at the said city, he and Parmelia Lamothe, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Aldoria Rodier dit St. Martin and Parmelia Lamothe, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Aldoria Rodier dit St. Martin may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Parmelia Lamothe had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL L[10].

An Act for the relief of Marguerite Pichette Sanzone.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9958

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL L[10].

An Act for the relief of Marguerite Pichette Sanzone.

Preamble.

WHEREAS Marguerite Pichette Sanzone, residing at the city of Montreal, in the province of Quebec, shoemaker, wife of Georges Sanzone, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighteenth day of April, A.D. 1928, at the said city, she then being Marguerite Pichette, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marguerite Pichette and Georges Sanzone, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marguerite Pichette may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Georges Sanzone had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL M[10].

An Act for the relief of Frederick Edward Sherman.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2657

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M[10].

An Act for the relief of Frederick Edward Sherman.

Preamble.

WHEREAS Frederick Edward Sherman, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, manager, has by his petition alleged that on the nineteenth day of December, A.D. 1931, at the said city, he and Jessie Margaret Allen, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery has been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frederick Edward Sherman and Jessie Margaret Allen, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frederick Edward Sherman may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Jessie Margaret Allen had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL N[10].

An Act for the relief of Joseph Leopold Joffre Viau.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5881

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N[10].

An Act for the relief of Joseph Leopold Joffre Viau.

Preamble.

WHEREAS Joseph Leopold Joffre Viau, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the twelfth day of May, A.D. 1941, at the said city, he and Marie Fabiola Pelletier, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Leopold Joffre Viau and Marie Fabiola Pelletier, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Leopold Joffre Viau may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Fabiola Pelletier had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL O[10].

An Act for the relief of Olga Timofy Ewaschuk.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8062

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL O[10].

An Act for the relief of Olga Timofy Ewaschuk.

Preamble.

WHEREAS Olga Timofy Ewaschuk, residing at the city of Montreal, in the province of Quebec, fur operator, wife of Eugene Ewaschuk, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of June, A.D. 1938, at the said city, she then being Olga Timofy, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Olga Timofy and Eugene Ewaschuk, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Olga Timofy may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Eugene Ewaschuk had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P[10].

An Act for the relief of Leie Snideman Tuchsneider, otherwise known as Lilly Schneidman Schneider.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9954

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P[10].

An Act for the relief of Leie Snideman Tuchsneider, otherwise known as Lilly Schneidman Schneider.

Preamble.

WHEREAS Leie Snideman Tuchsneider, otherwise known as Lilly Schneidman Schneider, residing at the city of Montreal, in the province of Quebec, seamstress, wife of Smuel Tuchsneider, otherwise known as Sam Schneider, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of August, A.D. 1928, at the said city, she then being Leie Snideman, otherwise known as Lilly Schneidman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leie Snideman, otherwise known as Lilly Schneidman, and Smuel Tuchsneider, otherwise known as Sam Schneider, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leie Snideman, otherwise known as Lilly Schneidman, may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Smuel Tuchsneider, otherwise known as Sam Schneider, had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Q[10].

An Act for the relief of William Francis Dunphy.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7624

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Q[10].

An Act for the relief of William Francis Dunphy.

Preamble.

WHEREAS William Francis Dunphy, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, physical instructor, has by his petition alleged that on the second day of January, A.D. 1942, at the said city, he and Violet Jean McArthur, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Francis Dunphy and Violet Jean McArthur, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Francis Dunphy may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Violet Jean McArthur had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL R[10].

An Act for the relief of Alice Hoare Dubeau.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5148

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R[10].

An Act for the relief of Alice Hoare Dubeau.

Preamble.

WHEREAS Alice Hoare Dubeau, residing at the city of Montreal, in the province of Quebec, operator, wife of Wilbert Dubeau, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the twenty-fourth day of February, A.D. 1935, at the said city of Montreal, she then being Alice Hoare, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Hoare and Wilbert Dubeau, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Hoare may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Wilbert Dubeau had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48

THE SENATE OF CANADA

BILL S[10].

An Act for the relief of Jennie Leibovitch Margolese.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8094

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S[10].

An Act for the relief of Jennie Leibovitch Margolese.

Preamble.

WHEREAS Jennie Leibovitch Margolese, residing at the city of Montreal, in the province of Quebec, operator, wife of Jack Marvin Margolese, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the seventeenth day of June, A.D. 1945, at the said city of Montreal, she then being Jennie Leibovitch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jennie Leibovitch and Jack Marvin Margolese, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jennie Leibovitch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Jack Marvin Margolese had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL T[10].

An Act for the relief of Hugh Cyril Harvey.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10051

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL T[10].

An Act for the relief of Hugh Cyril Harvey.

Preamble.

WHEREAS Hugh Cyril Harvey, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, inspector, has by his petition alleged that on the twenty-fifth day of May, A.D. 1928, at the said city, he and Mary Elizabeth Wynne Drysdale, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hugh Cyril Harvey and Mary Elizabeth Wynne Drysdale, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hugh Cyril Harvey may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Elizabeth Wynne Drysdale had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL U[10].

An Act for the relief of Barbara Yuile.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8070

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U[10].

An Act for the relief of Barbara Yuile.

Preamble.

WHEREAS Barbara Yuile, residing at the city of New York, in the state of New York, one of the United States of America, student, wife of Ralph Dougal Yuile, who is domiciled in Canada and residing at the city of Westmount, in the province of Quebec, has by her petition alleged that they were married on the ninth day of May, A.D. 1942, at the said city of New York, she then being Barbara Schick, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Barbara Schick and Ralph Dougal Yuile, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Barbara Schick may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ralph Dougal Yuile had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL V[10].

An Act for the relief of Violet Mae Ruth Johnson Menaker.

Read a first time, Tuesday, 11th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6127

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V[10].

An Act for the relief of Violet Mae Ruth Johnson Menaker.

Preamble.

WHEREAS Violet Mae Ruth Johnson Menaker, residing at the city of Montreal, in the province of Quebec, graduate nurse, wife of Archie Menaker, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of September, A.D. 1942, at the said city, she then being Violet Mae Ruth Johnson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Violet Mae Ruth Johnson and Archie Menaker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Violet Mae Ruth Johnson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Archie Menaker had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W10.

An Act for the relief of John Clayton Sturgeon.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
6225 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W[10].

An Act for the relief of John Clayton Sturgeon.

Preamble.

WHEREAS John Clayton Sturgeon, domiciled in Canada and residing at the city of Westmount, in the province of Quebec, foreman, has by his petition alleged that on the twenty-first day of December, A.D. 1940, at the city of Montreal, in the said province, he and Doris Henriette Sutherland, who was then of St. Remi de Napierville, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Clayton Sturgeon and Doris Henriette Sutherland, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Clayton Sturgeon may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Doris Henriette Sutherland had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X[10].

An Act for the relief of Alice Deborah Townsend Hawker.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10047

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X[10].

An Act for the relief of Alice Deborah Townsend Hawker.

Preamble.

WHEREAS Alice Deborah Townsend Hawker, residing at the city of Montreal, in the province of Quebec, wife of Philip Hancock Hawker, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirteenth day of September, A.D. 1941, at the city of Hamilton, in the province of Ontario, she then being Alice Deborah Townsend, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alice Deborah Townsend and Philip Hancock Hawker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alice Deborah Townsend may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Philip Hancock Hawker had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Y10.

An Act for the relief of Rae Bellam Baron.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7708

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Y[10].

An Act for the relief of Rae Bellam Baron.

Preamble.

WHEREAS Rae Bellam Baron, residing at the city of Outremont, in the province of Quebec, milliner, wife of Joseph Baron, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-third day of December, A.D. 1945, at the said city of Montreal, she then being Rae Bellam Litwin, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rae Bellam Litwin and Joseph Baron, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rae Bellam Litwin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Baron had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Z[10].

An Act for the relief of David Ewing Jackson.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9767

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Z[10].

An Act for the relief of David Ewing Jackson.

Preamble.

WHEREAS David Ewing Jackson, domiciled in Canada and residing at the city of Longueuil, in the province of Quebec, mechanic, has by his petition alleged that on the thirty-first day of March, A.D. 1945, at the said city, he and Lorna Klabunde, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between David Ewing Jackson and Lorna Klabunde, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said David Ewing Jackson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lorna Klabunde had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A[11].

An Act for the relief of Olive Turnidge Burns Turner.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9578

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A[11].

An Act for the relief of Olive Turnidge Burns Turner.

Preamble.

WHEREAS Olive Turnidge Burns Turner, residing at the city of Verdun, in the province of Quebec, wife of Horace Leonard Turner, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of October, A.D. 1939, at the said city, she then being Olive Turnidge Burns, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Olive Turnidge Burns and Horace Leonard Turner, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Olive Turnidge Burns may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Horace Leonard Turner had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B11.

An Act for the relief of Dorothy June Wilson Weedmark.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

6364

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[11].

An Act for the relief of Dorothy June Wilson Weedmark.

Preamble.

WHEREAS Dorothy June Wilson Weedmark, residing at the city of Lachine, in the province of Quebec, clerk, wife of Willard Melvyn Weedmark, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the nineteenth day of September, A.D. 1942, at the said city of Montreal, she then being Dorothy June Wilson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy June Wilson and Willard Melvyn Weedmark, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy June Wilson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Willard Melvyn Weedmark had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL C[11].

An Act for the relief of Kate Henny Wacker Prengel.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9755

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL C[11].

An Act for the relief of Kate Henny Wacker Prengel.

Preamble.

WHEREAS Kate Henny Wacker Prengel, residing at the city of Montreal, in the province of Quebec, housekeeper, wife of Albert Prengel, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of March, A.D. 1932, at the city of Toronto, in the province of Ontario, she then being Kate Henny Wacker, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kate Henny Wacker and Albert Prengel, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kate Henny Wacker may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Albert Prengel had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D[11].

An Act for the relief of Jeannette Racine Garneau.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7839

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D[11].

An Act for the relief of Jeannette Racine Garneau.

Preamble.

WHEREAS Jeannette Racine Garneau, residing at the city of Montreal, in the province of Quebec, wife of Joseph Georges Garneau, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighteenth day of December, A.D. 1941, at the said city, she then being Jeannette Racine, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jeannette Racine and Joseph Georges Garneau, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jeannette Racine may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Georges Garneau had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL E[11].

An Act for the relief of Gladys Gwendolyn Goode Buttress.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

10039

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E[11].

An Act for the relief of Gladys Gwendolyn Goode Buttress.

Preamble.

WHEREAS Gladys Gwendolyn Goode Buttress, residing at the city of Montreal, in the province of Quebec, saleslady, wife of Robert Roy Buttress, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of June, A.D. 1934, at the said city, she then being Gladys Gwendolyn Goode, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gladys Gwendolyn Goode and Robert Roy Buttress, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gladys Gwendolyn Goode may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Roy Buttress had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL F[11].

An Act for the relief of Gladys Victoria Lewis White.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5261

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F[11].

An Act for the relief of Gladys Victoria Lewis White.

Preamble.

WHEREAS Gladys Victoria Lewis White, residing at the city of Montreal, in the province of Quebec, clerk, wife of Charles Herbert White, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of June, A.D. 1931, at the said city, she then being Gladys Victoria Lewis, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gladys Victoria Lewis and Charles Herbert White, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gladys Victoria Lewis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Herbert White had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[11].

An Act for the relief of Madge Reynard Lambton.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7724

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[11].

An Act for the relief of Madge Reynard Lambton.

Preamble.

WHEREAS Madge Reynard Lambton, residing at the city of Montreal, in the province of Quebec, clerk, wife of Walter Lambton, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twelfth day of October, A.D. 1940, at the said city, she then being Madge Reynard, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Madge Reynard and Walter Lambton, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Madge Reynard may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Walter Lambton had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[11].

An Act for the relief of Cornelia Barendrecht Nickel.

Read a first time, Thursday, 13th May, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
7152 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[11].

An Act for the relief of Cornelia Barendrecht Nickel.

Preamble.

WHEREAS Cornelia Barendrecht Nickel, residing at the city of Rotterdam, Holland, wife of Gerhard Nickel, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the eighth day of November, A.D. 1945, at the said city of Rotterdam, she then being Cornelia Barendrecht, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Cornelia Barendrecht and Gerhard Nickel, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Cornelia Barendrecht may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gerhard Nickel had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL I[11].

An Act to amend the Land Titles Act.

Read a first time, Tuesday, 1st June, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

13895

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[11].

An Act to amend the Land Titles Act.

R.S. c. 118.

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

1. Section seventeen of the *Land Titles Act*, chapter one hundred and eighteen of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Registration where change of name by marriage.

"**17.** Upon application by a married woman who before marriage became a party to an instrument or acquired an interest in land, accompanied by an affidavit of the applicant giving the date of her marriage, the place where solemnized, and her husband's full name, residence and occupation, together with such other evidence as the registrar may require, the applicant may deal with the instrument or interest, and the registrar shall proceed, in the same manner as if the applicant had become a party to the instrument or had acquired the interest in her newly acquired name."

The purposes of this Bill are to:—

(1) give the Registrar a discretion as to the evidence required to prove a marriage.

(2) limit the amount of land, lots, etc., that may be included in an application or Certificate of Title.

(3) require the duplicate Certificate of Title to remain on file in the Land Titles Office, if the property is subject to a mortgage or encumbrance.

(4) provide a form of transmission application.

(5) require a transfer of land sold for taxes, etc., to be registered within two years from the date of sale.

(6) provide that a caveat may be lapsed upon the service or mailing of a notice instead of the present provision whereby a caveat lapses in three months.

(7) authorize the registrar to permit a second caveat to be filed.

(8) provide new forms.

1. The proposal here is to give the registrar of the Land Titles Office a discretion as to what evidence must be produced to prove a marriage. The proposed section is similar to section 220 of the Saskatchewan Land Titles Act, being chapter 98 of the Revised Statutes of Saskatchewan, 1940. Section 17 presently reads:—

"**17.** The registrar shall, upon application to him to grant a new certificate of title to a married woman, upon production to him of

(a) a duplicate certificate of title issued to her prior to marriage, accompanied with a statement in writing of her marriage, giving the date of such marriage, the place where solemnized, and her husband's full name, with his residence and occupation, verified by oath or affirmation; and

(b) a certificate of the marriage by the person who solemnized the same; and

(c) of such further evidence as the registrar may require; file the duplicate certificate of title so produced to him, and at once cancel the existing certificate of title and the duplicate thereof so filed, and make a memorandum of each of the facts: Provided that if such marriage was solemnized in the Province of Saskatchewan or Alberta or in the Territories, it shall be sufficient to produce to the registrar, in lieu of the certificate of marriage, such evidence as would be sufficient to establish the marriage in any court in such province or in the Territories, as the case may be.

(2) The registrar shall, upon having so cancelled such certificate and duplicate, grant a new certificate of title to the applicant owner in her newly-acquired surname, in which her husband's full name, residence and occupation shall be given, and shall issue to her a duplicate certificate."

2. Section twenty-eight of the said Act is repealed and the following substituted therefor:

Oath of office.

"**28.** The Inspector and every Registrar and Deputy Registrar, before he enters upon the execution of his office, shall take before a Judge of any court of record or Stipendiary Magistrate, the oath of office in Form A of the Schedule to this Act."

3. The said Act is further amended by adding thereto, immediately after section fifty-six thereof, the following section:

How much land application may contain.

"**56A.** (1) Contiguous unsubdivided lands not exceeding altogether two thousand acres or any number of lots under the same plan of subdivision may be included in one application.

How much land certificate of title may contain.

(2) In no case shall one certificate of title issue for more than twenty-five lots or for lots in more than one subdivision or for unsubdivided lands that are not contiguous or that contain more than two thousand acres."

4. Section ninety-six of the said Act is repealed and the following substituted therefor:

Where land encumbered certificate of title to remain in Land Titles Office.

"**96.** (1) Where land is subject to a mortgage or encumbrance the duplicate certificate of title shall be deposited with the registrar who shall retain it on behalf of all persons interested in the land mentioned in the certificate of title.

Certificate of charge.

(2) The registrar shall furnish to the owner of the mortgage or encumbrance a certificate of charge in Form CC of the Schedule to this Act."

5. Section one hundred and thirteen of the said Act is repealed and the following substituted therefor:

Land to vest in personal representatives.

"**113.** (1) Whenever the owner of any land, for which a certificate of title has been granted, dies, such land shall, subject to the provisions of this Act, vest in the personal representative of the deceased owner.

Application and affidavit.

(2) The personal representative shall, before dealing with such land, make application in writing in Form DD of the Schedule to this Act to the registrar to be registered as owner of such land in his representative capacity and such application shall be verified by affidavit of the applicant or someone on his behalf in Form G of the said Schedule.

2. Section twenty-eight presently reads:—

"**28.** The Inspector and every Registrar and Deputy Registrar before he enters upon the execution of his office shall take, before some Judge or Stipendiary Magistrate in the Territories, the oath of office in Form A."

The Registrar and the Land Titles Office for the North-west Territories Land Registration District are located at Ottawa and it is therefore proposed that the underlined words should be omitted.

3. This is a new section. It has been found that too many lots were being included in a certificate of title. The consequence was that, in some cases, the certificates of title were covered with endorsements of transfers of various lots making it difficult for the registrar to make further endorsements on the certificate of title. The Real Property Act of Manitoba has a similar section, namely section 35, chapter 178, R.S.M. 1940.

4. This amendment will bring the practice in line with that of the Western Provinces. The duplicate certificate of title will remain on file, if there is a mortgage or encumbrance against the property. A certificate of charge will be issued in lieu of the endorsed certificate of title. This section follows section 98 of the Manitoba Real Property Act. Section 96 presently reads:—

"**96.** A mortgagor shall be entitled to the possession of the duplicate certificate after the registrar has entered thereon a memorandum of the mortgage, but upon the sale under the mortgage or foreclosure under this Act he shall forthwith deliver it up to the registrar to be dealt with under this Act.

(2) The registrar shall, if desired, furnish to the mortgagee or his assignee a certified copy of the certificate of title."

5. The principal change in Section 113 is the provision for a form of transmission application. The form is set out in the schedule. A further change is the provision that, if a copy of the probate or letters of administration are produced, the copy must be certified by the Court. Section 113 presently reads:—

"**113.** Whenever the owner of any land, for which a certificate has been granted, dies, such land shall, subject to the provisions of this Act, vest in the personal representative of the deceased owner.

(2) The personal representative shall, before dealing with such land, make application, in writing, to the registrar to be registered as owner, and shall produce to the registrar the probate of the will of the deceased owner, or letters of

Letters probate, etc.

(3) The applicant shall produce to the registrar, at the time of making his application, the duplicate certificate, the probate of the will of the deceased owner or letters of administration or the order of the court authorizing him to administer the estate of the deceased owner, or a copy certified by the court, of the said probate, letters of administration, or order, as the case may be; and thereupon the registrar shall enter a memorandum of the application upon the certificate of title.

U.K. or provincial probate sufficient.

(4) For the purpose of this Act the probate of a will granted by the proper court of any province of Canada, or of the United Kingdom, or an exemplification thereof shall be sufficient."

6. Section one hundred and twenty-eight of the said Act is repealed and the following substituted therefor:

Time limit for such registration.

"**128.** (1) A transfer of such land so sold under process of law or for arrears of taxes as hereinafter provided shall be registered within a period of two years of the date of the order of confirmation.

Transfer void if not registered within time.

(2) Such transfer, if not registered within the period referred to in subsection one, shall cease to be valid as against the owner of the land so sold, and any person or persons claiming by, from or through him."

7. Section one hundred and thirty-six of the said Act is repealed and the following substituted therefor:

Lapse of caveat.

"**136.** (1) Unless proper proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the estate or interest specified in the caveat, and an injunction or order has been granted restraining the registrar from granting a certificate of title or otherwise dealing with the land, a caveat may be disposed of by the registrar as lapsed after the expiration of three months from the day on which a notice in form EE of the Schedule to this Act was served on the caveator or sent to him by registered mail to the address stated in his caveat.

(2) The service or mailing of the notice referred to in subsection one shall be proved to the satisfaction of the registrar."

administration, or the order of the court authorizing him to administer the estate of the deceased owner, or a duly certified copy of the said probate, letters of administration or order, as the case may be; and thereupon the registrar shall enter a memorandum thereof upon the certificate of title.

(3) For the purposes of this Act the probate of a will granted by the proper court of any province of Canada, or of Great Britain or Ireland, or an exemplification thereof, shall be sufficient."

6. It has been considered that two months is insufficient time in which to register a transfer in these cases. The suggested amendment follows the Manitoba practice where, unless an application for title on a tax sale is made within two years from the date of the sale, the land stands redeemed. (Section 1165 of the Municipal Act, chapter 141, R.S.M. 1940). Section 128 presently reads:—

"**128.** A transfer of such land so sold under process of law or for arrears of taxes as hereinafter provided shall be registered within a period of two months of the date of the order of confirmation, unless in the meantime this period be extended by order filed with the registrar of the court or a judge.

(2) Such transfer, if not registered within that period, or within the time fixed by such order, shall cease to be valid as against the owner of the land so sold, and any person or persons claiming by, from or through him."

7. The proposed section will bring the practice into line with that of the Western Provinces. A caveat will remain in effect unless disposed of in accordance with the provisions of the Act. Under the present section a caveat automatically lapses in three months. Section 136 presently reads:—

"**136.** Unless proper proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the estate or interest specified in the caveat, and an injunction or order has been granted restraining the registrar from granting a certificate of title or otherwise dealing with the land, a caveat shall lapse after the expiration of twenty-one days from the service on the caveator or at his address for service, proved to the satisfaction of the registrar, of a notice that such caveat shall lapse; or, if no such notice is meanwhile served, then such caveat shall lapse after the expiration of three months from the receipt by the registrar of such caveat.

8. Subsection two of section one hundred and thirty-eight of the said Act is repealed and the following substituted therefor:

No further caveat unless by leave of registrar or judge.

"(2) After such withdrawal, lapse or removal, it shall not be lawful for the same person, or for anyone on his behalf, to lodge a further caveat in relation to the same matter, unless by leave of the registrar or a judge."

Schedule amended.

9. Form G of the Schedule to the said Act is repealed and Form G set out in the Schedule to this Act substituted therefor.

Schedule amended.

10. The Schedule to the said Act is further amended by adding thereto, immediately after Form BB the Forms CC, DD and EE set out in the Schedule to this Act.

8. The proposal here is to give the registrar jurisdiction or authority to permit the filing of a second caveat. It is believed that, in the few cases that may arise, the registrar should also have jurisdiction. It is not always possible to find a lawyer in the Territories to take the matter to a Judge. Subsection two of Section 138 presently reads:—

"(2) After such withdrawal, lapse or removal, it shall not be lawful for the same person, or for any one on his behalf, to lodge a further caveat in relation to the same matter, unless by leave of the judge."

9. Provides a new form "G". In addition to former paragraphs a new paragraph is added requiring the deponent to swear that he has a personal knowledge of the facts set out in the application.

10. Provides new forms, as follows:—

"CC. Certificate of charge. This is similar to the Alberta Form No. 25.

DD. Transmission application. This is similar to the form used in the Western Provinces.

EE. Notice to caveator to take proceedings on his caveat. This is similar to the Alberta Form No. 34."

SCHEDULE.

"FORM G.

AFFIDAVIT OF APPLICANT.

CANADA:
(or as the
case may be—
To WIT:

I, , of
in , make oath and say:

1. That I am the applicant (or agent of or solicitor for the applicant) named in the within application and am of the full age of twenty-one years;

2. That I have a personal knowledge of the facts set forth in the said application;

3. The facts, matters and things in the said application mentioned are true in substance and in fact.

SWORN before me at

this day of 19 .

.....
(*Signature*)"

"FORM CC.

CERFIFICATE OF CHARGE.

MORTGAGE OR ENCUMBRANCE.

Mortgage or Encumbrance No. Application No.
Assignment No. Certificate of Title No.

This is to certify that a
made by
to
for the sum of dollars affecting
was duly registered in the Land Titles Office at
on the day of A.D. 19
at O'Clock as number and that no
registered mortgages or encumbrances affecting the said lands are entitled to priority over the said
except the following, that is to say:

Dated at the Land Titles Office at
this day of A.D. 19

.....
Registrar,
.....Land Registration District."

"FORM DD.

TRANSMISSION APPLICATION.

To the Registrar of the Registration District,

I, of the

of , hereby apply to be registered as owner of the land hereinafter described under the Land Titles Act;

AND DECLARE:

1. That I am of the full age of twenty-one years;
2. That I claim to be registered as aforesaid under and by virtue of
3. The land referred to is as follows: (set out description).....
4. That such land including all buildings and other improvements thereon, is of the value of dollars and no more;
5. That there are no documents or evidences of title affecting such land in my possession or under my control other than those included in the schedule hereto:
6. That I am not aware of any mortgage or encumbrance affecting the said land or that any other person has or claims to have any estate or interest therein at law or in equity in possession, remainder, reversion or expectancy other than
7. That the said land is occupied by
8. That the only buildings or improvements of any kind upon the said lands are as follows:—

Dated this day of 19 .

Made and Subscribed at .....

in the presence of *(Signature)*"

FORM EE.

NOTICE TO CAVEATOR TO TAKE PROCEEDINGS ON CAVEAT.

Take notice that the caveat lodged by you in the Land Titles Office for the Land Registration District of on the..... day of 19 forbidding the registration of any person as transferee or owner of, or of any instrument affecting, the estate or interest claimed in your caveat in respect of (describe land and refer to certificate of title)

unless such instrument be expressed to be subject to your claim, will lapse and cease to have effect after the expiration of three months from the day on which this notice is served on you or sent to you by registered mail unless in the meantime you take proceedings in court to establish the claim made in your caveat. This notice is given pursuant to Section 136 of the Land Titles Act.

Dated at the 19 .

To (the caveator)

at (address stated in the caveat)

.....

(*Signature of person giving the notice*)

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL J[11].

An Act to amend the Criminal Code (Race Meetings).

Read a first time, Tuesday, 1st June, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

13899

THE SENATE OF CANADA

R.S., c. 36; 1930, c. 11; 1931, c. 28; 1932, cc. 7, 8, 9, 28; 1932-33, cc. 25, 53; 1934, cc. 11, 47; 1935, cc. 36, 56; 1936, c. 29; 1938, c. 44; 1939, c. 30; 1943-44, c. 23; 1944-45, c. 35; 1946, cc. 5, 20; 1947, cc. 31, 55.

BILL J[11].

An Act to amend the Criminal Code (Race Meetings).

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

1. Subsection two of section two hundred and thirty-five of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, as enacted by section one of chapter thirty-one of the statutes of 1947, is amended by striking out the words and figures:—

"Where the total amount staked or deposited on each race is under $20,000	7 per centum
Over $20,000, 7 per centum on $20,000 and on the excess up to $30,000	6 per centum
Over $30,000, 7 per centum on $20,000, 6 per centum on next $10,000 and on the excess up to $40,000	5 per centum
Over $40,000, 7 per centum on $20,000, 6 per centum on next $10,000, 5 per centum on next $10,000 and on the excess up to $50,000	4 per centum
Over $50,000, on the excess	3 per centum".

and substituting therefor the following:—

Percentage deduction retained by the association.

"Where the total amount staked or deposited on each race is	
$20,000 or under	9 per centum
Over $20,000 but not over $30,000, 9 per centum on $20,000 and on the excess	8 per centum
Over $30,000 but not over $40,000, 9 per centum on the first $20,000, 8 per centum on the next $10,000, and on the excess	7 per centum

Explanatory Note.

The purpose of this amendment is to increase the amount of percentages that racing associations may retain from the pari-mutuel betting pools.

Over $40,000 but not over $50,000, 9 per centum on the first $20,000, 8 per centum on the next $10,000, 7 per centum on the next $10,000 and on the excess.....	6 per centum	5
Over $50,000, 9 per centum on the first $20,000, 8 per centum on the next $10,000, 7 per centum on the next $10,000, 6 per centum on the next $10,000 and on the excess.....	5 per centum".	10

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL K[11].

An Act to amend The Manitoba Natural Resources Act.

Read a first time, Tuesday, 1st June, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

13891

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[11].

An Act to amend The Manitoba Natural Resources Act.

1930, c. 29; 1938, c. 36.

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

Short title.

1. This Act may be cited as *The Manitoba Natural Resources Transfer (Amendment) Act, 1948.*

Agreement confirmed.

2. The Agreement set out in the Schedule is hereby confirmed and shall take effect according to its terms.

Explanatory Notes.

In July, 1947, the Government of Manitoba appointed a Commission to enquire into matters relating to water power in Manitoba. In March, 1948, the Commission recommended, among other things, the consolidation in a single Provincial agency of exclusive responsibility for the development and operation of all hydro electric power plants in Manitoba. To carry out this recommendation the Government of Manitoba considers it desirable to enact legislation with respect to the expropriation of any property, works, plant, lands, easements, rights, privileges, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, development or transmission of electrical power and energy in Manitoba, or in the taking, use, diversion, storage or pondage of water for any of the said purposes.

To remove any doubt as to the power of the Government of Manitoba to do so, an amendment is required to clause 2 of the Manitoba Natural Resources Transfer Agreement.

The necessary amendment to section 2 is embodied in an agreement between the Government of Canada and the Government of Manitoba, which was approved by Order in Council P.C. 1719, dated 17th April, 1948, and which appears as a schedule to the bill. This agreement has been confirmed by the Legislature of Manitoba (Bill No. 109 of 1948).

SCHEDULE.

MEMORANDUM OF AGREEMENT made the nineteenth day of April, A.D. 1948.

BETWEEN

THE GOVERNMENT OF CANADA, represented herein by the Honourable James Angus MacKinnon, Acting Minister of Mines and Resources,

OF THE FIRST PART,

and

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, represented herein by the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources,

OF THE SECOND PART.

WHEREAS the agreement entered into between the parties hereto on the 14th day of December, A.D. 1929 (hereinafter referred to as the Natural Resources Transfer Agreement) was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled "The British North America Act, 1930", assented to on 10th July, 1930, being chapter twenty-six of the Imperial Statutes, 20-21 George V;

AND WHEREAS by paragraph twenty-four of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said agreement might be varied by an agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS the said Natural Resources Transfer Agreement came into force pursuant to the provisions thereof, on the 15th day of July, 1930;

AND WHEREAS the provisions of the said Natural Resources Transfer Agreement were, pursuant to the provisions of said paragraph twenty-four thereof, varied by an agreement made between the Government of Canada of the first part and the Government of the Province of Manitoba of the second part, on the 5th day of March, A.D. 1938, and confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS by paragraph two of the Natural Resources Transfer Agreement, the Province agreed that it would carry out, in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person had become entitled to any interest therein as against the Crown, and further agreed not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise, except either with the consent of all the parties thereto, other than Canada, or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interests therein, irrespective of who might be the parties thereto;

AND WHEREAS it has been agreed between Canada and the said Province that the terms of said paragraph two should be further varied as herein set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph two of the said Natural Resources Transfer Agreement is varied by adding at the end thereof, the following words:

"or except in so far as any legislation

(a) is legislation relating to the control and regulation of the generation, development, transformation, transmission, utilization, distribution, supply, delivery, dealing in, sale and use of electrical power and energy in Manitoba, and of the flow and right to the use, for the generation and development of such power and energy, or any other purpose connected therewith, of the water at any time in any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other body of water within the Province and the taking, diversion, storage or pondage of such water for any of the said purposes, whether by restriction, prohibition or otherwise and whether generally or with respect to any specified area therein;

or

(b) is legislation providing for the taking, acquisition and purchase by agreement or compulsorily or otherwise or by expropriation of any indentures, agreements, arrangements, permits, interim permits, final licences, licences, interim licences, leases, interim leases, rights, liberties, privileges, easements, benefits, advantages or other concessions of any person of whatever nature, in relation to the flow and right to the use of the said water or the taking, diversion, storage or pondage thereof for the generation and development of electric power and energy, the utilization, transmission, distribution and sale of such power and energy, the occupation and use of Crown lands of the Province for the maintenance and operation of hydro-electric and other works of any person and any other rights, liberties,

privileges, easements, benefits, advantages and concessions connected therewith or incidental or appurtenant thereto;

or

(c) is legislation providing for the taking, acquisition and purchase by agreement or compulsorily or otherwise or by expropriation of any property, works, plant, lands, easements, rights, privileges, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment of any person constructed, acquired or used in the generation, development or transmission of such power and energy or in the taking, use, diversion, storage or pondage of said water, and whether generally in the said Province or in any specified area therein."

2. This agreement is made subject to its being confirmed by the Parliament of Canada and by the Legislature of the Province of Manitoba, and shall take effect on the first day of the calendar month beginning next after its confirmation as aforesaid, whichever approval, that of the Parliament of Canada or that of the Legislature of the Province, shall be later in date.

IN WITNESS WHEREOF the Honourable James Angus MacKinnon, Acting Minister of Mines and Resources, has hereunto set his hand on behalf of the Dominion of Canada; and the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources, has hereunto set his hand on behalf of the Province of Manitoba.

Signed on behalf of the Government of Canada by the Honourable James Angus MacKinnon, Acting Minister of Mines and Resources,	JAS. A. MACKINNON.
in the presence of: A. C. L. ADAMS.	
Signed on behalf of the Government of Manitoba by the Honourable John Stewart McDiarmid, Minister of Mines and Natural Resources,	J. S. McDIARMID.
in the presence of: D. M. STEPHENS.	

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL L[11].

An Act respecting Bankruptcy.

Read a first time, Tuesday, 1st June, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

14224

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL L[11].

An Act respecting Bankruptcy.

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

Short title.

1. This Act may be cited as *The Bankruptcy Act, 1948.*

INTERPRETATION.

Definitions.

2. In this Act, unless the context otherwise requires or implies, the expression

"affidavit". *(a)* "affidavit" includes statutory declaration and affirmation;

"assignment". *(b)* "assignment" means an assignment filed with the official receiver;

"bankrupt". *(c)* "bankrupt" means the legal status of, and the term applied to, a person who has made an assignment or against whom a receiving order has been made;

"bankruptcy". *(d)* "bankruptcy" means the state of being bankrupt or the fact of becoming bankrupt;

"claim provable in bankruptcy". *(e)* "claim provable in bankruptcy" or "provable claim" or "claim provable" includes any claim or liability provable in proceedings under this Act by a preferred, secured or unsecured creditor;

"corporation". *(f)* "corporation" includes any company incorporated or authorized to carry on business by or under an Act of the Parliament of Canada or of any of the provinces of Canada, and any incorporated company, wheresoever incorporated, which has an office in or carries on business within Canada, but does not include building societies having a capital stock, nor incorporated banks, savings banks, insurance companies, trust companies, loan companies or railway companies;

"court". *(g)* "court" or "the court" means the court having jurisdiction in bankruptcy or a judge thereof and includes a registrar when exercising the powers of the court conferred upon him under this Act;

2. *(a)* No change.

(b) Formerly 2*(d)*. The distinction between "an assignment" and an "authorized assignment" is unnecessary. The word "authorized" may well be eliminated throughout the Act. The words "filed with" are substituted for the words "accepted and filed by".

The former clause *(b)* has been deleted. It read as follows:

"*(b)* 'alimentary debt' means a debt incurred for necessaries or maintenance;"

(c) This is a new definition. It is introduced to avoid the repetition of the phrase "who has made an authorized assignment or against whom a receiving order has been made" wherever it occurs in the Act.

The former clause *(c)* has been deleted. It read as follows:

"*(c)* 'appeal court' means the court having jurisdiction in bankruptcy, under this Act, on appeal;"

(d) This is a new definition. It is introduced for the same reason as clause *(c)* immediately above.

The former clause *(d)* has been deleted as confusing and unnecessary. It read as follows:

"*(d)* 'assignment' includes conveyance;"

(e) Formerly 2*(o)*. The word "debt" has been replaced by "claim" and the words underlined in the last two lines have been substituted for "by this Act made provable in bankruptcy or in proceedings under an authorized assignment". The purpose of the latter change is to simplify and clarify the definition.

The former clause *(e)* has been deleted. It read as follows:

"*(e)* 'assignor' means the maker of an assignment, whether under this Act such maker may lawfully make such assignment or such assignment may lawfully be made, or not;"

(f) Formerly 2 *(k)*. No change.

The former clause *(f)* has been deleted in view of the definition of an assignment contained in clause *(b)* above. It read as follows:

"*(f)* 'authorized assignment' means an assignment accepted and filed by the Official Receiver;"

(g) Formerly 2(*l*). The former definition was as follows:

"(*l*) 'court' or 'the court' means the court which is invested with original jurisdiction in bankruptcy under this Act;"

The purpose of the change is to widen the definition to include judges and registrars.

The former clause *(g)* has been deleted. The term "assignor" or "authorized assignor" is no longer employed, all persons in bankruptcy being designated as "bankrupts". The clause read as follows:

"*(g)* 'authorized assignor' means an insolvent assignor whose debts provable under this Act exceed five hundred dollars;"

"creditor". *(h)* "creditor" means any person having a claim, preferred, secured or unsecured, provable as a claim under this Act;

"Crown". *(i)* "Crown" means the Crown in the right of Canada and in the right of any province of Canada;

"debtor". *(j)* "debtor" includes "insolvent person"; and any person who, at the time any act of bankruptcy was committed by him, resided or carried on business in Canada; and, where the context requires, a "bankrupt";

"insolvent person". *(k)* "insolvent person" means a person not bankrupt and residing or carrying on business in Canada,

(i) whose liabilities to creditors provable as claims under the Act amount to five hundred dollars, and

(ii) who is for any reason unable to meet his obligations as they generally become due, or

(iii) who has ceased paying his current obligations in the ordinary course of business as they generally become due, or

(iv) the aggregate of whose property is not, at a fair valuation, sufficient, or, if disposed of at a fairly conducted sale under legal process, would not be sufficient to enable payment of all his obligations, due and accruing due;

"locality of a debtor". *(l)* "locality of a debtor" means the principal place

(i) where the debtor has carried on business during the year immediately preceding his bankruptcy;

(ii) where the debtor has resided during the year immediately preceding his bankruptcy;

(iii) in cases not coming within (i) or (ii), where the greater portion of the property of such debtor is situate;

"masculine". *(m)* "masculine": words in the masculine include the feminine and neuter;

(h) The former definition, 2*(m)*, was as follows:

> "*(m)* 'creditor' with relation to any meeting held under authority of this Act, shall, in the case of a corporation, include bondholder, debenture holder, shareholder and member of the corporation;"

The former clause *(h)* has been deleted. It read as follows:

> "*(h)* 'available act of bankruptcy' means an act of bankruptcy committed within six months before the date of
> (i) the presentation of a bankruptcy petition, or
> (ii) the making of an authorized assignment, or
> (iii) the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction mentioned in section sixty-five;"

(i) This is a new definition.

The former clause *(i)* is unnecessary and has been deleted. It read as follows:

> "*(i)* 'bank' or 'chartered bank' means an incorporated bank carrying on the business of banking under the *Bank Act*;"

(j) This is a new definition and replaces the former clause *(p)* which read as follows:

> "*(p)* 'debtor' includes any person, whether a British subject or not, who, at the time when any act of bankruptcy was done or suffered by him, or any authorized assignment was made by him.
> (i) was personally present in Canada, or
> (ii) ordinarily resided or had a place of residence in Canada, or
> (iii) was carrying on business in Canada personally or by means of an agent or manager, or
> (iv) was a corporation or a member of a firm or partnership which carried on business in Canada;"

The former clause *(j)* is unnecessary and has been deleted. It read as follows:

> "*(j)* 'banker' includes any person owning, conducting or in charge of any bank or place where money or securities for money are received upon deposit or held subject to withdrawal by depositors;"

(k) Formerly 2*(u)* which read in part as follows: "'insolvent person' and 'insolvent' includes a person, whether or not he has done or suffered an act of bankruptcy". Clause (i) is new and has been added to conform to the requirements of the Act.

(l) This was formerly clause *(y)* and read as follows:

> "*(y)* 'locality of a debtor', whether a bankrupt or assignor, means
> (i) the principal place where the debtor has carried on business during the year immediately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment;
> (ii) the place where the debtor has resided during the year immediately preceding the date of the presentation against him of a bankruptcy petition or the making by him of an authorized assignment; or
> (iii) in cases not coming within (i) or (ii), the place where the greater portion of the property of such debtor is situate;"

The purpose of the change is to define with greater precision the locality of the debtor, and to correct the situation which has come about since the decision in *In re* Boily et McNulty (8 C.B.R. 565) in which the locality of the debtor was held to be the bankruptcy district, *i.e.* province, in which he resided or carried on business.

(m) This is a new clause which has been added as the *Interpretation Act* does not include "neuter" in the definition of "masculine".

"Minister". (*n*) "Minister" means the Minister who for the time being is empowered to do the acts and things authorized by this Act;

"oath". (*o*) "oath" includes affirmation and statutory declaration;

"person". (*p*) "person" includes a firm or partnership, an unincorporated association of persons, a corporation, a body corporate and politic, a society or organization for cooperative purposes, the successors of such association, partnership, corporation, body corporate and politic, or society, and the heirs, executors, administrators or other legal representative of a person, according to the law of that part of Canada to which the context extends;

"prescribed". (*q*) "prescribed" means prescribed by General Rules;

"property". (*r*) "property" includes money, goods, things in action, land, and every description of property, whether real or personal, movable or immovable, legal or equitable, and whether situate in Canada or elsewhere; also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, in, arising out of, or incident to property as above defined;

"proposal". (*s*) "proposal" includes a proposal for a composition, for an extension of time, or for a scheme of arrangement;

"registrar". (*t*) "registrar" includes any other officer who performs duties like to those of a registrar;

"resolution". (*u*) "resolution" or "ordinary resolution" means a resolution carried in manner provided by section eighty-three of this Act;

"secured creditor". (*v*) "secured creditor" means a person holding a mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor or any part thereof as security for a debt due or accruing due to him from the debtor, or a person whose claim is based upon, or secured by, a negotiable instrument held as collateral security and upon which the debtor is only indirectly or secondarily liable;

"sheriff". (*w*) "sheriff" includes bailiff and any officer charged with the execution of a writ or other process under this Act or any other Act or proceeding with respect to any property of a debtor;

(n) This was formerly clause *(mm)*, which read as follows:

"*(mm)* 'Minister' means the Minister of Finance;"

The former clause *(n)* is unnecessary and has been deleted as the position of custodian is now eliminated. It read as follows:

"*(n)* 'custodian' means the person duly authorized to exercise the functions of custodian for the time being;"

(o) This was formerly clause *(z)*. No change.

(p) This was formerly clause *(cc)* but has been extended to include cooperatives or similar organizations carrying on business.

(q) This was formerly clause *(ee)*. No change.

The former clause *(q)* is unnecessary and has been deleted. It read as follows:

"*(q)* 'discharge' means the release of a bankrupt or authorized assignor from all his debts provable in bankruptcy or under an authorized assignment save such as are excepted by this Act;"

(r) Formerly clause *(ff)*. No change.

The former clause *(r)* has been deleted as the expression has been abandoned. It read as follows:

"*(r)* 'gazetted' means published in the *Canada Gazette*;"

(s) This is a new definition which has been inserted with a view to eliminating much needless repetition of words. The former clause *(s)* has been transferred to section 169(3).

(t) Formerly clause *(gg)*. No change.

The former clause *(t)* is confusing in view of the definition of "property" and has therefore been deleted. It read as follows:

"*(t)* 'goods' includes all chattels personal and movable property;"

(u) This was formerly clause *(bb)* and has been combined with the former clause *(hh)*.

(v) Formerly clause *(ii)*. No change.

The former clause *(v)* is unnecessary and has been deleted. It read as follows:

"*(v)* 'judge' means a judge of the court, which is by this Act invested with original jurisdiction in bankruptcy;"

(w) This was formerly clause *(jj)*. The words "under this Act or any other Act or proceeding with respect to any property of a debtor" have been added to make the definition include bailiffs and other officers acting in all forms of judicial and extrajudicial process.

The former clause *(w)* has been transferred to section 43(3).

"special resolution".

(x) "special resolution" means a resolution decided by a majority in number and three-fourths in value of the creditors with proven claims present, personally or by proxy, at a meeting of creditors and voting on the resolution;

"Superintendent".

(y) "Superintendent" means the Superintendent of Bankruptcy;

"transaction".

(z) "transaction" means anything done which affects another person's rights and obligations and out of which a cause of action may arise, and, without limiting the generality of the foregoing, includes contract, dealing, gift, delivery, payment, settlement, sale, conveyance, transfer, assignment, charge, lien, pledge, mortgage, hypothecation or judicial proceeding taken or suffered;

"trustee". "licensed trustee".

(aa) "trustee" or "licensed trustee" means any person who is licensed or appointed pursuant to the provisions of this Act.

(x) This is a new definition and is similar to the definition in the English Act.

The former clause *(x)* is unnecessary and has been deleted. It read as follows:

> "*(x)* 'local newspaper' means a newspaper published in and having a circulation throughout the bankruptcy district or division which includes the locality of the debtor;"

(y) This was formerly clause *(nn)*. No change.

(z) This is a new definition. It has been introduced to eliminate unnecessary verbiage and repetition of words and to include in a more comprehensive manner the various types of relationships that may arise between a bankrupt and another person.

(aa) This was formerly clause *(kk)*. The following words at the end of the definition have been deleted as being unnecessary: "as a trustee in bankruptcy or under an authorized assignment or in connection with a proposal by a debtor for a composition, extension or scheme of arrangement".

The former clause *(aa)* is unnecessary and has been deleted. It read as follows:

> "*(aa)* 'Official Receiver' means the person having authority in the locality of the debtor to exercise the functions of the official receiver for the time being;"

The former clauses *(dd)* and *(ll)* have been deleted. The former is unnecessary and the latter has been incorporated in section 27. They read as follows:

> "*(dd)* 'petition' means petition in bankruptcy;"
> "*(ll)* 'wage-earner' means one who works for wages, salary, commission or hire at a rate of compensation not exceeding fifteen hundred dollars per year, and who does not on his own account carry on business;"

PART I.

ADMINISTRATIVE OFFICIALS.

Superintendent.

Appointment.

3. (1) The Governor in Council shall appoint a Superintendent of Bankruptcy who shall hold office during pleasure and shall be paid such salary as may be authorized.

Extent of supervision.

(2) The Superintendent shall supervise the administration of all estates to which this Act applies.

3. This was formerly section 36A which read as follows:

"**36A.** (1) The Governor in Council may appoint an officer to be called the Superintendent of Bankruptcy who shall hold office during pleasure and who shall be paid such salary as may be authorized.

(2) The Superintendent shall supervise, as herein provided, the administration of all bankrupt or insolvent estates to which this Act applies, except estates administered under section thirty-five hereof.

(3) The Superintendent shall

(a) keep a record of every application for licence received by him in cases where licences have been granted, and of the appointment of custodians and trustees pursuant to subsection eight of section thirty-six, and shall

(b) enter in a book under the name of the person licensed the name of every insolvent debtor in respect of whose estate such licensee is appointed as trustee, the value from time to time of the assets in the hands of the licensee, and particulars of the security deposited by such licensee;

(c) in each case before the renewal of any licence, make a report to the Minister that the application should or should not in his opinion be granted, giving his reasons therefor;

(d) keep a record of the licences as they are issued;

(e) from time to time make or cause to be made such inspection of the administration of estates as he deems expedient;

(f) require each licensee under this Act from time to time either to increase or decrease the security deposited with the Superintendent to such extent as the Superintendent may from time to time determine;

(g) receive and keep a record of all complaints from any creditor or other person interested in any bankrupt or insolvent estate coming under the jurisdiction of the Superintendent, and make such specific investigations with regard to such complaints as the Superintendent may determine, and report to the Minister thereon;

(h) make a report to the Minister after any investigation by the Superintendent or any one on his behalf, if it should appear that any licensee under this Act has not fully complied with the law with regard to the proper administration of any bankrupt or insolvent estate together with such recommendations to the Minister as the Superintendent may deem advisable or expedient;

(i) make such report to the court in connection with any application by a debtor or a trustee for his discharge as the Superintendent sees fit.

(4) The Minister, after consideration of any report received by him from the Superintendent and after a reasonable time has been given to the licensee to be heard by him, and upon such further inquiry and investigation as he deems proper to make, may suspend or cancel the licence of any licensee, and in such case shall direct that such licensee be removed as trustee of all bankrupt or insolvent estates being administered by such licensee, and may appoint some other licensee to act as trustee in the place or stead of the trustee whose licence has been suspended or cancelled. The trustee so appointed by the Minister shall continue to act as trustee until removed or replaced by the Court or the creditors under this Act.

(5) Such employees as are required to assist the Superintendent to perform his functions under this Act shall be appointed according to the provisions of the *Civil Service Act*."

Duties of Superintendent.

(3) The Superintendent shall, without limiting the authority conferred in the preceding subsection,

(a) receive applications for licences and renewals thereof to act as trustees under this Act, and, as authorized by the Minister, issue licences and renewals thereof to such persons whose applications have been approved;

(b) keep a record of all licences granted and of the renewals thereof as they are issued;

(c) where not otherwise provided for, require the deposit of one or more continuing guaranty bonds for the due accounting of all property received by trustees and for the due and faithful performance by them of their duties in the administration of estates to which they are appointed, in such amount as the Superintendent may determine, which amount may be increased or decreased from time to time as may be deemed expedient. Such security shall be in a form satisfactory to the Superintendent and may be enforced by the Superintendent for the benefit of the creditors;

(d) keep such records as may be deemed advisable of proceedings under this Act;

(e) from time to time make or cause to be made such inspection or investigation of estates as may be deemed expedient. For the purpose of such inspection the Superintendent or any person appointed by him for such purpose shall have access to and the right to examine all books, records, documents and papers pertaining or relating to any estate;

(f) receive and keep a record of all complaints from any creditor or other person interested in any estate and make such specific investigations with regard to such complaints as the Superintendent may determine;

(g) examine trustees' accounts of receipts and disbursements and final statements.

Superintendent may intervene.

(4) The Superintendent may intervene in any matter or proceeding in court as he may deem expedient as though he were a party thereto.

Outside investigations.

(5) The Superintendent may engage such accountants or other persons as he may deem advisable to conduct any inspection or investigation or to take any other necessary action outside of the office of the Superintendent, and the cost and expenses thereof shall, when certified by the Superintendent, be payable out of the appropriation for the office of the Superintendent.

(3) *(a)* and *(b)* These are summarized redrafts of the former subsections (3) *(a)*, *(b)*, *(c)* and *(d)* covering the essential requirements therein.

(c) This was formerly subsection (3) *(f)* which has been revised and extended so as to set out more explicitly the duty of the Superintendent in regard to the security to be furnished by trustees and further authorizing the Superintendent to enforce the security as occasion arises.

(d) This is a new clause. The present provisions provide only for the keeping of records with respect to the issue of licences. Records relating to the result of the administration of estates are of more importance. It cannot be set out in sufficient detail exactly what such records should be.

(e) The former clause has been extended to remove any doubt as to the authority of the Superintendent when making inspections or investigations. It also contains substantively the provisions of former section 157 (2) which are accordingly deleted and which read as follows:

> "**157.** (2) The Superintendent or any person appointed by him for such purpose shall have access to all books, records, documents and papers connected with the estate of any bankrupt or authorized assignor, kept by any registrar, clerk or officer in bankruptcy."

(f) This was formerly subsection (3) *(g)*. No material change.

(g) This is a new clause creating express authority for the examination of trustees' statements.

(4) This is a new subsection. This additional power is deemed necessary to see that proper facts and information are placed before the court.

(5) This was formerly Rule 174 slightly amended. It read as follows:

> "*Rule* **174.** The Superintendent may engage such chartered accountants or other persons as he may deem advisable to conduct any inspection or investigation or to take any other necessary action outside of the office of the Superintendent, and the cost and expenses thereof shall, when certified by the Superintendent, be payable out of the appropriation for the office of the Superintendent of Bankruptcy".

Superintendent may examine bank account.

(6) The Superintendent or anyone duly authorized by him in writing on his behalf shall be entitled to have access to examine and make copies of the banking accounts of a trustee in which estate funds may have been deposited, and, when required, all deposit slips, cancelled cheques or other documents relating thereto in the custody of the bank or the trustee shall be produced for examination.

Superintendent may examine private records and documents.

(7) The Superintendent or any one duly authorized by him in writing on his behalf may with the leave of the court examine the private books, records, documents and bank accounts of a trustee or any other person for the purpose of tracing or discovering the property or funds of an estate when there are reasonable grounds to believe or suspect that the property or funds of an estate have not been properly disclosed or dealt with and for such purpose may under a warrant from the court enter upon and search any premises as may be deemed necessary or advisable.

Report to Minister.

(8) *(a)* When any investigation has been made by the Superintendent or any one on his behalf, and it appears that any licensee under this Act has not performed his duties properly or has been guilty of any improper conduct or has not fully complied with the law with regard to the proper administration of any estate, the Superintendent may make a report to the Minister together with such recommendations to the Minister as the Superintendent may deem advisable.

Suspension or cancellation of licence.

(b) The Minister, after consideration of any report received by him from the Superintendent and after a reasonable opportunity has been afforded the licensee to be heard in respect thereof, and upon such further inquiry and investigation as he deems proper may suspend or cancel the licence of any licensee and in such case shall direct that such licensee be removed as trustee of all estates being administered by such licensee and may appoint some other licensee or licensees to act as trustee of all or any of such estates in the place or stead of the trustee whose licence has been suspended or cancelled.

Superintendent may require estate funds to be remitted for safe-keeping.

(9) Where an estate is left without a trustee by death, removal or incapacity or by non-renewal of the trustee's licence, the Superintendent for the protection of the estate may require the funds to the credit of the estate on deposit in a bank or elsewhere to be remitted to the Superintendent for deposit with the Receiver General to the credit of the estate pending the appointment of a trustee.

Appointment of employees.

R.S., c. 22.

(10) Such employees as are required to assist the Superintendent to perform his functions under this Act shall be appointed according to the provisions of *The Civil Service Act*.

(6) This is a new subsection. On various occasions a proper investigation has been blocked by the refusal of the trustee to permit the bank account to be examined. For this reason it is deemed necessary that the Superintendent should have this right.

(7) This is a new subsection. Situations have often arisen where the Superintendent was unable to trace estate funds which had not been properly dealt with. The provision requiring the leave of the court ought to give any person the necessary protection as a *prima facie* case would necessarily have to be made out showing that there were good grounds to believe or suspect the wrongful disposition of funds of an estate.

(8) *(a)* This is a redraft of former section 36A (3) *(h)*.

(b) This was formerly section 36A (4).

(9) This is a new subsection and is deemed necessary to protect and preserve funds of an estate in such contingencies.

(10) This was formerly section 36A (5).

Official Receivers.

Bankruptcy districts and divisions.

4. (1) The various provinces of Canada, the Northwest Territories and the Yukon Territory shall each constitute for the purposes of this Act one bankruptcy district, but the Governor in Council may divide any such bankruptcy district into two or more bankruptcy divisions and name or number them.

Official receivers.

(2) The Governor in Council shall appoint one or more official receivers in each bankruptcy division who shall be deemed to be officers of the court and who as such official receivers shall have and perform such duties and responsibilities as are prescribed by this Act and the General Rules made thereunder and shall be entitled to receive as their remuneration the fees of the office unless otherwise provided for.

Registrar to act for official receiver.

(3) In the absence or illness of the official receiver or pending the appointment of a successor when the office is vacant, the registrar shall perform the duties of the official receiver.

Trustees.

Licensing of Trustees.

Application for licence.

5. (1) Any person desiring to obtain a licence to act as a trustee shall file with the Superintendent an application for a licence in such form as may be prescribed, and, when requested, shall provide such security for the due and faithful performance of his duties in such form and amount as shall be required.

Investigation and report.

(2) The Superintendent shall make such investigation into the character and qualifications of any applicant for licence as the Superintendent deems advisable or expedient and shall report to the Minister the result of such investigation, together with his recommendation for or against the granting of the application and giving his reasons therefor.

Licence.

(3) The Minister, as soon as he has received a report from the Superintendent as to the character and qualifications of any applicant for a licence, may, if he considers it will be of public advantage so to do, authorize the issue of a licence, which shall specify the bankruptcy district or districts or any part thereof in which the licensee shall be entitled to act.

4. (1) This was formerly section 160 (1) and began as follows: "Each province of Canada shall constitute", etc.

(2) The wording has been revised for simplification and a clause with respect to fees added. This was formerly section 160 (2). It read as follows:

> **"160.** (2) There shall be one Official Receiver in each bankruptcy district or division who shall be deemed to be an officer of the court and who as such Official Receiver shall have and perform only such duties and responsibilities as are prescribed by this Act and Rules, and shall be appointed by the Governor in Council."

(3) This is a revision of former Rule 90A. Its purpose obvious.

5. (1) Formerly section 36 (2). No substantial change.

(2) Formerly subsection (3). The word "qualifications" is substituted for "business experience, and efficiency".

(3) Formerly subsection (4). It read as follows:

> "**36.** (4) The Minister, as soon as he has received a report from the Superintendent as to the qualifications of any applicant for licence, and that proper security has been duly deposited and that the applicant has conformed to the requirements of this Act may, if he considers it will be of public advantage so to do, issue the licence, and may in and by the licence restrict the powers and duties of the licensee to any bankruptcy district or any part thereof."

It is proposed that the licences and renewals thereof shall henceforth be issued by the Superintendent, *with the authorization of the Minister.*

Form of licence.

(4) The licence shall be in the prescribed form and shall expire on the thirty-first of December in each year but may be renewed from year to year subject, however, to any qualification or limitation which may seem expedient. The fee payable for such licence and any renewal thereof shall be determined by the Minister.

Validity of licence.

(5) The validity of any licence purporting to be issued under this Act shall not be called in question on behalf or at the instance of any person other than the Minister.

Locality in which there is no licensed trustee, etc.

(6) When the debtor resides or carries on business in a locality in which there is no licensed trustee, and no licensed trustee can be found who is willing to act as trustee, the official receiver may appoint a responsible person residing in the locality of the debtor to administer the estate of such debtor, and such person shall for this purpose have all the powers of a licensed trustee under this Act and thereupon the provisions of this Act shall apply to such person as if he had been duly licensed hereunder.

Appointment and Substitution of Trustees.

Appointment of trustee by creditors.

6. (1) The creditors at any meeting by ordinary resolution may appoint or substitute another licensed trustee for the trustee named in an assignment, receiving order or proposal, or otherwise appointed or substituted, and may by ordinary resolution substitute a licensed trustee for the official receiver in proceedings under section one hundred and sixteen.

(4) Formerly subsection (5). No material change.

(5) Formerly subsection (6). See note to subsection (3).

(6) This was formerly subsection (8). It has been redrafted to specify more clearly the circumstances in which an unlicensed person may act as a trustee in bankruptcy, and to secure greater control over the administration of estates by such persons. It read as follows:

> "**36.** (8) Notwithstanding the provisions of this Act, when the debtor resides or carries on business at a distance far removed from the nearest licensed trustee, the Court or the Official Receiver may, having regard as far as the Court or Official Receiver deems just to the wishes of the creditors, appoint a responsible person residing in the locality of the debtor as custodian, and such person shall be eligible to be appointed by the creditors as trustee and shall, for the purposes of the administration of the estate of such debtor, have all the powers of a licensed trustee under this Act and thereupon the provisions of this Act shall apply to such person as if he had been duly licensed hereunder."

The former subsection (1) has been deleted as unnecessary.

The provisions of the former subsection (7) have been transferred to the sections dealing with the powers and duties of the trustee (section 8(6)).

Former subsection (9) is confusing and has also been eliminated, the section itself being revised accordingly.

These subsections read as follows:

> "**36.** (1) The Minister may issue a licence to any qualified person who has complied with the requirements of this Act and such person so licensed shall be a licensed trustee under this Act."
>
> "(7) Every licensed trustee shall for the purpose of obtaining possession of and realizing upon the assets of the bankrupt or authorized assignor have power to act as such anywhere."
>
> "(9) The word "prescribed" when used in this section means prescribed by the Minister."

6. Formerly section 37 which read as follows:

> "**37.** (1) The creditors shall at their first meeting appoint by ordinary resolution a trustee for the administration of the estate.
>
> (2) The creditors may, by ordinary resolution, at any meeting and the court may for cause appoint a new trustee and remove a trustee who is in office.
>
> (3) When a new trustee is appointed or substituted, all the property and estate of the debtor shall forthwith vest in the new trustee without any conveyance or transfer, and he shall gazette a notice of the appointment or substitution and register an affidavit of his appointment in the office of the registrar of the court from which the receiving order was issued, or in the case of an authorized assignment, in every office in which the original assignment or copy or counterpart thereof was lodged, registered or filed.
>
> (4) Registration of such affidavit in any land registration district, land titles office, registry office or other land registration office, or lodging or filing such affidavit as aforesaid, shall have the same effect as the registration, lodging or filing of a conveyance or of a transfer to the new trustee.
>
> (5) The new trustee shall pay to the removed trustee, out of the funds of the estate, his proper remuneration and disbursements, which shall be ascertained as provided by section eighty-five of this Act.
>
> (6) No trustee shall be bound to assume the duties of trustee in matters relating to assignments or receiving orders or to compositions, extensions, or arrangements by debtors.

By official receiver.

(2) In the event of the death or incapacity of a trustee or of the licence of a trustee not being renewed or where a trustee has not been appointed by the Minister under section three, the official receiver shall appoint a trustee to complete the administration of the estate and shall perform the duties of trustee until a trustee is duly appointed.

By court.

(3) The court on application of any interested person may for cause remove a trustee and appoint another licensed trustee in his place.

No trustee bound to act.

(4) No trustee shall be bound to assume the duties of trustee in matters relating to assignments or receiving orders or to proposals but, having accepted an appointment as such, he shall, until discharged or another trustee is appointed in his stead, perform the duties required of a trustee under this Act.

Effect of defect or irregularity in appointment.

(5) No defect or irregularity in the appointment of a trustee shall vitiate any act done by him in good faith.

(7) The court, upon being satisfied that there are assets which have not been realized or distributed under this Act may, on the application of any person interested, at any time after the discharge of the trustee as hereinafter provided for, appoint a trustee to complete the administration of the estate. Such trustee shall be governed by the provisions of this Act as if appointed trustee in the first instance.

(8) Every trustee duly appointed shall, in addition to the security required by section 36A of this Act, forthwith give security in cash or by bond of an approved guarantee company, satisfactory to the Official Receiver for the due accounting for, the payment and the transfer of all moneys and property received by him as trustee. Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the court. The amount of the said security may be reduced by the Official Receiver at any time or from time to time during the administration of the estate on resolution of the Inspectors."

(1) This is a redraft of subsections (1) and (2). The abolition of the position of custodian makes it possible to eliminate a situation which has always been more or less an anomaly and very confusing, that is, with respect to the title to property during the interval between the bankruptcy and the first meeting of creditors. Under the present scheme the trustee originally appointed is the trustee with the privilege to the creditors to appoint any other person they see fit.

(2) This is a new subsection designed to assure continuity of administration. Experience has demonstrated the need of such a provision.

(3) This provision was formerly contained in subsection (2) of section 37 only as an incidental part thereof, and for greater precision the powers of the court have been separated and placed in this subsection. A new clause has been added to indicate more clearly when and by whom such action can be taken.

(4) This was formerly subsection (6) which has been amended so as to make it obligatory for a trustee to continue his duties until relieved thereof.

(5) This was formerly section 186 (2) and has been included in this section as a more logical place for its insertion.

It is to be noted that subsection (7) of the former section 37 as above quoted has not been included. Formerly on the discharge of a trustee his authority and duties were concluded, except as prescribed in the Act, and situations were continually arising where the services of a trustee were further required but subsection (7) was not followed on account of the cost and trouble of proceeding. As now provided in section 20 the trustee will remain the trustee indefinitely for all purposes for which his services may be required.

The former subsection (8) has been transferred to "Duties and Powers of Trustees" and becomes section 8 (1).

Official Name.

Official name of trustee in bankruptcy proceedings.

7. (1) The official name of a trustee acting in bankruptcy proceedings shall be "The Trustee of the Estate of.....a bankrupt,"
(insert the name of the bankrupt)
and by that name the trustee may in any part of Canada or elsewhere hold property of every description, make contracts, sue or be sued, enter into any engagement binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

In proposal proceedings prior to bankruptcy.

(2) The official name of a trustee acting with respect to a proposal by an insolvent person shall be "The Trustee acting *in re* the proposal of....."
(insert the name of the debtor)

Duties and Powers of Trustees.

Security to be furnished by trustee.

8. (1) Every trustee duly appointed shall, in addition to the security required by section five of this Act, forthwith give security in cash or by bond of an approved guaranty company satisfactory to the official receiver for the due accounting for, the payment and the transfer of all property received by him as trustee and for the due and faithful performance of his duties. Such security shall be deposited with the official receiver and shall be given in favour of the creditors generally and may be enforced by any succeeding trustee or by any one of the creditors on behalf of all by direction of the court. The amount of the said security may be increased or reduced by the official receiver at any time or from time to time during the administration of the estate on resolution of the inspectors.

Duties of trustee.

(2) The trustee shall, as soon as may be, take possession of the deeds, books, records and documents and all property of the bankrupt and make an inventory, and for the purpose of making an inventory the trustee shall be entitled to enter upon any premises on which the books, records, documents or property of the bankrupt may be, notwithstanding that they may be in the possession of a sheriff, a secured creditor, or other claimant thereto.

Trustee to be receiver.

(3) The trustee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the bankrupt, be in the same position as if he were a receiver of the property appointed by the court, and the court may on his application enforce such acquisition or retention accordingly.

7. (1) No material change. Formerly section 38.

(2) Section 38 (2) of the Act (R.S.C. 1927, c. 11) has now been restored.

8. (1) This was formerly subsection (8) of section 37 and read as follows:

"**37.** (8) Every trustee duly appointed shall, in addition to the security required by section 36A of this Act, forthwith give security in cash or by bond of an approved guarantee company, satisfactory to the Official Receiver for the due accounting for, the payment and the transfer of all moneys and property received by him as trustee. Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the court. The amount of the said security may be reduced by the Official Receiver at any time or from time to time during the administration of the estate on resolution of the Inspectors."

(2) To the former section 39 (1) has been added part of section 34 (1) now deleted owing to the abolition of the position of custodian. The powers therein conferred are now transferred to the trustee. Section 39 (1) read as follows:

"**39.** (1) The trustee shall, as soon as may be, take possession of the deeds, books and documents of the debtor and all other parts of his property capable of manual delivery."

(3) No material change. Formerly section 39 (2).

Right of trustee to books of account, etc.

(4) No person shall, as against the trustee, be entitled to withhold possession of the books of account belonging to the bankrupt or any papers or documents relating to the accounts or to any trade dealings of the bankrupt or to set up any lien thereon.

Property to be delivered to trustee.

(5) If any person has in his possession or power any property of the bankrupt which he is not by law entitled to retain as against the bankrupt or the trustee, he shall deliver such property to the trustee.

Power to act anywhere.

(6) Every trustee shall for the purpose of obtaining possession of and realizing upon the property of the bankrupt have power to act as such anywhere.

Conservatory measures.

(7) The trustee may when necessary in the interests of the estate take conservatory measures and summarily dispose of property which is perishable or likely to depreciate rapidly in value.

May continue business of bankrupt.

(8) The trustee may when necessary in the interests of the estate carry on the business of the bankrupt until the date fixed for the first meeting of creditors and, in the absence of instructions from the creditors or the inspectors, for such further period as the court deems advisable.

Assistance of court before first meeting.

(9) The trustee may with the authority of the court prior to the first meeting of creditors obtain such legal advice and take such court proceedings as may be deemed necessary for the recovery or protection of the property of the bankrupt.

How trustee may proceed in case of emergency.

(10) In the case of an emergency where the necessary authority cannot reasonably be obtained from the court or the inspectors in time to take appropriate action, the trustee may obtain such legal advice and institute such legal proceedings and take such action as he may deem necessary in the interest of the estate. Approval thereof shall be obtained as soon as may reasonably be done, but, if such approval is not given or is withheld or the trustee is directed to discontinue any such proceedings or action taken, so long as the trustee acted in good faith he shall not be personally liable for the costs or result of any such proceedings or action taken up to the time that approval was refused, withheld or directions for discontinuance given, but the costs up to such time shall be payable out of the estate.

Trustee to verify bankrupt's statement.

(11) The trustee shall verify the bankrupt's statement of affairs.

Divesting of property by trustee.

(12) The trustee may at any time divest himself of all or any part of his right, title or interest in any real or immovable property of the bankrupt by a notice of quit claim or disclaimer in the prescribed form, and the master or registrar of the land titles or registry office, as the case may be, where title to such real or immovable property is registered shall accept and register such notice when

(4) This was formerly Rule 167 and is placed here as a matter of substantive law rather than a matter of procedure. The added words have been taken from section 99 (3) of the Australian Act.

(5) This is a new subsection which has been adopted from section 99 (5) and (6) of the Australian Act.

(6) This was formerly section 36 (7). No material change.

(7) and (8) These subsections replace the former section 34 (2). Provision is made in subsection (8) also for continuity in certain situations that may arise. Section 34(2) formerly read as follows:

> "**34.** (2) The custodian may under the direction of the Official Receiver take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or may carry on the business of the debtor for such period as the court deems advisable."

(9) This is a new subsection creating an express authority heretofore only inferred.

(10) This is a new subsection. Oftentimes quick action is imperative to protect and conserve the assets. The trustee is presumed to be a person of sound judgment and the present set-up of the bankruptcy courts makes it difficult to obtain permission for prompt action in many cases of urgency. The trustee acting on the advice of a responsible solicitor may be trusted to act reasonably and in good faith knowing that his actions will later be scrutinized by the creditors, the inspectors or the court.

(11) This has been removed from former section 130(1) from "Duties of Debtor" to "Duties and Powers of Trustees" where it more properly belongs. Section 130(1) read as follows:

> "**130.** (1) It shall be the duty of the custodian to verify the debtor's statement of affairs and to make an inventory of his assets."

(12) This is a new subsection to provide a procedure whereby a trustee can divest himself of any interest he may have in the property of a bankrupt and at the same time to provide a method to establish the chain of title in those with a remaining interest in the property. Heretofore a receiving order, assignment or caution may have been registered against certain property as a precaution, with little information as to the precise interest of the bankrupt

tendered for registration. Registration thereof shall operate as a discharge or release of any documents previously registered by or on behalf of the trustee with respect to such property and shall vest all the right, title and interest of the trustee in such property in the person or persons entitled thereto according to their interests therein but where two or more persons have a remaining interest in such property or any part thereof the respective rights of such other persons as between themselves in all or any part of such property shall not be presumed to have been affected thereby.

When trustee may initiate criminal proceedings.

(13) The trustee may initiate such criminal proceedings as may be authorized by the creditors, the inspectors or the court against any person believed to have committed an offence under the provisions of this Act.

Duties of trustee restricted.

(14) The trustee shall be required to perform only the duties specifically imposed on him under this Act or the Rules or a court order made thereunder notwithstanding any Act or Statute to the contrary.

Trustee shall insure property.

9. (1) The trustee shall forthwith insure and keep insured in his official name all the insurable property of the bankrupt to the fair realizable value thereof, until sold or disposed of.

Losses payable to trustee.

(2) All insurance covering property of the bankrupt in force at the date of the bankruptcy shall, immediately, and without any notice to the insurer or other action on the part of the trustee, and notwithstanding any statute or rule of law or contract or provision to a contrary effect, become and be, in the event of loss suffered, payable to the trustee as fully and effectually as if the name of the trustee were written in the policy or contract of insurance as that of the insured or as if no change of title or ownership had come about and the trustee were the insured.

therein. The registration in many cases caused much embarrassment when it was found that the trustee had no real interest to protect. This section enables the cloud on the title to be cleared away in a simple manner.

(13) A trustee as the statutory agent of the creditors is naturally expected to perform executory acts on their behalf and it is considered advisable that there should be some express authority in regard to the initiation of criminal proceedings just as well as with respect to the many civil phases of the administration.

(14) In many cases attempts have been made to impose duties on a trustee in no way related to the administration of the estate such as filing returns of one type or another which the bankrupt failed to do. It is a perversion of justice to try to make a trustee responsible for the misdeeds of others.

The former section 8 is deleted as it is no longer necessary to retain these provisions. The object of this section originally was to prevent involuntary bankruptcies on a flood of debts contracted before the Act came into force. Its usefulness is now altogether obsolete. Section 8 read as follows:

"**8.** Notwithstanding anything in this Part appearing, no act or omission of a debtor in respect of any debt which

(a) was contracted or existed before the first day of July one thousand nine hundred and twenty; or

(b) is or is evidenced by any judgment or negotiable or renewable instrument the cause or consideration whereof existed before the first day of July, one thousand nine hundred and twenty, whether or not such judgment or instrument is a renewal or one of several renewals, proceeding from the same cause or consideration;

shall be deemed an available act of bankruptcy, nor shall any such debt be deemed sufficient to found the presentation of a bankruptcy petition, but it shall be provable in any proceedings otherwise founded under this Part, and otherwise."

9. (1) Formerly section 40 (1) which read as follows:

"**40.** (1) The trustee shall forthwith insure and keep insured in his Official name until sold or disposed of, all the insurable property of the debtor, to the fair realizable value thereof or to such other insurable amount as may be approved by the inspectors or by the court, in insurance companies authorized to carry on business in the province wherein the insured property is situate."

(2) No material change. Formerly section 40 (2).

Moneys to be deposited in bank.

(3) The trustee shall deposit in a chartered bank, in a separate trust account in the name of the estate to which the funds belong, all moneys of the estate, and he shall not withdraw or remove therefrom, without the permission in writing of the inspectors or the order of the court, any such moneys, except for payment of dividends and other charges incidental to the administration of the estate. All payments made by a trustee shall be made by cheque drawn on the estate account.

Not into private account.

(4) The trustee shall not deposit any sums received by him as a trustee in his private banking account.

Books to be kept by trustee.

(5) The trustee shall keep proper books and records of the administration of each estate to which he is appointed, in which shall be entered from day to day a record of all moneys or funds received or disbursed by him, a list of all creditors filing claims, the amount and disposition thereof and a copy of all notices sent out and the original signed copy of all minutes, proceedings had, and resolutions passed at any meeting of creditors or inspectors, court orders and all such other matters or proceedings as may be necessary to give a complete and correct view of his administration of the estate.

Trustee's records to be property of estate.

(6) The estate books, records and documents relating to the administration of an estate shall be deemed to be the property of the estate, and, in the event of any change of trustee or the administration being taken over by the official receiver, all such books, records and documents shall forthwith be delivered over to the substituted trustee or to the official receiver, as the case may be.

Creditors may inspect. Superintendent may examine.

(7) The trustee shall permit the books and records of the estate to be inspected and copies thereof made by the Superintendent, the bankrupt or any creditor or their agents at any reasonable time and shall forward such books, records and documents together with any other relevant documents and vouchers to the Superintendent for examination when required.

Reports by trustee.

(8) The trustee shall from time to time report,

(a) when required by the inspectors, to every creditor, and

(b) when required by any specific creditor, to such creditor, and

(c) when required by the Superintendent, to such Superintendent or the creditors,

showing the condition of the bankrupt's estate, the moneys on hand, if any, and particulars of any property remaining unsold.

(3) These provisions were formerly contained in section 50 (1). The words underlined are inserted to provide that there shall be a separate trust account for each bankrupt estate, and that all payments made by a trustee shall be made by cheque drawn upon the estate account.

(4) This was formerly section 50(2). It read as follows:

"**50.** (2) No trustee under a receiving order authorized assignment or composition or scheme of arrangement shall pay any sums received by him as a trustee into his private banking account."

(5) This section replaces former section 55. It prescribes the records to be kept for each estate, a provision hitherto lacking as, notwithstanding the words "in manner prescribed" and "as may be prescribed" in the former section, nothing has ever been prescribed regarding these matters. Section 55 formerly read as follows:

"**55.** The trustee of a bankrupt or assignor shall keep, in manner prescribed proper books, in which he shall from time to time cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor of the bankrupt or authorized assignor may, subject to the control of the court, personally or by his agent inspect any such books."

(6) This is a new subsection.

(7) This is a new subsection.

(8) This was formerly section 56 (1). No change other than the amendment contained in clause (c).

Charge for disbursements only.

(9) The trustee shall be entitled to charge against the estate of the bankrupt, for the preparation and delivery of any such report, only his actual disbursements.

Documents to be forwarded to Superintendent and Statistician.

(10) The trustee shall promptly after their receipt or preparation mail to the Superintendent and to the Dominion Statistician, Ottawa, a true copy of

(a) the notice referred to in section seventy of this Act;

(b) the statement referred to in section one hundred and nineteen *(d)* of this Act;

(c) the trustee's final statement of receipts and disbursements and the dividend sheet;

(d) every order made by the court upon the application for discharge of a bankrupt or annulling any bankruptcy;

and file a copy of the documents referred to in *(b)* and *(c)* of this subsection in the court.

Notices, etc., to be forwarded to Superintendent.

(11) The trustee shall forward to the Superintendent as they are issued copies of all notices, reports and statements sent by him to creditors and, when required, copies of such other documents as the Superintendent may specify.

Duty of trustee on expiration of licence or removal.

(12) Every trustee on the expiration of his licence or on his removal shall within ten days thereafter prepare and forward to the Superintendent a detailed financial statement of the receipts and disbursements together with a list of and report on the unadministered property of every estate in his hands for which he has not been discharged and shall forward to such other trustee as may be appointed in his stead or, pending the appointment of a trustee, to the official receiver all the remaining property of every estate in his hands together with all the books, records and documents relating thereto.

Trustee to file report before discharge.

(13) Every trustee before proceeding to his discharge shall, unless he has already done so, prepare and file in the court the report referred to in section one hundred and thirty of this Act and forward a copy thereof to the Superintendent.

(9) Formerly section 56(2). No change.

(10) This was formerly section 57(1) with no material change. It read as follows:

"**57.** (1) The trustee of a bankrupt or assignor shall promptly after their receipt or preparation mail to the Superintendent and to the Dominion Statistician, Department of Trade and Commerce, Ottawa, a true copy of

(a) the notice referred to in Section twenty-eight of this Act;

(b) the statement referred to in section one hundred and twenty-nine of this Act;

(c) the abstract of receipts and disbursements and the dividend sheet referred to in section seventy-eight of this Act;

(d) every order made by the court upon the application for discharge of any bankrupt or authorized assignor;"

Clause *(e)* has been deleted as it duplicated clause *(c)*. It read as follows:

"*(e)* the statement prepared by the trustee upon which a final dividend is declared; and"

Clause *(f)* is deleted. It is now included in clause *(d)*. It read as follows:

"*(f)* any order made under subsection five of section nineteen of this Act annulling any adjudication of bankruptcy."

The provisions of the former subsection (2) are now included in subsection 7. Subsection (2) read as follows:

"(2) Any person shall be entitled to examine and make copies of all or any of the documents mentioned in subsection one hereof, which are in the possession of the trustee."

(11) This is a new subsection, the provisions of which were formerly contained in Rule 175.

(12) This is a new subsection. Its purpose is to insure that a trustee shall immediately after his removal or non-renewal of licence make an accounting of his administration.

(13) This subsection is new. Its purpose is to make certain that a report will be available for any application for discharge of a bankrupt not dealt with before the trustee's discharge and that it will be prepared when all the facts and circumstances of the case are fresh in his memory.

Powers of trustee to deal with property.

10. The trustee, without the permission of the inspectors, may do all or any of the following things:—

(a) give receipts for any money received by him, which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof;

(b) prove, rank, claim and draw a dividend in respect of any debt due to the bankrupt;

(c) Execute any powers of attorney, deeds and other instruments for the purpose of carrying into effect the provisions of this Act.

Powers exercisable by trustee with permission of inspectors.

11. (1) The trustee may, with the permission of the inspectors, do all or any of the following things:—

(a) sell all or any part of the property of the bankrupt, including the goodwill of the business, if any, and the book debts due or growing due to the bankrupt, by tender, public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(b) lease any real or immovable property for such period and on such terms as the court may direct;

(c) carry on the business of the bankrupt, so far as may be necessary for the beneficial administration of the estate, for which purpose the trustee may, upon payment in full for value received after the bankruptcy, require any executory contract to which the bankrupt was a party to be carried out without regard to any indebtedness due and owing at the time of the bankruptcy;

(d) bring, institute, or defend any action or other legal proceeding relating to the property of the bankrupt;

(e) employ a solicitor or other agent to take any proceedings or do any business which may be sanctioned by the inspectors;

(f) accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time, subject to such stipulations as to security and otherwise as the inspectors think fit;

(g) mortgage or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts;

(h) compromise and settle any debts owing to the bankrupt;

10. No substantial change. Formerly section 41.

The former section 10 has been deleted as being a matter of routine administrative procedure. The second part is contained in section 16. Section 10 formerly read as follows:

> "**10.** Every Official Receiver with whom an assignment is filed, shall, when the same is completed as hereinbefore provided, deposit the same in the court having jurisdiction in the locality of the debtor, and if subsequently the trustee is displaced by a new trustee, such new trustee shall within four days of his appointment give notice thereof to the said court."

11. (1) Formerly section 43 (1).

(a) The word "tender" has been inserted.

(c) The added provision is deemed necessary as oftentimes the carrying on of a business depends on contracts in force being continued and it removes the unsavoury practice whereby creditors may take an advantage of the situation to obtain a preference over other creditors by demanding payment in full of past-due debts.

(h) This clause was formerly *(g)* and read as follows:

> "*(g)* Refer any dispute to arbitration, compromise any debts, claims and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the debtor and any person who may have incurred any liability to the debtor, on the receipt of such sums, payable at such time, and generally on such terms, as may be agreed on;"

The former clause *(h)* is now unnecessary in view of the amendments to clause *(i)*. It read as follows:

> "*(h)* Make such compromise or other arrangement as may be thought expedient with creditors, or persons claiming to be creditors, in respect of any debts provable against the estate;"

(i) This has been revised and simplified for greater clarity. Clause *(i)* formerly read as follows:

> "*(i)* Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the debtor, made or capable of being made on the trustee by any person or by the trustee on any person;"

(j) No change.

(k) The words deleted are unnecessary.

(*i*) compromise any claim made by or against the estate;

(*j*) divide in its existing form amongst the creditors, according to its estimated value, any property which from its peculiar nature or other special circumstances cannot be readily or advantageously sold;

(*k*) elect to retain for the whole or part of its unexpired term, or to assign, surrender, or disclaim any lease of, or other temporary interest in, any property of the bankrupt.

Permission limited to particular thing or class.

(2) The permission given for the purposes of this section shall not be a general permission to do all or any of the above mentioned things, but shall only be a permission to do the particular thing or things or class of thing or things which the permission specifies.

Power to allow bankrupt to manage property.

12. (1) The trustee, with the permission of the inspectors, may appoint the bankrupt himself to superintend the management of the property of the bankrupt or any part thereof, or to carry on the trade of the bankrupt for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the trustee may direct.

Allowance to bankrupt.

(2) The trustee may, with like permission, make from time to time such allowance as he may think just to the bankrupt out of his property for the support of the bankrupt and his family, or in consideration of his services, if he is engaged in winding up his estate, but any such allowance may be reduced by the court.

Trustee or interim receiver may incur obligations.

13. (1) Subject to the provisions of subsection two, a trustee, with the permission of the inspectors, or an interim receiver, with the permission of the court, may incur obligations, borrow money and give security on any property by mortgage, hypothec, charge, assignment, pledge or otherwise including security under the provisions of *The Bank Act* and make necessary or advisable advances, which obligations and advances so incurred or made and moneys so borrowed shall be discharged or repaid to the lender or to the trustee or interim receiver, out of the property of the bankrupt in priority to the claims of the creditors.

Limit of borrowing.

(2) The powers of a trustee or interim receiver to borrow money and give security therefor shall be limited to the borrowing of money in such amounts and on such terms and to the giving of security to such amount and upon such property and in such manner as may be authorized by the court, and for the purpose of giving security under section eighty-eight of *The Bank Act* the trustee or interim receiver if authorized to carry on the business of the bankrupt shall be deemed to be a person engaged in the class of business previously carried on by the bankrupt.

12. No substantial change. Formerly section 46.

13. (1) This was formerly section 51 (1). The word "custodian" has been deleted where it occurs in this section as being superfluous since this functionary has been eliminated. It has been deemed advisable to provide that the authorization of the court be obtained in the case of an interim receiver.

(2) This was formerly section 51 (2). No material change.

The former section 13(1) now becomes section 33. The former section 13(2) now becomes section 35. Section 13(3) has been deleted as it had been repeated in the former section 18 which now becomes section 37(1). It formerly read as follows:

> "13. (3) If approved by the court such extension, composition or scheme of arrangement shall be binding on all the creditors."

Limit of obligations and continuance of business.

(3) The creditors or inspectors may by resolution limit the amount of the obligations which may be incurred, the advances which may be made or moneys which may be borrowed by the trustee and may limit the period of time during which the business of the bankrupt may be continued by the trustee.

Debts deemed to be debts of estate.

(4) All debts incurred and credit received in carrying on the business of a bankrupt shall be deemed to be debts incurred and credit received by the estate, and the trustee shall not be personally responsible therefor unless payment thereof has been assumed in writing by him in his personal capacity.

Trustee not obliged to continue.

(5) The trustee shall not be under obligation to continue the business of the bankrupt if in his opinion the realizable value of the property is insufficient to protect him fully against possible loss occasioned by so doing and if the creditors or inspectors, upon demand made by the trustee, neglect or refuse to secure him against such possible loss.

Trustee carrying on business of bankrupt may apply to court for sale of property by tender if creditors refuse or neglect to repay advances.

(6) If the creditors, within ten days after demand by the trustee, made to the inspectors or at any meeting of creditors called by the trustee for the purpose of making such demand, refuse or neglect to repay to the trustee all money advances made by him or obtained in whole or in part upon his personal credit or responsibility and to secure the trustee to an extent adequate in his opinion or, if the trustee and the creditors cannot agree, in that of the court in respect of all liabilities incurred or which may be incurred by the trustee in so carrying on the business of the bankrupt, the court may, upon application of the trustee, order that the property of the bankrupt be offered for sale by tender to be addressed to and opened by the court at any time to be named by the court and, after the opening of any tenders received and subject to the directions and approval of the court, authorize the sale of the whole or any part of the property of the bankrupt and apply the proceeds to the payment of the advances, liabilities, expenses and proper costs of the trustee in the administration of the estate of the bankrupt.

Tenders and sale.

Court may vest property in trustee if tenders insufficient.

(7) If the property of a bankrupt is so offered for sale and, within thirty days after the time set for the opening of tenders, no tender or offer of an amount sufficient to repay the advances made and liabilities incurred by the trustee and also his proper costs and expenses is received by the court, then the court may, after such notice to the bankrupt and the creditors as to it may seem proper, vest the whole or any part of such property in the trustee in his personal capacity, and thereupon all rights and interests of the bankrupt and the creditors in the property shall be determined and ended.

(3) This was formerly section 51(3). No change.

(4) The purpose of the new subsection is to limit the *personal* responsibility of the trustee carrying on the business of the bankrupt to liabilities the payment of which may be assumed by him personally.

(5) This was formerly section 51(3A).

(6) The words "authorize the sale of" have been substituted for the word "sell". This was formerly section 51(4).

(7) The object of the change in this subsection is to simplify the unnecessarily cumbersome procedure in these matters and the provisions of former section 51 (5) and (6) have been condensed and combined in subsection (7). Subsections (5) and (6) formerly read as follows:

> "(5) If the property of a debtor is so offered for sale and, within thirty days after the time set for the opening of tenders, no tender or offer of an amount sufficient to repay the advances made and liabilities incurred by the trustee and also his proper costs and expenses, is received by the court, then the court may, after such notice to the debtor and the creditors as to it may seem proper, permit the trustee, in his personal capacity, to bid such a sum as is sufficient to repay him his advances, costs, expenses, and the amount of any liabilities incurred by him and reasonable remuneration and, conditional upon no higher bid being received before actual vesting of the property in him in his personal capacity, to purchase the whole or any part of such property at such prices and upon such terms as shall be approved by the court.
>
> (6) If the trustee so purchases the whole or any part of such property it shall pass to and vest in him in his personal capacity when the court so orders whereupon all rights and interests of the debtor and the creditors in or to it shall be determined and ended."

Trustee may apply to court for directions.

14. (1) A trustee may at any time apply to the court for directions in relation to any matter affecting the administration of the estate of a bankrupt.

Directions to trustee.

(2) The court shall give in writing such directions, if any, as may be proper according to the circumstances.

Redirection of bankrupt's mail.

15. The court, on the application of the trustee, may from time to time order that for such time, not exceeding three months, as the court thinks fit, post letters, post packets and telegrams addressed to the bankrupt at any place or places mentioned in the order for redirection shall be redirected, sent or delivered by the Postmaster General or the officers acting under him, or by the various government and other telegraph and cable systems operating in Canada, or by the operators thereof, to the trustee.

Duty of former trustee on substitution.

16. (1) Upon the appointment of a substituted trustee, the former trustee shall forthwith deliver to the substituted trustee all the property of the estate, together with all books, records and documents of the bankrupt and of the administration, and shall prepare and give to the substituted trustee a statement of his administration which shall include a detailed account of all receipts and expenditures of the estate, supported by all vouchers.

Duty of substituted trustee.

(2) The substituted trustee shall

(a) publish notice of his appointment in *The Canada Gazette* in the prescribed form;

(b) if appointed by the creditors, file with the court a copy of the minutes of the meeting, signed by the chairman;

(c) notify the Superintendent of his appointment;

(d) if required by the inspectors, register a notice of his appointment in the prescribed form in any registry or land titles office where the assignment or receiving order has been registered;

(e) as soon as funds are available, pay to the former trustee or trustees his or their remuneration and disbursements as approved by the court, and, in the event that sufficient funds have not been realized to pay the remuneration and disbursements of all the trustees, the court shall determine the amounts to be paid to each, having regard to the reason for the substitution and the services performed by each of them.

14. (1) Formerly section 42 (1). The words deleted are unnecessary.

(2) This was formerly section 42(2). It read as follows:

> "42. (2) The court shall give in writing such directions, if any, as may be proper according to the circumstances and not inconsistent with this Act, which directions shall bind as well as justify the subsequent consonant action of the trustee."

15. Formerly section 140. No material change.

16. (1) This is a new subsection specifying the duties placed upon a trustee who has been removed.

(2) This is an entirely new redraft containing within it all the essentials of the former section 37 (3), (4) and (5).

Former section 16 (1) to (5) has been transferred to section 36.

Appeals from Decisions of Trustee.

Appeal to court against trustee.

17. If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of the trustee, he may apply to the court and the court may confirm, reverse or modify the act or decision complained of and make such order in the premises as it thinks just.

Proceedings by creditor when trustee refuses to act.

18. (1) If a creditor desires any proceeding to be taken which, in his opinion, would be for the benefit of the estate, and the trustee refuses or neglects to take such proceedings after being duly required to do so, the creditor may obtain from the court an order authorizing him to take proceedings in his own name and at his own expense and risk, upon notice being given the other creditors of the contemplated proceedings to give them an opportunity to join therein, and upon such other terms and conditions as the court may prescribe.

Benefits belong to creditor.

(2) Any benefit derived from the proceedings shall, to the extent of the claim or claims and the costs, belong exclusively to the creditor or creditors instituting the same.

Trustee may institute proceedings.

(3) If, before such order is granted, the trustee shall, with the permission of the inspectors, signify to the court his readiness to institute the proceedings for the benefit of the creditors, the order shall prescribe the time within which he shall do so, and in that case the advantage derived from the proceedings, if instituted within such time, shall belong to the estate.

Remuneration of Trustee.

Remuneration of trustee.

19. (1) The remuneration of the trustee shall be such as is voted to the trustee by ordinary resolution at any meeting of creditors or, in the absence of such vote, by the inspectors.

Not to exceed 5 per cent.

(2) Where the remuneration of the trustee has not been fixed under the preceding subsection, the trustee may insert in his final statement and retain as his remuneration, subject to increase or reduction as hereinafter provided, a sum not exceeding five per cent of the amount remaining out of the realization of the property after the claims of secured creditors have been paid or satisfied.

17. This was formerly section 84. No change.

The former section 17 has been deleted as being a matter of routine procedure. It read as follows:

"**17.** If the court approves the proposal, the approval may be testified by the seal of the court, being attached to the instrument containing the terms of the proposed composition, extension or scheme, or by the terms being embodied in an order of the court."

18. This was formerly section 69. It has been changed to allow a creditor to take proceedings in his own name rather than in the name of the trustee. In many cases the indemnity for costs demanded by trustees has prevented such proceedings being taken by creditors when it was desirable that they be taken.

Section 69 read as follows:

"**69.** (1) If at any time a creditor desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the bankrupt's or authorized assignor's estate, and the trustee, under the direction of the creditors or inspectors, refuses or neglects to take such proceedings after being duly required to do so, the creditor may, as of right, obtain from the court an order authorizing him to take proceedings in the name of the trustee, but at his own expense and risk, upon such terms and conditions as to indemnity to the trustee as the court may prescribe.

(2) Any benefit derived from the proceedings shall to the extent of his claim and full costs, belong exclusively to the creditor instituting the same.

(3) If, before such order is granted, the trustee shall, with the approval of the inspectors, signify to the court his readiness to institute the proceedings for the benefit of the creditors the order shall prescribe the time within which he shall do so, and in that case the advantage derived from the proceedings, if instituted within such time, shall belong to the estate."

19. Formerly section 85. This section has been redrafted and simplified to some extent and its provisions extended to cover situations, *i.e.*, carrying on the bankrupt's business and where successive trustees are appointed, not specifically covered by the former section. Section 85 was formerly as follows:

"**85.** (1) The remuneration of the trustee in bankruptcy or in any other proceedings under this act, for his services, excepting those rendered *(a)* upon the adjustment of the rights of contributories as among themselves, and *(b)* in connection with the application of a bankrupt or authorized assignor for a discharge, shall be such as is voted to the trustee by a majority of creditors present at any general meeting.

(2) In the excepted cases the trustee's remuneration shall be fixed by the court.

(3) Where the remuneration of the trustee has not been fixed under the two last preceding subsections before the final dividend, the trustee may insert in the final dividend sheet and retain as his remuneration a sum not exceeding five per cent of the cash receipts, subject to reduction by the court upon application of any creditor or of the debtor.

(4) The remuneration of the trustee for all services shall not under any circumstances exceed five per cent of the cash receipts, except with the approval in writing of the inspectors and of the court.

(5) The disbursements of a trustee shall in all cases be taxed by the prescribed officer.

(6) In fixing the remuneration of the trustee, only that part of the sale price of real or immovable property which is available for distribution amongst creditors other than secured creditors claiming as such against the property shall be taken into account. Provided that this subsection shall not affect the application of subsection four of this section.

(7) If in any case after the trustee has paid all expenses of administration and has realized all available assets, the commissions allowable under subsection three of this section do not amount to one hundred dollars, the inspectors may grant the trustee a fee which with the commissions, if any, already paid or to be paid to him, shall not exceed one hundred dollars."

For carrying on debtor's business.

(3) Where the business of the debtor has been carried on by the trustee or under his supervision he may be allowed such special remuneration for such services as the creditors or the inspectors may by resolution authorize, and, in the case of a proposal, such special remuneration as may be agreed to by the debtor.

Successive trustees.

(4) In the case of two or more trustees acting in succession the remuneration shall be apportioned between the trustees in accordance with the services rendered by each.

Fixed by court.

(5) The court may increase or decrease the remuneration voted to a trustee or, in case no remuneration is voted, may determine the remuneration to which the trustee is entitled.

Court may disallow.

(6) On application made to the court by any creditor or the debtor, alleging any misconduct, solicitation of proxies, fraud, or improper dealing or action by the trustee, or for any other cause which the court deems sufficient, the court may direct that the remuneration of the trustee be disallowed in whole or in part.

Discharge of Trustee.

Application to court.

20. (1) When a trustee has completed the duties required of him with respect to the administration of the property of a bankrupt, he shall apply in the prescribed manner to the court for a discharge.

Discharge of trustee.

(2) The court may discharge a trustee from his trusts and from further performance of all or any of his duties and obligations with respect to any estate upon full administration of the affairs thereof or, for sufficient cause, before full administration.

Proof of administration.

(3) The court shall require proof of the extent of administration or, where there has not been full administration, of the condition of the estate and of the alleged sufficient cause.

Discharge when another trustee has been appointed and accounts satisfactory.

(4) The trustee shall be entitled to be discharged as aforesaid if, before full administration of the affairs of an estate, another trustee has been substituted and the former trustee has accounted to the satisfaction of the inspectors and the court for all property which came to his hands, and a period of three months has elapsed after the date of such substitution without any undisposed of claim or objection having been made by the bankrupt or any creditor.

When estate deemed fully administered.

(5) When the trustee's accounts have been approved by the inspectors and the court and all objections, applications and appeals have been settled or disposed of and all dividends have been paid, the affairs of the estate shall be deemed to have been fully administered.

20. (1) This a new subsection creating an obligation on the trustee to obtain a discharge, which heretofore was not the case.

(2) No material change. Formerly section 86 (1).

(3) No material change. This was formerly subsection (2).

(4) No substantial change. This was formerly subsection (3).

(5) This was formerly subsection (4). The changes are self-explanatory and have been made to conform to the procedure established by the Act.

Objections to be filed with court and trustee.

(6) Any interested person desiring to object to the discharge of a trustee shall forward his objection to the court and to the trustee in accordance with the provisions of subsection six of section one hundred and thirteen.

Court may grant discharge.

(7) The court shall consider such objection and may grant or withhold a discharge accordingly or give such directions as it may deem proper in the circumstances.

Fraud or breach of trust.

(8) Nothing in or done under authority of this section shall relieve or discharge or be deemed to relieve or discharge a trustee from the results of any fraud or fraudulent breach of trust.

Effect of discharge of trustee.

(9) The discharge of a trustee shall discharge him from all liability in respect of any act done or default made by him in the administration of the property of the bankrupt or otherwise in relation to his conduct as trustee, but any such discharge may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

Special security released.

(10) The discharge of a trustee under the provisions of this section shall operate as a release of the security provided pursuant to subsection one of section eight of this Act.

Trustee on discharge remains *de facto* trustee.

(11) Notwithstanding his discharge, the trustee shall remain *de facto* the trustee of the estate for the performance of any other duties imposed on or required of him by the court or under this Act.

Disposal of unrealizable property.

21. (1) With the permission of the inspectors, any property remaining and not considered realizable at the time of the trustee's discharge shall be returned to the bankrupt.

Disposal of documents of title.

(2) The trustee on his discharge shall transmit to such person as may be entitled thereto, all documents of title to real or immovable property and other important documents and papers relating thereto.

Disposal of books and papers.

(3) The trustee shall finally dispose of all books and papers of the estate of the bankrupt in manner prescribed by General Rules.

(6) This is a new subsection. It sets up a procedure to enable an objecting creditor to place his objection before the court.

(7) This is a new subsection. Its purport is obvious.

The former subsection (7) of section 86 has been deleted in view of the revised procedure provided by section 21. It read as follows:

> "**86.** (7) Upon the discharge of the trustee, assets, if any, not realized or distributed shall vest in the Receiver General for the benefit of the creditors."

(8) This was formerly subsection (6) of section 86. No material change.

The former subsection (8) is unnecessary and has been deleted. It read:

> "**86.** (8) There shall be no fee on this application unless it is contested."

(9) This is a new subsection. It has been adopted from section 93 (3) of the English Act. It sets up the legal effect of a discharge but provides for revocation on proof that it was obtained by fraud or suppression of material fact.

(10) This was formerly subsection (5) of section 86. No change.

(11) This is a new subsection. Its purpose is to remove the present disadvantages of the necessity of appointing a new trustee every time any matter arises in connection with an estate. It places no responsibility or obligation on the trustee but simplifies the disposition of such contingencies as may arise.

21. (1) This is a new subsection. It is presumed that the trustee will realize upon all the property capable of realization and under such circumstances there can hardly be any objection to the bankrupt having returned to him such property of no value.

(2) This is a new subsection and is merely complementary to subsection (1).

(3) Formerly section 87. No material change.

It is considered desirable also that trustees be relieved of the duty of conserving voluminous estate records long after the administration of the estates has been completed, with the exception of such records as may be necessary to deal with the bankrupts' applications for discharge if not dealt with before the discharge of the trustees. It should be noted that former Rule 128 was enacted prior to the institution of the system of licensing and supervising trustees.

NOTE:—The only similar provision in the English Act is found in Rule 384 which is as follows:

> "**384.** The Board of Trade may, on the application of the Official Receiver, direct that the debtor's books of account and other documents given up by him may be sold, destroyed, or otherwise disposed of."

Final disposition of property or documents of the estate.

(4) In the event of a trustee being unable to dispose of any property or documents as provided in this section, the court may give such directions to the trustee as may be necessary.

PART II.

Receiving Orders and Assignments.

Acts of Bankruptcy.

Acts of bankruptcy.

22. A debtor commits an act of bankruptcy in each of the following cases:—

Assignment.

(a) if in Canada or elsewhere he makes an assignment of his property to a trustee for the benefit of his creditors generally, whether it is an assignment authorized by this Act or not;

Fraudulent conveyance.

(b) if in Canada or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof;

Fraudulent preference.

(c) if in Canada or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would under this Act be void as a fraudulent preference;

Absconding.

(d) if with intent to defeat or delay his creditors he does any of the following things, namely, departs out of Canada, or, being out of Canada, remains out of Canada, or departs from his dwelling house or otherwise absents himself;

Execution unsatisfied, property sold by sheriff or no property to be found.

(e) if he permits any execution or other process issued against him under which any of his property is seized, levied upon or taken in execution to remain unsatisfied until within four days from the time fixed by the sheriff for the sale thereof or for fourteen days after such seizure, levy or taking in execution, or if the property has been sold by the sheriff, or if the execution or other process has been held by him for fourteen days after written demand for payment without seizure,

(4) This subsection has been added to complete the procedure in such cases.

The former section 21 has been deleted. It read as follows:

"**21.** (1) In the case of a meeting to consider a proposal of a scheme of arrangement of the affairs of a corporation debtor of a nature that any change is made in the rights of the shareholders under the letters patent or other instrument of incorporation of the company or the right of participation in such scheme of any shareholder is made conditional upon the purchase by such shareholder of any new securities or upon any other payment or contribution by such shareholder, every shareholder of such corporation shall be notified in the manner prescribed by section twelve of this Act.

(2) If at the meeting so convened shareholders representing three-fourths in value of the holders of each class of shares present in person or by proxy at such meeting, resolve to accept the proposal either as made or as altered or modified at the request of the meeting, it shall be deemed to be accepted by the shareholders.

(3) If approved by the court such scheme of arrangement shall be binding upon all the shareholders

(a) in the case of a corporation incorporated by or under an Act of the Parliament of Canada, upon the filing in the office of the Secretary of State of a certified copy of the scheme and of the court's approval thereof, and

(b) in the case of a corporation incorporated other than by or under an Act of the Parliament of Canada, upon any necessary steps being taken to give effect thereto under the laws by or under which such company is incorporated."

22. This was formerly section 3.

(a) No change.

(b) No change.

(c) No substantial change.

(d) No substantial change.

(e) No material change.

levy or taking in execution or satisfaction by payment, or if it is returned endorsed to the effect that the sheriff can find no property whereon to levy or to seize or take: Provided that where interpleader proceedings have been instituted in regard to the goods seized, the time elapsing between the date at which such proceedings were instituted and the date at which such proceedings are finally disposed of, settled or abandoned shall not be taken into account in calculating any such period of fourteen days;

Proviso.

Exhibits statement showing insolvency.

(f) if he exhibits to any meeting of his creditors any statement of his assets and liabilities which shows that he is insolvent, or presents or causes to be presented to any such meeting a written admission of his inability to pay his debts;

Fraudulent disposition of property.

(g) if he assigns, removes, secretes or disposes of or attempts or is about to assign, remove, secrete or dispose of any of his property with intent to defraud, defeat or delay his creditors or any of them;

Bulk sale.

(h) if he makes any bulk sale under the provisions of any *Bulk Sales Act* in force in the province wherein the sale price will not be sufficient to pay his creditors in full;

Notice of suspension of payment.

(i) if he gives notice to any of his creditors that he has suspended or that he is about to suspend payment of his debts;

Default in proposal.

(j) if he defaults in any proposal made under this Act;

Ceasing to meet liabilities.

(k) if he ceases to meet his liabilities generally as they become due.

(f) No change.

(g) No material change.

(h) The word "under" has been substituted for the words "without complying with". It is well known that bulk sales are effected which constitute acts of bankruptcy despite the fact that the provisions of the *Bulk Sales Act* may have been observed. The addition of the words "wherein the sale price will not be sufficient to pay his creditors in full" makes all such sales acts of bankruptcy.

(i) No change.

(j) This is a new clause. Its purpose is to make the default in the payment of a proposal an act of bankruptcy available to the creditors. At present the creditors of a debtor who has defaulted under a proposal cannot avail themselves of the prior "act of bankruptcy" unless it has taken place within six months before the filing of the petition.

(k) Formerly 3 *(j)*. No change.

Petition for Receiving Order.

Bankruptcy petition.

23. (1) One or more creditors may file in court a petition for a receiving order against a debtor if, and if it is alleged in the petition that,

Conditions on which creditor may petition.

(a) the debt or debts owing to the petitioning creditor or creditors amount to five hundred dollars; and

(b) the debtor has committed an act of bankruptcy within six months next preceding the filing of the petition:

If petitioning creditor is a secured creditor.

Provided however that, if the petitioning creditor is a secured creditor, he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of a receiving order being made against the debtor, or give an estimate of the value of his security, and in the latter case he may be admitted as a petitioning creditor, to the extent of the balance of the debt due to him after deducting the value so estimated, in the same manner as if he were an unsecured creditor.

Affidavit.

(2) The petition shall be verified by affidavit of the petitioner or by someone duly authorized on his behalf having personal knowledge of the facts alleged in the petition.

Consolidation of petitions.

(3) Where two or more petitions are filed against the same debtor or against joint debtors, the court may consolidate the proceedings or any of them on such terms as the court thinks fit.

Where petition may be filed.

(4) The petition shall be filed in the court having jurisdiction in the locality of the debtor.

Proof of facts, etc.

(5) At the hearing the court shall require proof of the facts alleged in the petition and of the service of the petition, and, if satisfied with the proof, may make a receiving order.

Dismiss petition.

(6) If the court is not satisfied with the proof of the facts alleged in the petition or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, it shall dismiss the petition.

23. Formerly section 4. The words "file" and "file in" have been substituted for the words "present" and "present to" wherever they occur in this section. The changes have been made in the interest of greater precision.

(1) This is a redraft of former subsections (1) and (3) which have been revised and combined for greater simplicity. These subsections read as follows:

> "4. (1) Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy a creditor may present to the court a bankruptcy petition."
>
> "(3) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless
>
> *(a)* the debt owing by the debtor to the petitioning creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to the several petitioning creditors amounts to five hundred dollars; and
>
> *(b)* the act of bankruptcy on which the petition is grounded has occurred within six months before the presentation of the petition."

The proviso was formerly subsection (4).

(2) The added words have been included to permit the agent or duly authorized representative of the petitioner to make the affidavit. The important factor is that the facts alleged in the petition are verified by someone having personal knowledge thereof. The phrase "and served on the debtor in the prescribed manner" has been deleted as being more properly a matter for procedure already inserted in former Rule 77.

(3) This was formerly subsection (7) of section 163.

(4) No material change. Formerly subsection (5) of section 4.

(5) Formerly subsection (6). The words struck out in the last clause have been transferred to subsection (8). This subsection formerly read as follows:

> "4. (6) At the hearing the court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with the proof, may adjudge the debtor a bankrupt and in pursuance of the petition, make an order, in this Act called a receiving order, for the protection of the estate, and appoint as custodian a licensed trustee, having regard, as far as the court deems just, to the wishes of the creditors."

(6) Formerly subsection (7) which read as follows:

> "4. (7) If the court is not satisfied with the proof of the petitioning creditor's debt, or of the act of bankruptcy, or of the service of the petition, or is satisfied by the debtor that he is able to pay his debts, or, in case an authorized assignment has been made, that the estate can be best administered under the assignment, or that for other sufficient cause no order ought to be made, it shall dismiss the petition."

Power to dismiss petition against some respondents only.

(7) Where there are more respondents than one to a petition the court may dismiss the petition as to one or more of them, without prejudice to the effect of the petition as against the other or others of them.

Appointment of trustee.

(8) Upon a receiving order being made, for the protection of the estate, the court shall appoint a licensed trustee as trustee of the property of the bankrupt, having regard, as far as the court deems just, to the wishes of the creditors.

Stay of proceedings where facts alleged in petition denied.

(9) Where the debtor appears on the petition and denies the truth of the facts alleged in the petition, the court may, instead of dismissing the petition, stay all proceedings on the petition on such terms as it may see fit to impose on the petitioner as to costs or on the debtor to prevent alienation of his property and for such time as may be required for trial of the issue relating to the disputed facts.

Stay of proceedings for other reasons.

(10) The court may at any time for other sufficient reason make an order staying the proceedings under a petition, either altogether or for a limited time, on such terms and subject to such conditions as the court may think just.

Security for costs.

(11) A petitioner who is resident out of Canada may be ordered to give security for costs to the debtor, and proceedings under the petition may be stayed until such security is furnished.

Receiving order on another petition.

(12) Where proceedings on a petition have been stayed or have not been prosecuted with due diligence and effect, the court may, if by reason of the delay or for any other cause it is deemed just so to do, substitute or add as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act and make a receiving order on the petition of such other creditor, and shall thereupon dismiss on such terms as it may deem just the petition in the stayed or non-prosecuted proceedings.

Petition withdrawn only by leave.

(13) A petition shall not be withdrawn without the leave of the court.

(7) This was formerly section 166. No change.

(8) This was formerly included in subsection (6) of section 4 but it provided for the appointment of the custodian and not of the trustee. The purpose of the change is to eliminate the unnecessary office of custodian and unnecessary contests between trustees for appointment to estates.

(9) The words deleted are deemed an arbitrary denial of the ordinary civil rights of the debtor who in the case of a large disputed debt may have an undue hardship imposed on him to provide security before liability for the debt is legally established. This was formerly subsection (8) and read as follows:

> "**4.** (8) Where the debtor appears on the petition, and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the court, on such security (if any) being given as the court may require for payment to the petitioner of any debt which may be established against him in due course of law and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt."

(10) This was formerly subsection (10) of section 163.

(11) This is a revision of former Rule 75 which read as follows:

> "**Rule 75.** A petitioning creditor who is resident abroad, or whose estate is vested in a trustee under any law relating to bankruptcy, or against whom a petition is pending under any such law, or who has made default in payment of any judgment, order for payment of money or of any costs ordered by any Court to be paid by him to the debtor, may be ordered to give security for costs to the debtor and proceedings under the petition may be stayed until such security is furnished."

The former subsection (11) has been transferred to section 43 (4). It read as follows:

> "**4.** (11) The bankruptcy of a debtor shall be deemed to have relation back to and to commence at the time of the presentation of the petition on which a receiving order is made against him."

(12) A redraft of former sections 4 (9) and 163 (8) which read as follows:

> "**4.** (9) Where proceedings have been stayed or have not been prosecuted with effect the court may, if by reason of the delay or for any other cause it is deemed just so to do, make a receiving order on the petition of another creditor, and shall thereupon dismiss on such terms as it may deem just the petition in the stayed or non-prosecuted proceedings."
>
> "**163.** (8) Where the petitioner does not proceed with due diligence on his bankruptcy petition, the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor, or may dismiss the petition."

(13) The words "after presentment" are unnecessary. This was formerly subsection (10) of section 4.

Power to present petition against one partner.

(14) Any creditor whose claim is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

Court may consolidate proceedings.

(15) Where a receiving order has been made against one member of a partnership, any other petition against a member of the same partnership shall be filed in or transferred to the court in which the first-mentioned petition is in course of prosecution, and, unless the court otherwise directs, the same trustee shall be appointed as may have been appointed in respect of the property of the first-mentioned member of the partnership, and the court may give such directions for consolidating the proceedings under the petitions as it thinks just.

Continuance of proceedings on death of debtor.

(16) If a debtor against whom a petition has been filed dies, the proceedings shall, unless the court otherwise orders, be continued as if he were alive.

Petition against estate of deceased debtor.

24. (1) Subject to the provisions of section twenty-three, a bankruptcy petition may be filed against the estate of a deceased debtor.

(2) After service of a petition upon the legal personal representative of a deceased debtor, he shall not make payment of any moneys or transfer any property of the deceased debtor, save as required for payment of the proper funeral and testamentary expenses, until the petition is disposed of, otherwise, in addition to any penalties to which he may be subject, he shall be personally liable therefor, but nothing in this section shall be deemed to invalidate any payment or transfer of property made or any act or thing done by such legal personal representative in good faith before the service of the petition.

Costs of petition.

25. (1) When a receiving order is made, the costs of the petitioner shall be taxed and be payable out of the estate, unless the court otherwise orders.

(2) When the proceeds of the estate are not sufficient for the payment of any costs incurred by the trustee, the court may order such costs to be paid by the petitioner.

Interim Receiver.

Appointment of interim receiver.

26. (1) The court may, if it is shown to be necessary for the protection of the estate, at any time after the filing of a petition and before a receiving order is made, appoint a licensed trustee as interim receiver of the property of the debtor or of any part thereof and direct him to take immediate possession thereof upon such undertaking being given by the petitioner as the court may impose as to interference with the debtor's legal rights and as to damages in the event of the petition being dismissed.

(14) This was formerly section 165 (1). No material change.

(15) This was formerly section 165 (2) which began as follows: "Where a receiving order has been made on a bankruptcy petition *by or* against one member of a partnership, any other bankruptcy petition *by or* against a member of the same partnership", etc. The words *"by or"* had been retained in error from the English Act.

(16) This was formerly section 163 (9). The words *"by or"* have been deleted here for the same reason.

24. This is a new section and is adopted in substance from section 130 of the English Act. Although the definition of a "person" is stated to include the heirs, executors, administrators or other legal personal representatives of a person, yet the courts in certain of the provinces have differed as to the right of a creditor to file a petition against the estate of a deceased debtor.

25. (1) This was formerly Rule 55 (1).

(2) This was formerly Rule 55 (2).

26. (1) This was formerly section 5 (1). The words "if no custodian has been appointed and" were apparently included in the Act in error, as the custodian could not be appointed before the receiving order was made. The concluding words "or of any part thereof" are an unnecessary repetition of these words. The added words have been included as a measure of protection to the debtor.

Powers of interim receiver.

(2) The interim receiver may, under the direction of the court, take conservatory measures and summarily dispose of property which is perishable or likely to depreciate rapidly in value and exercise such control over the business of the debtor as the court deems advisable: Provided that the interim receiver shall not unduly interfere with the debtor in the carrying on of his business except as may be necessary for such conservatory purposes or to comply with the order of the court.

Proviso.

Application of sections four et seq.

27. The provisions of sections twenty-three, twenty-four, twenty-five and twenty-six of this Act shall not apply to persons engaged solely in farming or the tillage of the soil or to any person who works for wages, salary, commission or hire at a rate of compensation not exceeding twenty-five hundred dollars per year and who does not on his own account carry on business.

Assignments.

Assignment for general benefit of creditors.

28. (1) Any debtor or, if deceased, his legal personal representative with the leave of the court, may make an assignment of all his property for the general benefit of his creditors.

Sworn statement.

(2) Such assignment shall be accompanied by a sworn statement in the prescribed form showing the property of the debtor divisible among his creditors, the names and addresses of all his creditors and the amounts of their respective claims and the nature of each, whether secured, preferred or unsecured.

Filing of assigment.

(3) The assignment shall be offered to the official receiver in the locality of the debtor, and it shall be inoperative until filed with such official receiver, who shall refuse to file the same unless it is in the form prescribed by the General Rules or to the like effect and accompanied by the sworn statement required by the preceding subsection.

Effect thereof.

Appointment of trustee.

(4) If the official receiver files the assignment he shall appoint as trustee a licensed trustee whom he shall, as far as possible, select by reference to the wishes of the most interested creditors if ascertainable at the time. The official receiver shall complete the assignment by inserting therein as grantee the name of such trustee.

(2) This was formerly section 5 (2). The proviso is new. Its purpose is to remove any misunderstanding respecting the powers and duties of the interim receiver. The appointment of an interim receiver is perhaps the most arbitrary proceeding known in civil law and some legislative direction on the manner in which the powers should be exercised is deemed necessary.

27. This was formerly section 7 and read as follows:

"7. The provisions of this Part shall not apply to wage-earners or to persons engaged solely in farming or the tillage of the soil."

The definition of a "wage-earner" (formerly section 2 *(ll)* has been incorporated in the section.

28. This was formerly section 9.

(1) The subsection has been amended to bring it in line with section 24 to remove any doubt arising from conflicting decisions of the court. The exception previously contained in the subsection has been deleted as it conflicts with *The Farmers' Creditors Arrangement Act.* The words "whose liabilities to creditors provable as debts under this Act exceed five hundred dollars" have also been deleted as being unnecessary in view of the definition of a "debtor". The subsection formerly read as follows:

"9. (1) Any insolvent debtor (other than a resident in the province of Quebec engaged solely in farming or the tilling of the soil) whose liabilities to creditors, provable as debts under this Act, exceed five hundred dollars, may, at any time prior to the making of a receiving order against him, make an assignment of all his property for the general benefit of his creditors."

(2) No change except that the words "secured, preferred, or unsecured" have been substituted for "privileged, secured or otherwise" for greater precision.

(3) No material change.

(4) This is a new subsection. It amends and combines parts of the former subsections (4), (5) and (6), which were as follows:

"(4) If the Official Receiver accepts the assignment, he shall file the same, whereupon the property of the debtor shall be deemed to be under the authority of the court and the debtor shall cease to have any capacity to dispose of or otherwise deal with such property.

(5) Immediately after the acceptance of the authorized assignment the Official Receiver shall appoint as custodian a licensed trustee whom he shall, as far as possible, select by reference to the wishes of the most interested creditors, if ascertainable at the time.

(6) Upon the appointment of the trustee by the creditors, the Official Receiver shall complete the authorized assignment by inserting therein as grantee the name of such trustee, and such assignment shall thereupon, subject to the provisions of this Act, and subject to the right of secured creditors vest, as of the date of the acceptance and filing of the said assignment, in the trustee, all the property of the debtor, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever."

If no licensed trustee found.

(5) If the official receiver is unable to find any licensed trustee who is willing to act as trustee, and

(a) if the bankrupt is not a corporation, the provisions of the Act relating to summary administration of estates shall apply, or

(b) if the bankrupt is a corporation, the official receiver shall, after giving the bankrupt seven days' notice of his intention, cancel the assignment.

The object of the changes is to simplify the procedure by the elimination of the unnecessary office of custodian and to have the trustee appointed by the official receiver as soon as the assignment is filed. The provisions in subsection (4) relating to the capacity of the debtor and those in subsection (6) as to the vesting of the property are now found in section 43 (5).

(5) This was formerly subsection (8). The substitution of the words "licensed trustee" for "person", and "trustee" for "custodian", is made to bring the subsection into conformity with the changed procedure introduced in this section.

The former subsection (7) has been deleted. It read as follows:

> "(7) Every assignment of his property other than an authorized assignment made by an insolvent debtor for the general benefit of his creditors shall be null and void."

PART III.

Proposals.

By an insolvent person.
By a bankrupt.
Documents to be filed.

29. (1) A proposal may be made by

(a) any insolvent person other than a corporation, and

(b) any bankrupt.

(2) Proceedings for a proposal shall be commenced in the case of an insolvent person by filing with a licensed trustee and in the case of a bankrupt by filing with the trustee of the estate

(a) a copy of the proposal in writing setting out the particulars of any securities or sureties proposed, signed by the debtor and the proposed sureties, if any;

(b) if bankrupt, the statement of affairs referred to in section one hundred and nineteen, or

(c) if not bankrupt, a statement showing the financial position of the debtor at the date of the proposal, verified by affidavit as being correct to the belief and knowledge of the debtor.

Proposal, etc., not to be withdrawn.

(3) No such proposal or any security or guarantee tendered therewith may be withdrawn pending the decision of the creditors and the court.

Duties of trustee.

(4) The trustee shall make or cause to be made such an appraisal and investigation of the affairs and property of the debtor as to enable him to estimate with reasonable accuracy the financial situation of the debtor and the cause of the debtor's financial difficulties or insolvency and report the result thereof to the meeting of the creditors.

Trustee to report.

29. The sections dealing with proposals have been entirely revised with the following objects in view:

(i) To restore to the Act the right accorded to the debtor by section 13 of the *Bankruptcy Act, 1919*, to make a proposal to his creditors prior to making an authorized assignment or the making of a receiving order against him. This right was abrogated by the Amendments of 1923 to the *Bankruptcy Act* because of the alleged abuses that had become associated with these proceedings due to lack of adequate supervision and control. It was subsequently restored in part by the *Companies' Creditors Arrangement Act, 1933*, which, however, restricted its operation to incorporated companies. One of the objects of the present changes is to restore to debtors other than corporations the right to make a proposal prior to bankruptcy proceedings.

(ii) To secure for the creditors a greater percentage of the assets of debtors than can be secured under the present procedure whereby a debtor must be in bankruptcy before he can make a formal proposal to his creditors. It is believed that by restoring to the debtor the right of making a formal offer prior to bankruptcy many debtors will avail themselves thereof before their affairs become hopelessly involved and they are forced into bankruptcy.

This was formerly section 11 which read as follows:

"**11.** (1) Where an insolvent debtor intends to make a proposal for
(a) a composition in satisfaction of his debts; or
(b) an extension of time for payment thereof, or
(c) a scheme of arrangement of his affairs;
he may, after the making of a receiving order against him or the making of an authorized assignment by him, require in writing the trustee duly appointed to convene at the office of such trustee a meeting of such debtor's creditors for the consideration of such proposal.

(2) The debtor shall at the time when he requires the convening of such meeting, or before, lodge with the trustee
(a) a true statement of the debtor's affairs, including a list of his creditors, which list shall show the post office address of and the amount payable to each creditor, the whole statement being verified by the debtor by statutory declaration; and
(b) a proposal in writing signed by the debtor, embodying the terms of the proposed composition, extension or scheme and setting out the particulars of any sureties or securities proposed."

(1) and (2). These subsections have been completely revised in line with the new procedure. In addition, subsection (1) has been simplified by inserting the definition of a proposal in section 2 *(s)*.

(3) This was formerly section 13 (4). No material change.

(4) This is a new subsection and is self-explanatory.

Trustee shall call meeting of creditors.

30. (1) The trustee shall forthwith call a meeting of the creditors by sending by registered mail to every known creditor affected by the proposal and to the Superintendent at least ten days prior thereto

Documents to be mailed to creditors with notice of meeting.

(a) a notice of the date, time and place of the meeting;
(b) a condensed statement of the assets and liabilities as estimated by the trustee;
(c) a list of the creditors affected by the proposal with their addresses and the amounts of their claims as known or shown by the debtor's books;
(d) a copy of the proposal, which after bankruptcy may be included in the notice of the first meeting of creditors if the proposal is submitted before the notice of the first meeting is sent out;
(e) a form of proof of claim if not already sent; and
(f) a form of proxy in blank as prescribed.

In case of a prior meeting.

(2) If any meeting of his creditors whereat a statement or list of the debtor's assets, liabilities and creditors was presented has been held before the trustee is so required to convene such meeting to consider such proposal and at the time when the debtor requires the convening of such meeting the condition of the debtor's estate remains substantially the same as at the time of such former meeting, the trustee may omit observance of the provisions of paragraphs *(b)* and *(c)* of the preceding subsection.

Adjournment of meeting for further investigation and examination.

31. If the creditors by ordinary resolution at the meeting at which a proposal is being considered so require, the meeting shall be adjourned to such time and place as may be fixed by the chairman,

(a) to enable such further appraisal and investigation of the affairs and property of the debtor to be made as may be deemed advisable in which case the information thereby obtained shall be incorporated in a report and placed before the adjourned meeting or may be read in court on the application for approval of the proposal, or
(b) for the examination under oath of the debtor or of such other person as may be believed to have knowledge of the affairs or property of the debtor as elsewhere provided in this Act. The testimony of the debtor or such other person, if transcribed, shall be placed before the adjourned meeting or may be read in court upon the application for the approval of the proposal.

Creditor may assent or dissent by letter.

32. Any creditor who has proved his claim may assent to or dissent from the proposal by a letter to that effect addressed by registered mail to the trustee prior to the meeting, and any such assent or dissent if received by the trustee at or prior to the meeting shall have effect as if the creditor had been present and had voted at the meeting.

30. (1) This is a revision of former section 12 (1) to provide for meetings either before or after bankruptcy. Section 12 read as follows:

"**12.** (1) As soon as possible after a trustee has been required to convene a meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement, he shall submit the proposal to the inspectors and if authorized by a majority of them shall forthwith fix a date for such meeting and send by registered mail to every known creditor

(a) at least ten days' notice of the time and place of meeting, the day of mailing to count as the first day's notice;

(b) a condensed statement of the assets and liabilities of the debtor;

(c) a list of his creditors; and

(d) a copy of his proposal.

(2.) If any meeting of his creditors whereat a statement or list of the debtor's assets, liabilities and creditors was presented has been held before the trustee is so required to convene such meeting to consider such proposal and at the time when the debtor required the convening of such meeting the condition of the debtor's estate remains substantially the same as at the time of such former meeting, the trustee may omit observance of the provisions identified as *(b)* and *(c)* in the preceding subsection."

(2) No change.

The former section 30 has been deleted. It read:

"**30.** (1) If the receiving order or authorized assignment is not registered, or filed, or if notice of said receiving order or assignment is not published within the time and in the manner prescribed by this Part, an application may be made by any creditor or by the debtor to compel the registration or filing of the receiving order or assignment, or publication of such notice, and the judge shall make his order in that behalf and with or without costs, or upon the payment of costs by such person as he may, in his discretion, direct to pay the same.

(2) The judge may, in his discretion, impose a penalty on the trustee for any omission, neglect or refusal so to register, file, or publish as aforesaid, in an amount not exceeding the sum of five hundred dollars, and such penalty when imposed shall forthwith be paid by the trustee personally into and for the benefit of the estate of the debtor.

(3) Saving and preserving the rights of innocent purchasers, for value, neither the omission to publish or register as aforesaid; nor any irregularity in the publication or registration, shall invalidate the assignment or affect or prejudice the receiving order."

31. This is a revision of subsections (1) and (2) of former section 15 to enable a further investigation to be made if deemed necessary and a report of the investigation and the examination to be placed before a meeting or the court. Section 15 formerly read as follows:

"**15.** (1) If creditors who hold ten per cent or more in amount of proved debts request the examination of the debtor, the trustee shall cause him to be examined under oath before the registrar or other officer appointed for that purpose by General Rules and his testimony to be taken down in writing.

(2) The testimony, so taken, may be read upon the hearing of the application for the approval of the composition or scheme of arrangement.

(3) The court if not satisfied with such testimony as so taken, may direct that the debtor attend before the court for the purpose of further examination."

Subsection (3) is unnecessary and has been deleted.

The former section 31 has been deleted. It was as follows:

"**31.** The provisions of subsection one of section twenty-five and subsection three of section twenty-nine of this Act shall not apply to any judgment or certificate of judgment registered against real or immovable property in any of the provinces of Nova Scotia, New Brunswick or Quebec prior to the first day of July, one thousand nine hundred and twenty, which became, under the laws of the province wherein it was registered, a lien or hypothec upon such real or immovable property."

32. Formerly section 14. No substantial change.

When proposal deemed to be accepted.

33. The creditors or any class thereof may by special resolution resolve to accept the proposal as made or as altered or modified at the meeting or any adjournment thereof insofar as the proposal affects such creditors or class of creditors.

Creditors may provide for supervision of debtor's affairs.

34. At any meeting to consider a proposal the creditors, with the approval of the debtor, may include such provisions or terms in the proposal with respect to the supervision of the affairs of the debtor as may be deemed advisable.

Application for approval.

35. Upon acceptance of the proposal by the creditors, the trustee shall apply to the court forthwith for its approval and shall send notice of the hearing of the application by registered mail, not less than seven days before the date of the hearing, to the debtor, to every creditor who has proved his claim and to the Superintendent; and the trustee, not less than two days before the date of the hearing, shall file in the prescribed form a report to the court on the proposal and shall forward a copy to the Superintendent.

33. This was formerly section 13 (1) and read as follows:

"**13.** (1) If at the meeting so convened to consider such proposal or at any subsequent meeting of creditors a majority of all the creditors and holding three-fourths in amount of all proved debts present in person or by proxy at such meeting resolve to accept the proposal either as made or as altered or modified at the request of the meeting, it shall be deemed to be duly accepted by the creditors."

The former section 33 has been deleted. It read:

"**33.** (1) No advantage shall be taken of or gained by any creditor through any mistake, defect or imperfection in any authorized assignment or in any receiving order or proceedings connected therewith, if the same can be amended or corrected; and any mistake, defect or imperfection may be amended by the court.

(2) Such amendment may be made on application of the trustee or of any creditor on such notice being given to other parties concerned as the court shall think reasonable; and the amendment when made shall have relation back to the date of the assignment or petition in bankruptcy, but not so as to prejudice the rights of innocent purchasers for value."

34. This is a new section and is self-explanatory.

The former section 34 has been deleted. With the appointment of the trustee on the making of the receiving order or filing of the assignment the office of custodian becomes unnecessary. The essential provisions of this section are now included in section 8—"Duties and Powers of Trustees". Section 34 read as follows:

"**34.** (1) The custodian whether appointed by the court pursuant to a receiving order, or by the Official Receiver pursuant to an authorized assignment, shall take immediate possession of the books and all the property of the debtor liable to seizure, and for the purpose of making an inventory thereof shall be entitled to enter upon any premises where the books or property of the debtor are, notwithstanding that such books or property are in the possession of a sheriff or secured creditor or other claimant thereto.

(2) The custodian may under the direction of the Official Receiver take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or may carry on the business of the debtor for such period as the court deems advisable.

(3) The custodian shall remain in possession until a trustee is appointed by the creditors.

(4) Any person appointed as custodian pursuant to the provisions of this Act, shall during the term of his office as such custodian be deemed to be an officer of the court, and shall when so appointed forthwith give such security for the proper performance of his duties as shall be prescribed by General Rules."

35. This was formerly section 13 (2) and Rule 112 which read as follows:

"**13.** (2) The trustee shall forthwith, if the proposal is accepted by the creditors, apply to the court to approve it, and if the trustee does not make such application within ten days, the debtor or any creditor may do so."

"*Rule* **112.** Whenever an application is made to the court to approve of a composition, extension or scheme, the trustee shall, not less than seven days before the hearing of the application, send notice by registered mail of the application to the debtor and to every creditor who has proved his debt; and the trustee shall file his report not less than two days before the time fixed for hearing the application."

The former section 35 has been deleted. It read as follows:

"**35.** (1) Notwithstanding anything contained in this Act, if the Lieutenant-Governor in Council of any province authorizes any officer of the provincial government to act as custodian and trustee under this Act, the Official Receiver shall in the case of any assignment by a person engaged solely in farming or the tillage of the soil appoint such officer as custodian.

(2) Any officer so appointed to the office of custodian by the Official Receiver shall thereupon in addition to such office be and be deemed to be the trustee as if appointed under subsection one of section thirty-seven of this Act, and shall continue to be the trustee until properly removed under subsection two of the said section thirty-seven.

(3) In case any such provincial officer is appointed custodian and trustee, he shall not be entitled under this Act to be paid any remuneration as custodian or trustee nor any of the costs enumerated as costs of custodian in Part III of the General Rules."

Court to hear report of trustee, etc.

36. (1) The court shall, before approving the proposal, hear a report of the trustee in the prescribed form as to the terms thereof and as to the conduct of the debtor, and, in addition, shall hear the trustee, the debtor, any opposing, objecting or dissenting creditor and such further evidence as the court may require.

Court may refuse to approve the proposal.

(2) If the court is of the opinion that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the court shall refuse to approve the proposal, and the court may refuse to approve the proposal whenever it is established that the debtor has committed any one of the offences mentioned in sections one hundred and fifty-nine, one hundred and sixty and one hundred and sixty-one of this Act.

Court may correct error or omission.

May delete annulment provision.

May require security.

(3) The court may correct or supply any accidental or formal error or omission in the proposal, and it may alter the terms of the proposal by deleting any provision therein for the annulment of the receiving order or assignment if in its opinion the receiving order or assignment should not be annulled until the terms of the proposal are carried out, and it may require security or additional sureties.

Reasonable security.

(4) If any of the facts mentioned in sections one hundred and thirty-two and one hundred and thirty-six of this Act are proved against the debtor, the court shall refuse to approve the proposal unless it provides reasonable security for the payment of not less than fifty cents in the dollar on all the unsecured claims provable against the debtor's estate or such percentage thereof as the court may direct.

Priority of claims.

(5) No proposal shall be approved by the court which does not provide for the payment in priority to other claims of all claims directed to be so paid in the distribution of the property of a debtor, and for the payment of all proper fees and expenses of the trustee on and incidental to the proceedings arising out of the proposal or in the bankruptcy, nor shall any proposal be approved in which the trustee is substituted by any other person to collect and distribute to the creditors any moneys payable under the proposal.

36. (1) This subsection combines the provisions formerly contained in section 16 (1) with the relevant provisions of former Rule 114.

(2) This subsection was formerly section 16 (2). The change is to include the penal offences in sections 159 to 161. The prohibition herein is deemed too arbitrary and the court should be allowed to exercise its discretion in the matter.

(3) This is a new subsection. Its purpose is to extend the discretion of the court, for the better protection of creditors, to matters relating to the annulment of the bankruptcy, to security and sureties. It includes the provisions formerly contained in Rule 117.

(4) This was formerly section 16 (3). No change except to delete the proviso and to add the words "and one hundred and thirty-six".

(5) This was formerly section 16 (5). Provision has been made for payment of the trustee's fees and expenses as a condition precedent to the approval of the proposal by the court. Provision has also been made to prevent unlicensed persons not subject to supervision by the Superintendent from obtaining control of the proceedings.

(6) This was formerly section 16 (4). By the re-arrangement of former subsections (4) and (5) the words deleted have become unnecessary. It read as follows:

> "**16.** (4) In any other case the court, subject to the provisions of subsection five of this section, may either approve or refuse to approve the proposal."

(7) This provision was formerly contained in Rule 114 which read as follows:

> "*Rule* **114.** On the hearing of any application to the court to approve of a composition, extension or scheme the court shall in addition to considering the report of the trustee hear the trustee, the debtor and/or any opposing, objecting or dissenting creditor thereon, and an appeal to the Court of Appeal shall lie at the instance of the trustee, the debtor or any such creditor from any order of the court made upon such application."

(8) This new subsection contains the provisions of subsection (5) of former section 19 as amended, which read as follows:

> "**19.** (5) If the court approves of the composition, extension or scheme, it may make an order annulling the bankruptcy or authorized assignment and vesting the property of the debtor in him or in such other person as the court may appoint on such terms and subject to such conditions, if any, as the court may declare."

(9) These provisions were formerly contained in Rule 115.

Power of court.

(6) In any other case the court may either approve or refuse to approve the proposal.

Appeal.

(7) An appeal to the Court of Appeal shall lie at the instance of the trustee, the debtor, or any opposing, objecting or dissenting creditor, from any order made by the court on an application for the approval of a proposal.

Annulment of bankruptcy and revesting of property.

(8) The approval by the court of a proposal made after bankruptcy shall operate to annul the bankruptcy and to revest in the debtor, or in such other person as the court may approve, all the right, title and interest of the trustee in the property of the debtor, unless the terms of the proposal otherwise provide or the court otherwise orders.

Costs when proposal refused.

(9) No costs incurred by a debtor on or incidental to an application to approve a proposal other than the costs incurred by the trustee shall be allowed out of the estate if the court refuses to approve the proposal.

Approval binding on creditors but does not release debtor from certain liabilities.

37. (1) A proposal accepted by the creditors and approved by the court shall be binding on all the creditors with claims provable under this Act and affected by the terms of the proposal but shall not release the debtor from the debts and liabilities referred to in section one hundred and thirty-seven of this Act.

Proposal not binding in certain cases without assent.

(2) Notwithstanding anything herein contained, a proposal shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents to such proposal.

Effective date of proposal by non-bankrupts.

(3) In proceedings by an insolvent person making a proposal the claims of the creditors for the purpose of this Act shall be determined as of the date of the filing of the proposal and the voting rights of the creditors shall be established accordingly.

Provisions may be enforced.

38. (1) The provisions of a proposal under this Act may be enforced by the court on application by any person interested, and any disobedience of an order of the court made on the application shall be deemed a contempt of court.

Proceedings in case of default.

(2) If default is made in payment of any instalment due in pursuance of the proposal or if it appears to the court that the proposal cannot, in consequence of legal difficulties or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, or that the approval of the court was obtained by fraud, the court may, on application by the trustee or by any creditor, set aside the proposal and make such order as it deems proper in the circumstances.

37. (1) This was formerly section 18 (1). For purposes of clarification and simplification subsection (1) of section 18 has been harmonized with section 137. Subsections (1) and (2) of section 18 were as follows:

> "**18.** (1) A composition, extension or scheme accepted and approved shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable under this Act, but shall not release the debtor from any liability under a judgment against him in an action for seduction, or under an affiliation order or for alimony, or under a judgment against him as co-respondent in a matrimonial case or for necessaries of life or alimentary debts, except to such an extent and under such conditions as the court expressly orders in respect of such liability.
>
> (2) Notwithstanding anything herein contained, a composition, extension or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the debtor would not be discharged by an order of discharge in bankruptcy, unless the creditor assents (as, for the purposes solely of proceedings relating to a composition, extension or scheme he may, notwithstanding anything in this Act, so assent) to such composition, extension or scheme."

(2) Formerly section 18 (2) which has been simplified.

(3) This is a new subsection. The effective date of all other proceedings is fixed in the Act. This is deemed necessary with respect to these particular proceedings.

The former section 18 (3) has been deleted. It read as follows:

> "**18.** (3) The acceptance by a creditor of a composition, extension or scheme shall not release any person who under this Act would not be released by an order of discharge if the debtor had been adjudged bankrupt."

38. Subsections (1) to (3) were formerly section 19 (1) to (3).

(1) No appreciable change.

(2) The words "adjudge the debtor bankrupt, make a receiving order against him and annul the composition, extension or scheme" have been replaced by the words underlined at the end of the subsection.

Not to invalidate things done.

(3) Such order shall be made without prejudice to the validity of any sale, disposition of property or payment duly made, or thing duly done, under or in pursuance of the proposal.

Proposal may be annulled.

(4) Any proposal, although accepted or approved, may be annulled at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence under the provisions of this Act.

Where proposal is conditional on purchase of new securities.

39. Any proposal made conditional upon the purchase of shares or securities or upon any other payment or contribution by the creditors shall provide that the claim of any creditor who elects not to participate in the proposal shall be valued by the court and shall be paid in cash upon approval of the proposal.

Provisions of Act to apply to all proposals.

40. All provisions of this Act shall *mutatis mutandis*, in so far as the same are applicable, apply to proposals.

(3) The word "adjudication" has been replaced by the word "order".

(4) Formerly section 196 (2) extended to cover any offence under the Act. The subsection formerly read as follows:

"**196.** (2) Any composition, extension or scheme of arrangement, although accepted or approved, may be annulled at the request of the trustee or of any creditor whenever the debtor is afterwards convicted of any offence mentioned in section one hundred and ninety-one of this Act."

The former subsection (4) of section 19 is unnecessary and has been deleted. It read:

"**19.** (4) Where a debtor is adjudged bankrupt under this section any debt provable in other respects, which has been contracted before the adjudication, shall be provable in the bankruptcy proceedings."

39. This was formerly section 20 which has been greatly simplified. This section has been further amended to provide for its application to creditors only. It read as follows:

"**20.** (1) Any scheme of arrangement under which the right of participation therein of any creditor, or of any shareholder of a debtor which is a corporation, is made conditional upon the purchase by such creditor or shareholder of any new securities or upon any other payment or contribution by such creditor or shareholder shall provide that the claim of any creditor or shares of any such shareholder who elects not to participate in the scheme shall be valued by the court at the amount, if any, realizable thereon upon a sale by the trustee of all the property and assets of the debtor to wind up his estate.

(2) The value so determined shall within ninety days after the determination thereof or such further time as may be allowed by the court be paid to such creditor or shareholder either in money or in such securities as shall be specified pursuant to such scheme of arrangement and approved by the court and such payment shall be in full satisfaction of his claim or payment upon his shares as the case may be.

(3) For the purpose of assisting the court so to value the claims of any creditors and shares of any shareholders of a corporation debtor who elect not to participate in the scheme, the court may appoint a qualified person to examine into the value thereof as aforesaid and report the same to the court.

(4) In case of request therefor by creditors or shareholders who do not elect to participate in the scheme holding one-fifth in amount of all proved debts, or one-fifth in interest of all the shares of any such corporation debtor, hereinafter referred to as "the minority creditors" or "the minority shareholders" as the case may be, the court shall appoint three persons; one to be nominated by the minority creditors to assist the court in valuing the claims of the minority creditors, one by the minority shareholders to assist the court in valuing the shares of the minority shareholders, and the third by the creditors and shareholders who elect to participate in the scheme.

(5) A majority of the minority creditors or shareholders shall have the right to agree with the creditors and shareholders who elect to participate in the scheme upon one or two persons only being appointed.

(6) Such person or persons shall be entitled to reasonable compensation to be fixed by the court which together with the necessary expenses in connection with the examination into the value of such claims and shares shall be paid from the estate of the debtor.

(7) No secret arrangement shall be made with any creditors or shareholders to induce them to participate in any such scheme."

40. The purpose of this amendment is to make all provisions of the Act apply to proposals. The new section replaces the former section 22 which read as follows:

"**22.** All parts of this Act shall, so far as the nature of the case and the terms of the composition, extension or scheme admit, apply thereto as if the terms "trustee," "bankruptcy," "bankrupt," "assignment," "authorized assignment," "assignor,", "authorized assignor," "order" and "order of adjudication" included respectively a composition, extension or scheme of arrangement, a compounding, extending or arranging debtor and an order approving the composition, extension or scheme."

PART IV.

Property of the Bankrupt.

Property of bankrupt.

41. The property of a bankrupt divisible amongst his creditors (in this Act referred to as the property of the bankrupt) shall not comprise the following:—

(i) property held by the bankrupt in trust for any other person;

(ii) any property which as against the bankrupt is exempt from execution or seizure under the laws of the province within which the property is situate and within which the bankrupt resides.

But it shall comprise the following:—

(a) all such property wherever situate as may belong to or be vested in the bankrupt at the date of the bankruptcy and all property which may be acquired by or devolve on him before his discharge; and

(b) such powers in or over or in respect of the property as might have been exercised by the bankrupt for his own benefit.

Stay of Proceedings.

Stay of proceedings.

42. (1) Upon the approval of a proposal made by an insolvent person or upon the bankruptcy of any debtor, no creditor with a claim provable in bankruptcy shall have any remedy against the debtor or his property or shall commence or continue any action, execution or other proceedings for the recovery of a claim provable in bankruptcy until the trustee has been discharged or until the proposal has been refused, unless with the leave of the court and on such terms as the court may impose.

Secured creditors.

(2) Subject to the provisions of section fifty and sections eighty-eight to ninety-five, inclusive, of this Act, any secured creditor may realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed, unless the court otherwise orders.

Proviso as to rights of secured creditor.

(3) The court shall not, however, in so ordering have power to postpone the right of any such secured creditor as aforesaid to realize or otherwise deal with his security as aforesaid, except as hereinafter provided, namely:—

(a) in the case of a security for a debt due at the date of the bankruptcy or of the approval of the proposal or which becomes due not later than six months thereafter such right shall not be postponed for more than six months from such date;

41. No material change. Formerly section 23.

(a) The words "wherever situate" have been added for purposes of clarification and the word "bankruptcy" substituted for "presentation of any bankruptcy petition or at the date of the execution of an authorized assignment".

(b) This has been reduced and simplified.

42. (1) Formerly section 24 (1). The words "On the making of a receiving order or authorized assignment" have been replaced by the words underlined at the beginning of the subsection and the words "until the trustee has been discharged or until the proposal has been refused" have been added at the end to remove different practices following conflicting decisions of the courts as in certain provinces the courts have held that a creditor is at liberty without leave to proceed against a bankrupt after the trustee has been discharged.

(2) The subsection has been amended by including therein a reference to section 50 which is also concerned with secured creditors and which imposes certain restrictions upon them.

(3) *(a)* and *(b)* The word "bankruptcy" has been substituted for the words "receiving order or authorized assigment" and the words "or of the approval of the proposal" have been added to provide for the case of a proposal made before bankruptcy.

(b) in the case of a security for a debt which does not become due until more than six months from the date of the bankruptcy or of the approval of the proposal such right shall not be postponed for more than six months from such date, unless all instalments of interest which are more than six months in arrears are paid and all other defaults of more than six months' standing are cured, and then only so long as no instalment of interest remains in arrears or defaults remain uncured for more than six months, but, in any event, not beyond the date at which the debt secured by such security becomes payable under the instrument or law creating the security, except under paragraph *(a)* hereof.

General Provisions.

Receiving orders and assignments to take precedence of attachments, executions, etc.

Exceptions.

43. (1) Every receiving order and every assignment made in pursuance of this Act shall take precedence of all judicial or other attachments, garnishments, certificates having the effect of judgments, judgments, certificates of judgment, judgments operating as hypothecs, executions or other process against the property of a bankrupt, or any debt due to him, except such thereof as have been completely executed by payment to the creditor or his agent, and except also the rights of a secured creditor.

Costs.

(2) Notwithstanding the provisions of subsection one of this section, one solicitor's bill of costs, including sheriff's fees and land registration fees, shall be payable to the creditor who has first attached by way of garnishment or lodged with the sheriff an attachment, execution or other process against the property of the bankrupt.

Application of Act to married women.

(3) "Judgment" or "execution" or "attachment" shall have operation as if by law the liability of married women thereon and thereunder were personal as well as proprietary. Every married woman shall be subject to the provisions of this Act as if she were a *feme sole*, and for all the purposes of this Act any judgment or order obtained against her, whether or not expressed to be payable out of her separate property, shall have effect as though she were personally bound to pay the judgment debt or sum ordered to be paid.

43. (1) Formerly section 25 (1). The change is to make it clear that the bankruptcy proceedings shall take precedence of all attachments and executions, judicial and otherwise. The words "certificates having the effect of judgments, judgments, certificates of judgment, judgments operating as hypothecs," have been transferred to this section from the former section 29A(2).

Clauses *(a)* and *(b)* of the former subsection (1) have been combined. Section 25 (1) *(a)* and *(b)* formerly read as follows:

> "**25.** (1) Every receiving order and every authorized assignment made in pursuance of this Act shall take precedence over
> *(a)* all attachments of debts by way of garnishments, unless the debt involved has been actually paid over to the garnishing creditor or his agent; and
> *(b)* all other attachments, executions or other process against property except such thereof as have been completely executed by payment to the execution or other creditor; and except also the rights of a secured creditor."

(2) Formerly section 25 (2) slightly amended to broaden its scope by including land registration fees.

(3) This was formerly section 2 *(w)* and section 175 which have been combined and transferred to this section as a more logical place for insertion. The words "who carries on a trade or business, whether separately from her husband or not" have been struck out. The change is intended to equalize the effect of the application of the Act to married women. In one case, in *In re* Stone, 7 C.B.R. 103; 1925, 4 D.L.R. 518; 57, O.L.R. 640, it has been held that while a receiving order could not be made against a

Commencement of bankruptcy.

(4) The bankruptcy shall be deemed to have relation back to and to commence at the time of the filing of the petition on which a receiving order is made or of the filing of an assignment with the official receiver.

Vesting of property in trustee.

(5) On a receiving order being made or an assignment being filed with an official receiver, a bankrupt shall cease to have any capacity to dispose of or otherwise deal with his property which shall, subject to the provisions of this Act and subject to the rights of secured creditors, forthwith pass to and vest in the trustee named in the receiving order or assignment, and in any case of change of trustee the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever.

Subsequent bankruptcies.

(6) In the event of a second or subsequent bankruptcy any property acquired by an undischarged bankrupt since the date of the preceding bankruptcy and not administered by the trustee in the preceding bankruptcy shall vest in the trustee in the subsequent bankruptcy, but the trustee in a preceding bankruptcy may prove in the subsequent bankruptcy for any unsatisfied balance of fees and disbursements or claims proved under a preceding bankruptcy from which a bankrupt has not been released under this Act.

Application of other substantive law.

(7) The provisions of this Act shall not be deemed to revoke or supersede the substantive provisions of any other law or statute relating to property and civil rights and not inconsistent with the provisions of this Act but shall be supplementary thereto.

No document, etc., made or executed under authority of this Act shall be within operation of provincial law.

(8) No receiving order or assignment or other document made or executed under authority of this Act shall, except as herein otherwise provided, be within the operation of any legislative enactment now or at any time in force in any province of Canada relating to deeds, mortgages, judgments, bills of sale, chattel mortgages, property or registration of documents affecting title to or liens or charges upon property, real or personal, immovable or movable.

married women not a trader, yet in another case, in *In re* Bartram, 11 C.B.R. 149; (1930) 2 D.L.R. 40; 65, O.L.R. 1, it was held that a married woman could make an assignment. It is considered rather an anomaly that a petition could be filed against a husband in certain cases for the debts of his wife, but not against the wife for the same debts not contracted in trade or business. If she has the right to make an assignment it is not unfair that she should be subject to the same civil disability as other persons of having a petition filed against her for any debt incurred by her. Sections 2 *(w)* and 175 formerly read as follows:

> "**2.** *(w)* "judgment" or "execution" or "attachment" shall have operation as if by law the liability of married women thereon and thereunder were personal as well as proprietary;"
>
> "**175.** Every married woman who carries on a trade or business, whether separately from her husband or not, shall be subject to the provisions of this Act as if she were a *feme sole*, and for all the purposes of this Act any judgment or order obtained against her, whether or not expressed to be payable out of her separate property shall have effect as though she were personally bound to pay the judgment debt or sum ordered to be paid."

(4) This subsection has been taken from former section 4 (11) and amended to eliminate any ambiguity as to when the title of the trustee becomes effective.

(5) This is a revision of former section 6 (1) in which are incorporated the substantive provisions of former section 9 (4) and (6) which read as follows:

> "**9.** (4) If the Official Receiver accepts the assignment, he shall file the same, whereupon the property of the debtor shall be deemed to be under the authority of the court and the debtor shall cease to have any capacity to dispose of or otherwise deal with such property."
>
> "(6) Upon the appointment of the trustee by the creditors, the Official Receiver shall complete the authorized assignment by inserting therein as grantee the name of such trustee, and such assignment shall thereupon, subject to the provisions of this Act, and subject to the right of secured creditors vest, as of the date of the acceptance and filing of the said assignment, in the trustee, all the property of the debtor, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever."

(6) This is a new subsection. Its purpose is to recognize and to confirm the practice followed by the courts in these cases, and for which no provision has hitherto been made by the Act. See section 39 of the English Act, as substituted by section 3 of the *Bankruptcy Amendment Act 1926.*

(7) This is a new subsection. Much uncertainty exists as to the application of substantive law of the provinces relating to fraudulent preferences when found in statutes dealing with assignments and preferences now declared to be superseded by *The Bankruptcy Act.* It is felt that the courts have not sufficiently differentiated between the effect of the act of making the assignment as such and the substantive law therein dealing with civil rights.

(8) No material change. Formerly section 27.

Purchaser in good faith at sale protected.

44. (1) An execution levied by seizure and sale of the property of a bankrupt is not invalid by reason only of its being an act of bankruptcy, and a person who purchases the property in good faith under a sale by the sheriff shall, in all cases, acquire a good title thereto against the trustee.

Sheriff to deliver property of bankrupt to trustee.

(2) If an assignment or a receiving order has been made, the sheriff or other officer of any court or any other person having seized property of the bankrupt under execution or attachment or any other process shall, upon receiving a copy of an assignment or of a receiving order certified by the trustee as a true copy thereof, forthwith deliver to the trustee all the property of the bankrupt in his hands.

In case of sheriff's sale.

(3) If the sheriff has sold the property of the bankrupt or any part thereof, he shall deliver to the trustee the money so realized by him less his fees and the costs referred to in subsection two of section forty-three.

Effect of bankruptcy on seizure of property for rent or taxes.

(4) Any property of a bankrupt under seizure for rent or taxes shall on production of a copy of the receiving order or the assignment certified by the trustee as a true copy thereof be delivered forthwith to the trustee but the costs of distress shall be a first charge thereon, and, if such property or any part thereof has been sold, the money realized therefrom less the costs of distress and sale shall be paid to the trustee.

Registration of receiving order or assignment.

45. (1) Every receiving order and every assignment, or a true copy certified as to such order by the registrar or other officer of the court which has made it, and as to such assignment certified by the official receiver, may be registered by or on behalf of the trustee in respect of the whole or any part of any real or immovable property which the bankrupt owns or in which he has any interest or estate in the proper office in every district, county and territory wherein, according to the law of the province in which such real or immovable property is situate, deeds or transfers of title and other documents relating to lands or immovables or any interest therein may be registered. At the time of the tender of such document for such purpose there shall be annexed as part thereof an affidavit substantially in the form prescribed describing the lands and specifying the nature of the interest of the bankrupt therein.

Form of affidavit.

Trustee to be deemed registered owner.

(2) Upon the registration of a receiving order or an assignment the trustee shall be the registered owner of the interest of the bankrupt in the lands or immovable property with respect to which the receiving order or assignment is registered, and on the appointment of a substituted trustee the substituted trustee shall be deemed to be the registered owner of such interest on the registration by him of a notice in the prescribed form.

44. (1) No material change. Formerly section 26(1).

(2) Formerly section 26(2). No material change except to substitute a copy of an order certified by the court for a copy certified by the trustee. There is no need to put a trustee to the additional trouble and expense as no trustee would dare to produce a false copy of an order.

(3) No material change. Formerly section 26(3).

(4) This is a new subsection. It is deemed necessary as supplementary to section 42 (1) and section 97 to clarify the situation in such cases. A similar provision is found in section 88 of the Australian Act barring seizures for rent after bankruptcy.

45. (1) This is a redraft of section 29 (1), (2), (5) and (6) which formerly read as follows:

"**29.** (1) Every receiving order and every authorized assignment (or a true copy certified as to such order by the registrar or other officer of the court which has made it, and as to such assignment certified by the Official Receiver therein named) may be registered or filed by or on behalf of the custodian or trustee in the proper office in every district, county or territory in which the whole or any part of any real or immovable property which the bankrupt or assignor owns or in which he has any interest or estate is situate.

(2) The proper office in this section referred to shall be the land registration office, registry office or other office wherein, according to the law of the province deeds or other documents of title to real or immovable property may or ought to be deposited, registered or filed.

(5) At the time of the tender of such document for such purpose there must be annexed thereto as part thereof an affidavit substantially in form number one of the schedule to this Act.

(6) In cases where the title to real, or immovable, property, or any lien or charge upon or against such property, is affected by any receiving order, or authorized assignment, there shall be added to such affidavit the words set out in form number two of the schedule to this Act, with the incidentally necessary description and information."

(2) This subsection is new. Its purpose is to complete the chain of title to the real property of the bankrupt.

Effect of registration under a Land Titles Act.

(3) Whenever a bankrupt is the registered owner of any land or charge, the trustee shall, on registration of the documents referred to in subsections one and two of this section, be entitled to be registered as owner of such land or charge free of all encumbrances or charges mentioned in subsection one of section forty-three of this Act.

Caveat may be filed.

(4) Where a bankrupt owns any land or charge registered under a *Land Titles Act*, or has or is believed to have any interest or estate therein, and for any reason a copy of the receiving order or assignment has not been registered as provided in subsection one of this section, a caveat or caution in the form authorized may be lodged with the proper master or registrar by the trustee. Any registration thereafter made in respect of such land or charge shall be subject to such caveat or caution unless it has been removed or cancelled on notice of withdrawal in the prescribed form being filed by the trustee, or upon such notice and in such manner as any caveat or caution lodged against any land or charge may be removed or cancelled under the provisions of the *Land Titles Act* under which such land or charge or interest is registered.

Duty of officials to register documents.

(5) Every registrar or other officer for the time being in charge of such office to whom any trustee shall tender or cause to be tendered for registration any such receiving order or assignment or other document shall register the same according to the ordinary procedure for registering within such office documents relating to real or immovable property and subject to payment of the like fees.

Law of province to apply in favour of purchaser for value.

46. Notwithstanding anything contained in this Act, any deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec made to or in favour of a *bona fide* purchaser or mortgagee for adequate valuable consideration and covering any real or immovable property affected by a receiving order or an assignment under this Act, shall be valid and effectual according to the tenor thereof and according to the laws of the province in which the said property is situate as fully and effectually and to all intents and purposes as if no receiving order or assignment had been made under this Act, unless such receiving order or assignment, or notice thereof, or caution, has been registered against the said property in the proper office prior to the registration of any such deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec in accordance with the laws of the province in which the said property is situate.

(3) This is a simplified redraft of sections 29 (3) and 29A (2). These subsections formerly read as follows:

"**29.** (3) From and after such registration or filing or tender thereof in the proper office to the registrar or other proper officer, such order or assignment shall have precedence of all certificates of judgment, judgments operating as hypothecs, executions and attachments against land (except such thereof as have been completely executed by payment) within such office or within the district, county or territory which is served by such office, but subject to a lien for the costs of registration and sheriff's fees, of such judgment, execution or attaching creditors as have registered or filed in such proper office their judgments, executions or attachments."

"**29A** (2). Whenever the debtor is the owner of any land or charge registered under a Land Titles Act, the trustee shall, on production of evidence that the land or charge is part of the property of the debtor, be entitled to be registered as owner free of all certificates of judgment, judgments operating as hypothecs, executions and attachments against land (except such thereof as have been completely executed by payment) within the office of such master or registrar or within the district, county or territory which is served by his office, but subject to a claim for the costs of registration and sheriff's fees, of such judgment, execution or attaching creditors as have registered or filed in such office their judgments, executions or attachments."

(4) This is a redraft of section 29A (1) and Rule 13A, which formerly read as follows:

"**29A.** (1) Whenever any land or charge, of which the debtor is owner, is registered under a Land Titles Act, a caution, in the form to be prescribed by General Rules, may be lodged with the proper master or registrar by the custodian or trustee, as the case may be, as soon as practicable after his appointment. No registration shall thereafter be made in respect of such land or charge on behalf of the said registered owner unless such caution be removed. Upon the caution being removed the land or charge shall be dealt with in the same manner as if no caution had been lodged."

"Rule 13A. Where a caution has been registered pursuant to Section 29A (1) the said Caution may be removed or cancelled by the proper Master (or Registrar) upon receiving a notice of withdrawal in the prescribed form duly executed by the trustee, or upon such notice and in such manner as any Caution or Caveat lodged against any land (or charge) may be removed or cancelled under the provisions of the Land Titles Act under which such land (or charge) is registered."

(5) This subsection was formerly section 29 (4).

The former subsection (7) is superfluous as the rule applying to affidavits may ordinarily be applied to the affidavits to be made under this section. It read:

"**29.** (7) Such affidavit may be sworn before such registrar or other officer, or before a notary public or a commissioner authorized to administer oaths for use in any of the courts of the province."

Also superfluous is the former subsection 29A (3) which read as follows:

"**29A.** (3) 'Proper master or registrar' shall mean the master, local master or registrar under a Land Titles Act in whose office the land or charge of the debtor is registered."

46. No material change. Formerly section 32.

Property not to be removed from province in which bankruptcy occurred.

47. No property of a bankrupt shall be removed out of the province where such property was at the date when the receiving order or assignment was made, without the permission of the inspectors or the order of the court in which proceedings under this Act are being carried on or within the jurisdiction of which such property is situate.

Contributory shareholders.

48. (1) Every shareholder or member of a bankrupt corporation shall be liable to contribute the amount unpaid on his shares of the capital or on his liability to the corporation or to its members or creditors, as the case may be, under the act, charter or instrument of incorporation of the company or otherwise.

Liability of contributory an asset.

(2) The amount which the contributory is liable to contribute shall be deemed an asset of the corporation and a debt payable to the trustee forthwith upon the bankruptcy of the corporation.

Bank must notify trustee.

49. Where a banker has ascertained that a person having an account with him is an undischarged bankrupt, it shall be his duty forthwith to inform the trustee of the existence of the account, and thereafter he shall not make any payments out of the account, except under an order of the court or in accordance with instructions from the trustee, unless upon the expiration of one month from the date of giving the information no instructions have been received from the trustee.

Inspection of property held in pledge.

50. Where any property of a bankrupt is held as a pledge, pawn, or other security, the trustee may give notice in writing of his intention to inspect the property. Whereupon any person so notified shall not be entitled to realize his security until he has given the trustee a reasonable opportunity of inspecting the property and of exercising his right of redemption.

Protection of trustee from personal liability in certain cases.

51. Where the trustee has seized or disposed of property in the possession or on the premises of a bankrupt without notice of any claim in respect of such property and it is thereafter made to appear that the property was not at the date of the bankruptcy the property of the bankrupt or was subject to an unregistered lien or charge, the trustee shall not be personally liable for any loss or damage arising from such seizure or disposal sustained by any person claiming such property or an interest therein nor for the costs of proceedings taken to establish a claim thereto, unless the court is of opinion that the trustee has been guilty of negligence in respect of the same.

47. This was formerly section 49. No substantial change.

48. (1) This was formerly section 70 (1). No substantial change.

(2) This was formerly section 70 (2). No material change. The former subsections (3) and (4) are unnecessary and have been deleted. They read as follows:

> "**70.** (3) If a shareholder has transferred his shares under circumstances which do not, by law, free him from liability in respect thereof, or if he is by law liable to the corporation or to its members or creditors, as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the corporation for the purposes of this Act and shall be liable to contribute as aforesaid to the extent of his liability to the corporation or its members or creditors independently of this Act.
>
> (4) The amount which he is so liable to contribute shall be deemed an asset and a debt as aforesaid."

49. Formerly section 68. Inserted here as a more logical sequence. No substantial change.

50. This was formerly section 53. No material change.

51. This was formerly section 52. The changes are self-explanatory.

Persons claiming property in possession of bankrupt must file proof of claim to recover.

52. (1) Where any person claims any property, or interest therein, in the possession of the bankrupt at the time of the bankruptcy he shall file with the trustee a proof of claim verified by affidavit giving the grounds on which the claim is based and sufficient particulars to enable the property to be identified.

How claim disposed of.

(2) The trustee on receiving a proof of claim to such property shall within thirty days thereafter or within thirty days after the first meeting of creditors, whichever is the later, either admit the claim and deliver possession to the claimant or give notice in writing to the claimant that the claim is disputed with his reasons therefor, and, unless the claimant appeals therefrom to the court within thirty days after the mailing of the notice of dispute, he shall be deemed to have abandoned or relinquished all his right to or interest in such property to the trustee who thereupon may sell or dispose of such property free of any lien, right, title or interest of the claimant thereon or therein.

Onus on claimant to establish claim.

(3) The onus to establish a claim to or in such property shall be solely and entirely on the claimant.

Trustee may require proof of claim.

(4) The trustee may give notice in writing to any person to prove his claim to or in such property, and, unless such person files with the trustee a proof of claim in the form prescribed in subsection one of this section within thirty days from the mailing of the notice, the trustee may thereupon with the leave of the court sell or dispose of such property free of any lien, right, title or interest of such person thereon or therein.

No other proceeding to be instituted.

(5) No proceedings shall be instituted to establish a claim to, or to recover any right or interest in, any such property except as provided in this section.

Rights of others not extended.

(6) It shall not be implied from these provisions that the rights of others than the trustee have been thereby in any manner extended.

52. (1) This section is a revision of the former section 54 (1). So many applications to the court were made to recover such property thereunder, the costs of which were directed to be paid out of estate funds, that subsequently Rule 139A was added to avoid the necessity of such applications. Rule 139A made it necessary for proof of claim to be filed giving the trustee an opportunity to admit or reject the claim thereby eliminating practically all such applications and saving the estate much costs. It has been deemed desirable accordingly to incorporate the requirement of a proof of claim being filed in lieu of a notice of intention to remove. The subsection formerly read as follows:

> "**54.** (1) Where any goods in the charge or possession of a debtor at the time when a receiving order or an authorized assignment is made are alleged to be in his charge or possession subject to the ownership or a special or general property right, or right of possession in another person, and whether or not such goods are held by the debtor under or subject to the terms of any lien, consignment, agreement, hire receipt, or order, or any agreement providing or implying that the ownership of, property in, or right to possession of such goods, or other or like goods in exchange or substitution, shall vest in or pass to the debtor only upon payment of defined or undefined moneys, or upon performance or abstention from performance of any acts or conditions, the person alleged or claiming to own such goods or such special or general property or right of possession therein or thereof shall not, by himself or his agents or servants, nor shall his agents or servants, remove or attempt to remove such goods or any thereof out of the charge or possession of the debtor, or of the trustee or any actual custodian thereof, until the elapse of fifteen days after delivering notice in writing to the trustee of intention so to remove."

(2) This is a redraft of the former Rule 139A with certain provisions added in regard to the effect of no appeal being made. Rule 139A read as follows:

> "*Rule* **139A**. Where a claimant desires to recover goods referred to in section 54, he shall file with the custodian or trustee, as the case may be, a notice of his claim verified by affidavit, giving the grounds on which the claim is based and sufficient particulars to enable the goods to be identified, and the trustee when appointed shall after investigating the claim either return the said goods or give notice that the right of the claimant thereof is disputed, whereupon the claimant may within ten days thereafter appeal therefrom in the manner provided for in Rule 139. The trustee shall in no case be liable for the costs of such appeal, or any loss occasioned by such dispute made in good faith."

(3) This is a new subsection the purpose of which is to make it clear that the owner of any such property must look after his own interests in such cases.

(4) This is a new subsection the purpose of which is to establish a procedure whereby the trustee may on his own initiative have the disposition of any such property dealt with.

(5) This is a new subsection. Its purpose is to bring within the purview of the Bankruptcy Court the disposition of all such property coming into the hands of the trustee.

(6) This was formerly section 54(2). No change.

Trustee to have right to sell patented articles.

53. (1) Where any property of the bankrupt vesting in a trustee consists of patented articles which were sold to the bankrupt subject to any restrictions or limitations, the trustee shall not be bound by such restrictions or limitations but may sell and dispose of such patented articles free and clear of such restrictions or limitations.

Right of manufacturer.

(2) If the manufacturer or vendor of such patented articles objects to the disposition of them by the trustee as aforesaid and gives to the trustee notice in writing of such objection before the sale or disposition thereof such manufacturer or vendor shall have the right to purchase such patented articles at the invoice prices thereof, subject to any reasonable deduction for depreciation or deterioration.

Copyright.

54. Where the property of a bankrupt comprises the copyright in any work or any interest in such copyright, and he is liable to pay to the author of the work royalties or a share of the profits in respect thereof, the trustee shall not be entitled to sell, or authorize the sale of, any copies of the work, or to perform or authorize the performance of the work, except on the terms of paying to the author such sums by way of royalty or share of the profits as would have been payable by the bankrupt, nor shall he, without the consent of the author or of the court, be entitled to assign the right or transfer the interest or to grant any interest in the right by licence, except upon terms which will secure to the author payments by way of royalty or share of the profits at a rate not less than that which the bankrupt was liable to pay.

Effect of sales of property by trustee.

55. All sales of property made by the trustee shall vest in the purchaser all the legal and equitable estate of the bankrupt therein.

Partnership Property.

Application to limited partnerships.

56. (1) The provisions of this Act shall apply to limited partnerships in like manner as if limited partnerships were ordinary partnerships, and, on all the general partners of a limited partnership becoming bankrupt, the property of the limited partnership shall vest in the trustee.

Actions by trustee and bankrupt's partner.

(2) Where a member of a partnership becomes bankrupt, the court may authorize the trustee to commence and prosecute any action in the names of the trustee and of the bankrupt's partner.

Release to be void.

(3) Any release by such partner of the debt or demand to which the action relates shall be void.

53. (1) This was formerly section 47 (1). No material change.

(2) This was formerly section 47 (2). The words "before the sale or disposition thereof" have been substituted for the words "within five days after the date of his appointment".

54. This was formerly section 48. No change.

55. This was formerly section 44. No change.

56. (1) This section was formerly section 176. The words "Subject to such modifications as may be made by General Rules" have been deleted from the first line.

(2) No material change. Formerly section 167 (1).

(3) No change. Formerly section 167 (2).

Notice to partner.

(4) Notice of the application for authority to commence the action shall be given to the bankrupt's partner, and he may show cause against it, and on his application the court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action, and, if he does not claim any benefit therefrom, he shall be indemnified against costs in respect thereof as the court directs.

Sales in Quebec.

Sales in the province of Quebec. Sales of hypothecated immovable property.

57. (1) In the province of Quebec no immovable property whereon exists a hypothec or a privilege shall be sold by the trustee without the permission in writing of the inspectors and the authorization of the judge and after notice has been given to each hypothecary or privileged creditor whose name is entered in the register of addresses which the registrars of the registration divisions are obliged to keep according to the laws of the province.

Method of sale of hypothecated property.

(2) The sale of such immovable property, unless a written consent to the contrary is obtained from each hypothecary or privileged creditor whose claim has been duly registered, or unless the sale is made subject to hypothec or privilege of any such creditor not so consenting, shall be made at public auction and after advertisement as required for the sale of immovable property by the sheriff in the district or place where such immovable property is situate: Provided that in case of a sale of property situate in more than one district or place the court may direct a sale of all such property as an entirety at one place, to be specified in the order, and after such notice as the court may direct.

Effect of sale at public auction.

(3) Any sale at public auction under the provisions of this section shall have the same effect as a sheriff's sale in the said province and shall be subject to the contribution to the *Public Buildings and Jury Fund* provided for in the case of sheriff's sale.

False bidding.

(4) In case of false bidding, the same recourse as in case of sheriff's sale may be exercised against the false bidder in the manner provided by the laws of the province.

Security unaffected.

(5) This section shall not be interpreted as affecting the right of a secured creditor to realize or otherwise deal with his security as provided by this Act.

Duties imposed by *Civil Code*.

58. On such sales, the trustee shall fulfil all the duties imposed on the sheriff by articles two thousand one hundred and sixty-one *(d)* to two thousand one hundred and sixty-one *(k)*, inclusive, of the *Civil Code* of the province of Quebec. The registrars of the different registration divisions of the said province shall also fulfil all the duties

(4) No change. Formerly section 167 (3).

57. (1) This was formerly section 45 (1). No change.

(2) This was formerly section 45 (2). No material change.

(3) This was formerly section 45 (3). No change.

(4) This was formerly section 45 (4). No material change.

(5) This was formerly section 45 (5). No change.

58. This was formerly section 45 (6). No change.

imposed upon them by the said articles and shall be deemed to be officers of the court having jurisdiction in bankruptcy for the carrying out of the provisions of this section.

Resale.

59. If the purchaser has not paid the whole of the purchase price or given security when he may lawfully do so under the provisions of the *Code of Civil Procedure* for the province of Quebec, the trustee may obtain from the court an order for the resale of the property. The purchaser may however prevent the resale for false bidding by paying to the trustee, before such resale, the amount of his bid with the interest accrued by reason of his default and all costs incurred thereby. If a resale takes place the false bidder is liable to the trustee for the difference between the amount of his bid and the price obtained on the resale with all costs incurred by reason of his default, for the payment of which on application of the trustee the court may make an order against the false bidder. If the price obtained on the resale is greater, it goes to the benefit of the estate.

Effect of omission.

60. The omission to comply with any of the provisions of the said articles shall not invalidate any proceedings of the sale but the officer in default shall be responsible for all damages which may result therefrom.

Disposal of property so sold by sheriff.

61. When an immovable property affected by a hypothec or privilege is sold by the sheriff, the moneys realized from the sale shall remain in his hands to be paid by him to the privileged and hypothecary creditors in accordance with the report of distribution made by the prothonotary of the Superior Court and the surplus shall be remitted to the trustee upon an order of the judge for its distribution among the ordinary creditors in accordance with the provisions of this Act.

Settlements and Preferences.

Avoidance of certain settlements.

62. (1) Any settlement of property shall, if the settlor becomes bankrupt within one year after the date of the settlement, be void against the trustee.

If bankrupt within five years.

(2) Any settlement of property shall, if the settlor becomes bankrupt within five years after the date of the settlement, be void against the trustee, unless the parties claiming under the settlement can prove that the settlor was, at the time of making the settlement, able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in such property passed on the execution thereof.

59. These provisions were formerly contained in Rule 129.

60. This was formerly section 45 (7). No change.

61. This was formerly section 45 (8). No change.

62. (1) The changes are self-explanatory. Formerly section 60 (1).

(2) Formerly section 60 (2). The changes are self-explanatory.

The former subsection (3) has been deleted. It read as follows:

"**60.** (3) This section shall not extend to any settlement made

(a) before and in consideration of marriage, or

(b) in favour of a purchaser or incumbrancer in good faith and for valuable consideration, or

(c) on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife."

Certain marriage contracts void as against trustee.

63. Any covenant or contract made by any person (hereinafter called "the settlor") in consideration of his or her marriage, either for the future payment of money for the benefit of the settlor's wife or husband or children, or for the future settlement on or for the settlor's wife or husband or children, of property wherein the settlor had not at the date of the marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property in right of the settlor's wife or husband, shall, if the settlor becomes bankrupt and the covenant or contract has not been executed at the date of the bankruptcy, be void against the trustee except so far as it enables the persons entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy proceedings under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all claims of the other creditors have been satisfied.

Payments and transfers void, subject to proof of certain facts.

64. (1) Any payment of money, not being payment of premiums on a policy of life insurance in favour of the husband, wife, child or children of the settlor, or any transfer of property made by the settlor in pursuance of such a covenant or contract as aforesaid, shall be void against the trustee unless the person to whom the payment or transfer was made prove either

(a) that the payment or transfer was made more than six months before the date of the bankruptcy; or

(b) that at the date of the payment or transfer the settlor was able to pay all his debts without the aid of the money so paid or the property so transferred; or

(c) that the payment or transfer was made in pursuance of a covenant or contract to pay or transfer money or property expected to come to the settlor from or on the death of a particular person named in the covenant or contract and was made within three months after the money or property came into the possession or under the control of the settlor.

If declared void.

(2) In the event of any such payment or transfer being declared void, the persons to whom it was made shall be entitled to claim for dividend under or in respect of the covenant or contract in like manner as if it had not been executed at the date of the bankruptcy.

Avoidance of general assignment of book debts.

65. (1) Where a person engaged in any trade or business makes an assignment of his existing or future book debts or any class or part thereof and subsequently becomes bankrupt, the assignment of book debts shall be void against the trustee as regards any book debts which have not been paid at the date of the bankruptcy.

63. Formerly section 61. The changes are self-explanatory.

64. (1) The changes are self-explanatory. Formerly section 62 (1).

(2) No material change.

The former subsection (3) is unnecessary and has been deleted. It read as follows:

"**62.** (3) For the purpose of this section and sections sixty and sixty-one "settlement" shall include any conveyance or transfer of property."

65. Formerly section 63. It read as follows:

"**63.** (1) Where a person engaged in any trade or business makes an assignment of his existing or future book debts or any class or part thereof, and is subsequently adjudicated bankrupt or makes an authorized assignment, the assignment of book debts shall be void against the trustee in the bankruptcy or under the authorized assignment, as regards any book debts which have not been paid at the date of the presentation of the petition in bankruptcy or of the making of the authorized assignment.

(2) This section shall not apply if, in the province where the assignor has his principal place of business, there is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith.

(3) Nothing in this section shall have effect so as to render void any assignment of book debts, due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for value, or in any authorized assignment.

(4) For the purpose of this section "assignment" includes assignment by way of security and other charges on book debts."

(1) The changes are self explanatory.

Foregoing provisions not to apply in some cases.

(2) This section shall not apply in the case of any such assignment of book debts which is registered pursuant to any statute of any province providing for the registration thereof if such assignment is valid in accordance with the laws of the province.

Further cases where this section not to void assignments.

(3) Nothing in this section shall have effect so as to render void any assignment of book debts due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for adequate valuable consideration.

"Assignment" defined.

(4) For the purposes of this section, "assignment" includes assignment by way of security and other charges on book debts.

Avoidance of preference in certain cases.

66. (1) Every transaction, whether or not entered into voluntarily or under pressure, by an insolvent person who becomes bankrupt within three months thereafter and resulting in any person or any creditor or any person in trust for such creditor or any surety or guarantor for the debt due to such creditor obtaining a preference, advantage or benefit over the creditors or any of them, shall be deemed void as against the trustee.

Void or voidable transactions.

(2) Every transaction entered into by a person who subsequently becomes bankrupt which would be void or voidable as against a creditor shall be deemed void or voidable as against the trustee.

Transactions deemed unlawful.

(3) Any transaction entered into between a bankrupt and any other person the result of which is to obtain a benefit or advantage to which the bankrupt or such person would not be entitled shall be deemed to be void as against the trustee, and any property or consideration given shall be recoverable by the trustee.

Transactions re undisclosed property.

(4) Any transaction entered into after the bankruptcy of any person between the bankrupt and any other person relating to any of the property of a bankrupt not disclosed to the trustee at the date of the bankruptcy shall be void as against the trustee.

(2) This subsection has been redrafted. The change in subsection (2) has been recommended by the Conference of Commissioners on Uniformity of Laws for Canada at its session at Ottawa in August, 1933. It has also been recommended by the Canadian Bankers' Association. It formerly read as follows:

"(2) This section shall not apply if, in the province where the assignor has his principal place of business, there is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith."

(3) The changes are self-explanatory.

(4) No change.

66. This is an entirely new redraft of section 64 which formerly read as follows:

"**64.** (1) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any insolvent person in favour of any creditor or of any person in trust for any creditor with a view of giving such creditor a preference over the other creditors shall, if the person making, incurring, taking, paying or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, incurring, taking, paying or suffering the same, or if he makes an authorized assignment, within three months after the date of the making, incurring, taking, paying or suffering the same, be deemed fraudulent and void as against the trustee in the bankruptcy or under the authorized assignment.

(2) If any such conveyance, transfer, payment, obligation or judicial proceeding has the effect of giving any creditor a preference over other creditors, or over any one or more of them, it shall be presumed *prima facie* to have been made, incurred, taken, paid or suffered with such view as aforesaid whether or not it was made voluntarily or under pressure and evidence of pressure shall not be receivable or avail to support such transaction.

(3) For the purpose of this section, the expression "creditor" shall include a surety or guarantor for the debt due to such creditor."

(1) Former sections 64 and 65 have been the *cause celebre* of more litigation and uncertainty than any other sections in the Act. Even the courts have not been able to agree on the proper interpretation thereof. For instance the words "with a view of" in the fourth line of section 64 have been the cause of many diverse opinions and inferences regarding the intent of the parties to the transaction. It has given rise to the doctrine of concurrent intent in some provinces which is a product of former decisions of the courts on the interpretation of similar phrases in the *Assignments and Preferences Act* in force therein. In other provinces it has been held to mean only unilateral intent on the part of either a bankrupt or a creditor. The result has been that there has been much confusion of thought and no unanimity not only as to the interpretation of the section but also as to the inter-relating effect with section 65.

(2) The new subsection has a wider application than the former section 64 which limited the types of transactions which could be attacked thereunder.

(3) This is a new subsection inserted to get at a certain type of transaction more usually entered into after the bankruptcy for quite an unlawful purpose.

(4) This subsection is new and is deemed necessary to complete the circle of transactions which are prohibited.

Protected transactions.

67. (1) Subject to the foregoing provisions, nothing shall invalidate, in the event of bankruptcy, any settlement, preference or transaction made or granted before bankruptcy in good faith and for adequate valuable consideration between the bankrupt and any other person without notice or knowledge of or reason to suspect the insolvency of the bankrupt or of his having committed an act of bankruptcy.

Law of set-off to apply.

(2) The law of set-off shall apply to all claims made against the estate and also to all actions instituted by the trustee for the recovery of debts due to the bankrupt in the same manner and to the same extent as if the bankrupt were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences.

Recovering proceeds if reconveyed.

68. (1) If a person has acquired property of the bankrupt under a transaction which is void or under a voidable transaction which is set aside and has sold, disposed of, realized or collected the property so conveyed or transferred or any part thereof, the money or other proceeds, whether further disposed of or not, shall be deemed the property of the trustee.

Trustee may recover.

(2) The trustee may recover such property or the value thereof or the money or proceeds therefrom from such person or from any other person to whom such person may have resold, transferred or paid over the proceeds of such property as fully and effectually as the trustee could have recovered the same if it had not been so sold, disposed of, realized or collected.

67. (1) This is a simplified redraft of the former section 65 which read as follows:

"**65.** (1) Subject to the foregoing provisions of this Act with respect to the effect of bankruptcy or of an authorized assignment on an execution, attachment or other process against property, and with respect to the avoidance of certain settlements and preferences, nothing in this Act shall invalidate, in the case of a receiving order or an authorized assignment,

(a) any payment by the bankrupt or assignor to any of his creditors;

(b) any payment or delivery to the bankrupt or assignor;

(c) any conveyance or transfer by the bankrupt or assignor for adequate valuable consideration;

(d) any contract, dealing, or transaction by or with the bankrupt or assignor for adequate valuable consideration;

Provided that both the following conditions are complied with, namely:—

(i) That the payment, delivery, conveyance, assignment, transfer, contract, dealing, or transaction, as the case may be, is in good faith and takes place before the date of the receiving order or authorized assignment; and

(ii) That the person, other than the debtor, to, by, or with whom the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction was made, executed or entered into, has not at the time of the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction, notice of any available act of bankruptcy committed by the bankrupt or assignor.

(2) The expression "adequate valuable consideration" in paragraph *(c)* of this section means a consideration of fair and reasonable money value with relation to that of the property conveyed, assigned or transferred, and in paragraph *(d)* hereof means a consideration of fair and reasonable money value with relation to the known or reasonably to be anticipated benefits of the contract, dealing or transaction."

By inserting the definition of "transaction" in section 2 much surplusage of words has been eliminated and the redraft conveys in simple straight-forward language the intention thereof.

(2) Formerly section 58. No change.

68. Formerly section 66. The phraseology of this section has been slightly changed to conform to the use of the term "transaction" in the previous sections to which it applies. Section 66 (1), (2) and (3) read as follows:

"**66.** (1) If a person in whose favour any settlement of property, conveyance or transfer which is void under this Act has been made, shall have sold, disposed of, realized on or collected the property so conveyed or transferred, or any part thereof, the money or other proceeds, whether further disposed of or not, shall be deemed the property of the trustee as such.

(2) The trustee may recover such property or the value thereof from the person in whose favour such settlement of property, conveyance or transfer was made or from any other person, to whom the person in whose favour such settlement of property, conveyance or transfer was made may have resold, redisposed of or paid over the proceeds of such property as fully and effectually as the trustee could have recovered the same if it had not been so sold, disposed of, realized on or collected.

(3) Notwithstanding the provisions of subsection one of this section, where any person to whom such property has been sold or disposed of shall have paid or given therefor in good faith fair and reasonable consideration he shall not be subject to the operation of this section but the trustee's recourse shall be solely against the person in whose favour such settlement was made for recovery of the consideration so paid or given or the value thereof."

Operation of section.

(3) Notwithstanding the provisions of subsection one of this section, where any person to whom such property has been sold or disposed of shall have paid or given therefor in good faith fair and reasonable consideration he shall not be subject to the operation of this section but the trustee's recourse shall be solely against the person entering into such transaction with the bankrupt for recovery of the consideration so paid or given or the value thereof.

Trustee subrogated.

(4) In case the consideration payable for or upon any sale or resale of such property or any part thereof shall remain unsatisfied the trustee shall be subrogated to the rights of the vendor to compel payment or satisfaction.

Dealings with undischarged bankrupt.

69. (1) All transactions by a bankrupt with any person dealing with him *bona fide* and for value in respect of property acquired by the bankrupt after the bankruptcy shall, if completed before any intervention by the trustee, be valid against the trustee, and any estate or interest in such property which by virtue of this Act is vested in the trustee shall determine and pass in such manner and to such extent as may be required for giving effect to any such transaction.

Receipt of money by banker.

(2) For the purposes of this section, the receipt of any money, security or negotiable instrument from or by the order or direction of a bankrupt by his banker, and any payment and any delivery of any security or negotiable instrument made to or by the order or direction of a bankrupt by his banker shall be deemed to be a transaction by the bankrupt with such a banker dealing with him for value.

(3) The words "entering into such transaction with the bankrupt" have been substituted for the words "in whose favour such settlement was made".

(4) No change.

69. The changes are self-explanatory. Formerly section 67.

PART V.

Administration of Estates.

Meetings of Creditors.

First meeting of creditors.

70. (1) It shall be the duty of the trustee to inform himself of the names and addresses of the creditors and, within five days from the date of his appointment, to send by registered mail to the bankrupt, to every known creditor and to the Superintendent a notice in the prescribed form of the first meeting of creditors, to be held on a date not later than fifteen days from the mailing thereof at the office of the official receiver in the locality of the bankrupt. Provided that the official receiver may, when deemed expedient, authorize the meeting to be held at the office of any other official receiver or at such place as the official receiver may fix.

Proviso.

Documents to accompany notice.

(2) The trustee shall include with such notice a list of the creditors, the amounts of their claims and their post office addresses together with a proof of claim and proxy in the form prescribed by General Rules but no name shall be inserted in the proxy before it is so sent.

Notice to be gazetted by trustee.

(3) Notice of the bankruptcy and of the first meeting shall, as soon as may be done, be published by the trustee in *The Canada Gazette*.

Publication in local paper by trustee.

(4) The notice referred to in subsection one of this section shall, as soon as possible after the bankruptcy and not later than six days prior to the first meeting, be published in a local newspaper by the trustee.

Purpose of meeting.

(5) The purpose of such meeting shall be to consider the affairs of the bankrupt, to affirm the appointment of the trustee or substitute another in place thereof, to appoint inspectors, to consider any proposal submitted by the bankrupt and to give such directions to the trustee as the creditors may see fit with reference to the administration of the estate.

70. Formerly section 88.

(1) The provisions of subsections (1) and (2) have now been combined in subsection (1), the word "trustee" being substituted for "custodian".

Subsection (1) is the same with new phrases added and subsection (2) which read "Such first meeting shall be called for a date not later than fifteen days after the mailing of such notice" is merely incorporated therein. The proviso is added to meet a certain type of situation where it may be more desirable that the meeting of creditors be held elsewhere to serve the convenience of all concerned.

(2) No substantial change. Formerly subsection (3).

(3) and (4) These provisions were formerly contained in subsection (1) of section 28. The word "trustee" has been substituted for "custodian." Section 28 (1) read as follows:

> "28. (1) A notice in the prescribed form of the receiving order or assignment and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making or executing of such receiving order or assignment, be gazetted by the custodian, and not less than six days prior to said meeting be published in a local newspaper".

(5) This was formerly section 88 (4). The word "administration" has been substituted for "disposal", and the additional clause added to widen the application of the section. It read as follows:

> "88. (4) The purpose of such meeting shall be to consider the affairs of the debtor and to appoint a trustee and inspectors and give directions to the trustee with reference to the disposal of the estate."

Meetings during administration.

71. (1) The trustee may at any time call a meeting of creditors and he shall do so when directed by the court and whenever requested in writing by the inspectors or by twenty-five per cent in number of the creditors holding twenty-five per cent in value of the proved claims.

Meetings convened by inspectors.

(2) A meeting of the creditors may be convened by a majority of the inspectors at any time when a trustee is not available to call a meeting or has neglected or failed to do so when so directed by the inspectors.

Notice of subsequent meetings.

72. (1) Meetings other than the first shall be called by mailing notice of the time and place thereof not less than four days before the time of such meeting to each creditor at the address given in his proof of claim.

Notice to creditors with proved claims.

(2) After the first meeting notice of any meeting or of any proceeding need not be given to any creditors other than those who have proved their claims.

71. (1) Formerly section 89. It is necessary to provide for meetings to be called when ordered by the court and when required by the inspectors.

(2) This is a new subsection.

The former section 71 has been deleted. It read:

"**71.** (1) The trustee may from time to time make demand on any contributory requiring him to pay to the trustee within thirty days from and after the date of the service of such demand, the amount for which such person is so liable to contribute or such portion thereof as the trustee deems necessary or expedient.

(2) Any such demand shall be deemed to have been properly served if delivered personally to the contributory or if a copy of the same is mailed in a registered prepaid letter addressed to the contributory at his last known address or at the address shown in or by the stock register or other books of the corporation.

(3) If the contributory disputes liability, either in whole or in part, he shall within fifteen days from the service of such demand give notice in writing to the trustee stating therein what portion of the demand is disputed and setting out his grounds of defence and he shall not thereafter, unless by leave of the court be permitted to plead in any action or proceeding brought against him by the trustee any grounds of defence of which he has not notified the trustee within said fifteen days.

(4) If at the expiration of thirty days from the date of the service of such demand the contributory has not paid to the trustee the required amount, the trustee may take proceedings against the contributory for the recovery thereof in the manner provided by General Rules.

(5) If the contributory considers the demand excessive or unjust he may apply to the court to reduce or disallow it.

(6) If the court considers the demand to be grossly excessive or unjust it may order the trustee to pay personally the costs of any such application."

72. (1) Formerly section 90 (1). The reason for the additional clause is obvious.

(2) Formerly section 90 (2). The subsection has been revised in view of the provisions of subsection (2) of section 71.

The former section 72 has been deleted. It read as follows:

"**72.** (1) The court shall, on the application of any contributory, adjust the rights of the contributories among themselves, and, for the purpose of facilitating such adjustment may direct the trustee to intervene, carry the proceedings, employ legal or other assistance and make such investigations, do such acts and furnish such information as to the court may seem necessary or advisable.

(2) The court shall allow to the trustee and to any solicitor, advocate or counsel or other assistant employed by him under the provisions of the immediately preceding subsection, as against the contributories or any of them such remuneration, expenses and costs as the court shall deem just, and such remuneration, expenses and costs shall be paid out of such moneys as shall be collected from contributories under the order or direction of the court for the purposes of the adjustment or out of moneys payable to the contributories by the estate of the debtor, as the court shall order, but such remuneration, expenses and costs shall not be payable in any event out of the general estate of the debtor.

(3) The court, before proceeding to adjust the rights of contributories among themselves, as by subsection one of this section provided, may order that the contributory applying shall provide security, in form and amount satisfactory to the court, for the payment of such remuneration, expenses and costs as will be incident to such adjustment, and, in default of such security being provided as and when ordered, the court may refuse to proceed with such adjustment."

Procedure at Meetings.

Chairman of first meeting.

73. (1) The official receiver or his nominee shall be the chairman at the first meeting of creditors and shall decide any questions or disputes arising at the meeting and from any such decision any creditor may appeal to the court.

Trustee to be chairman of subsequent meetings.

(2) At all other meetings the trustee shall be the chairman unless by resolution at the meeting some other person is appointed.

Chairman shall have casting vote.

(3) The chairman of any meeting of creditors shall, in the case of a tie, have a second or casting vote.

Minutes of meeting.

(4) The chairman shall cause minutes of the proceedings at the meeting to be drawn up and entered in a book kept for that purpose, and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

Non-reception of notice by creditor.

(5) Where a meeting of creditors is called, the proceedings had and resolutions passed at such meeting shall, unless the court otherwise orders, be valid, notwithstanding that some creditors shall not have received notice.

Quorum.

74. (1) A meeting shall not be competent to act for any purpose except the election of a chairman and the adjournment of the meeting, unless there are present or represented at least three creditors, or all the creditors if their number does not exceed three.

Adjournment if no quorum.

(2) If within half an hour after the time appointed for the meeting a quorum of creditors is not present or represented, the meeting shall be adjourned by the chairman to such time and place as the chairman may appoint, not being less than seven nor more than twenty-one days from the day of the adjourned meeting.

Adjournment with consent of meeting.

(3) The chairman of any meeting may with the consent of the meeting adjourn the meeting from time to time.

How creditors shall vote.

75. Every class of creditors may express its views and wishes separately from every other class and the effect to be given to such views and wishes shall, in case of any dispute and subject to the provisions of the Act, be in the discretion of the court.

73. (1) Formerly section 91 (1). The changes are self-explanatory. It read as follows:

"**91.** (1) The Official Receiver or his nominee shall be the chairman at the first meeting of creditors, and shall decide any questions arising in connection with the appointment of the trustee by creditors, and from any such decision any creditor may appeal to the court."

(2) Formerly section 91 (2) which read as follows:

"(2) At all other meetings the chairman shall be such person as the meeting by resolution appoints."

(3) This subsection is new.

(4) This was formerly section 93. No change.

(5) This is taken from former Rule 133 (1) which read as follows:

"*Rule* **133.** (1) Where a meeting of creditors is called by notice, the proceedings had and resolutions passed at such meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors shall not have received the notice sent to them and notwithstanding the inadvertent omission to send such notice to one or more creditors."

The former section 73 has been deleted. It was as follows:

"**73.** (1) The provisions of sections seventy, seventy-one and seventy-two shall apply only to corporations which have become bankrupt or authorized assignors under this Act.

(2) The word 'contributory' as used in the three last preceding sections means such shareholder or member of a corporation as is referred to in subsection one of section seventy."

74. (1) Formerly section 92 (1). No change.

(2) Formerly section 92 (2). The words "to such time and place" have been substituted for the words "to the same day in the following week at the same time and place, or to such other day."

(3) Formerly section 91 (3). No material change.

75. This was formerly Rule 136 which has been slightly amended.

Power of chairman of creditors' meeting to admit or reject proof.

76. (1) The chairman of the meeting shall have power to admit or reject a proof of claim for the purpose of voting, but his decision shall be subject to appeal to the court.

Accept proof by telegraph.

(2) Notwithstanding anything in this Act, the chairman may, for the same purpose, accept telegraphic or cable communication as proof of the claim of a creditor who is resident out of Canada.

In case of doubt.

(3) If the chairman is in doubt whether the proof of claim should be admitted or rejected he shall mark the proof as objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Right of creditor to vote.

77. (1) A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a claim provable in bankruptcy.

Voting by proxy.

(2) A creditor may vote either in person or by proxy.

Form of proxy.

(3) A proxy shall not be invalid merely because it is in the form of a letter, telegram or cable.

Debtor may not be proxy.

(4) A debtor may not be appointed a proxy to vote at any meeting of his creditors.

Corporation.

(5) A corporation may vote by an authorized agent at meetings of creditors.

Claims acquired after bankruptcy.

78. No person shall be entitled to vote on a claim acquired after the bankruptcy unless the entire claim is acquired, but this shall not apply to persons acquiring notes, bills or other securities upon which they are liable.

76. (1) This was formerly section 100 (1). No material change.

(2) This was formerly section 100 (2) which read as follows:

"**100.** (2) Notwithstanding anything in this Act, the chairman may, for the same purpose, accept telegraphic or cable communication as proof of the debt of a creditor who carries on business out of Canada and likewise as to the authority of any one claiming to represent and vote on behalf of such creditor."

(3) No material change. This was formerly section 100 (3).

77. (1) This was formerly section 94. It read as follows:

"**94.** A person shall not be entitled to vote as a creditor at the first or any other meeting of creditors unless he has duly proved a debt provable in bankruptcy or under an authorized assignment to be due to him from the debtor, and the proof has been duly lodged with the custodian or trustee before the time appointed for the meeting."

(2) This was formerly section 101 (1) which read as follows:

"**101.** (1) A creditor may vote either in person or by proxy deposited with the custodian or trustee at or before the meeting at which it is to be used."

(3) This was formerly section 101(2). No change.

(4) This is a new subsection. Its purpose is obvious.

(5) This was formerly section 99 (1). No material change. Subsection (2) of section 99 has been deleted. It read as follows:

"**99.** (2) The bondholders, debenture holders, shareholders and members of the corporation and each class thereof may at such meeting express their views or wishes in manner prescribed by General Rules."

78. No change. Formerly section 97.

Creditor secured by bill or note.

79. A creditor shall not vote in respect of any claim on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability of every person thereon as a security in his hands and to estimate the value thereof and for the purposes of voting, but not for the purposes of dividend, to deduct it from his claim.

Voting by secured creditor.

80. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance, if any, due to him, after deducting the value of his security.

Trustee may vote.

81. (1) The trustee, if a creditor or a proxy for a creditor, may vote as a creditor at any meeting of creditors.

Trustee may not vote on remuneration.

(2) The vote of the trustee or of his partner, clerk, solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

Persons not entitled to vote.

(3) The following persons shall not be entitled to vote on the appointment of a trustee or inspectors, namely:

(i) the father, mother, son, daughter, sister, brother, uncle or aunt by blood or marriage, wife or husband of the bankrupt;

(ii) if the bankrupt is a corporation, any officer, director or employee thereof.

79. This was formerly section 96 and read as follows:

"**96.** A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor, and against whom a receiving order has not been made, or by whom an authorized assignment has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof."

The former section 79 is deemed unnecessary and has been deleted. It read:

"**79.** Notwithstanding the declaration of a final dividend if any assets reserved for contingent claims, or assets subsequently received, become available for the payment of a further dividend and the necessary expenses of declaring the same, the trustee shall declare and pay such further dividend."

80. This was formerly section 95 (1). No change.

Former section 95(2) is a mere repetition of subsection (1). It read as follows:

"**95.** (2) A secured creditor shall not be entitled to vote at any meeting of creditors until he has proved his claim and valued his security as hereinafter provided."

The provisions of the former section 80 are duplicated in section 103 and have therefore been deleted. Section 80 read:

"**80.** Where one partner of a firm is adjudged bankrupt, or makes an authorized assignment, a creditor to whom the bankrupt is indebted jointly with the other partners of the firm, or any of them, shall not receive any dividend out of the separate property of the bankrupt or authorized assignor until all the separate creditors have received the full amount of their respective debts."

81. (1) This was formerly section 98(1). The provision giving the trustee a casting vote in the case of a tie has been deleted. Subsection (3) of section 73 gives a casting vote to the *chairman* of the meeting.

Section 98 read as follows:

"**98.** (1) The trustee, if a creditor or a proxy for a creditor, may vote, as a creditor at any meeting of creditors, and, in addition, in case of a tie, shall have a casting vote, personally, as if he were a creditor holding a proved claim of twenty-five dollars.

(2) The vote of the trustee, or of his partner, clerk solicitor, or solicitor's clerk, either as creditor or as proxy for a creditor, shall not be reckoned in the majority required for passing any resolution affecting the remuneration or conduct of the trustee.

(3) The following persons shall not be entitled to vote on the appointment of a trustee namely:

(i) the father, mother, son, daughter, sister, brother, uncle or aunt by blood or marriage, wife or husband of the bankrupt or authorized assignor;

(ii) if the bankrupt or authorized assignor is an incorporated company, any officer, director or employee thereof."

(2) Formerly section 98(2). The comma is inserted after "clerk" in the first line as in the English Act in the first schedule 28 it apparently has been inadvertently omitted.

(3) Formerly section 98(3). The words "or inspectors" have been added as the choice of the inspectors is as important to the administration of an estate as that of the trustee.

Evidence of proceedings at meetings of creditors.

82. (1) A minute of proceedings at a meeting of creditors under this Act signed at the same or the next ensuing meeting by a person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

Evidence of regularity.

(2) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been signed by the chairman shall be deemed to have been duly convened and held and all resolutions passed or proceedings thereat to have been duly passed or had.

Scale of votes.

83. Subject to the provisions of this Act, all questions at meetings of creditors shall be decided by resolution carried by the majority of votes, and for such purpose the votes of creditors shall be calculated as follows:—

For every claim of or over twenty-five dollars and not exceeding two hundred dollars—one vote;

For every claim of over two hundred dollars and not exceeding five hundred dollars—two votes;

For every claim of over five hundred dollars and not exceeding one thousand dollars—three votes;

For every claim of one thousand dollars three votes and one additional vote for each additional one thousand dollars or fraction thereof.

Inspectors.

Appointment of inspectors.

84. (1) At the first or a subsequent meeting, the creditors shall appoint one or more, but not exceeding five, inspectors of the estate of the bankrupt.

Certain persons not eligible.

(2) No person shall be eligible to be appointed or to act as an inspector who is a party to any action or proceedings by or against the estate.

Powers of inspectors.

(3) The powers of the inspectors may be exercised by a majority present at any meeting.

Filling vacancy on board.

(4) The creditors or the inspectors at any meeting may fill any vacancy on the board of inspectors.

82. This was formerly section 177 (1) and (2). No material change.

83. No material change. Formerly section 102.

84. (1) Formerly section 103(1). No material change.

(2) This was formerly section 103(7). No change.

(3) This was formerly section 103(2).

(4) This is a new subsection. While it is the natural right of the creditors to appoint inspectors as may be necessary yet oftentimes it is not practical and in many cases futile to call a meeting for such purpose alone. It is customary on practically all boards of directors for them to have the power to fill any vacancy on the board and so that inspectors can have a full board it is deemed desirable to grant them the power to fill a vacancy. Any such appointments are always subject to removal as provided in the next subsection.

Revocation and replacement.

(5) The creditors may at any meeting and the court may on the application of the trustee or any creditor revoke the appointment of any inspector and appoint another in his stead.

Trustee or inspector may call meeting.

(6) A meeting of inspectors may be called by the trustee or by any inspector on three clear days' notice unless notice is unanimously waived, and at such meeting a majority of inspectors shall constitute a quorum.

Trustee votes in case of tie.

(7) In the event of an equal division of opinion at a meeting of inspectors, the opinion of any absent inspector shall be sought in order to resolve the difference, and in the case of a difference which cannot be so resolved it shall be resolved by the trustee, unless it concerns his personal conduct or interest in which case it shall be resolved by the court.

If no inspectors appointed.

(8) If there are no inspectors or if the inspectors fail to exercise the powers conferred on them, any act or thing or any direction or permission by this Act authorized or required to be done or given by the inspectors may be done or given by the court on the application of the trustee:

Proviso.

Provided that if the court refuses such application the trustee shall call a meeting of the creditors for the purpose of filling vacancies or substituting other inspectors or taking such action as may be deemed necessary.

Creditors may override directions of inspectors.

(9) Subject to the provisions of this Act, the trustee shall in the administration of the property of the bankrupt and in the distribution thereof amongst his creditors have regard to any directions that may be given by resolution of the creditors at any general meeting or by the inspectors, and any directions so given by the creditors shall in case of conflict be deemed to override any directions given by the inspectors.

Decisions of inspectors subject to review by court.

(10) The decisions and actions of the inspectors shall be subject to review by the court at the instance of the trustee or any interested person and the court may revoke or vary any act or decision of the inspectors and it may give such directions, permission or authority as it deems proper in substitution thereof or may refer any matter back to the inspectors for reconsideration.

Inspector may not acquire property.

(11) No inspector shall, directly or indirectly, be capable of purchasing or acquiring for himself or for another any of the property of the estate for which he is an inspector, unless with the prior approval of the court.

(5) This was formerly section 103(3). It is deemed desirable that the court also have the authority to remove an inspector acting improperly and to avoid the delay and expense of calling a meeting to appoint new inspectors so that the administration may be expedited. The subsection formerly read as follows:

> "(3) The creditors may, at any meeting, revoke the appointment of any inspector and in such event or in case of the death, resignation, or absence from the province of an inspector, may appoint another in his stead."

(6) This is a new subsection. It is deemed desirable that an inspector have such authority, as a dominating trustee may often be disposed to ignore the inspectors. This is perhaps the most common complaint received from inspectors.

(7) This was formerly section 103(5). There is no material change except to meet the contingency therein expressed.

(8) This is a new subsection. It has been adapted from a like provision in the English Act, the court being substituted for the Board of Trade.

(9) This is a new subsection. The right of the creditors to override the inspectors seemingly has just been assumed by implication, as there does not appear to be any express authority therefor other than a decision of the court to that effect. The English Act, section 79(1), makes express provision therefor.

(10) This is a new subsection. It removes any doubt as to the authority of the court to overrule the decisions of the inspectors.

(11) This was formerly section 103(6). No change.

Acts of inspectors not invalidated by formal defects.

(12) No defect or irregularity in the appointment of an inspector shall vitiate any act done by him in good faith.

Duty of inspectors.

(13) It shall be the duty of the inspectors from time to time to verify the bank balance, audit the trustee's accounts and inquire into the adequacy of the security filed by the trustee and to approve the trustee's final statement of receipts and disbursements, dividend sheet and disposition of unrealized property.

Approval of trustee's final statement by inspectors.

(14) Before approving the final statement of receipts and disbursements, the inspectors shall satisfy themselves that all the property has been accounted for and that the administration of the estate has been completed as far as can reasonably be done and shall determine whether or not the disbursements and expenses incurred are proper and have been duly authorized, and the fees and remuneration just and reasonable in the circumstances.

Inspectors' fees.

(15) Each inspector may be repaid his actual and necessary travelling expenses incurred in and about the performance of his duties and may also be paid the following fees to be computed on the net receipts as determined by the amount realized by the trustee less payments to secured creditors:—

Estates with net receipts	below	$	5,000	.....	a fee of	$2.00	per meeting.
"	"	from	5,000	to $15,000	"	3.00	"
"	"	"	15,000	to 30,000	"	4.00	"
"	"	"	30,000	to 50,000	"	5.00	"
"	"	"	50,000	to 100,000	"	7.50	"
"	"	"	100,000	and over...	"	10.00	"

Proviso.

Provided, however, that an inspector duly authorized by the creditors or by the other inspectors to perform special services for the estate may be allowed a special fee for such services, subject to approval of the court which may vary such fee as it deems proper having regard to the nature of the services rendered in relation to the fiduciary obligations of the inspector to the estate.

(12) This was formerly section 186(2). It is a more logical place for this provision.

(13) This is a new subsection. While conferring certain powers on the inspectors, the present Act is silent as to the duties of inspectors. The duties referred to herein have in the past been more or less left to the court or to the Superintendent to perform as occasion arose. It is felt that the inspectors, being more familiar with the affairs of the estate, are better qualified to exercise control in such matters. Under the English Act a trustee must submit his cash book and vouchers to the inspectors whenever required, but not less than once every three months and in the case of a trading account not less than once a month, and the inspectors are required at such times to audit and certify the accounts. Similar provisions are contained in the Scottish Act.

(14) This is a new subsection. The present Act does not provide for the inspectors' approval of the trustee's final statement of receipts and disbursements though in actual practice such approval is usually required. The new subsection remedies this omission and specifies more particularly the duty of inspectors in this regard.

(15) This was formerly section 103(4). The words inserted are to state the basis on which the fees are to be computed. See in *In re* John Perkins (15 C.B.R. 192). The proviso has been added as occasions may arise when an inspector may render services to the estate which are beyond those which he might reasonably be expected to perform on behalf of the estate in his fiduciary capacity.

Claims Provable.

Claims provable.

85. (1) All debts and liabilities, present or future, to which the bankrupt is subject at the date of the bankruptcy or to which he may become subject before his discharge by reason of any obligation incurred before the date of the bankruptcy shall be deemed to be claims provable in proceedings under this Act.

Contingent and unliquidated claims.

(2) The court shall, on the application of the trustee, determine whether any contingent claim or any unliquidated claim is a provable claim, and, if a provable claim, it shall value such claim, and such claim shall after, but not before, such valuation be deemed a proved claim to the amount of its valuation.

Proposals prior to bankruptcy.

(3) In the case of a proposal made before bankruptcy the claims provable shall be determined as of the date of the filing of the proposal.

Claims provable in bankruptcy following proposal.

(4) The claims of creditors under a proposal shall, in the event of the debtor subsequently becoming bankrupt, be provable in the bankruptcy for the full amount of the claims less any dividends paid thereon pursuant to the proposal.

Proof in respect of distinct contracts.

86. (1) If a bankrupt was, at the date of the bankruptcy, liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof, in respect of the contracts, against the properties respectively liable on the contracts.

Debts payable at a future time.

(2) A creditor may prove for a debt not payable at the date of the bankruptcy and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of five per cent per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

85. Formerly section 104 which read as follows:

"**104.** (1) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, shall not be provable in bankruptcy or in proceedings under an authorized assignment.

(2) Save as aforesaid, all debts and liabilities, present or future, to which the debtor is subject at the date of the receiving order or the making of the authorized assignment or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order or of the making of the authorized assignment shall be deemed to be debts provable in bankruptcy or in proceedings under an authorized assignment.

(3) The court shall value, at the time and in the summary manner prescribed by General Rules, all contingent claims and all such claims for unliquidated damages as are provable by this section, and after, but not before, such valuation, every such claim shall for all purposes of this Act, be deemed a proved debt to the amount of its valuation."

This section provides that unliquidated claims arising from a contract, promise, or breach of trust are the only unliquidated claims provable under the Act. Unliquidated claims for tort are excluded and this would appear to be most unfair especially where the bankrupt is a corporation and would ordinarily pass out of existence. Moreover, it would seem unfair that a claim would not be provable for the sole reason that a judgment had not been obtained at the date of the bankruptcy. The main purpose of *The Bankruptcy Act* is to relieve a debtor of his liabilities and to re-establish him. It is, therefore, considered that a bankrupt should be discharged from all liabilities except those provided in section 137.

(1) Formerly section 104(2).

(2) This is a revision of former section 104(3) and Rule 141.

(3) This is a new subsection and has been added to cover the proposed new procedure respecting proposals prior to bankruptcy.

(4) This is a new subsection. It has been inserted to clarify the position of the creditors where a debtor becomes bankrupt after having previously submitted a proposal which has been duly ratified.

86. (1) No material change. Formerly section 114.

(2) This was formerly section 120. The rate of interest has been changed from six per cent to five per cent in accord with the *Interest Act*, R.S.C. 1927, c. 102, section 2.

Interest.

(3) If interest on any debt or sum certain is provable under this Act but the rate of interest has not been agreed upon, the creditor may prove for interest at a rate not exceeding five per cent per annum to the date of the bankruptcy from the time the debt or sum was payable, if evidenced by a written instrument, or, if not so evidenced, from the time notice has been given the debtor of the interest claimed.

Proof of Claims.

Creditors shall prove claims.

87. (1) Every creditor shall prove his claim; otherwise he shall not be entitled to share in any distribution that may be made.

Proof by delivery.

(2) A claim shall be proved by delivering to the trustee a proof of claim in the prescribed form.

Who may make proof of claim.

(3) The proof of claim may be made by the creditor himself or by some person authorized by him on behalf of the creditor, and, if made by a person so authorized, it shall state his authority and means of knowledge.

Shall refer to account.

(4) The proof of claim shall contain or refer to a statement of account showing the particulars of the claim and any mutual credit to which the bankrupt to the knowledge of the creditor may be entitled and shall specify the vouchers or other evidence, if any, by which it can be substantiated.

Shall state whether secured or preferred.

(5) The proof of claim shall state whether the creditor is or is not a secured or preferred creditor.

Penalty for filing false claim.

(6) If any creditor or other person in any proceedings under this Act files with the trustee a proof of claim containing any false statement or wilful misrepresentation, the court may, in addition to any other penalty provided in this Act, disallow the claim in whole or in part as it in its discretion may see fit.

Who may examine proofs.

(7) Every creditor who has lodged a proof of claim shall be entitled to see and examine the proofs of other creditors.

Workmen's wage claims.

(8) Proofs of claims for wages of workmen and others employed by the bankrupt may be made in one proof by the bankrupt or someone on his behalf by attaching thereto a schedule setting forth the names and addresses of the workmen and others and the amounts severally due to them, but such proof shall not disentitle any workman or other wage-earner to file a separate proof on his own behalf.

(3) This was formerly section 119 which has been redrafted and simplified. It read as follows:

> "**119.** On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the receiving order or authorized assignment and provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the receiving order or authorized assignment from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment."

87. (1) Formerly section 105 (1). This subsection is slightly changed to comply with the new procedure. The added clause is intended to indicate with certainty the result of failure to file a claim.

(2) Formerly section 105 (2). The words "proof of claim" have been substituted for "affidavit" in this subsection as well as in the following subsections.

(3) No material change. Formerly section 105 (3).

(4) Formerly section 105 (4). The present form of proof of debt does not require a creditor to disclose any mutual credit to which a bankrupt may be entitled. The added clause is inserted to provide therefor. The deleted part has been transferred to section 96(1) as the more appropriate place for its insertion. It read: "and the trustee may at any time call for the production of invoices, acceptances, bills of lading, receipts, cheques, notes, bank pass-books, or books of accounts, or such further or other evidence as the trustee or inspectors may require in order to deal with the claim."

(5) Formerly section 105 (5). The subsection has been amended to include preferred as well as secured claims.

(6) This is a new subsection. It is deemed desirable that a greater penalty be imposed on a creditor for filing claims with false statements therein than the ordinary result of having the false item struck out. The possibility of having a claim disallowed in its entirety for the insertion of such false items will, it is believed, go far to ensure that proofs of claim are prepared more carefully, accurately and honestly. While the section may seem severe, yet it does not in any way affect an honest creditor.

(7) No substantial change. Formerly section 105 (6).

(8) These provisions were formerly contained in Rule 137, which has been considerably condensed. It read as follows:

> "*Rule* **137.** In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or his foreman, or the bookkeeper of the debtor, or some other person on behalf of all such creditors. Such proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this Rule shall have the same effect as if separate proofs had been made by each of the said workmen and others."

Proof by Secured Creditors.

Proof by secured creditor.

88. (1) If a secured creditor realizes his security, he may prove for the balance due to him after deducting the net amount realized.

May prove whole claim on surrender.

(2) If a secured creditor surrenders his security to the trustee for the general benefit of the creditors, he may prove for his whole claim.

Secured creditor to value securities.

89. (1) If a secured creditor does not either realize or surrender his security he may, if he wishes to rank for dividend, and he shall within thirty days after demand in writing made upon him by the trustee or within such further time as may be allowed by the court, file with the trustee an affidavit stating therein full particulars of his security or securities, the date when each security was given and the value at which he assesses each.

Dividend on balance.

(2) A creditor shall be entitled to receive a dividend in respect only of the balance due to him after deducting the assessed value of his security.

Trustee may redeem security.

(3) The trustee may redeem any security on payment to the secured creditor of the debt or the value of the security as assessed by the secured creditor.

May order security to be sold.

90. (1) If the trustee is dissatisfied with the value at which a security is assessed, or if a secured creditor who has neither realized nor surrendered his security fails to assess said security within the period above mentioned, the trustee may require that the property comprised in the security be offered for sale at such time and on such terms and conditions as may be agreed on between the creditor and the trustee or as, in default of such agreement, the court may direct.

Sale by public auction.

(2) If the sale be by public auction the creditor or the trustee on behalf of the estate may bid or purchase.

Securities in Quebec.

(3) In the province of Quebec, if the security consists of a hypothec or privilege upon immovable property, the sale, when directed by the court, shall be made in accordance with the provisions of sections fifty-seven to sixty-one inclusive, of this Act, and said sale shall have the effect mentioned in said sections.

Costs of sale.

(4) The costs and expenses of any sale made under this section shall be in the discretion of the court.

88. Formerly section 106. No material change.

89. (1) No material change. Formerly section 107 (1).

(2) No change. Formerly section 107 (2).

(3) The provisions of former section 107 (3) have been extended to give the trustee the power to redeem any security. It formerly read as follows:

> "**107.** (3) Where a security is so valued the trustee may at any time redeem it on payment to the creditor of the assessed value."

90. Formerly section 108. No change.

Creditor may require trustee to elect to exercise power.

91. Notwithstanding subsection three of section eighty-nine and section ninety, the creditor may, by notice in writing, require the trustee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the trustee does not, within one month after receiving the notice or such further time or times as the court may allow, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption or any other interest in the property comprised in the security which is vested in the trustee shall vest in the creditor, and the amount of his claim shall be reduced by the amount at which the security has been valued.

Amended valuation by creditor.

92. If a creditor after having valued his security subsequently realizes it, or it is realized under the provisions of section ninety, the net amount realized shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

Secured creditor may amend.

93. (1) If the trustee has not elected to acquire the security as hereinbefore provided, a creditor may at any time amend the valuation and proof on showing to the satisfaction of the trustee or the court that the valuation and proof were made *bona fide* on a mistaken estimate or that the security has diminished or increased in value since its previous valuation.

Amendment at cost of creditor.

(2) Such amendment shall be made at the cost of the creditor and upon such terms as the court shall order, unless the trustee allows the amendment without application to the court.

Rights and liabilities of creditor where valuation amended.

(3) Where a valuation has been amended in accordance with this section, the creditor shall

(a) forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or

(b) be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he may have failed to receive by reason of the amount of the original valuation before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the amendment is filed with the trustee.

91. Formerly section 109. No material change.

92. No change. Formerly section 110.

93. No material change. Formerly section 111.

Exclusion for non-compliance.

94. If a secured creditor does not comply with sections eighty-eight to ninety-three, inclusive, he shall be excluded from any dividend.

No creditor to receive more than 100 cents on dollar.

95. Subject to the provisions of sections eighty-nine, ninety and ninety-one, a creditor shall in no case receive more than one hundred cents on the dollar and interest as provided by this Act and in the event of the security being realized by the creditor or being sold as provided by section ninety the creditor shall in no case receive more than one hundred cents on the dollar and interest as provided by the contract or by law, and any surplus shall be payable to the trustee.

94. No change. Formerly section 112.

95. Formerly section 113. The additional words are to make it clear that any surplus remaining after the secured creditor has been paid in full is to be paid to the trustee.

Admission and Disallowance of Proof of Claims.

Trustee shall examine proof of claim.

96. (1) The trustee shall examine every proof of claim filed and the grounds of the claim and may at any time call for the production of invoices, acceptances, bills of lading, receipts, cheques, notes, bank passbooks, books of account or such further or other evidence as the trustee or inspectors may require in order to deal with the claim and shall notify all creditors whose claims have been admitted.

96. This is a new section replacing former section 127 and part of former section 105(4) and inserted here as a more logical place for its inclusion. (For further explanation see next page.) A new procedure is set up to replace the former one of disallowing claims individually, from which an appeal had to be taken. In many cases where disallowance was the only alternative, a trustee in doubtful cases might hesitate to disallow, fearing the costs involved if unsuccessful. The new procedure follows that of section 75 of the *Winding-up Act* where, on notice, creditors may be required to attend in court to prove their claims. The provisions of section 75(2) of the *Winding-up Act* providing that the claims of creditors failing to attend shall be disallowed has not been followed for the reason that all legitimate claims should be recognized and it is not any part of the trustee's duty to eliminate creditors' claims but rather to see that all proper claims are included. The trustee then is required to place before the court all relevant evidence in his possession regarding any claim brought before it, whether or not the creditor attends, and the court can then decide whether or not the proof submitted is sufficient for the claim to be allowed either in whole or in part. Further, in the Act as it now stands, there is no provision whatever whereby a creditor may know whether or not his claim is admitted, or to enable him to establish his claim. The only reference thereto is Rule 138 which provides that the notice of the dividend shall be sufficient notification to the creditor of the admission of his claim. In the meantime a creditor may be left completely in the dark for years as to how his claim has been dealt with. This is deemed very unfair to creditors who ought to receive some advice thereon within a reasonable time. It has been deemed advisable, accordingly, to set up a procedure enabling them to establish their claims before the evidence in support thereof may be lost.

Section 127 formerly read as follows:

"**127.** (1) The trustee shall examine every proof and the grounds of the debt, and may require further evidence in support of it.

(2) If he considers the claimant is not entitled to rank on the estate, or not entitled to rank for the full amount of his claim, or if directed by a resolution passed at any meeting of creditors or inspectors, he may disallow the claim in whole or in part, and in such case shall give to the claimant a notice of disallowance.

(3) The said notice may be given either by serving the claimant with a copy thereof personally or by mailing such copy in a registered prepaid letter, addressed to the claimant at his last-known address, or at the address shown in or by the claimant's proof.

(4) Such disallowance shall be final and conclusive unless within thirty days after the service or mailing of the said notice or such further time as the court may on application made within the same thirty days allow, the claimant appeals to the court in accordance with General Rules from the trustee's decision.

(5) The court may also expunge or reduce a proof upon the application of a creditor or of the debtor, if the trustee declines to interfere in the matter."

Trustee may require creditor to prove claim before the court.

(2) If the trustee considers that a creditor is not entitled to rank on the estate or not entitled to rank for the full amount of his claim or to the security or preference claimed or any part thereof, and a settlement or compromise of the claim has not been made, the trustee may, or if directed by the creditors or inspectors he shall, give such creditor or any other such creditors notice to attend before the court at such time and place as may be stated in the notice, being not less than ten days after the service thereof, to prove his or their claims to the satisfaction of the court.

Creditor may require trustee to admit claim.

(3) Any creditor who has not received a notice admitting his claim within three months after the filing of a proof of claim may on six days' notice require the trustee to admit the claim or to give his reasons for not admitting the claim, and, if the trustee fails to admit or to give his reasons for not admitting the claim within the time aforesaid or if the reasons given are not satisfactory or are disputed, the creditor may prove his claim before the court on ten days' notice to the trustee of his intention so to do.

Court may expunge or reduce claim.

(4) The court may expunge or reduce a claim upon the application of any creditor or the bankrupt.

That part of section 105 (4) not included in subsection (1) read as follows:

"The affidavit shall contain or refer to a statement of account showing the particulars of the debt and shall specify the vouchers, if any, by which the same can be substantiated,"

(1) This was formerly sections 127(1) and 105(4). The phrase "and may require further evidence in support of it" is deleted as such right had been previously set up in section 105(4), now transferred to this section. Provision is also made requiring the trustee to notify all creditors whose claims have been admitted. Heretofore there was no obligation on a trustee even to acknowledge the receipt of a proof of claim although most trustees as a matter of good practice do so. As creditors are the persons wholly concerned with the administration, they ought to receive the courtesy of being advised whether or not a claim has been admitted.

(2) This is largely a revision of the former section 127(2) changed to set up the new procedure requiring a creditor to attend in court on notice to prove his claim instead of having his claim simply disallowed. Under this procedure several creditors might be brought into court at the same time rather than the separate disallowance that had to be made formerly with a possible appeal in each case. Further, it enables the trustee to deal more satisfactorily with cases where he is in doubt and would ordinarily hesitate to disallow entirely with the possible liability for costs.

(3) This is an entirely new subsection. Heretofore there was no provision in the Act to enable a creditor to establish his claim, and this omission has been the reason for more criticism on behalf of creditors than perhaps any other provision of the Act. Generally speaking, the practical trustee would, on request, advise a creditor how his claim had been dealt with, but, if a creditor were put off, he had no means of pursuing the matter. It is felt that this subsection is very necessary to protect the rights of creditors.

(4) This was formerly section 127(5) which read as follows:

"127. (5) The court may also expunge or reduce a proof upon the application of a creditor or of the debtor, if the trustee declines to interfere in the matter."

Scheme of Distribution.

Priority of claims.

97. (1) Subject to the rights of secured creditors, the proceeds realized from the property of a bankrupt shall be applied in priority of payment as follows:—

(a) in the case of a deceased bankrupt, the reasonable funeral and testamentary expenses incurred by the legal personal representative of the deceased bankrupt;

(b) the costs of administration, in the following order,
(i) the disbursements and fees of the trustee;
(ii) legal costs;

(c) the levy payable under section one hundred and eight;

(d) wages, salaries, commissions or compensation of any clerk, servant, travelling salesman, labourer or workman for services rendered during three months next preceding the bankruptcy to the extent of Five Hundred Dollars in each case: Commissions payable when goods are shipped, delivered or paid for, if shipped, delivered or paid for within the three-month period shall be deemed to have been earned therein;

97. Formerly section 121. See separate memorandum *re* priorities generally. In the present revision consideration has been given to the manner in which priorities take rank under the English, Australian and United States Bankruptcy Acts. It is to be noted that the scheme of distribution provides for all creditors other than secured creditors. Section 121(1) formerly read as follows:

> "**121.** (1) Subject to the provisions of section one hundred and twenty-six as to rent, in the distribution of the property of the bankrupt or authorized assignor, there shall be paid, in the following order of priority:—
>
> First, the costs and expenses of the custodian and the fees and expenses of the trustee;
>
> Secondly, the costs of the garnishing, attaching, execution or judgment creditor (including sheriff's fees and disbursements) coming within the provisions of subsection one of section twenty-five and subsection three of section twenty-nine and subsection two of section 29A.
>
> Thirdly, all indebtedness of the bankrupt or authorized assignor under any Workmen's Compensation Act and all wages, salaries, commissions or compensation of any clerk, servant, travelling salesman, labourer or workman, in respect of services rendered to the bankrupt or assignor during three months before the date of the receiving order or assignment: Provided that any commissions earned more than three months before the date of a receiving order or assignment, but not payable (by the terms of the creditor's agreement) until the shipment, delivery or payment of the goods sold, shall be deemed to have been earned within three months of the date of the receiving order or assignment, when the said goods have been shipped, delivered or paid for within three months of the receiving order or assignment; and provided, moreover, that any advances made on account of such commissions shall be deemed to have been legally paid on account thereof;
>
> Fourthly, claims resulting from injuries to employees of the insolvent debtor to which the provisions of any Workmen's Compensation Act do not apply, but only upon moneys paid or payable to the insolvent estate by persons or companies guaranteeing the insolvent debtor against damages resulting from such injuries."

(a) Funeral and testamentary expenses. This was formerly section 125B, which read as follows:

> "**125B.** In the administration of the property of a deceased insolvent debtor, the trustee shall have regard to any claim by the legal personal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in or about the estate and such claim shall be preferred and shall notwithstanding anything to the contrary in this Act, be payable out of the debtor's estate in priority to all other debts."

(b) Costs of administration. These are costs incurred in the interests of all classes of creditors. They constitute a first charge on the assets under section 84 of the Australian and section 64 of the United States Bankruptcy Acts.

(c) This provision is inserted here merely to make the entire scheme of distribution complete. See section 108.

(d) The claims of wage-earners for arrears of wages rank in this order under section 84 *(e)* of the Australian Act and section 64 of the United States Act which limits such priority to $600. The effect of the change is to give them priority for three months' arrears over municipal taxes, the landlord and government claims. With this added advantage it is considered not unreasonable that such claims be limited to $500.

(e) municipal taxes assessed or levied against the bankrupt within two years next preceding his bankruptcy and which do not constitute a preferential lien or charge against the real property of the bankrupt;

(f) the landlord for arrears of rent for a period of three months next preceding the bankruptcy and accelerated rent for a period not exceeding three months following the bankruptcy if entitled thereto under the lease: Provided that the total amount so payable shall not exceed the realization from the property on the premises under lease, but any payment made on account of accelerated rent shall be credited against the amount payable by the trustee for occupation rent;

(g) fees and costs referred to in subsection two of section forty-three but only to the extent of the realization from the property exigible thereunder;

(h) all indebtedness of the bankrupt under any Workmen's Compensation Act and under any Unemployment Insurance Act *pari passu;*

(i) claims resulting from injuries to employees of the bankrupt to which the provisions of any Workmen's Compensation Act do not apply, but only to the extent of moneys received from persons or companies guaranteeing the bankrupt against damages resulting from such injuries;

(j) All claims of the Crown in the right of Canada or of any province thereof *pari passu* notwithstanding any statutory preference to the contrary.

To be discharged as funds available.

(2) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing shall be discharged as soon as funds are available for the purpose.

(e) This is the order in which the claims of municipalities rank under section 84*(h)* of the Australian Act, except that in Australia the preference is for one year only. In England also under section 33 the priority is limited to one year. This clause replaces former section 125, which was as follows:

"**125.** Nothing in the four last preceding sections shall interfere with the collection of any taxes, rates or assessments payable by or levied or imposed upon the debtor or upon any property of the debtor under any law of the Dominion, or of the province wherein such property is situate, or in which the debtor resides, nor prejudice or affect any lien or charge in respect of such property created by any such laws."

(f) This is the rank given to the claim of the landlord under section 33(4) of the English Act and under section 84 *(i)* of the Australian Act. It corresponds with the priority given in some but not all of our own provinces. The important change is that the landlord is restricted to payment out of the realization of the property on the premises. This clause is a revision of section 126 which formerly read as follows:

"**126.** When a receiving order or an assignment is made against or by any lessee under this Act, the same consequences shall ensue as to the rights and priorities of his landlord as would have ensued under the laws of the province in which the demised premises are situate if the lessee at the time of such receiving order or assignment had been a person entitled to make and has made an abandonment or a voluntary assignment of his property for the benefit of his creditors pursuant to the laws of the province; and nothing in this Act shall be deemed to suspend, limit or affect the legislative authority of any province to enact any law providing for or regulating the rights and priorities of landlords consequent upon any such abandonment or voluntary assignment; nor shall anything in this Act be deemed to interfere or conflict with the operation of any such provincial law heretofore or hereafter enacted in so far as it provides for or regulates the rights and priorities of landlords in such an event."

(g) The last clause is added to get over the decision in *In re* Ferguson (16 C.B.R. 261) where it was held that such preference was payable whether or not any property was exigible thereunder.

(h) Under the Australian system, claims of Workmen's Compensation Boards rank before municipal taxes and the landlord. Claims under the *Unemployment Insurance Act* are a new development in Canada. It is rather a matter of national policy whether or not they should be given higher ranking as in Australia.

(i) This was formerly section 121 (fourthly). No material change.

(j) All government claims, federal and provincial, take equal rank immediately before trade and other unsecured creditors.

(2) The changes are self-explanatory. Formerly section 121(2) which read as follows:

"**121** (2). Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith so far as the property of the debtor is sufficient to meet them."

Balance of claim.

(3) Any creditor whose rights are restricted by this section shall be entitled to rank as an unsecured creditor for any balance of claim due him.

Preferential lien or charge for taxes against realty not affected.

(4) Nothing herein shall be deemed to prejudice any preferential lien or charge against any parcel of real property of the bankrupt for taxes assessed and levied against the said property by any municipality, school board or other local taxing authority, but any other preferential lien or charge against the property of the bankrupt created by statute shall be null and void and shall be entitled to rank only as provided by this Act.

(3) This is a new subsection. It speaks for itself.

(4) This is also a new subsection. Its purpose is evident.

Memorandum re Priorities.

The Bankruptcy Act recognizes the rights of secured creditors. It has also recognized the right of municipalities to be preferred for taxes and landlords for rent under their statutory liens. However, it cannot have been the intention that preferences should be accorded the large variety of claims which, because of the preferences they have received, now rank in priority before the claims of trade creditors and even, in some instances, before the costs of realizing the assets and administering the estate. The fact remains that, under the provisions of section 125 of *The Bankruptcy Act*, various taxing authorities in the provinces have succeeded in obtaining by provincial legislation priority rankings in respect of their respective taxes to an extent that the situation concerning priorities has become chaotic, difficulty being experienced in many cases in determining the order in which the many conflicting priorities should rank without having to submit such matters to the courts for decision. In the province of Ontario, for instance, the following claims have priority over the claims of ordinary creditors. It will be noted that the list is exclusive of the claims of mortgagees, lienholders, banks under section 88 of the *Bank Act*, and other secured creditors.

Provincial (Preferred by Statute):

1. Debtor's exemptions—actually excluded from assets of estate by section 23 of *The Bankruptcy Act*.
2. Income Taxes—R.S.O. 1937, c. 25, s. 37, 50, 51.
3. Stock Transfer Taxes—R.S.O. 1937, c. 29, s. 22.
4. Corporation Taxes and Filing Fees on annual returns. Ditto.
5. Ontario Hydro-Electric Power Commission—R.S.O. 1927, c. 286, s. 26.
6. Crown Timber Act stumpage dues and licence fees—R.S.O. 1937, c. 36, s. 32, 33.
7. Provincial Land Tax—R.S.O. 1937, c. 30, s. 19.

Municipal (Preferred by Statute):

8. Real property taxes.
9. Business taxes.
10. Municipal Hydro-Electric Commission—light and power rates.
11. Other Municipal Public Utilities Rates, water, etc.

Postponement of claims of wife and husband.

98. The wife or husband, as the case may be, of any bankrupt shall not be entitled to claim any dividend as a creditor in respect of any property lent or entrusted by the wife to the husband or by the husband to the wife for the purposes of the trade or business of the bankrupt, or in respect of any wages, salary, commission or compensation for work done or services rendered in connection with the trade or business until all claims of the other creditors of the bankrupt have been satisfied.

Postponement of wage claims of relatives.

99. A father, son, daughter, mother, brother, sister, uncle or aunt by blood or marriage of any bankrupt shall not be entitled to have his claim preferred as provided by section ninety-seven of this Act, in respect of any wages, salary, commission or compensation for work done or services rendered to the bankrupt.

Preferred:

12. Accrued and accelerated rent not exceeding 3 months each.
13. Court fees and official receiver's fees.
14. Custodian's and trustee's fees and expenses.
15. First execution creditor's costs.
16. Wages and Workmen's Compensation Board. Unemployment Insurance rates.

Federal (by prerogative right):

17. Income taxes.
18. Sales taxes.
19. Stock transfer taxes.
20. Duty on importations. Unemployment Insurance.

} *pari passu.*

Provincial (by prerogative right):

21. Gasoline taxes and such other claims as have not been given statutory priority.

The situation respecting the existing preferences has become so inequitable, particularly as it concerns trade creditors whose goods usually furnish the proceeds from which such claims are paid, and so confused, that it is most desirable that the whole field be reviewed and that an entirely new, comprehensive and equitable scheme of priorities be established under the sole authority of *The Bankruptcy Act*.

98. Formerly sections 115 and 116 which have been combined to eliminate unnecessary phraseology. They formerly read as follows:

"**115.** Where a married woman has been adjudged bankrupt or has made an authorized assignment, her husband shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by him to his wife for the purposes of her trade or business, or claim any wages, salary or compensation for work done or services rendered after that date in connection with her trade or business, until all claims of the other creditors of his wife for valuable consideration in money or money's worth have been satisfied."

"**116.** Where a married man has been adjudged bankrupt or has made an authorized assignment his wife shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by her to her husband for the purpose of his trade or business, or claim any wages, salary or compensation for work done or services rendered in connection with his trade or business, until all claims of the other creditors of her husband for valuable consideration in money or money's worth have been satisfied."

99. Formerly section 117 which read as follows:

"**117.** Where any person or firm has been adjudged bankrupt or has made an authorized assignment, a father, son, daughter, mother, brother, sister, uncle or aunt by blood or marriage of any such person or of any member of the said firm shall not be entitled to have his claim preferred as provided by section 121 of this Act, in respect of any wages, salary or compensation for work done or services rendered to the said person or firm."

Postponement of claims of silent partners.

100. Where a lender advances money to a borrower engaged or about to engage in any trade or business on contract with the borrower that the lender shall receive a rate of interest varying with the profits or shall receive a share of the profits arising from carrying on the trade or business, and the borrower subsequently becomes bankrupt, the lender of the money shall not be entitled to recover anything in respect of such loan until the claims of all other creditors of the borrower have been satisfied.

Postponement of wage claims of officers and directors of corporations.

101. In the case of any corporation becoming bankrupt, no officer or director thereof shall be entitled to have his claim preferred as provided by section ninety-seven of this Act in respect of any wages, salary, commission or compensation for work done or services rendered to the said corporation.

Claims generally payable *pari passu.*

102. Subject to the provisions of this Act, all claims proved in the bankruptcy shall be paid *pari passu.*

Partners and separate properties.

103. (1) In the case of partners the joint property shall be applicable in the first instance in payment of their joint debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts.

Surplus of separate properties.

(2) If there is a surplus of the separate properties it shall be dealt with as part of the joint property.

Surplus of joint properties.

(3) If there is a surplus of the joint property, it shall be dealt with as part of the respective separate properties in proportion to the right and interest of each partner in the joint property.

Different properties.

(4) If any bankrupt owes or owed debts both individually and as a member of one or more different co-partnerships, the claims shall rank first upon the property by which the debts they represent were contracted and shall only rank upon the other or others after all the creditors of such other estate or estates have been paid in full.

Costs out of joint and separate properties.

(5) Where the joint property of any bankrupt is insufficient to defray any costs properly incurred, the trustee may pay such costs as cannot be paid out of the joint property out of the separate property of such bankrupts or one or more of them in such proportion as he may determine, with the consent of the inspectors of the estates out of which the payment is intended to be made, or, if such inspectors withhold or refuse their consent, then with the approval of the court.

100. This is a new section. It is based upon *The Partnership Act* of the Statutes of New Brunswick.

101. No substantial change. Formerly section 118.

102. No material change. Formerly section 123.

103. (1) No material change. Formerly section 122(1).

(2) No material change. Formerly section 122(2).

(3) No material change. Formerly section 122(3).

(4) This was formerly section 59. It was much out of place in its former location. No material change.

(5) This was formerly Rule 60. No material change.

Surplus.

104. If there is any surplus after payment of the claims as provided in sections ninety-seven to one hundred and three, inclusive, it shall be applied in payment of interest from the date of the bankruptcy at the rate of five per cent per annum on all claims proved in the bankruptcy and according to their priority.

Right of bankrupt to surplus.

105. The bankrupt or the legal personal representative of a deceased bankrupt shall be entitled to any surplus remaining after payment in full of his creditors with interest as by this Act provided and of the costs, charges and expenses of the bankruptcy proceedings.

Proceeds of liability insurance policy on motor vehicles applied to claims against bankrupt.

106. Nothing contained in this Act shall affect the right afforded by provincial statute of any person who has a claim against the bankrupt for damages on account of injury to or death of any person, or injury to property, occasioned by a motor vehicle, or on account of injury to property being carried in or upon a motor vehicle, to have the proceeds of any liability insurance policy applied in or towards the satisfaction of such claim, and the proceeds of any such policy shall be applied to the satisfaction of such claim.

Application of provincial law to landlords' rights.

107. Except as to priority of ranking as provided by section ninety-seven of this Act, the rights of landlords shall be determined according to the laws of the province in which the leased premises are situate.

Levy payable out of dividends for supervision by Superintendent.

108. For the purpose of defraying the expenses of the supervision by the Superintendent, there shall be payable to the Superintendent for deposit with the Receiver General a levy on all payments excepting the costs referred to in subsection two of section forty-three made by the trustee by way of dividend or otherwise on account of the claims of creditors, whether ordinary, preferred or secured creditors, and including His Majesty in the right of Canada or of any province claiming in respect of taxes or otherwise. Such levy shall be at a rate to be fixed by the Governor in Council from time to time and shall be charged proportionately against all such payments and deducted therefrom by the trustee before payment is made.

104. The changes are self-explanatory. Formerly section 124.

105. Formerly section 83. The changes are self-explanatory.

106. This was formerly section 125A. No material change.

107. This replaces the former section 126 which has been inserted as revised in section 97 (1) *(f)*. In other respects, except as to priority of ranking, the law of the province where the premises are situate shall apply.

108. This was formerly section 126A. No material change is made except to delete unnecessary verbiage.

Section 126A read as follows:

> "**126A.** Notwithstanding anything contained in sections one hundred and twenty-one to one hundred and twenty-six, both inclusive, there shall be payable to the Receiver General for the purpose of defraying the expenses of the supervision by the Superintendent, a levy on all payments made by the trustee, excepting the costs and expenses of the custodian or interim receiver, and the fees and expenses of the trustee, and the costs of the garnishing, attaching, execution or judgment creditor mentioned in section one hundred and twenty-one, and excepting payments made on account of liabilities incurred after the receiving order or assignment. The payments subject to the said levy shall include all payments made by way of dividend or otherwise," etc.

Dividends.

Trustee to pay dividends promptly.

109. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the trustee shall, from time to time as required by the inspectors, declare and distribute dividends amongst the creditors entitled thereto.

Disputed claims.

(2) Where the validity of any claim has not been determined the trustee shall retain sufficient funds to provide for payment thereof in the event that the claim is admitted.

No action for dividend.

(3) No action for a dividend shall lie against the trustee, but, if the trustee refuses or fails to pay any dividend after having been directed to do so by the inspectors, the court may, on the application of any creditor, order him to pay it, and also to pay personally interest thereon for the time that it is withheld and the costs of the application.

Notice that if claim not proved within 30 days final dividend will be made.

110. (1) The trustee shall, at any time after the first meeting of the creditors, give notice by registered mail to every person with a claim of which the trustee has notice or knowledge but whose claim has not been proved that if such person does not prove his claim within a period of thirty days after the mailing of the notice the trustee will proceed to declare a dividend or final dividend without regard to such person's claim.

Court may extend time.

(2) If any person so notified does not prove his claim within the time limit or within such further time as the court, upon proof of merits and satisfactory explanation of the delay in making proof, may allow, the claim of such person shall, notwithstanding anything in this Act, be excluded from all share in any dividend.

Right of creditor who has not proved claim before declaration of dividend.

111. Any creditor who has not proved his claim before the declaration of any dividend or dividends shall be entitled upon proof of such claim to be paid out of any money for the time being in the hands of the trustee any dividend or dividends he may have failed to receive, before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his claim was proved by reason that he has not participated therein, except on such terms and conditions as may be ordered by the court.

109. Formerly section 74. The provisions of this section have been revised to bring it abreast of current practice and requirements. The section formerly read as follows:

"74. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the trustee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) Such dividend as can be paid shall be so paid within six months from the date of the receiving order or assignment, and earlier, if required by the inspectors.

(3) A further dividend shall be paid whenever the trustee has sufficient moneys on hand to pay to the creditors ten per cent, and more frequently if required by the inspectors, until the estate is wound up and disposed of.

(4) No action for a dividend shall lie against the trustee, but if the trustee refuses to pay any dividend, the court may, if it thinks fit, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld and the costs of the application."

The former subsection (3) has been deleted as unnecessary.

110. Formerly section 75. Section 75 (1) read as follows:

"75. (1) The trustee may, at any time after the first meeting of creditors, give notice by registered mail prepaid to every person of whose claim to be a creditor with a provable debt, the trustee has notice or knowledge, but whose said debt has not been proved, that if such person does not prove his debt within a period limited by the notice and expiring not sooner than thirty days after the mailing of the notice the trustee will proceed to make a dividend or final dividend without regard to such person's claim."

111. Formerly section 76. The exception which has been added provides for the case which occasionally arises where a creditor has had no factual notice of the bankruptcy and allows him to participate in the dividend on payment of the additional costs thus incurred by the trustee. This gives statutory acknowledgment to the practice followed in such cases.

Final dividend and division of estate.

112. When the trustee has realized all the property of the bankrupt or all thereof that can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the administration, and settled or determined, or caused to be settled or determined the claims of all creditors to rank against the estate of the bankrupt, he shall prepare a final statement of receipts and disbursements and dividend sheet and be at liberty, subject to the provisions of this Act, to divide the property of the bankrupt among the creditors who have proved their claims.

Statement of receipts and disbursements.

113. (1) The trustee's final statement of receipts and disbursements shall contain a complete account of all moneys received by the trustee out of the property of the bankrupt or otherwise, the amount of interest received by the trustee, all moneys disbursed and expenses incurred and the remuneration claimed by the trustee, together with full particulars, description and value of all property belonging to the estate which has not been sold or realized, setting out the reason why such property has not been sold or realized.

Prescribed form.

(2) The statement shall be prepared in the prescribed form or as near thereto as the circumstances of the case will permit and together with the dividend sheet shall be submitted to the inspectors for their approval.

Copy to be sent to Superintendent thirty days before issue.

(3) The trustee shall then forward a copy of the statement and of the dividend sheet to the Superintendent after they have been approved by the inspectors and at least thirty days before mailing these documents to the creditors.

Superintendent may comment.

(4) The Superintendent may comment as he shall see fit and his comments shall be placed by the trustee before the taxing officer for his consideration on the taxation of the trustee's accounts.

Notice of final dividend, etc.

(5) Upon the expiration of the time provided in subsection three of this section, the trustee shall then forward by registered mail to every creditor whose claim has been proved, to the registrar, to the Superintendent and to the bankrupt:

(a) a copy of the final statement of receipts and disbursements,

(b) a copy of the dividend sheet, and

(c) a notice in the prescribed form of his intention to pay a final dividend after the expiration of fifteen days from the mailing of the said notice, statement and dividend sheet and to apply to the court for his discharge on a subsequent date not less than thirty days after the payment of the dividend.

Objections.

(6) No interested person shall be entitled to object to the final statement and the dividend sheet unless he files notice with the registrar and serves a copy of said notice on the trustee within the said fifteen days.

112. Formerly section 77. No material change. Section 77 read as follows:

"77. When sections twenty-eight and eighty-eight have been complied with as to gazetting, publishing and mailing notices to creditors, the trustee, having realized all the property of the bankrupt or authorized assignor or all thereof that can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the trusteeship, and settled or determined or caused to be settled or determined the claims of all creditors to rank against the estate of the debtor, shall make a final dividend and be at liberty subject to the various provisions of this Act, to divide the property of the debtor among the creditors who have proved their debts without regard to the claims of any other claimants."

113. This is a new section. Although many of its provisions had previously been followed in actual practice they have now been inserted to establish a uniform procedure for completing the administration of estates.

(1) This is taken from the former Rule 124 which read as follows:

"Rule 124. The application of a trustee for grant of discharge (whether full or partial) shall be made in the prescribed form to the Registrar and shall be verified by the affidavit of such trustee. Such application shall contain or have attached thereto a complete and itemized statement showing all moneys realized by such trustee from and out of the property of the bankrupt or assignor and of all moneys disbursed and expenses incurred and the remuneration claimed by such trustee; and full particulars, description and value of all property belonging to the estate which has not been sold or realized upon, setting out the reasons why such property has not been sold or realized upon; and full particulars and information with regard to any unsettled disputes, actions or proceedings between such trustee and either the debtor or any creditor or creditors or any other person connected with the estate."

(2) A specimen form has been in use for some time. For uniformity and ease of reference it is recommended that such form as shall hereafter be prescribed be used in so far as possible.

(3) and (4). The inspectors are the representatives of the creditors and it is for this reason that the duty has been imposed upon them of verifying the trustee's statement of receipts and disbursements. The intention is that the Superintendent shall then have the opportunity of reviewing the trustee's administration and commenting on his final statement before the statement is mailed to the creditors and before it is taxed by the taxing officer.

(5) Formerly section 78 which read as follows:

"78. (1) So soon as a final dividend sheet is prepared, the trustee shall send by registered mail to every creditor, to the Registrar and to the Superintendent

(a) a notice of the fact,

(b) an abstract of his receipts and expenditures as trustee which abstract shall indicate what amount of interest has been received by the trustee for moneys in his hands, and

(c) a copy of the dividend sheet with notice thereon

(i) of the claims objected to and

(ii) whether any reservation has been made therefor and

(d) notice that he will apply to the court on a day named therein for his discharge.

(2) After the expiry of fifteen days from the date of the mailing of the last of said notices, abstracts and dividend sheets, dividends on all debts not objected to up to the time of the payment shall be paid."

(6) It is deemed advisable that all objections be disposed of before the final dividend is paid.

Dividends on joint and separate properties.

114. Where joint and separate properties are being administered, the dividends may, on the application of any person interested, be declared together, and the expenses thereof shall be apportioned by the trustee.

Unclaimed dividends and undistributed funds.

115. (1) Before proceeding to his discharge, the trustee shall forward to the Superintendent for deposit with the Receiver General of Canada all unclaimed dividends and undistributed funds remaining in his hands and shall provide a list of the names and the post office addresses so far as known of the creditors entitled to the unclaimed dividends, showing the amount payable to each creditor.

Receiver General to pay claims.

(2) The Receiver General shall thereafter, upon application, pay to any creditor his proper dividend as shown on this list, and such payment shall have effect as if made by the trustee.

Summary Administration.

Summary administration.

116. Where by this Act provided, an estate shall be administered summarily, and in the summary administration of estates the following provisions shall apply:

(a) all proceedings under this section shall be entitled "Summary Administration".

(b) the official receiver shall be the trustee, but the security to be deposited by a trustee under the Act shall not be required.

(c) no court fees shall be payable in any proceedings under this section.

(d) the official receiver shall apply to the court to fix a date for the hearing of the application for the discharge of the bankrupt and shall include notice thereof in the notice of the first meeting.

(e) notice of the bankruptcy shall be published in *The Canada Gazette* in the prescribed form but shall not be published in a local newspaper unless deemed expedient by the official receiver or ordered by the court.

(f) all notices, statements and other documents shall be sent by ordinary mail and, other than notices of the first meeting, shall be sent to such creditors only who have proved claims in excess of ten dollars.

(g) the official receiver may require any creditor to prove his claim in court.

(h) the creditors at the first meeting may consider and approve any proposal made by the bankrupt.

(i) the official receiver shall have full authority to act on behalf of any creditors not present or represented at any meeting of the creditors.

114. No material change. Formerly section 81.

115. This was formerly section 82.
(1) The changes are self-explanatory.

(2) No material change.

116. Sections 116 to 118 are new. The purpose is to provide a method by which a person with few assets, other than a corporation, may obtain the benefits of this Act. Summary administration of estates is provided for in England and Australia, and somewhat similar provisions are contained in the United States Bankruptcy Act.

The only section of this Act directing summary administration of estates is subsection (5) *(a)* of section 28.

(j) there shall be no inspectors but the official receiver in the absence of directions from the creditors may do all things which may be done by the trustee with the permission of the inspectors.

(k) the examination of the bankrupt referred to in section one hundred and nineteen shall be held at the first meeting and any of the creditors or their representatives or solicitors may take part therein.

(l) the bankrupt shall prepare and execute a statement of affairs in the form prescribed for summary administration. When required to do so, the official receiver or some person designated by him shall assist in the preparation of the statement on information furnished by the bankrupt.

(m) the official receiver shall make or cause to be made such inventory and appraisal of the property of the bankrupt as he deems necessary and he may sell or dispose of all or any part thereof in a summary manner or he may authorize the sheriff to take delivery of all or any part thereof for sale by tender or public auction, and, after deducting his fees and disbursements as taxed by the court, the sheriff shall transmit the net proceeds to the official receiver.

(n) when the official receiver has recovered all that reasonably can be realized out of the property, he shall, after approval of his final statement by the court, send a final statement and notice in the prescribed form to each creditor who has proved his claim, with the dividend to which he is entitled, if any, and proceed to his discharge.

(o) the creditors may at any time during summary administration appoint a licensed trustee of the estate in the place of the official receiver, and thereafter the provisions in respect of summary administration shall not apply.

Fees and disbursements of official receiver.

117. The official receiver shall receive such fees and disbursements as may be prescribed, and the court may refuse to grant a discharge to the bankrupt until such fees and disbursements are paid.

All other provisions of Act to apply.

118. Except as provided in section one hundred and sixteen, all provisions of the Act shall *mutatis mutandis*, in so far as they are applicable, apply to summary administration.

PART VI.

BANKRUPTS.

Duties of Bankrupts.

Discovery and delivery of property.

119. The bankrupt shall

(a) make discovery of and deliver all his property which is under his possession or control to the trustee or to any person authorized by the trustee to take possession of it or any part thereof, and

Delivery of books, records, etc.

(b) deliver up to the trustee all books, records, documents, title deeds, writings, papers or insurance policies relating to his property or affairs, and

Attend official receiver for examination.

(c) within four days after his bankruptcy attend before the official receiver or before any other official receiver delegated by the official receiver for examination under oath as to his conduct, the causes of his bankruptcy and the disposition of his property, and

Statement of affairs.

(d) within seven days following his bankruptcy, unless the time is extended by the court, prepare and submit to the trustee in quadruplicate a statement of his affairs in the prescribed form verified by affidavit and showing the particulars of his assets and liabilities, the names and addresses of his creditors, the securities held by them respectively, the dates when the securities were respectively given and such further or other information as may be required. Where the affairs of the bankrupt are so involved or complicated that he cannot himself reasonably prepare a proper statement of his affairs, the official receiver may, as an expense of the administration, authorize the employment of some qualified person to assist in the preparation of the statement, and

Aid in making inventory.

(e) make or give all the assistance within his power to the trustee in making an inventory of his assets, and

Full disclosure of all relevant facts.

(f) make full disclosure of all facts relating to his property, the cause of his bankruptcy and the disposition of his property, and

Disposition of property within previous year.

(g) make disclosure to the trustee of all property disposed of within one year preceding his bankruptcy, or for such further antecedent period as the court may direct, and how and to whom and for what consideration any part thereof was disposed of except such part as had been disposed of in the ordinary manner of trade or used for reasonable personal expenses, and

119. This section is a revision of former sections 128 to 131, inclusive, to indicate the duties of the bankrupt more explicitly. These sections are quoted below.

(a) This is a new clause.

(b) This is a new clause.

(c) This clause is a revision of former section 128(1).

(d) This was formerly section 129 (1) and (2). The added part has been taken from section 16 (2) of the Australian Act which reads as follows:

> "When the bankrupt cannot himself prepare a proper statement of affairs, the official receiver may, subject to any prescribed conditions, and at the expense of the estate, employ some qualified person to assist in the preparation of the statement."

A similar provision is contained in section 74 of the English Act.

(e) This was formerly part of section 131 (2) which is quoted below.

(f) This is a new clause.

(g) This is a new clause. The Act at present does not impose upon the bankrupt the duty of disclosing past alienations of property which in many cases have a direct relation to the bankruptcy. Unless the trustee or a creditor, from outside information, has some inkling thereof, such transactions may well be concealed altogether.

Gifts and settlements.

(h) make disclosure to the trustee of all property disposed of by gift or settlement without adequate valuable consideration within five years preceding his bankruptcy or since any of his present debts were incurred, and

Attend first meeting of creditors.

(i) attend the first meeting of his creditors unless prevented by sickness or other sufficient cause and submit thereat to examination, and

Attend other meetings.

(j) when required, attend other meetings of his creditors or of the inspectors, or attend upon the trustee, and

Submit to other examinations.

(k) submit to such other examinations under oath with respect to his property or affairs as required, and

Aid in administration.

(l) aid to the utmost of his power in the realization of his property and the distribution of the proceeds among his creditors, and

Execute documents.

(m) execute such powers of attorney, conveyances, deeds and instruments as may be required, and

Examine proofs of claims.

(n) examine the correctness of all proofs of claims filed, if required by the trustee, and

Advise trustee of false claims.

(o) in case any person has to his knowledge filed a false claim, disclose the fact immediately to the trustee, and

Duties generally.

(p) generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the trustee, or may be prescribed by General Rules, or may be directed by the court by any special order or orders made in reference to any particular case or made on the occasion of any special application by the trustee, or any creditor or person interested, and

Keep trustee advised of address.

(q) until his application for discharge has been disposed of and the administration of the estate completed, keep the trustee advised at all times of his last place of residence or address.

(h) This clause is new and in line with the preceding clause. It has the same purpose.

(i) This was formerly part of section 131 (1).

(j) This was formerly part of section 131 (2).

(k) This clause is new.

(l) This was formerly section 131 (3). No change.

(m) This was formerly a part of section 131(2).

(n) This clause is taken from section 7 (3) of the *Bankruptcy Act* of the United States as being deemed desirable. The phraseology is the same as in the United States Act.

(o) This provision is taken from section 7 (7) of the *Bankruptcy Act* of the United States as being deemed desirable. The wording is adopted exactly as in the United States Act.

(p) This was formerly part of section 131 (2).

(q) This is a new clause. It is deemed necessary to have some statutory sanction imposed on a bankrupt to make himself available to the trustee when required.

"**128.** (1) Where a receiving order or an authorized assignment is made, the bankrupt or assignor shall present himself before the Official Receiver who shall examine him as to the causes of his insolvency and the disposition of his assets, and shall put to him the questions provided by the General Rules or questions to the like effect.

(2) The Official Receiver shall make notes of such examination and shall communicate them to the creditors at their first meeting.

(3) If the bankrupt or assignor fails to present himself for such examination within three days from the making of the receiving order or the filing of the assignment, the court may by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for a term not exceeding twelve months."

"**129.** The bankrupt or assignor shall make out and submit to the Official Receiver a statement of and in relation to his affairs in the prescribed form, verified by affidavit and showing the particulars of the debtor's assets, and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed by the court.

(2) Such statement shall be submitted within seven days from the date of the receiving order or assignment, but the court may for special reasons extend the time."

"**130.** It shall be the duty of the custodian to verify the debtor's statement of affairs and to make an inventory of his assets.

(2) Any person stating himself in writing to be a creditor of the bankrupt or assignor, may personally or by agent inspect the statement at all reasonable times and take any copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the trustee."

"**131.** Every debtor against whom a receiving order is made and every assignor who makes an authorized assignment shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors, and shall submit to such examination and give such information as the meeting may require.

(2) The debtor shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend such other meetings of his creditors, wait at such times on the trustee, execute such powers of attorney, conveyances, deeds, and instruments, and, generally, do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the trustee, or may be prescribed by General Rules, or may be directed by the court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the trustee, or any creditor or person interested.

(3) The debtor shall aid, to the utmost of his power, in the realization of his property and the distribution of the proceeds among his creditors."

Where bankrupt is a corporation.

120. Where the bankrupt is a corporation, the officer executing the assignment, or such other officer or officers as the official receiver shall direct, shall attend before the official receiver for examination and shall perform all the duties imposed upon a bankrupt by section one hundred and nineteen, and, in case of failure to do so, such officer or officers shall be punishable as if he or they were the bankrupt.

Performance of duties by imprisoned bankrupt.

121. To enable a bankrupt to attend in court in bankruptcy proceedings at which his personal presence is required or to attend the first meeting of creditors or to perform the duties required of him under this Act where a bankrupt is undergoing imprisonment, the court, taking into consideration the nature and seriousness of the offence committed, the penalty imposed and the character of the bankrupt, may for the aforesaid purposes only direct that the bankrupt be released on bail or that he be produced in the protective custody of a sheriff or other duly authorized officer at such time and place as may be designated, or it may make such other order as it deems proper and requisite in the circumstances, but, in the event of the court declining to make any order, the trustee shall attend upon the bankrupt at his place of confinement and assist him to prepare and execute all such documents as may be required of him.

Examination of Bankrupts and Others.

Examination of bankrupt by official receiver.

122. (1) The official receiver shall on the attendance of the bankrupt or at such time and place as may be fixed by him examine the bankrupt under oath as to his conduct, the causes of his bankruptcy and the disposition of his property and shall put to him the questions provided by General Rules or questions to the like effect and such other questions as he may see fit. The official receiver shall make notes of the examination and a report of any facts or circumstances which in his opinion require special consideration or further explanation or investigation and shall forward a copy of his notes and the report to the Superintendent, to the trustee and to the court for deposit therein, and shall communicate the contents thereof to the creditors at their first meeting.

Examination before another official receiver.

(2) When deemed expedient the official receiver may authorize an examination to be held before any other official receiver who shall remit his notes of the examination and a report thereon to the official receiver in charge of the proceedings.

120. Formerly section 133 which read as follows:

"**133.** Whenever the bankrupt or authorized assignor is a corporation, the officer executing the assignment or such other officer or officers as the Official Receiver shall direct, shall present himself before the Official Receiver for examination under section one hundred and twenty-eight, and, in case of failure to perform such duty, such officer shall be punishable as if he were the debtor."

121. This section is new. It has been taken substantively from Order XXX of the general order promulgated under the United States Act. No clear procedure for this purpose has heretofore existed and other than to produce a prisoner in court as a witness or for an examination under ordinary civil process the Act is silent on provisions in regard to the performance of a bankrupt's duties. In many instances, the lack of some provision has proven a very great handicap.

122. This section is a redraft of the relevant part of section 128(1) and (2), as previously quoted, but has been amended by requiring the official receiver to make a report of his observations on the examination.

Official receiver to report failure to attend.

Proviso.

(3) If a bankrupt fails to present himself for examination by the official receiver before the date fixed for the first meeting of creditors, the official receiver shall so report to the first meeting: Provided however that, if a bankrupt attends the first meeting of creditors or any adjournment thereof and submits to examination under oath thereat by the official receiver, the trustee, the creditors or their representatives and gives such information as may be required to the satisfaction of the meeting, the creditors may by resolution absolve the bankrupt from failure to attend before the official receiver as hereinbefore provided.

Examination of bankrupt at meeting.

(4) Notes of the examination of the bankrupt at the meeting shall be taken by the chairman, or, if so authorized by the creditors at the meeting as an expense of the administration, the evidence of the bankrupt may be taken down in shorthand, in which case a transcript thereof shall be made and signed by the bankrupt unless the evidence is taken down in shorthand and transcribed by a person duly authorized to perform such services in other court proceedings. A copy of such notes or such transcript shall be forwarded to the Superintendent and the trustee and filed in the court.

Examination of bankrupt and others by trustee.

123. (1) The trustee, upon ordinary resolution passed by the creditors or upon the written request or resolution of a majority of the inspectors, may, without an order, examine under oath before the registrar of the court or other authorized person, the bankrupt, any person reasonably thought to have knowledge of the affairs of the bankrupt or any person who is or has been an agent, clerk, servant, officer, director or employee of the bankrupt, respecting the bankrupt, his dealings or property.

Examination of bankrupt, trustee and others by a creditor.

(2) Upon the application of any creditor or other interested person to the court upon sufficient cause being shown, an order may be made for the examination under oath before the registrar or other authorized person, of the trustee or the bankrupt, or of any inspector or creditor, or any other person named in the order for the purpose of investigating the administration of the estate of any bankrupt and the court may further order any person liable to be so examined to produce any books, documents, correspondence or papers in his possession or power relating in all or in part to the bankrupt, the trustee or any creditor, the costs of such examination and investigation to be in the discretion of the court.

Examination to be filed.

(3) The evidence of any person examined under this section shall, if transcribed, be filed in the court and may be read in any proceedings before the court under this Act to which the person examined is a party.

123. (1) Formerly section 134 (1). The words at the beginning "Where a receiving order or an authorized assignment has been made" have been deleted.

(2) This was formerly section 134 (2). No material change other than the insertion of a provision whereby an interested person may also apply to the court.

(3) This is a new subsection and is partly taken from the first line of the former section 141 (5) which read as follows: "If the bankrupt or assignor has been examined the trustee shall file such examination," etc. The object of the new subsection is to widen the use that may be made of all examinations.

Trustee may require books and property of bankrupt to be produced.

124. (1) If any person has, or is believed or suspected to have, in his possession or power any of the property of the bankrupt, or any book, document or paper of any kind relating in whole or in part to the bankrupt, his dealings or property, or showing that such person is indebted to the bankrupt, such person may be required by the trustee to produce such book, document or paper for the information of such trustee, or to deliver over to him any such property of the bankrupt.

Examination on failure to produce.

(2) If such person fails to produce such book, document or other paper, or to deliver over such property, within four days of his being required so to do, the trustee may, without an order, examine the said person before the registrar of the court or other authorized person touching any such property, book, document or other paper which he is supposed to have in his possession.

Compelling attendance.

(3) Any such person may be compelled to attend and testify, and to produce upon his examination any book, document or other paper which under this section he is liable to produce, in the same manner and subject to the same rules of examination, and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as would apply to a bankrupt.

Admission of debt.

125. (1) If any person on examination admits that he is indebted to the bankrupt, the court may, on the application of the trustee, order him to pay to the trustee, at such time and in such manner as to the court seems expedient, the amount admitted or any part thereof either in full discharge of the whole amount in question or not, as the court thinks fit, with or without costs of the examination.

Admission of having bankrupt's property.

(2) If any person on such examination admits that he has in his possession any property belonging to the bankrupt, the court may, on the application of the trustee, order him to deliver to the trustee such property or any part thereof, at such time, and in such manner, and on such terms, as to the court may seem just.

Penalty for failure to attend for examination.

126. If the bankrupt fails to present himself for examination before the official receiver as required by clause *(c)* of section one hundred and nineteen or if he or any other person is served with an appointment or summons to attend for examination and is paid or tendered the proper conduct money and witness fees as fixed by the Rules but refuses or neglects to attend as required by such appointment or summons, the court may on the application of the trustee by warrant cause the bankrupt or other person so in default to be apprehended and brought up for examination.

124. (1) This was formerly section 136 (1). The words "upon ordinary resolution passed by the creditors present or represented at a regularly called meeting, exclusive of such person if he is a creditor, or upon the written request or resolution of the majority of the inspectors of the estate" have been deleted.

(2) No substantial change. Formerly section 136 (2).

(3) Formerly section 136 (3). The words "as would apply to a bankrupt" have been substituted for the words "as is provided by section one hundred and thirty-five".

125. This was formerly section 137. No material change other than the deletion from subsection (1) of the words "provided for in section one hundred and thirty-four".

126. The former sections 128 (3) and 135 have been combined and redrafted for greater precision. Section 135 at present is illogical as, for instance, where a bankrupt being examined refuses to answer, the penal clause states that he may be apprehended and brought up for examination. The words "as fixed by the Rules" take the place of the former section 135 (2). Sections 128 (3) and 135 read as follows:

"**128.** (3) If the bankrupt or assignor fails to present himself for such examination within three days from the making of the receiving order or the filing of the assignment, the court may by warrant cause him to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for a term not exceeding twelve months."

"**135.** (1) If the debtor, or any person liable to be examined as provided by the preceding section, is served with an appointment or summons to attend for examination and is paid or tendered the proper conduct money and witness fees, but refuses or neglects to attend as required by such appointment or summons, or, if attending, refuses to make satisfactory answers to any questions asked him or refuses to produce any book, document or other paper, having no lawful impediment made known to the examiner at the time of his sitting for such examination and allowed by him, the court may, by warrant, cause the debtor or other person so in default to be apprehended and brought up for examination, and may order him to be committed to the common gaol of the judicial district in which he resides for any term not exceeding twelve months.

(2) The amount of conduct money and witness fee shall be fixed by General Rules."

Questions must be answered.

127. Any person being examined hereunder shall be bound to answer all questions relating to the business or property of the bankrupt and as to the causes of his bankruptcy and the disposition of his property.

Arrest of Bankrupts.

Arrest of bankrupts under certain circumstances.

128. (1) The court may, by warrant addressed to any constable or officer of the court, cause a bankrupt to be arrested, and any books, papers and property in his possession to be seized, and him and them to be safely kept as directed until such time as the court may order under the following circumstances:—

(a) if, after the filing of a bankruptcy petition against him, it appears to the court that there are gounds for believing that he has absconded or is about to abscond from Canada with a view of avoiding payment of the debt in respect of which the bankruptcy petition was filed, or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in bankruptcy against him;

(b) if, after making an assignment, it appears to the court that there are grounds for believing that he has absconded or is about to abscond from Canada with a view of avoiding payment of his debts or of avoiding examination in respect of his affairs;

(c) if, after the filing of a bankruptcy petition or of an assignment, it appears to the court that there is probable cause for believing that he is about to remove his property with a view of preventing or delaying possession being taken thereof by the trustee, or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to the trustee or to his creditors in the course of the bankruptcy proceedings;

(d) if he removes any property in his possession above the value of twenty-five dollars without leave of the court after service of a bankruptcy petition, or without leave of the trustee after an assignment has been made;

(e) if, after the commencement of proceedings under this Act, he has failed to obey an order of the court.

Payments after arrest.

(2) No payment or proposal made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

127. Formerly section 138 which read as follows:

> "**138.** Any person liable to be examined under the provisions of the ten last preceding sections shall be bound to answer all questions relating to the business or property of the debtor, and as to the causes of his insolvency and the disposition of his assets, and shall not be excused from answering any question on the ground that the answer may tend to criminate the person so examined or to establish his liability in any civil action, and all or any of the questions and answers upon any examination under the four next preceding sections may be given in evidence against the person so examined on any charge of an offence against this Act and in any civil action or proceeding brought by, or on behalf of, the trustee or of any creditor or creditors entitled to take such action or proceedings."

128. (1) *(a)* and *(b)*. Formerly section 139 (1) *(a)* whose provisions have been extended to cover the case of an assignment.

(c) This was formerly section 139 (1) *(b)*. No material change.

(d) Formerly section 139 (1) *(c)*. The changes are self-explanatory.

(e) This is a new clause. It speaks for itself.

(2) No material change. Formerly section 139 (2).

Discharge of Bankrupt.

Bankruptcy to operate as application for discharge.

129. (1) The making of a receiving order against, or an assignment by, any person except a corporation shall operate as an application for discharge, unless the bankrupt, by notice in writing, file in the court and serve upon the trustee a waiver of such right before being served by the trustee with a notice of his intention to apply to the court for an appointment for the hearing of the application as hereinafter provided.

Appointment to be obtained by trustee.

(2) The trustee, before proceeding to his discharge and in any case not earlier than three months and not later than twelve months following the bankruptcy of any such person who has not served a notice of waiver upon him, shall on four days' notice to the bankrupt apply to the court for an appointment for a hearing of the application on a date not more than thirty days after the date of the appointment or at such other time as may be fixed by the court at the request of the bankrupt or the trustee.

Application by corporation.

(3) A corporation and any bankrupt who has waived his right as hereinbefore provided may at any time at his own expense apply for a discharge by obtaining from the court an appointment for a hearing which shall be served on the trustee not less than twenty days before the date fixed for the hearing of the application, and the trustee on being served therewith shall proceed as hereinafter set out. The court may, before issuing an appointment, if requested by the trustee, require sufficient funds to be deposited with, or such guarantee to be given to, the trustee, as it deems proper, for the payment of his fees and disbursements incurred in respect of the application.

Notice to creditors.

(4) The trustee, on obtaining or being served with an appointment, shall, not less than fourteen days before the day appointed for the hearing of the application, send out a notice thereof in the prescribed form to the Superintendent, the bankrupt and every creditor who has proved his claim, at his last known address.

Procedure when trustee not available.

(5) In the event of the trustee not being available to perform the duties required of a trustee on the application of a bankrupt for a discharge, the court may authorize any other person or persons to perform such duties and may give such directions as it deems necessary to enable the application of the bankrupt to be brought before the court.

129. (1) This subsection is new. It establishes a new principle in regard to the discharge of a bankrupt. The operation of the Act has indicated that only a few bankrupts apply for a discharge, largely for two reasons, firstly, that many bankrupts are not aware of their legal status and believe that their debts are determined by the bankruptcy, and secondly, because of the financial inability of many others to meet the expense of an application. From the beginning of bankruptcy legislation there has been a gradual evolution in the attitude of the public towards bankrupts until at the present time creditors are held more or less equally responsible with bankrupts for their debts. If *The Bankruptcy Act* is to serve its intended purpose to give bankrupts an opportunity to rehabilitate themselves as useful citizens, more responsibility must be accepted to create that opportunity for the bankrupt by providing an automatic procedure for his discharge. This procedure has been incorporated in the *Bankruptcy Act* of the United States—Section 14 of the Amendment to the *Bankruptcy Act* of the United States as approved on the 22nd of June, 1938. The said section reads as follows:

> "Sec. 14. U.S. Act as amended 22 June, 1938. Discharges, When Granted.—a. The adjudication of any person, except a corporation, shall operate as an application for a discharge: Provided, That the bankrupt may, before the hearing on such application, waive by writing, filed with the court, his right to a discharge. A corporation may, within six months after its adjudication, file an application for a discharge in the court in which the proceedings are pending."

(2) This is the procedural subsection by which the trustee is impounded with the duty of initiating the bankrupt's application for discharge.

(3) This subsection permits a corporation and a bankrupt who previously waived his right for a discharge to apply at its or his own expense. Ordinarily corporations do not apply for discharges, but a provision is inserted for the rare case that may arise.

(4) This is merely the procedural subsection to provide for notice of the application.

(5) This subsection is to meet the contingency which so often arises and for which there is no provision whatsoever in the Act. The availability of a trustee should not affect the legal right of a bankrupt to have his application brought before the court and heard. The courts have attempted to deal with this problem merely on the basis of removing an injustice which might be inflicted on a bankrupt, but there has always been some doubt as to whether or not the court had such authority.

Trustee to prepare report.

130. (1) The trustee shall prepare a report in the prescribed form as to the affairs of the bankrupt, the causes of his bankruptcy, the manner in which the bankrupt has performed the duties imposed on him under this Act or obeyed the orders of the court, and as to his conduct both before and after the bankruptcy, and whether he has been convicted of any offence under this Act, together with any other fact, matter or circumstance which would justify the court in refusing an unconditional order of discharge, and the report shall be accompanied by a resolution of the inspectors declaring whether or not they approve or disapprove of the report, and in the latter case the reasons of such disapproval must be given.

Filing and service of report.

(2) When an application is pending, the trustee shall file the report in the court not less than three days, and forward a copy thereof to the Superintendent not less than ten days, before the day appointed for hearing the application. Otherwise the trustee shall file the report in the court and forward a copy to the Superintendent before proceeding to his discharge.

Superintendent may file report.

(3) The Superintendent may, in writing, make such further or other report to the court as he deems expedient or as in his opinion ought to be before the court on the application.

Representation by counsel.

(4) The trustee or any creditor may attend and be heard in person or by counsel.

Evidence at hearing.

(5) For the purposes of the application the report of the trustee shall be *prima facie* evidence of the statements therein contained.

This new section 129 replaces former section 141 (1), (2) and (3) which read as follows:

"**141.** (1) Any debtor may, at any time after being adjudged bankrupt or making an authorized assignment, apply to the court for an order of discharge, to become effective not sooner than three months next after the date of his being adjudged bankrupt or of his making such assignment, and the court shall appoint a day for hearing the application.

(2) A bankrupt or authorized assignor intending to apply for his discharge shall produce to the registrar of the court a certificate from the trustee specifying the names and addresses of his creditors of whom the trustee has notice (whether they have proved or not) and it shall be the duty of the trustee to furnish such certificate upon request therefor by the bankrupt or authorized assignor.

(3) The registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give to the trustee notice of the application and of the time and place of hearing of it, and the trustee shall not less than fourteen days before the day appointed for hearing the application give to the Superintendent and to each creditor who has proved his debt like notice."

130. (1) This is a revision of former section 141 (4) and (5) incorporating in one subsection what is to be included in the report. Section 141 (4) and (5) read as follows:

"(4) The trustee shall file with the registrar, at least three days before the day appointed for hearing the application, his report as to the conduct and affairs of the bankrupt or assignor (including a report as to the conduct of the bankrupt or assignor during the proceedings under his bankruptcy or assignment). In cases where the final dividend has not been paid, this report shall be accompanied by a resolution of inspectors declaring whether they approve or disapprove the said report, and in the latter case the reasons of this disapproval must be given.

(5) If the bankrupt or assignor has been examined, the trustee shall also file such examination, and shall report to the court any fact, matter or circumstance which would, under this Act, justify the court in refusing an unconditional order of discharge."

(2) This subsection is partly taken from subsection (4). In addition it is deemed necessary that the report should be in the hands of the Superintendent in sufficient time to enable him to make any supplementary report which he may desire.

(3) This subsection is new. Its purpose is to try to ensure that all of the relevant facts are before the court at the hearing.

(4) This was formerly section 141 (7). No change except that the words "the debtor" have been struck out.

(5) This is former section 141 (8) slightly revised. It read as follows:

"**141.** (8) For the purposes of this and the next five succeeding sections the report of the trustee shall be *prima facie* evidence of the statements therein contained."

The former subsections (6) and (9) have been deleted. Subsection (6) is unnecessary. The revised procedure on the application of a bankrupt for his discharge, and particularly section 130 (2), renders subsection (9) obsolete. Subsections (6) and (9) read as follows:

"**141.** (6) At the hearing of the application, the court may read the examination of the bankrupt or assignor, and may put such further questions to him and receive such evidence as it may think fit."

"(9) The duties imposed upon the trustee under this section shall be carried out by him notwithstanding that he may have been discharged as trustee by the court."

Right of bankrupt to oppose statements in report.

(6) When a bankrupt intends to dispute any statement contained in the trustee's report he shall at or before the time appointed for hearing the application for discharge give notice in writing to the trustee specifying the statements in the report which he proposes at the hearing to dispute.

Right of creditors to oppose.

Any creditor who intends to oppose the discharge of a bankrupt on grounds other than those mentioned in the trustee's report shall give notice of the intended opposition, stating the grounds thereof, to the trustee and to the bankrupt at or before the time appointed for the hearing of the application.

Court may grant or refuse discharge.

131. (1) On the hearing of the application, the court may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any terms or conditions with respect to any earnings or income which may afterwards become due to the bankrupt or with respect to his after-acquired property.

Powers of court to refuse or suspend discharge or grant conditional discharge.

(2) The court shall on proof of any of the facts mentioned in the next succeeding section either

(a) refuse the discharge; or

(b) suspend the discharge for such period as the court thinks proper;

(c) require the bankrupt, as a condition of his discharge, to perform such acts, pay such moneys, consent to such judgments, or comply with such other terms, as the court may direct.

(6) Formerly Rule 159. No substantial change. It is deemed more logical to have these provisions inserted in the Act as part of the scheme of rights and procedure therein set up.

131. (1) Formerly section 142 (1). The material that may be heard on the hearing has been referred to in the preceding section.

Section 142 (1) and (2) formerly read as follows:

"**142.** (1) On the hearing of the application, the court shall take into consideration the report of the trustee, and the resolution of the inspectors, and may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or authorized assignor, or with respect to his after-acquired property.

(2) The court shall refuse the discharge in all cases where the bankrupt or authorized assignor has committed any offence under this Act or any offence connected with his bankruptcy or assignment or the proceedings thereunder, and shall on proof of any of the facts mentioned in the next succeeding section, either

(a) refuse the discharge; or

(b) suspend the discharge for a period of not less than two years: provided that the period may be less than two years if the only fact proved of those hereinafter mentioned is that his assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities; or

(c) suspend the discharge until a dividend of not less than fifty cents in the dollar has been paid to the creditors; or

(d) require the bankrupt or assignor, as a condition of his discharge, to consent to judgment being entered against him by the trustee for any balance or part of any balance of the debts provable under the bankruptcy or assignment which is not satisfied at the date of the discharge, such balance or part of any balance of the debts to be paid out of the future earnings or after-acquired property of the bankrupt or assignor in such manner and subject to such conditions as the court may direct; but execution shall not be issued on the judgment without leave of the court, which leave may be given on proof that the bankrupt or assignor has, since his discharge, acquired property or income available towards payment of his debts."

(2) Formerly section 142 (2). The words deleted are considered altogether too drastic, being an absolute prohibition of a discharge being obtained by a bankrupt under any such circumstances, and it is felt that the matter should be left to the discretion of the court by transferring the restrictions therein imposed to subsection (1) of section 132.

(b) It is deemed advisable that the period of suspension be left to the discretion of the court.

(c) Similarly, former clauses *(c)* and *(d)* have been redrafted and combined in one clause which has been greatly simplified.

Court may modify after year.

(3) If at any time after the expiration of one year from the date of any order made under this section the bankrupt satisfies the court that there is no reasonable probability of his being in a position to comply with the terms of such order the court may modify the terms of the order or of any substituted order, in such manner and upon such conditions as it may think fit.

Power to suspend.

(4) The powers of suspending and of attaching conditions to the discharge of a bankrupt may be exercised concurrently.

Facts for which discharge may be refused, suspended or granted conditionally.

132. (1) The facts referred to in the last preceding section are that the

(a) assets of the bankrupt are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities, unless he satisfies the court that the fact that the assets are not of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(b) bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy;

(c) bankrupt has continued to trade after knowing himself to be insolvent;

(d) bankrupt has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(e) bankrupt has brought on, or contributed to, his bankruptcy by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling or by culpable neglect of his business affairs;

(f) bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;

(g) bankrupt has, within three months preceding the date of his bankruptcy, incurred unjustifiable expense by bringing a frivolous or vexatious action;

(h) bankrupt has, within three months preceding the date of his bankruptcy, when unable to pay his debts as they became due, given an undue preference to any of his creditors;

(i) bankrupt has, within three months preceding the date of his bankruptcy, incurred liabilities with a view of making his assets equal to fifty cents in the dollar on the amount of his unsecured liabilities;

(3) No material change. Formerly section 142 (3).

(4) No material change. Formerly section 142 (4).

132. (1) *(a)* to *(k)*. No change materially. Formerly section 143 (1) *(a)* to *(k)*.

(l) This is a new clause containing substantively the prohibition deleted from former section 142(2) giving the court discretion in dealing therewith. A similar discretion is exercised in section 26(2) of the English Act which is as follows:

"Provided that where the bankrupt has committed any misdemeanour under this Act, or any enactment repealed by this Act, or any misdemeanour connected with his bankruptcy, or any felony connected with his bankruptcy, or where in any case any of the facts hereinafter mentioned are proved, the court shall either:—

(i)
(ii)
(iii)
(iv) } Exactly the same as Section 142 *(a)*, *(b)*, *(c)* and *(d)*.

(m) This is a new clause. Its purpose is obvious.

(j) bankrupt has on any previous occasion been bankrupt or made a proposal to his creditors;

(k) bankrupt has been guilty of any fraud or fraudulent breach of trust;

(l) bankrupt has committed any offence under this Act or any other statute in connection with his property, his bankruptcy or the proceedings thereunder;

(m) bankrupt has failed to perform the duties imposed on him under this Act or to comply with any order of the court.

Application of farmers.

(2) Clauses *(b)* and *(c)* of subsection one of this section shall not apply in the case of an application for discharge by any bankrupt who at the time of his bankruptcy was engaged solely in farming or the tillage of the soil.

Assets of bankrupt when deemed equal to fifty cents on dollar.

133. For the purposes of the preceding section the assets of a bankrupt shall be deemed of a value equal to fifty cents in the dollar on the amount of his unsecured liabilities when the court is satisfied that the property of the bankrupt has realized or is likely to realize or, with due care in realization, might have realized an amount equal to fifty cents in the dollar on his unsecured liabilities.

Court may grant certificate.

134. (1) Any statutory disqualification on account of bankruptcy shall cease if and when the bankrupt obtains from the court his discharge with a certificate to the effect that the bankruptcy was caused by misfortune without any misconduct on his part.

Appeal.

(2) The court may, if it thinks fit, grant such a certificate, and a refusal to grant such a certificate shall be subject to appeal.

Duty of bankrupt on conditional discharge.

135. (1) Where an order is granted on terms or conditions or on the bankrupt consenting to judgment, the bankrupt shall, until such terms, conditions or judgment are satisfied, give the trustee such information as he may require with respect to his earnings and after-acquired property and income and, not less than once a year, file in the court and with the trustee a statement verified under oath showing the particulars of any property or income he may have acquired subsequent to his discharge, and the trustee or any creditor may require the bankrupt to attend for examination under oath with reference to the facts contained in the statement, or as to his earnings, income, after-acquired property or dealings.

(2) No material change. Formerly section 143 (2).

133. Formerly section 144 (1). No material change. The former section 144 (2) has been deleted as it is merely a reassertion of former section 141 (8) and is not required. It read as follows:

"**144.** (2) A report by the trustee shall be *prima facie* evidence of the amount of such liabilities."

134. (1) No material change. Formerly section 145 (1).

(2) No change. Formerly section 145 (2).

135. (1) This is a new subsection and is a redraft of former Rules 161, 164 and 165. While partly procedural in nature it is more substantive in effect in setting up further duties imposed on the bankrupt in the event of an order of discharge being granted on terms or conditions or subject to consent to judgment as a condition precedent to a discharge. Rules 161, 164 and 165 formerly read as follows:

"*Rule* **161.** (1) While the Court grants an order of discharge conditionally upon the debtor consenting to judgment being entered against him by the trustee for the balance or any part of the balance of the debts provable under the bankruptcy or authorized assignment which is not satisfied at the date of his discharge, the order of discharge shall not be signed, completed or delivered out until the debtor has given the required consent. The judgment shall be entered in the Court having jurisdiction in bankruptcy in the district or division in which the order of discharge is granted.

(2) If the debtor does not give the required consent within ten days of the making of the conditional order the Court may, on the application of the trustee, revoke the order or make such other order as the Court may think fit."

"**164.** Where a debtor is discharged subject to the condition that judgment shall be entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty until such judgment or condition is satisfied, from time to time, to give the trustee such information as he may require with respect to his earnings and after-acquired property and income, and not less than once a year to file in the Court and with the trustee a statement showing the particulars of any property or income he may have acquired subsequent to his discharge."

"**165.** Any statement of after-acquired property or income filed by a debtor whose discharge has been granted subject to conditions, shall be verified by affidavit, and the trustee may require the debtor to attend before an examiner to be examined on oath with reference to the statements contained in such affidavit, or as to his earnings, income, after-acquired property, or dealings. Where a debtor neglects to file such affidavit or to attend for examination when required so to do, or properly to answer all such questions as the Court may decide to be proper, the Court may, on the application of the trustee, rescind the order of discharge."

Penalty for failure to comply.

(2) If the bankrupt fails to give the trustee such information as he may require, or to file such statement in the court or with the trustee, or to attend for examination when required so to do, or to answer all questions fully and accurately with respect to his earnings, income, after-acquired property or dealings, he shall be guilty of an offence and may be punished accordingly, and the court may on the application of the trustee or of any creditor revoke the order of discharge.

Trustee to distribute funds payable under conditional discharge.

(3) Where a conditional order of discharge of a bankrupt is made providing for payment of a further dividend or sum of money by the bankrupt all payments on account thereof shall be made to the trustee for distribution to the creditors.

Fraudulent settlements.

136. In either of the following cases, that is to say:—

(a) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(b) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any property wherein he had not at the date of his marriage any estate or interest, not being property of or in right of his wife;

if the settlor becomes bankrupt, and it appears to the court that such settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the court may refuse or suspend an order of discharge or grant an order subject to conditions in like manner as in cases where the bankrupt has been guilty of fraud.

Debts not released by order of discharge.

137. (1) An order of discharge shall not release the bankrupt from

(a) any debt owing to Canada, a province of Canada or a municipality of Canada for taxes;

(b) any debt or liability for alimony;

(c) any debt or liability for maintenance and support of his wife and children;

(d) any debt or liability arising out of fraud, embezzlement, misappropriation or defalcation while acting in a fiduciary capacity;

(e) any debt or liability for obtaining property by false pretences or fraudulent misrepresentation;

(2) This is merely a penalty clause in case of failure of the bankrupt to perform the special obligations imposed on him in this section. It is taken from former Rule 165 but extended to bring it into line with the penalty clauses in section 126 for similar offences.

(3) This is a new subsection. In many instances, where an order is made conditional on the payment of further dividends, the bankrupt will proceed to pay the creditors direct and, by bargaining, will not make payments on an equal basis.

136. Formerly section 146. The words deleted are unnecessary.

137. (1) The corresponding provisions of the *Bankruptcy Act* of the United States have been adopted. This was formerly section 147 (1) and read as follows:

"**147.** (1) An order of discharge shall not release the bankrupt or authorized assignor.

(a) from any debt on a recognizance nor from any debt with which the bankrupt or assignor may be chargeable at the suit of the Crown or of any person for any offence against a statute relating to any branch of the public revenue, or at the suit of the sheriff or other public officer on a bail bond entered into for the appearance of any person prosecuted for any such offence and he shall not be discharged in respect of any such excepted debts unless an order in council proceeding from the Crown in the proper right is filed in court consenting to his being discharged therefrom; or

(b) from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party, nor from any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party; or

(c) from any liability under a judgment against him in an action for seduction, or under an affiliation order, or for alimony or under a judgment against him as a co-respondent in a matrimonial case, except to such an extent and under such conditions as the court expressly orders in respect of such liability; or

(d) from any debt or liability for necessaries of life, and the court may make such order for payment thereof as it deems just or expedient."

(f) liability for the dividend which a creditor would have been entitled to receive on any provable claim not disclosed to the trustee, unless such creditor had notice or knowledge of the bankruptcy and failed to take reasonable action to prove his claim.

Claims released.

(2) An order of discharge shall release the bankrupt from all other claims provable in bankruptcy.

Partner or co-trustee not released.

138. An order of discharge shall not release any person who at the date of the bankruptcy was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

Court may annul discharge.

139. (1) If a bankrupt after his discharge fails to perform the duties imposed on him by the Act, the court may, on application, annul his discharge.

Annulment of discharge obtained by fraud.

(2) If it appears to the court that the discharge of the bankrupt was obtained by fraud, the court may, on application, annul his discharge.

Effect of annulment of discharge.

(3) An order revoking or annulling the discharge of a bankrupt shall not prejudice the validity of any sale, disposition of property, payment made or thing duly done before revocation or annulment.

Power of court to annul bankruptcy.

140. (1) Where, in the opinion of the court, a receiving order ought not to have been made or an assignment filed, or where it is proved to the satisfaction of the court that the debts of the bankrupt are paid in full, the court may, on the application of any person interested, by order annul the bankruptcy.

Effect of annulment of bankruptcy.

(2) Where an order is made under this section, all sales, dispositions of property, payments duly made and acts done theretofore by the trustee or other person acting under his authority, or by the court, shall be valid, but the property of the bankrupt shall vest in such person as the court may appoint, or, in default of any such appointment, revert to the bankrupt for all the estate or interest of the trustee therein on such terms and subject to such conditions, if any, as the court may declare by order.

Filing bond or payment into court, satisfaction of debt.

(3) For the purposes of this section any debt disputed by a bankrupt shall be considered as paid in full if the bankrupt enters into a bond, in such sum and with such sureties as the court approves, to pay the amount to be recovered in any proceedings for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into court.

(2) No material change. Formerly section 147 (2).

138. No material change. Formerly section 148.

139. (1) This replaces the former section 132. The duties referred to therein are now included in section 119. The former section 132 read as follows:

> "**132.** If a debtor wilfully fails to perform the duties imposed on him by the four last preceding sections, or to deliver up possession of any part of his property which is divisible amongst his creditors under this Act and which is for the time being in his possession or under his control, to the trustee, or to any person, authorized by the court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of court, and may be punished accordingly."

(2) This is a new subsection similar to section 144 of the Scottish Act. A like provision was formerly contained in *The Canadian Insolvent Act* of 1864 and *The Insolvent Act* of 1875.

(3) This is a new subsection. Its purpose is evident.

140. (1) This was previously section 151 (1). It has been changed to provide for annulment in the case of assignments as well as receiving orders. The fact was overlooked formerly that the same reasons might apply for the annulment of an assignment as applied to a receiving order. The amended phraseology merely provides for such a contingency.

(2) Formerly section 151 (2). No material change except the words "order is made" have been substituted for "adjudication is annulled" in the first line.

(3) No material change. Formerly section 151 (4).

Stay on issue of order.

141. (1) The order of discharge or annulment shall be dated on the day on which it is made, but it shall not be issued or be delivered out until the expiration of the time allowed for an appeal, and, if an appeal be entered, not until the appeal has been finally disposed of.

Order not effective until published.

(2) Notice of an order of discharge or annulment shall be published in *The Canada Gazette* by the bankrupt, and such order shall not become effective until so published.

PART VII.

COURTS AND PROCEDURE.

Jurisdiction of Courts.

Courts vested with jurisdiction.

142. (1) The following named courts are invested with such jurisdiction at law and in equity as will enable them to exercise original, auxiliary and ancillary jurisdiction in bankruptcy and in other proceedings authorized by this Act during their respective terms, as they are now, or may be hereafter, held, and in vacation and in chambers:—

(a) in the province of Alberta, the Trial Division of the Supreme Court of the province;

(b) in the provinces of British Columbia, Nova Scotia and Prince Edward Island, the Supreme Court of the province;

(c) in the provinces of Manitoba and Saskatchewan, the Court of King's Bench of the province;

(d) in the province of Ontario, the High Court of Justice Division of the Supreme Court of the province;

(e) in the province of New Brunswick, the King's Bench Division of the Supreme Court of the province;

(f) in the province of Quebec, the Superior Court of the province;

(g) in the Yukon Territory, the Territorial Court of the Yukon Territory; and

(h) in the Northwest Territories, the courts vested with jurisdiction under *The Northwest Territories Act*.

Courts of appeal.

(2) The several courts of appeal throughout Canada, within their respective jurisdictions, are invested with power and jurisdiction at law and in equity, according to their ordinary procedures, except as varied by this Act or General Rules, to hear and determine appeals from the courts vested with original jurisdiction under this Act.

Supreme Court of Canada.

(3) The Supreme Court of Canada shall have jurisdiction to hear and to decide according to its ordinary procedure any appeal so permitted and to award costs.

141. This is a new section. It completes the procedure on the application for an order of discharge or annulment. Subsection (2) combines the former sections 150 and 151 (3) which read as follows:

"**150.** Notice of the order of discharge of a bankrupt, or authorized assignor, shall be forthwith gazetted."

"**151.** (3) Notice of the order annulling an adjudication shall be forthwith gazetted and published in the local paper."

142. (1) Formerly section 152 (1) which read as follows:

"**152.** (1) The following named courts are invested with such jurisdiction at law and in equity as will enable them to exercise original, auxiliary and ancillary jurisdiction in bankruptcy and in other proceedings authorized by this Act during their respective terms, as they are now, or may be hereafter, held, and in vacation and in chambers,—

(a) In the provinces of Alberta, British Columbia, Nova Scotia, Ontario and Prince Edward Island, the Supreme Court of the province;

(b) In the provinces of Manitoba and Saskatchewan, the Court of King's Bench of the province;

(c) In the province of New Brunswick, the King's Bench Division of the Supreme Court of the province;

(d) In the province of Quebec, the Superior Court of the province; and

(e) In the Yukon Territory, the Territorial Court of the Yukon Territory."

(2) This was formerly section 152(3) and (4), which read as follows:

"**152.** (3) The courts in the next subsection named are subject to the provisions of this Act with respect to appeals, invested with power and jurisdiction to make or render on appeal asserted, heard and decided according to their ordinary procedure, except as varied by General Rules, the order or decision which ought to have been made or rendered by the court appealed from.

(4) All appeals asserted under authority of this Act shall be made,

(a) in the provinces of Nova Scotia and Prince Edward Island, to the Supreme Court *en banc* of the province;

(b) in the provinces of British Columbia, Manitoba and Saskatchewan, to the Court of Appeal of the province;

(c) in the provinces of Ontario and Alberta, to the Appellate Division of the Supreme Court of the province;

(d) in the province of New Brunswick, to the Appeal Division of the Supreme Court of the province;

(e) in the province of Quebec, to the Appeal side of the Court of King's Bench;

(f) in the Yukon Territory, to the Court of Appeal of the province of British Columbia."

This has been revised and simplified to avoid unnecessary verbiage.

(3) This subsection was formerly section 174(3). No change.

Appointment of registrars, clerks, etc.

143. The Chief Justice of the court, and in the province of Quebec the Chief Justice or the Associate Chief Justice in the district in which he has been appointed, shall from time to time appoint and assign such registrars, clerks and other officers in bankruptcy as he deems necessary or expedient for the transaction or disposal of matters in respect of which power or jurisdiction is given by this Act and may prescribe or limit the territorial jurisdiction of any such registrar, clerk or other officer.

Assignment of judges to bankruptcy work by Chief Justice.

144. The Chief Justice of the court, and in the province of Quebec the Chief Justice or the Associate Chief Justice in the district in which he has been appointed, may, if in his opinion it be advisable or necessary for the good administration of this Act, nominate or assign one or more of the judges of the court to exercise the judicial powers and jurisdiction conferred by this Act which may be exercised by a single judge, and the judgment, decision or order of any such judge so nominated or assigned shall be deemed to be the judgment, decision or order of the court, and reference in this Act to the court shall apply to any such judge exercising the powers and jurisdiction of the court: Provided that nothing in this section shall diminish or affect the powers or jurisdiction of the court or of any of the judges thereof not so specially nominated or assigned.

Proviso.

Exercise of power by judges of other courts on appointment by Minister.

145. The Minister may, if in his opinion it be advisable or necessary for the proper administration of this Act, authorize any district, county or other judge to exercise any or all of the powers and jurisdiction of the court or of a judge or registrar thereof, subject to any limitation or condition, and any such judge so authorized shall be deemed a judge or registrar as the case may be of the court having jurisdiction in bankruptcy, and references to the court or to the judge of the court or to the registrar shall apply to such district, county or other judge according to the terms of his authority.

Authority of the Courts.

Seal of court.

146. (1) Every court having jurisdiction in bankruptcy under this Act shall have a seal describing the court, and judicial notice shall be taken of the seal and of the signature of the judge or registrar of any such court in all legal proceedings.

Court not subject to be restrained.

(2) The courts having jurisdiction in bankruptcy under this Act shall not be subject to be restrained in the execution of their powers hereunder by the order of any other court.

143. Formerly section 157 (1). The changes are self-explanatory.

144. Formerly section 156. This section has been slightly amended. It formerly read in part as follows:

> "**156.** The Chief Justice of the court, and in the province of Ontario the Chief Justice of Ontario, and in the province of Quebec, the Chief Justice or the Acting Chief Justice in the district of appeal in which he has been appointed," etc.

145. This was formerly section 158. No change.

146. (1) This was formerly section 182. No change.

(2) This was formerly section 154. No change.

Power of judge in chambers.

(3) Subject to the provisions of this Act and to General Rules, the judge of the court exercising jurisdiction in bankruptcy proceedings may exercise in chambers the whole or any part of his jurisdiction.

Periodical sittings.

(4) Periodical sittings for the transaction of the business of such courts shall be held at such times and places and at such intervals as each of such courts shall for itself prescribe.

Court may review, etc.

(5) Every court having jurisdiction in bankruptcy under this Act may review, rescind or vary any order made by it under its bankruptcy jurisdiction.

Enforcement of orders.

(6) Every order of the court may be enforced as if it were a judgment of the court.

Transfer of proceedings to another division.

(7) The court, upon the application of the trustee or of a creditor proceeding under authority of any ordinary resolution of the creditors, and upon satisfactory proof that the affairs of the bankrupt can be more economically administered within another bankruptcy district or division, or for other sufficient cause, may at any time by order transfer any proceedings under this Act which are pending before it to another bankruptcy district or division wherein thereafter they may be carried on as effectually as if therein commenced.

Trial of issue, etc.

(8) The court may direct any issue to be tried or inquiry to be made by any judge or officer of any of the courts of the province, and the decision of such judge or officer shall be subject to appeal to a judge in bankruptcy, unless the judge is a judge of a superior court when the appeal shall be to the court of appeal.

Formal defect not to invalidate proceedings.

(9) No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity, unless the court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of that court.

Proceedings taken in wrong court.

(10) Nothing herein contained shall invalidate any proceedings by reason of the same having been commenced, taken or carried on in the wrong court, but the court may at any time transfer to the proper court the petition, application or proceedings, as the case may be.

Enforcement of orders of other courts.

147. (1) Any order made by a court exercising jurisdiction in bankruptcy under this Act and any order made by a court having jurisdiction in bankruptcy in a British country which has reciprocal legislation providing for the enforcement of Canadian orders in bankruptcy matters by the courts of such countries may be enforced in any court having jurisdiction in bankruptcy in Canada in the same manner in all respects as if the order had been made by the court hereby required to enforce it.

(3) This was formerly section 152 (2). No material change.

(4) This was formerly section 155. No change.

(5) This was formerly section 164. No change.

(6) This was formerly Rule 53. No change.

(7) This was formerly section 6 (2). No material change. It read in part as follows:

> "**6.** (2) The court, upon the application of the trustee or of a creditor proceeding under authority of any ordinary resolution carried by the votes of a majority in number of the known creditors, and upon satisfactory proof that the affairs of the debtor can be more economically administered," etc.

(8) This was formerly section 171. No material change. The words "to the court of appeal" have been substituted for the words "under section one hundred and seventy-four."

(9) This was formerly section 186 (1). No material change.

(10) This was formerly section 4 (12). No change.

147. Formerly section 170 (1) which read as follows:

> "**170.** (1) Any order made by a court exercising jurisdiction in bankruptcy under this Act shall be enforced in the courts having jurisdiction in bankruptcy elsewhere in Canada in the same manner in all respects as if the order had been made by the court hereby required to enforce it."

It has been revised to bring it in line with the English and Australian Acts which provide for reciprocal administration in any British country.

Courts to be auxiliary to each other.

(2) All courts having jurisdiction in bankruptcy and the officers of such courts respectively shall severally act in aid of and be auxiliary to each other in all matters of bankruptcy, and an order of the court seeking aid, with a request to another of the said courts, shall be deemed sufficient to enable the latter court to exercise, in regard to the matters directed by the order, such jurisdiction as either the court which made the request or the court to which the request is made could exercise in regard to similar matters within its respective jurisdiction.

Enforcement of warrants.

(3) Any warrant of a court having jurisdiction in bankruptcy may be enforced in any part of Canada in the same manner and subject to the same privileges as a warrant issued by a justice of the peace under or in pursuance of the *Criminal Code* may be executed against a person charged with an indictable offence.

R.S., c. 36.

Search warrants.

148. (1) The court may by warrant direct the seizure or search on behalf of the trustee or interim receiver of or for any part of the property of the bankrupt, whether in possession of the bankrupt or of any other person, and for that purpose may order the breaking open of any building or place where the bankrupt or any part of his property is believed to be.

Commitment to prison.

(2) Where the court commits any person to prison, the commitment may be to such convenient prison as the court thinks expedient.

Evidence of proceedings in bankruptcy.

149. (1) Any document made or used in the course of any bankruptcy proceedings or other proceedings had under this Act shall, if it appears to be sealed with the seal of any court having jurisdiction in bankruptcy, or purports to be signed by any judge thereof, or is certified as a true copy by any registrar thereof, be receivable in evidence in all legal proceedings.

Documentary evidence as proof.

(2) The production of an original document relating to any bankruptcy proceeding or a copy certified by the person making it as a true copy thereof or by a successor in office of such person as a true copy of a document found among the records in his control or possession shall be *prima facie* evidence for any purpose whatsoever of the contents of such documents.

Death of bankrupt or witness.

150. In case of the death of the bankrupt or the wife or husband of a bankrupt, or of a witness whose evidence has been received by any court in any proceedings under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to.

(2) This was formerly section 170 (2). No material change.

(3) This was formerly section 170 (3). No material change.

148. (1) This was formerly section 172. The reference to the custodian has been deleted.

(2) This was formerly section 173. The concluding clause has been deleted. It read as follows: "and if the gaoler of any prison refuses to receive any prisoner so committed he shall be liable for every such refusal to a fine not exceeding five hundred dollars."

149. (1) Formerly section 180. The changes therein will be self-explanatory. It read in part:

> "**180.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate, made by any court having jurisdiction in bankruptcy, any instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings," etc.

(2) This is a new subsection. Its purpose is to simplify the method of proving documents in bankruptcy proceedings.

The former section 149 has been deleted. It read as follows:

> "**149.** An order of discharge shall be conclusive evidence of the bankruptcy, and of the validity of the proceedings therein, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order, the bankrupt may plead that the cause of action occurred before his discharge."

150. This was formerly section 183. It read as follows:

> "**183.** In case of the death of the debtor or his wife, or of a witness whose evidence has been received by any court in any proceedings under this Act, the deposition of the person so deceased, purporting to be sealed with the seal of the court or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposed to."

Powers of Registrar.

Powers of registrar.

151. (1) The registrars of the several courts exercising bankruptcy jurisdiction under this Act shall have power and jurisdiction, without limiting the powers otherwise conferred by this Act or the Rules,

(a) to hear bankruptcy petitions and to make receiving orders where they are not opposed;

(b) to hold examinations of bankrupts or other persons;

(c) to grant orders of discharge where the application is not opposed;

(d) to approve proposals where they are not opposed;

(e) to make interim orders in cases of urgency;

(f) to make any order or exercise any jurisdiction authorized by this Act or the Rules made thereunder;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine the bankrupt or any person known or suspected to have in his possession effects of the bankrupt, or to be indebted to him, or capable of giving information respecting the bankrupt, his dealings or property;

(i) to hear and determine applications relating to proofs of claims whether or not opposed;

(j) to tax or fix costs and to pass accounts;

(k) to hear and determine any matter with the consent of all parties;

(l) to do any act or thing or give any direction or permission by this Act authorized or required to be done or given by the inspectors, where there are no inspectors;

(m) to hear and determine any matter relating to practice and procedure in the courts;

(n) to settle and sign all orders and judgments of the courts not settled or signed by a judge and to issue all orders, judgments, warrants or other processes of the courts;

(o) to perform all necessary administrative duties relating to the practice and procedure in the courts:

151. (1) Formerly section 159 (1). Certain additional powers have been added to the powers already conferred upon the registrars in bankruptcy matters. The limitation of the last line has been deleted as it is neither logical nor consistent to have an express intention of Parliament limited or restricted by a rule. Section 159 (1) read as follows:

"**159.** (1) The Registrars of the several courts exercising bankruptcy jurisdiction under this Act shall have power and jurisdiction subject to General Rules, limiting the powers conferred by this section."

(f) This was formerly:

"*(f)* to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers."

(i) This formerly read as follows:

"*(i)* to hear and determine appeals from the decision of a trustee allowing or disallowing a creditor's claim where such claim does not exceed five hundred dollars."

(j) Ordinarily the power to tax costs and pass accounts is exercised by registrars in any event so that there would appear to be no special reason why this authority should not be conferred upon the registrar as well. Heretofore it has been necessary for the Chief Justice to appoint the registrar to be a taxing officer practically in every case.

(k) This clause is new and is inserted to expedite the determination of proceedings before the court. The privilege of appeal to a judge removes any possibility of injustice.

(l) This is clause *(e)* of section 24 of the Australian Bankruptcy Act and has been added to expedite the administration. It reads as follows:

"To do any act or thing or give any direction or permission by this Act authorized or required to be done or given by the committee of inspection, where there is no such committee;"

(m) This is a new clause and is included to set out more clearly the authority to be exercised by the registrar in hearing and determining matters relating to the practice and procedure in the courts. Heretofore only clause *(f)* might be inferred as dealing therewith but no rule had been promulgated explicitly setting up any authority in this respect.

(n) This is a new clause added to complete the mechanics by which orders and judgments of the court are made effective.

(o) This is a new clause and vests the registrar with authority to perform the necessary administrative duties in connection with the operation of the courts. No express provision had been in effect heretofore and such authority was assumed only by inference.

Proviso.

Provided, however, that the powers and jurisdiction herein or otherwise conferred upon a registrar may at any time be exercised by a judge.

Registrar may not commit.

(2) A registrar shall not have power to commit for contempt of court.

Appeal from registrar.

(3) Any person dissatisfied with an order or decision of the registrar may appeal therefrom to a judge in manner prescribed by General Rules.

Order of registrar deemed order of court.

(4) Any order made or act done by such registrars in the exercise of the said powers and jurisdiction shall be deemed the order or act of the court.

Reference to judge.

(5) A registrar may refer any matter ordinarily within his jurisdiction to a judge for disposition.

Judge may hear.

(6) A judge may direct that any matter before a registrar be brought before the judge for hearing and determination.

Registrars to act for each other.

(7) Any registrar in bankruptcy may act for any other registrar.

Appeals.

Court of Appeal.

152. Unless otherwise herein provided, an appeal shall lie from an order or decision of a judge of the court to the Court of Appeal, with leave of a judge thereof.

Supreme Court of Canada.

153. The decision of the Court of Appeal upon any such appeal shall be final and conclusive unless special leave to appeal therefrom to the Supreme Court of Canada is obtained from a judge of that court.

Stay of proceedings on filing of appeal.

154. On the filing of an appeal, all proceedings under the order or judgment appealed from shall be stayed until the appeal is disposed of, but the Court of Appeal or a judge thereof may cancel and determine the stay if it appears that the appeal is frivolous or vexatious, is not made in good faith, or is not being prosecuted diligently, or for such other reason as may be deemed proper.

Stay of proceedings pending launching of appeal.

155. The Court of Appeal or a judge thereof may grant a stay of proceedings pending the launching of an appeal.

The proviso inserted at the end of the clause is intended to remove any doubt as to the authority of a judge to perform the judicial functions of a registrar. The provisions of the Act formerly giving the registrar certain specific jurisdiction might well have been interpreted to exclude a judge from exercising such jurisdiction.

(2) No change. Formerly section 159 (2).

(3) No change. Formerly section 159 (3).

(4) No change. Formerly section 159 (4).

(5) This is a new subsection. Heretofore it has been assumed that the registrar had authority to refer the matter to a judge. Some doubt on the point has often been expressed. This subsection is intended to remove the doubt.

(6) This is a new subsection. The same comments apply. It has always been more or less inferred that such authority did exist, but the subsection specifically removes that doubt.

(7) This was formerly Rule 64. No change.

152. This was formerly section 174 (1) and read as follows:

"**174.** (1) Any person dissatisfied with an order or decision of the court or a judge in any proceedings under this Act may appeal to the Appeal Court if the

(a) question to be raised on the appeal involves future rights; or

(b) order or decision is likely to affect other cases of a similar nature in the bankruptcy or authorized assignment proceedings; or

(c) amount involved in the appeal exceeds five hundred dollars; or

(d) appeal is from the grant or refusal to grant a discharge and the aggregate of the unpaid claims of creditors exceeds five hundred dollars."

153. This was formerly section 174 (2). No change.

The former section 153 has been deleted. It read as follows:

"**153.** (1) Where the debtor is a corporation, as defined by this Act, the Winding-up Act shall not, except by leave of the court, extend or apply to it notwithstanding anything in that Act contained, but all proceedings instituted under that Act before this Act comes into force or afterwards, by leave of the court, may and shall be as lawfully and effectually continued under that Act as if the provisions of this section had not been made.

(2) An order of the court, granting leave to extend or apply to any such corporation the Winding-up Act shall not be invalid or subject to any objection by reason only that the corporation had previously made an assignment under the provisions of this Act, or that proceedings in bankruptcy under this Act were at the time pending against the corporation, and in any such case the provisions of the Winding-up Act shall apply and prevail, and the bankruptcy proceedings shall abate subject to such disposition of the costs thereof to be made in the winding-up proceedings as the justice of the case may require."

154. This is a new section. The discretion granted to the Court of Appeal or a judge thereof to cancel or determine a stay of proceedings while an appeal is pending is considered necessary and advisable to prevent abuses of the right of appeal.

155. This is a new section.

No stay of proceedings unless ordered.

156. An appeal to the Supreme Court of Canada shall not operate as a stay of proceedings, unless the judge who grants leave to appeal shall so order.

Decision final.

157. The decision of the Supreme Court of Canada on any such appeal shall be final and conclusive and shall be binding on all other courts throughout Canada.

Legal Costs.

Costs in discretion of court.

158. (1) Subject to the provisions of this Act and to General Rules, the costs of and incidental to any proceedings in court under this Act shall be in the discretion of the court.

How costs awarded.

(2) The court in awarding costs may direct that such costs shall be taxed and paid as between party and party or as between solicitor and client, or the court may fix a sum to be paid in lieu of taxation or of taxed costs, but in the absence of any express direction costs shall follow the event and shall be taxed as between party and party.

Personal liability of trustee for costs.

(3) Where an action or proceeding is brought by or against a trustee, or where a trustee is made a party to any action or proceeding, on his application or on the application of any other party thereto, he shall not be personally liable for costs unless the court for some special reason otherwise directs.

When costs payable.

(4) No costs shall be paid out of the estate of the bankrupt, excepting the costs of persons whose services have been authorized by the trustee in writing and such costs as have been awarded against the trustee or the estate of the bankrupt by the court in any action or proceeding, but this provision shall not affect the right of any person to any costs which may be awarded against or be payable by persons other than the trustee or the estate of the bankrupt.

Application of tariff.

(5) Legal costs shall be paid according to the tariff provided by General Rules or according to the item in the tariff most nearly analogous or comparable to the services rendered, or, where no provision may be found therein applicable to the particular services rendered or disbursements made, according to the tariff in effect in other civil matters where the services have been rendered.

156. This was formerly section 174 (4). It read as follows:

"**174.** (4) No such appeal to the Supreme Court of Canada shall operate as a stay of proceedings unless the judge who permits such appeal shall so order, and to the extent to which he shall order, and the appellant shall not be required to provide any security for costs, but unless he provides security for costs, in an amount to be fixed by the judge permitting the appeal, he shall not be awarded costs in the event of his success upon such appeal."

157. This was formerly section 174 (5). The added clause is inserted to create uniform application of the Act.

158. (1) This was formerly section 163 (2). No change.

(2) This is a redraft of former Rules 54 (1) and 54 (2) which have been combined for simplification. This is included as being more in the nature of establishing substantive rights. Rule 54 (1) and (2) formerly read as follows:

"*Rule* **54.** (1) The Court in awarding costs may direct that the same shall be taxed and paid as between party and party or as between solicitor and client, or the Court may fix a sum to be paid in lieu of taxed costs.

(2) In the absence of any express direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party."

(3) This was formerly Rule 54 (3) and it has been transferred for the same reason. It has been slightly redrafted for simplification and formerly read as follows:

"*Rule* **54.** (3) Where an action is brought by or against a custodian or trustee as representing the estate of the debtor, or where a custodian or trustee is made a party to a cause or matter, on his application or on the application of any other party thereto, he shall not be personally liable for costs unless the judge before whom the action, cause or matter is tried for some special reason otherwise directs."

(4) This was formerly Rule 61 and has been transferred for the same reason. It has been redrafted and combined with former section 162 (2) which has also been rephrased to give it a more logical sequence. Rule 61 formerly read as follows:

"*Rule* **61.** Subject to the provisions of the Act, no costs shall be paid out of the estate or assets of the debtor, excepting the costs of the solicitor or solicitors employed by the trustee and such costs as have been awarded against the trustee or the estate of the debtor by order of the Court in any action or proceeding under the Act or these Rules."

(5) This is an adaptation of former Rule 57 (1) transferred for the same reason as indicated above. It also is intended to provide for taxation of bills of costs for such services as are not covered by the bankruptcy tariff, such as conveyancing costs, which have been held as not being included in the limitations of the present tariff. Rule 57(1) formerly read as follows:

"*Rule* **57.** (1) The tariff of costs set forth in the Appendix and the regulations contained in such tariff, shall, subject to these Rules, apply to the taxation and allowance of costs and charges in all proceedings."

Priority of payment of legal costs.

(6) Legal costs shall be payable according to the following priorities:

(a) Commissions on collections which shall be a first charge on any sums collected;

(b) When duly authorized by the court or approved by the creditors or the inspectors, costs incurred by the trustee after the bankruptcy and prior to the first meeting of creditors;

(c) The costs on an assignment or costs incurred by a petitioning creditor up to the issue of a receiving order;

(d) Costs awarded against the trustee or the estate of the bankrupt;

(e) Costs for legal services otherwise rendered to the trustee or the estate.

Limitation of costs.

(7) Notwithstanding anything herein contained, the total fees exclusive of disbursements for all legal services specified in subsection (6) *(e)* of section one hundred and fifty-eight shall not exceed ten per cent of the gross receipts less amounts paid to secured creditors, except with the approval of the inspectors and the court, and, in the event of the amount thereby available or authorized for payment of such legal fees being insufficient, the fees shall be abated proportionately.

Limitation of costs in smaller estates.

(8) When the value of the property of the bankrupt, estimated or realized as the case may be, is certified by the trustee to be not more than one thousand dollars, or if such value is certified to be more than one thousand but not more than two thousand dollars, the scale of fees payable hereunder, other than disbursements, shall be reduced by one-half and one-third respectively.

(6) This is a completely new subsection for the purpose of clarifying the priority of payment of legal costs.

(a) This is merely in line with ordinary legal practice.

(b) On his appointment, certain duties are imposed on a trustee to take possession of and to conserve the assets. He should be protected as to any costs thus necessarily incurred.

(c) Costs of an assignment have previously been recognized only as a matter of equitable practice by the courts although there was no express provision therefor in the Act or Rules. This clause gives a legal sanction for payment.

(d) Costs awarded against the trustee or the estate must necessarily take precedence of other legal costs of the trustee.

(e) This clause provides for all other costs payable by a trustee.

(7) This is a revision of the former section 162(3) and (4) on which there have been conflicting decisions of the courts as to the interpretation thereof. It is also felt that the previous limitations were hardly equitable, and the limitations herein provided for would be more in line with other civil costs.

Section 162(3) and (4) formerly read as follows:

"**162.** (3) Notwithstanding anything contained herein, in estates whereof the gross proceeds do not exceed five thousand dollars, the costs or fees payable may, by unanimous vote of the inspectors, be increased to any amount not to exceed ten per centum of the gross proceeds of such estate.

(4) Except as herein otherwise provided, the aggregate amount of such costs and fees so payable out of the assets of estates whereof the gross proceeds exceed five thousand dollars shall not exceed five per centum of such gross proceeds except with the approval of the court."

(8) This was formerly Rule 57 (2). It has been revised and changed to reduce legal costs in similar estates more in line with other civil costs. Rule 57 (2) formerly read as follows:

"*Rule* **57.** (2) Where the value of the assets of the debtor estimated or realized as the case may be is according to the certificate of the trustee less than fifteen hundred dollars, the scale of fees, other than disbursements, payable in all proceedings under the Act shall be reduced by one-third."

Subsections (1), (5) and (6) of the former section 162 have been deleted. They read as follows:

"**162.** (1) All attorneys, solicitors and counsel acting for the trustee or for the estate of a debtor in respect of proceedings under this Act, shall be paid out of the assets of such estate their reasonable costs and fees as fixed in a tariff provided by General Rules."

"(5) The tariff hereinbefore mentioned shall also fix the fees to be paid to the officers of the court and shall direct by whom and in what manner such costs and fees are to be collected and accounted for and to what account they shall be paid."

"(6) The fees payable to the officers of the court shall belong to the Crown in the right of the province, but the Lieutenant-Governor in Council may allow the same in whole or in part to such officers."

PART VIII.

Bankruptcy Offences.

Bankruptcy offences.

159. Any bankrupt who

(a) fails, refuses or neglects to do any of those things required of him under section one hundred and nineteen of this Act; or

(b) makes any fraudulent disposition of his property before or after bankruptcy; or

(c) refuses or neglects to answer fully and truthfully all proper questions put to him at any examination held pursuant to this Act; or

(d) makes any false entry or any material omission in any statement or accounting required under this Act; or

(e) after or within six months next preceding his bankruptcy conceals, destroys, mutilates, falsifies or disposes of or is privy to the concealment, destruction, mutilation, falsification or disposition of any book or document affecting or relating to his property or affairs unless he proves that he had no intent to conceal the state of his affairs; or

(f) after or within six months next preceding his bankruptcy obtains any credit or any property by false representations made by him or made by some other person to his knowledge; or

(g) has within two years prior to his bankruptcy materially contributed to or increased the extent of his insolvency by gambling or by rash or hazardous speculations not connected with his trade or business, in determining which the financial position of the bankrupt at the time when such events occurred shall be taken into consideration;

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one year or on indictment to imprisonment for a term not exceeding three years.

159. Formerly section 191, which has been greatly condensed and simplified. Section 191 read as follows:

"**191.** Any person who has been adjudged bankrupt or in respect of whose estate a receiving order has been made, or who has made an authorized assignment under this Act, shall in each of the cases following be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment:—

(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee, custodian or interim receiver, all his property, real and personal, and how and to whom and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless he proves that he had no intent to defraud;

(b) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless he proves that he had no intent to defraud;

(c) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all books, documents, papers and writings in his custody, or under his control, relating to his property or affairs, unless he proves that he had no intent to defraud;

(d) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he conceals any part of his property to the value of fifty dollars or upwards or conceals any debt due to or from him, unless he proves that he had no intent to defraud;

(e) If after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he fraudulently removes any part of his property to the value of fifty dollars or upwards;

(f) If he makes any material omission in any statement relating to his affairs, unless he proves that he had no intent to defraud;

(g) If, knowing or believing that a false debt has been proved by any person under the bankruptcy or authorized assignment, he fails for the period of a month to inform the trustee thereof;

(h) If, after the presentation of a bankruptcy petition against him or after he makes an authorized assignment, he prevents the production of any book, document, paper or writing, affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(i) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation or falsification of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(j) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after making an authorized assignment or within six months next before the date of making thereof, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs or to defeat the law;

(k) If, after the presentation of a bankruptcy petition against him or within six months next before such presentation or if after the making of an authorized assignment by him or within six months next before the date of making thereof, he fraudulently parts with, alters or makes any omission in, or is privy to the fraudulently parting with, altering or making any omission in, any document affecting or relating to his property or affairs;

(l) If, after the presentation of a bankruptcy petition against him or after the making of an authorized assignment by him or at any meeting of his creditors within six months next before such presentation or assignment, he attempts to account for any part of his property by fictitious losses or expenses;

(m) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same;

(n) If, within six months next before the presentation of a bankruptcy petition against him or next before the date of the making of an authorized assignment by him he obtains, under the false pretence of carrying on business and, if a trader, of dealing in the ordinary way of his trade, any property on credit and has not paid for the same, unless he proves that he had no intent to defraud;

(o) If, within six months next before the presentation of a bankruptcy petition against him, or next before the date of the making of an authorized assignment by him or after the presentation of a bankruptcy petition against him or the making of an authorized assignment by him he pawns, pledges or disposes of any property which he has obtained on credit and has not paid for, unless in the case of a trader such pawning, pledging or disposing is in the ordinary way of his trade and unless in any case he proves that he had no intent to defraud;

(p) If he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to an agreement with reference to his affairs or to his bankruptcy;

(q) If he knowingly makes or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested, or for whom or for which he is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan, or credit, the extension of a credit, the discount of any account receivable, or the making, acceptance, discount or endorsement of a bill of exchange, cheque, draft or promissory note, either for the benefit of himself or such person, firm or corporation;

(r) If he, knowing that a false statement in writing has been made respecting the financial condition or means or ability to pay of himself or any other person, firm or corporation in whom or in which he is interested or for whom or for which he is acting, procures upon the faith thereof, either for the benefit of himself or such person, firm or corporation, any of the benefits mentioned in the preceding paragraph."

(g) This is a new clause partly taken from section 157(1) of the English Act which had not been carried into the Canadian Act and which reads as follows:

"**157.** (1) Any person who has been adjudged bankrupt, or in respect of whose estate a receiving order has been made, shall be guilty of a misdemeanour, if, having been engaged in any trade or business, and having outstanding at the date of the receiving order any debts contracted in the course and for the purposes of such trade or business,—

(a) he has, within two years prior to the presentation of the bankruptcy petition, materially contributed to or increased the extent of his insolvency by gambling or by rash and hazardous speculations, and such gambling or speculations are unconnected with his trade or business; or

(b) he has, between the date of the presentation of the petition and the date of the receiving order, lost any part of his estate by such gambling or rash and hazardous speculations as aforesaid; or

(c) on being required by the Official Receiver at any time, or in the course of his public examination by the court, to account for the loss of any substantial part of his estate incurred within a period of a year next preceding the date of the presentation of the bankruptcy petition, or between that date and the date of the receiving order, he fails to give a satisfactory explanation of the manner in which such loss was incurred;

Provided that, in determining for the purposes of this section whether any speculations were rash and hazardous, the financial position of the accused person at the time when he entered into the speculations shall be taken into consideration."

Undischarged bankrupt obtaining credit.

160. Where an undischarged bankrupt

(a) either alone or jointly with any other person obtains credit for a purpose other than the supply of necessaries for himself and family to the extent of one hundred dollars or upwards from any person without informing that person that he is an undischarged bankrupt; or

Use of deceptive name.

(b) engages in any trade or business under a name other than that under which he traded or carried on business prior to his bankruptcy without disclosing to all persons with whom he enters into any business transaction the name under which he formerly traded or carried on business before his bankruptcy;

he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one year.

Bankrupt failing to keep proper books of account.

161. (1) Any insolvent person becoming bankrupt or making a proposal who has on any previous occasion been bankrupt or made a proposal to his creditors shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to one year's imprisonment if

(a) being engaged in any trade or business, he has not kept proper books of account during the two years immediately preceding his bankruptcy; or

(b) he has not preserved all such books of account if still so engaged at the date of his bankruptcy; or

(c) after or within the two year period aforementioned he conceals, destroys, mutilates, falsifies or disposes of, or is privy to the concealment, destruction, mutilation, falsification or disposition of any book or document affecting or relating to his property or affairs, unless he proves that he had no intent to conceal the state of his affairs.

Exceptions to obligations.

(2) A debtor who has not kept or has not preserved such books of account shall not be convicted of an offence under this section if his unsecured liabilities at the date of his bankruptcy or of the making of the proposal did not exceed five hundred dollars, or if he proves that, in the circumstances in which he traded or carried on business, the omission was honest and excusable.

Proper books of account defined.

(3) For the purposes of this section, a debtor shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual and other stock-takings.

160. Formerly section 192. The courts have held that the section does not apply to necessaries of life for the bankrupt and his family and is intended to cover only trading transactions. A reduction has also been made in the amount of credit that may be obtained as it is felt that the five hundred dollar limit previously in effect is too high to impose any real restriction on a bankrupt. Section 192 formerly read as follows:

"**192.** Where an undischarged bankrupt or an undischarged authorized assignor,

(a) either alone or jointly with any other person, obtains credit to the extent of five hundred dollars or upwards from any person without informing that person that he is an undischarged bankrupt or an undischarged authorized assignor; or

(b) engages in any trade or business under a name other than that under which he was adjudicated bankrupt or made such authorized assignment without disclosing to all persons with whom he enters into any business transaction the name under which he was adjudicated bankrupt or made such authorized assignment;

he shall be guilty of an indictable offence and liable to a fine not exceeding five hundred dollars, or to a term not exceeding one year's imprisonment, or to both such fine and such imprisonment."

161. Formerly section 193. Subsection (4) has been deleted as such and a redraft thereof embodied in subsection (1) as revised. Section 193 read as follows:

"**193.** (1) If any person, who has on any previous occasion been adjudged bankrupt or made an authorized assignment or extension or arrangement with his creditors, is adjudged bankrupt, makes an authorized assignment or secures or asks for a composition, extension or arrangement with his creditors, he shall be guilty of an indictable offence and liable to a fine of one thousand dollars and to one year's imprisonment if having, during the whole or any part of the two years immediately preceding the date of the presentation of the bankruptcy petition or of the making of the authorized assignment or of the securing or asking for the composition, extension or arrangement, been engaged in any trade or business, he has not kept proper books of account throughout those two years or such part thereof, as aforesaid, and if so engaged at the date of presentation of the petition or the making of the assignment or the securing or asking for the composition, extension or arrangement, thereafter, whilst so engaged, up to the date of the receiving order, or the making of the assignment or the securing or asking for the composition, extension or arrangement, or has not preserved all books of account so kept.

(2) A person who has not kept or has not preserved such books of account shall not be convicted of an offence under this section if his unsecured liabilities at the date of the making of the receiving order, or the assignment or of the securing or asking for the composition, extension or arrangement did not exceed five hundred dollars or if he proves that in the circumstances in which he traded or carried on business the omission was honest and excusable.

(3) For the purposes of this section, a person shall be deemed not to have kept proper books of account if he has not kept such books or accounts as are necessary to exhibit or explain his transactions and financial position in his trade or business, including a book or books containing entries from day to day in sufficient detail of all cash received and cash paid, and, where the trade or business has involved dealings in goods, also accounts of all goods sold and purchased, and statements of annual and other stock-takings.

(4) Paragraphs *(i)*, *(j)* and *(k)* of section one hundred and ninety-one of this Act shall, in their application to the books mentioned therein, as aforesaid, have effect as if 'two years next before the presentation of the bankruptcy petition' and 'two years next before the date of the making of an authorized assignment' were substituted for the time mentioned in those paragraphs as the time prior to such presentation or making within which the acts or omissions specified in those paragraphs constitute an offence."

False claim, etc.

162. (1) If any creditor, or any person claiming to be a creditor, in any proceedings under this Act, wilfully and with intent to defraud, makes any false claim or any proof, declaration or statement of account, which is untrue in any material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Inspectors accepting unlawful fee.

(2) If any inspector accepts from the bankrupt or from any person, firm or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than or in addition to the regular fees provided for by this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Unlawful transactions.

(3) If the bankrupt enters into any transaction with any other person for the purpose of obtaining a benefit or advantage to which either of them would not otherwise be entitled, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one year.

Pretending to be trustee.

163. Any person who,

(a) not being a licensed trustee, does any act as, or represents himself to be, a licensed trustee; or

Trustee acting without bond.

(b) being a trustee, either before providing the bond required by subsection one of section eight of this Act, or after providing the same but at any time while the said bond is not in force, acts as or exercises any of the powers of trustee; or

Failing to follow orders of court.

(c) having been appointed a trustee, with intent to defraud, fails to observe or to comply with any of the provisions of this Act, or fails duly to do, observe or perform any act or duty which he may be ordered to do, observe or perform by the court pursuant to any of the provisions of this Act; or

Failing to observe provisions of Act.

(d) having been appointed a trustee, without reasonable excuse, fails to observe or to comply with any of the provisions of this Act, or fails duly to do, observe or perform any act or duty which he may be ordered to do, observe or perform by the court pursuant to any of the provisions of this Act; or

162. (1) and (2) Formerly section 194 (1) and (2) which read as follows:

"**194.** (1) If any creditor, or any person claiming to be a creditor, in any bankruptcy proceedings, or in any proceedings pursuant to the provisions of Part II of this Act for obtaining a composition, extension or arrangement of a debtor's debts or of his affairs, or in any proceedings under an authorized assignment, wilfully and with intent to defraud makes any false claim, or any proof, declaration or statement of account, which is untrue in any material particular, shall be guilty of an indictable offence, and shall on conviction on indictment be liable to imprisonment with or without hard labour for a term not exceeding one year.

(2) If any inspector accepts from the bankrupt or authorized assignor or from any person, firm, or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than, or in addition to the regular fees provided for by this Act, he shall be guilty of an indictable offence and shall on conviction be liable to a fine, not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both said fine and imprisonment."

(3) This subsection is new. It is intended to curb dishonest attempts to obtain an unlawful advantage such as an offer by a bankrupt to pay a creditor's claim in full or in part to obtain his approval to a proposal or a discharge, or to have him refrain from filing objections to a proposal or a discharge. While this practice is perhaps less common in recent years yet it was notorious years ago and may again be indulged in with a recurrence of more bankruptcies in the future.

163. *(a)* to *(d)* No change. Formerly section 199 *(a)* to *(d)*.

(e) This is a new clause imposing a penalty to enforce compliance with the requirements of section 16 (1). Heretofore the lack of an express penalty permitted trustees to ignore their duties almost with impunity and made it much more difficult for a substituted trustee to take over the administration of an estate.

(f) No change. Formerly section 199 *(e)*.

(g) This is a new clause. Its purpose is evident.

The concluding portion of former section 199 read as follows: "shall be guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to a term not exceeding two years' imprisonment or to both such fine and such imprisonment".

The former section 163 read as follows:

"**163.** (1) All proceedings in bankruptcy or under authorized assignments subsequent to the presentation of a bankruptcy petition or the making of an authorized assignment shall be entitled 'In the matter of the Bankruptcy' of the debtor, or 'In the matter of the Authorized Assignment' of the debtor, as the case may be.

(2) Subject to the provisions of this Act and to General Rules, the costs of and incidental to any proceedings in court under this Act shall be in the discretion of the court.

(3) The court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(4) The court may at any time amend any written process or proceedings under this Act upon such terms, if any, as it may think fit to impose.

(5) Where by this Act, or by General Rules, the time for doing any act or thing is limited, the court may extend the time either before or after the expiration thereof, upon such terms, if any, as the court may think fit to impose.

(6) Subject to General Rules, the court may in any matter take the whole or any part of the evidence either *viva voce*, or by interrogatories, or upon affidavit, or, out of the Dominion of Canada, by commission.

Failure to perform duties when authority expired.

(e) having been appointed a trustee to any estate and another trustee having been appointed in his stead, does not deliver over to the substituted trustee on demand all unadministered property of the estate, together with the books, records and documents of the estate and of his administration; or

Soliciting assignment.

(f) solicits or canvasses any person to make an assignment under this Act; or

Soliciting proxies.

(g) solicits proxies to vote at any meeting of creditors,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Penalty for removal of bankrupt's property without notice.

164. Any person, except the trustee, who, within thirty days after delivery to the trustee of the proof of claim mentioned in section fifty-two of this Act, or who, in case no such proof has been delivered, removes or attempts to remove the property or any part thereof mentioned in such section out of the charge or possession of the bankrupt, the trustee or other custodian of such property, unless with the written permission of the trustee, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both fine and imprisonment.

Penal liability of officer, director or agent of corporation.

165. Where any offence against this Act has been committed by a corporation, every officer, director or agent of the corporation who directs, authorizes, condones or participates in the commission of the offence shall be liable to the like penalties as such corporation and as if he had committed the like offence personally.

Report on offences to be made by trustee.

166. (1) Whenever any official receiver or trustee has grounds for believing that any offence under this Act or under any other statute, whether federal or provincial, has been committed with respect to any bankrupt estate in connection with which he has been acting under this Act, or that for some special reason an investigation should be had in connection with such estate, it shall be the duty of such official receiver or trustee to report such matter to the court, including in such report a statement of all the facts or circumstances of the case within his knowledge and the names of the witnesses who should in his opinion be examined and a statement as to the offence or offences believed to have been committed, and to forward a copy of such report forthwith to the Superintendent.

Report by inspectors and others.

(2) The Superintendent or any creditor, inspector or other interested person who has reasonable grounds for believing that any person has been guilty of an offence under this Act or under any other statute, whether federal or

(7) Where two or more bankruptcy petitions are presented against the same debtor or against joint debtors, the court may consolidate the proceedings, or any of them on such terms as the court thinks fit.

(8) Where the petitioner does not proceed with due diligence on his bankruptcy petition, the court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Act in the case of the petitioning creditor, or may dismiss the petition.

(9) If a debtor by or against whom a bankruptcy petition has been presented dies, the proceedings in the matter shall, unless the court otherwise orders, be continued as if he were alive.

(10) The court may at any time, for sufficient reason, make an order staying the proceedings under a bankruptcy petition, either altogether or for a limited time, on such terms and subject to such conditions as the court may think just."

Subsection (1) has been deleted. Subsection (2) is now section 158 (1). Subsections (3), (4), (5) and (6) have been deleted. Subsections (7), (8), (9) and (10) are respectively subsections (3), (12), (16) and (10) of section 23.

164. Formerly section 200 which read as follows:

"**200.** Any person, except the trustee hereinafter mentioned, who, before the elapse of fifteen days after delivery to the trustee of the notice in writing mentioned in section fifty-four of this Act, or in case no such notice has been delivered, shall remove or attempt to remove the goods or any thereof mentioned in such section out of the charge or possession of the debtor or of the trustee or other actual custodian of such goods, unless with the written permission of the trustee, shall be guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, or to a term not exceeding two years' imprisonment, or to both such fine and such imprisonment".

165. Formerly section 201. The final clause has been deleted. It read "and he shall be so liable cumulatively with the company and with such officers, directors or agents of the company as may likewise be liable hereunder."

166. (1) This was formerly section 195(2). The reference to the custodian has been deleted.

(2) This is a new subsection to make provision for the report of a trustee being supplemented by any other facts known to the Superintendent or the creditors.

provincial, in connection with a bankrupt, his property or his transactions, may file a report with the court of the facts on which such beliefs are based, or he may make such further representations supplementary to the report of the official receiver or trustee as he may deem proper.

Court may authorize criminal proceedings.

(3) Whenever the court is satisfied, upon the representation of the Superintendent or any one on his behalf, or of the official receiver or the trustee, or of any creditor, inspector, or other interested person, that there is ground to believe that any person has been guilty of an offence under this Act or under any statute, whether federal or provincial, in connection with the bankrupt, his property or transactions, the court may authorize the trustee to initiate proceedings for the prosecution of such person for such offence.

Initiation of criminal proceedings by the trustee.

(4) Where a trustee is authorized or directed by the creditors, the inspectors or the court to initiate criminal proceedings against any person believed to have committed an offence, the trustee shall send or cause to be sent a copy of such resolution or order, duly certified as a true copy thereof, together with a copy of all reports or statements of the facts on which such order or resolution was based, to the Crown Attorney or the agent of the Crown duly authorized to represent the Crown in the prosecution of criminal offences in the district where the alleged offence was committed.

Substance of offence charged in indictment.

167. In an indictment for an offence under this Act it shall be sufficient to set forth the substance of the offence charged in the words of this Act, specifying the offence or as near thereto as circumstances admit, without alleging or setting forth any debt, act of bankruptcy, trading, adjudication, or any proceedings in, or order, warrant or document of, any court acting under this Act.

(3) This was formerly section 195(1) and has been changed to permit the court to authorize the trustee to initiate criminal proceedings instead of having the court make an order for the prosecution of an offender.

(4) This is a new subsection and sets up the procedure to initiate criminal proceedings.

167. This was formerly section 198(3). No change.

(2) This was formerly section 198(4). No change.

Former subsections (1) and (2) have been deleted. They were taken from section 163 of the English Act of 1914, which section was repealed in England by section 9 of the Act of 1926. So far as is known no prosecution has ever taken place under this section and it would appear that its usefulness is therefore questionable. Subsection (4) has also been deleted. Section 198(1), (2) and (4) read as follows:

> "**198.** (1) Where there is, in the opinion of the court, ground to believe that the bankrupt or any other person has been guilty of an offence under this Act, the court may commit the bankrupt or such other person for trial."
>
> "(2) For the purpose of committing the bankrupt or such other person for trial, the court shall have power to take depositions, bind over witnesses to appear, admit the accused to bail, or otherwise."
>
> "(4) Where any person is prosecuted for an offence under this Act no other prosecution shall be instituted against him for the same offence under any other Act."

Time within which prosecutions to be commenced.

R.S., c. 36.

168. Notwithstanding the provisions of the *Criminal Code*, any prosecution under this Act by way of summary conviction shall be commenced within three years, and any prosecution by indictment shall be commenced within five years.

PART IX.

Miscellaneous Provisions.

General Rules.

169. (1) The Governor in Council may make, alter or revoke, and may delegate to the judges of the several courts exercising bankruptcy jurisdiction under this Act the power to make, alter or revoke, General Rules not inconsistent with the terms of this Act for carrying into effect the object thereof.

Rules to be tabled.

(2) All General Rules, as from time to time made, shall be laid before Parliament within three weeks after made or, if Parliament is not then sitting, within three weeks after the beginning of the next session. Such rules shall be judicially noticed.

Authority for Forms.

(3) General Rules shall include Forms.

Canada Gazette to be kept on file by registrars and official receivers.

170. (1) The registrars of the courts of bankruptcy and official receivers shall keep on file for public reference a copy of each issue of the *Canada Gazette* which contains any notices referring to bankrupts.

Index book.

(2) They shall also keep an index book wherein they shall enter alphabetically the name of each bankrupt in respect of whose estate a notice may at any time hereafter appear in the said *Canada Gazette*.

Creditor may make search.

(3) Any person shall be entitled to make a search of the *Canada Gazette* and the index book, and, when required, the registrar or official receiver shall issue a certificate of any facts contained therein relating to bankruptcy matters on payment of the prescribed fee.

Gazette to be supplied.

(4) The King's Printer, upon request of any person who is by this Act required to keep on file for public reference a copy of the *Canada Gazette*, shall regularly supply to such person, *gratis*, two copies of every issue of such *Gazette*.

168. This is a new section limiting the time within which prosecutions under this Act may be commenced.

The former section 168 has been deleted. It read as follows:

"**168.** Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm, but in such case the court may, on application by any person interested, order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner and verified on oath or otherwise, as the court may direct."

169. (1) No change. Formerly section 161 (1).

(2) No change. Formerly section 161 (3). The concluding words "and shall have effect as if enacted by this Act" have been deleted. The former subsection (2) has been deleted. It read as follows:

"**161.** (2) Such rules shall not extend the jurisdiction of the court, save and except that, for the purpose of enabling the provision of rules having application to corporations, but for such purpose only, the Winding-up Act shall be deemed part of this Act."

(3) This subsection has been included to give validity to the prescribed forms. This was formerly section 2 *(s)*. No change.

The former section 169 has been deleted. It read as follows:

"**169.** Where a bankrupt or authorized assignor is a contractor in respect of any contract jointly with any person or persons, such person or persons may sue or be sued in respect of the contract without the joinder of the bankrupt or authorized assignor."

170. Formerly section 28. The former section 28 (1) has been deleted. It read as follows:

"**28.** (1) A notice in the prescribed form of the receiving order or assignment and of the first meeting of creditors required to be called pursuant to this Act shall, as soon as possible after the making or executing of such receiving order or assignment, be gazetted by the custodian, and not less than six days prior to said meeting be published in a local newspaper."

The provision *re* publication in a local newspaper has been transferred to section 70 (4). Section 70 (3) deals with publication in *The Canada Gazette*.

(1) Subsection (1) was formerly subsection (2) of section 28.

(2) This was formerly subsection (3).

(3) These provisions appear to have been inadvertently omitted from the Act when it was passed.

(4) No change. Formerly subsection (4).

Evidence of facts in notice.

171. A copy of the *Canada Gazette* containing any notice inserted therein in pursuance of this Act shall be *prima facie* evidence in any court or elsewhere of the facts stated in the notice.

Provisions bind Crown.

172. The provisions of this Act shall bind the Crown.

Appointments confirmed: Rules, etc., continued.

173. Subject to the provisions of this Act, all persons holding appointments under *The Bankruptcy Act* are continued in their respective positions, and all Rules, Regulations and Orders made pursuant to the said Act are continued under this Act.

Rights retained.

174. In respect of bankrupt estates under administration at the time this Act comes into force, interested persons shall retain all rights which they heretofore had, but the procedure prescribed in this Act shall apply.

Repeal.

175. The enactments mentioned in the Schedule to this Act are repealed.

Coming into force.

176. This Act shall come into force on the first day of January, 1950.

SCHEDULE.

ENACTMENTS REPEALED.

Title	Session	Chapter
The Bankruptcy Act.....	R.S., 1927	11
An Act to amend The Bankruptcy Act...	1931	17
An Act to amend The Bankruptcy Act...	1931	18
An Act to amend The Bankruptcy Act...	1932	39

171. Formerly section 178. The changes are self-explanatory.

172. Formerly section 188. This section has been simplified. It formerly read as follows:

"**188.** Save as provided in this Act, the provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge, shall bind the Crown."

The former section 179 has been deleted as it is substantially contained in section 171. Section 179 read as follows:

"**179.** The production of a copy of the *Canada Gazette* containing any notice of a receiving order adjudging a debtor bankrupt, shall be conclusive evidence in all legal proceedings of the order having been duly made, and of its date."

Former sections 181, 184, 185 and 187 are unnecessary and have been deleted. They read as follows:

"**181.** Subject to General Rules, any affidavit to be used in a court exercising jurisdiction in bankruptcy under this Act may be sworn before any person authorized to administer oaths in the court having jurisdiction or before any registrar of the court or before any officer of a court having jurisdiction in bankruptcy authorized in writing in that behalf by the court, or before a justice of the peace for the province, county or place where it is sworn, or, in the case of a person who is out of Canada, before a notary public, a magistrate or justice of the peace or other person qualified to administer oaths in the country where he resides, he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British consul or vice-consul or by a notary public."

"**184.** (1) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed, unless the last day is a Sunday or a statutory holiday throughout the province where the act or proceeding is to be done or taken on a day on which the court does not sit, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which is not one of the days in this section specified.

(2) Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which shall not be one of the days in this section specified."

"**185.** All notices and other documents for the service of which no special mode is directed may be sent by registered and prepaid post to the last known address of the person to be served therewith."

"**187.** For all or any of the purposes of this Act, an incorporated company may act by any of its officers or employees authorized in that behalf, a firm may act by any of its members, and a lunatic may act by his committee or curator or by the guardian or curator of his property."

The former sections 189, 190, 195 (3), 196 (1) and 197 have also been deleted. They were as follows:

"**189.** Nothing in the provisions of this Act shall interfere with, or restrict the rights and privileges conferred on banks and banking corporations by the *Bank Act*."

"**190.** Where by this Act any body of persons is given power or authority to permit, consent or approve, and the court is given like power or authority alternatively, or otherwise than on appeal, and such body of persons has been constituted or convened, the court shall not act except upon satisfactory proof of prior application to such body of persons and its refusal of such application or its omission to announce its conclusion thereon within what the Court shall deem, according to the circumstances, a reasonable time."

"**195.** (3) Except by leave of the court no action shall lie against the Superintendent or any other person with respect to any representation or report made under, or any action taken pursuant to the provisions of this Act."

"**196.** (1) Where a debtor has been guilty of any criminal offence, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition, extension or scheme of arrangement has been accepted or approved."

"**197.** Any registrar or other officer, who upon tender of any receiving order or assignment or a copy thereof, certified as aforesaid, with the proper fees, and with the request that such document be registered or filed as aforesaid, shall refuse or omit to forthwith register or file the same in manner hereinbefore indicated or who shall omit or refuse to comply with the provisions of subsection two of section twenty-eight in so far as they are applicable to him, shall be guilty of an indictable offence punishable upon indictment or summary conviction by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding one year or to both such fine and such imprisonment."

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M[11].

An Act for the relief of Paul Charbonneau.

Read a first time, Wednesday, 2nd June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
9771 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M[11].

An Act for the relief of Paul Charbonneau.

Preamble.

WHEREAS Paul Charbonneau, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, bus driver, has by his petition alleged that on the twenty-first day of April, A.D. 1924, at the said city, he and Agnes Gagnon, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Paul Charbonneau and Agnes Gagnon, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Paul Charbonneau may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Agnes Gagnon had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N[11].

An Act to amend The Canadian and British Insurance Companies Act, 1932, and The Foreign Insurance Companies Act, 1932.

Read a first time, Thursday, 10th June, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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1948

14660

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N[11].

An Act to amend The Canadian and British Insurance Companies Act, 1932, and The Foreign Insurance Companies Act, 1932.

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

1. (1) Subparagraph (i-*a*) of paragraph *(c)* of subsection one of section sixty of *The Canadian and British Insurance Companies Act, 1932*, chapter forty-six of the statutes of 1932, as enacted by subsection one of section one of chapter thirty-two of the statutes of 1944-45, is repealed and the following substituted therefor:—

Guaranteed or insured real estate mortgages.

"(i-*a*) mortgages or hypothecs on real estate or leaseholds in Canada or elsewhere where the company is carrying on business or bonds or notes secured by such mortgages or hypothecs, notwithstanding that the mortgage or hypothec exceeds the amount which the company is otherwise authorized to invest, if the excess is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country."

(2) Subparagraph (i-*a*) of paragraph *(b)* of subsection two of section sixty of the said Act, as enacted by subsection two of section one of chapter thirty-two of the statutes of 1944-45, is repealed and the following substituted therefor:—

Idem.

"(i-*a*) real estate or leaseholds in Canada or elsewhere where the company is carrying on business, notwithstanding that the loan exceeds the amount which the company is otherwise authorized to lend, if to the extent of the excess the mortgage or hypothec thereon securing the loan is guaranteed

Explanatory Notes.

1. (1) and (2). Subsection (1) of section 60 of the Act provides that any company registered thereunder may invest its funds, or any portion thereof, in the purchase of assets of certain classes, including those specified in subparagraph (i-*a*) of paragraph *(c)* which is as follows:—

> "(i-*a*) bonds or notes secured by mortgages or hypothecs on real estate or leaseholds which mortgages or hypothecs are insured by the Federal Housing Administrator of the United States of America."

Subsection (2) of section 60 of the Act provides that any such company may lend its funds or any portion thereof on the security of assets of certain classes, including those specified in subparagraph (i-*a*) of paragraph *(b)* which is as follows:—

> "(i-*a*) real estate or leaseholds if the mortgage or hypothec thereon securing the loan is insured by the Federal Housing Administrator of the United States of America."

The above provisions relate only to one particular kind of insured mortgage or loan in the United States of America. In recent years other kinds of mortgages and loans have come into existence where a Government guarantees or insures the whole of the mortgage or loan, or at least the amount in excess of that which insurance companies are permitted to purchase or lend. The most recent instance is *The Housing Development Act, 1948* passed at the last session of the Ontario legislature.

The purpose of the revision is to extend the present provisions to cover all similar plans where a government guarantees or insures all or part of the mortgage or loan.

or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country."

(3) Section sixty of the said Act is further amended by adding thereto, immediately after subsection four thereof, the following subsection:—

Other assets.

"(4*a*) Any such company may make investments or loans, including investments in real estate or leaseholds, not hereinbefore authorized by this section, subject to the following provisions:—

Real estate, etc., for the production of income.

(i) investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the company in Canada or elsewhere where the company is carrying on business, alone or jointly with any other company, and the company may notwithstanding subsections one and two of section sixty-four, hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of one per centum of the book value of the total ledger assets of the company;

Exceptions.

(ii) this subsection shall be deemed not to enlarge the authority conferred by subsections one and two to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds, and not to affect the operation of the first proviso to subparagraph (v) of paragraph *(b)* of subsection one; and

Limitation.

(iii) the total book value of the investments and loans made under this subsection and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed three per centum of the book value of the total ledger assets of the company."

2. Subsection two of section one hundred and twenty-four of the said Act is repealed and the following substituted therefor:—

Nature thereof.

"(2) The assets which may be so vested in trust for the purposes of this Act shall be bonds, debentures, stocks and secured loans of the classes authorized in that behalf in the Second Schedule to this Act, having regard to the

(3) This new subsection will permit a company to make investments and loans not otherwise eligible, in an amount not exceeding 3 per cent of its total assets. There are now various types of sound investments which do not fall within the present provisions of the Act, for example, the bonds of public boards in some jurisdictions in which Canadian companies carry on business. As experience develops with types of investment not now specifically eligible, it may be found desirable later to extend the existing specified classes where appropriate.

This amendment will also permit the companies to invest in real estate for the production of income including for example, the financing of commercial and industrial developments; frequently a commercial or industrial concern prefers to lease real estate used for its business operations and thus leave its capital free to be employed more directly in such operations.

2. and **3.** The underlined words are an addition to the existing subsections. These amendments will permit the Minister, if he sees fit, with the approval of the Treasury Board, to allow British and foreign insurance companies to vest in trust as assets in Canada certain investments not specified in the relevant Schedules to the Acts, including some of the kinds in which Canadian companies may invest pursuant to the amendments in clause 1 of the Bill. It will thus be possible to grant to British and foreign companies powers in respect of their Canadian business parallel to those granted Canadian companies.

class or classes of insurance business in respect of which the assets are so vested in trust, or such other assets as the Minister, with the approval of the Treasury Board, may permit."

3. Subsection two of section twenty of *The Foreign Insurance Companies Act, 1932*, chapter forty-seven of the statutes of 1932, is repealed and the following substituted therefor:—

Nature thereof.

"(2) The assets which may be so vested in trust for the purposes of this Act shall be bonds, debentures, stocks and secured loans of the classes authorized in that behalf in Schedule I to this Act, having regard to the class or classes of insurance business in respect of which the assets are so vested in trust, or such other assets as the Minister, with the approval of the Treasury Board, may permit."

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL O[11].

An Act for the relief of Samuel Lankszner.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
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CONTROLLER OF STATIONERY
1948

7847

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL O[11].

An Act for the relief of Samuel Lankszner.

Preamble.

WHEREAS Samuel Lankszner, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, merchant, has by his petition alleged that on the fourteenth day of January, A.D. 1929, at the city of Brussels, Belgium, he and Cecilia Perl, who was then of the said city of Brussels, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Samuel Lankszner and Cecilia Perl, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsover.

Right to marry again.

2. The said Samuel Lankszner may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Cecilia Perl had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P11.

An Act for the relief of Audrey Maude Victoria Giles Findlay.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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9775 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P[11].

An Act for the relief of Audrey Maude Victoria Giles Findlay.

Preamble.

WHEREAS Audrey Maude Victoria Giles Findlay, residing at the town of Pointe Claire, in the province of Quebec, housekeeper, wife of Kneale Findlay, who is domiciled in Canada and residing at the town of Ste. Adele, in the said province, has by her petition alleged that they were married on the twenty-third day of May, A.D. 1942, at Bermondsey, in the county of London, England, she then being Audrey Maude Victoria Giles, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Audrey Maude Victoria Giles and Kneale Findlay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Audrey Maude Victoria Giles may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Kneale Findlay had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Q[11].

An Act for the relief of George Elias Heydenreich.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7704

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Q[11].

An Act for the relief of George Elias Heydenreich.

Preamble.

WHEREAS George Elias Heydenreich, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, buyer, has by his petition alleged that on the twenty-third day of December, A.D. 1941, at the said city, he and Kathryn Suzanne Burridge, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between George Elias Heydenreich and Kathryn Suzanne Burridge, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Elias Heydenreich may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Kathryn Suzanne Burridge had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R[11].

An Act for the relief of Guiseppina Cannuli Catalfamo.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
3814 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R[11].

An Act for the relief of Guiseppina Cannuli Catalfamo.

Preamble.

WHEREAS Guiseppina Cannuli Catalfamo, residing at the city of Montreal, in the province of Quebec, salesgirl, wife of Santo Catalfamo, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirteenth day of February, A.D. 1943, at the said city, she then being Guiseppina Cannuli, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Guiseppina Cannuli and Santo Catalfamo, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Guiseppina Cannuli may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Santo Catalfamo had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S[11].

An Act for the relief of Ann Laurie Willett Allan.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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CONTROLLER OF STATIONERY
1948

8058

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S[11].

An Act for the relief of Ann Laurie Willett Allan.

Preamble.

WHEREAS Ann Laurie Willett Allan, residing at the city of Westmount, in the province of Quebec, clerk, wife of Donald James Allan, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirtieth day of August, A.D. 1930, at the city of Montreal, in the said province, she then being Ann Laurie Willett, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ann Laurie Willett and Donald James Allan, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ann Laurie Willett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Donald James Allan had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL T[11].

An Act for the relief of Leon Schechter.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
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4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL T[11].

An Act for the relief of Leon Schechter.

Preamble.

WHEREAS Leon Schechter, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, traveller, has by his petition alleged that on the nineteenth day of September, A.D. 1922, at the city of Saint John, in the province of New Brunswick, he and Sarah Gordon, who was then of the said city of Saint John, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Leon Schechter and Sarah Gordon, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Leon Schechter may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sarah Gordon had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U[11].

An Act for the relief of Beatrice Evelyn Tutill Bobinsky.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
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CONTROLLER OF STATIONERY
1948

1097

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U[11].

An Act for the relief of Beatrice Evelyn Tutill Bobinsky.

Preamble.

WHEREAS Beatrice Evelyn Tutill Bobinsky, residing at the city of Montreal, in the province of Quebec, elevator operator, wife of Walter Joseph Bobinsky, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighteenth day of May, A.D. 1940, at the said city, she then being Beatrice Evelyn Tutill, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Beatrice Evelyn Tutill and Walter Joseph Bobinsky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Beatrice Evelyn Tutill may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Walter Joseph Bobinsky had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V11.

An Act for the relief of Una Mary Phillips Slavin.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

1694

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V[11].

An Act for the relief of Una Mary Phillips Slavin.

Preamble.

WHEREAS Una Mary Phillips Slavin, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Robert Joseph Slavin, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of July, A.D. 1943, at the said city, she then being Una Mary Phillips, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Una Mary Phillips and Robert Joseph Slavin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Una Mary Phillips may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Joseph Slavin had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W11.

An Act for the relief of Margaret Laidley Lawrie Burke.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2309

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W[11].

An Act for the relief of Margaret Laidley Lawrie Burke.

Preamble.

WHEREAS Margaret Laidley Lawrie Burke, residing at the city of Verdun, in the province of Quebec, stenographer, wife of Henry Burke, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of September, A.D. 1940, at the city of Montreal, in the said province, she then being Margaret Laidley Lawrie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Laidley Lawrie and Henry Burke, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Laidley Lawrie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Burke had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL X[11].

An Act for the relief of Albert Kenworthy.

Read a first time, Monday, 14th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7164

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X[11].

An Act for the relief of Albert Kenworthy.

Preamble.

WHEREAS Albert Kenworthy, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the twenty-seventh day of November, A.D. 1943, at Rottingdean, in the county of Sussex, England, he and Betty Townsend who was then of Rottingdean aforesaid, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Albert Kenworthy and Betty Townsend, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Albert Kenworthy may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Betty Townsend had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Y11.

An Act to amend the Quebec Savings Banks Act.

Read a first time, Monday, 14th June, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
14790 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Y[11].

An Act to amend the Quebec Savings Banks Act.

R.S., c. 14; 1932-33, c. 28; 1934, c. 39; 1944-45, c.c. 20, 47.

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

1. Section thirty-eight of the *Quebec Savings Banks Act*, chapter fourteen of the Revised Statutes of Canada, 1927, as enacted by section thirteen of chapter forty-seven of the statutes of 1944-45, is repealed and the following substituted therefor:—

Loans without collateral security.

"**38.** The bank may, subject to the provisions of this Act, lend money without collateral security for the repayment thereof

(a) to the Government of Canada or to the government of any province of Canada;

(b) to any municipal corporation in Canada, or to any school corporation in Canada which derives its revenue from rates or taxes levied by it or on its behalf, or to any fabrique de paroisse or syndics which are subject to the provisions of *The Parish and Fabrique Act* of the province of Quebec;

R.S.Q., 308.

(c) to any ecclesiastical or religious corporation incorporated in the province of Quebec, or to any incorporated institution or company incorporated for the purpose of operating a hospital or sanitarium within the province of Quebec;

(d) to any corporation, having a share capital, in an amount that, together with the amount owing by the corporation to the bank in respect of any other loan under this section, does not at the time of the loan exceed the unimpaired paid-up capital and earned surplus of the corporation, if

(i) the loan is authorized by a resolution of the board of directors of the bank,

Explanatory Notes.

1. The underlined words in paragraph *(d)* and *(d)* (ii) of section 38 are added for clarification and to bring about uniformity with other sections of the Act. Paragraph *(e)* is new and is to permit the bank to make unsecured personal loans to a person not exceeding the amount at any time of one thousand dollars.

(ii) the corporation has an unimpaired paid-up capital and earned surplus in excess of five hundred thousand dollars, and

(iii) there has been paid upon the common stock of the corporation regular dividends of at least four per centum per annum, or in the case of shares of no par value, of at least four dollars per share per annum for the five years next preceding the making of the loan; or

(e) to any individual in an amount that, together with the amount owing by the individual to the bank in respect of any other loan under this section, does not at the time of the loan exceed one thousand dollars,

but the aggregate amount of the loans made by the bank under paragraphs *(b)*, *(c)*, *(d)*, and *(e)* shall not at any time exceed five per centum of its deposit liabilities."

2. (1) Section thirty-nine of the said Act is repealed and the following substituted therefor:—

Loans on first mortgage.

"**39.** (1) The bank may, subject to the provisions of this Act lend money to any person on the security of a first mortgage or hypothec on improved real or immovable property if

(a) the loan is authorized by a resolution of the board of directors of the bank; and

(b) with the exception of loans made under the provisions of *The National Housing Act, 1944*, the loan does not exceed sixty per cent of the value of the real or immovable property on which the mortgage or hypothec is taken

but the aggregate amount of the loans made by the bank under this section shall not at any time exceed five per cent of its deposit liabilities.

"Improved real or immovable property".

(2) In this section "improved real or immovable property" means land or immovable property upon which there is situate a building that constitutes a permanent improvement to the property or on which there is such a building in the process of construction.

Authority of bank not limited.

(3) The provisions of this section do not limit the authority of the bank to accept a mortgage or hypothec of any amount as part payment of the sale price of real or immovable property sold by the bank.

Mortgages, etc., as additional security.

(4) Nothing in this section shall prevent the bank from taking, by way of additional security for debts or liabilities contracted to the bank in the course of its business, mortgages and hypothecs upon real and personal, immovable and movable property.

Rate of interest.

"**39A.** (1) Except as provided in this section the bank shall not stipulate for, charge, take, reserve or exact any rate of interest or any rate of discount exceeding six per cent per annum and no higher rate of interest or rate of discount shall be recoverable by the bank.

2. Section 39 presently reads:

"**39.** The bank shall not make any loan, directly or indirectly, upon the security of real or immovable property or with any reference to the security of real or immovable property; but nothing herein shall prevent the bank from taking security upon real or immovable property subsequently to the making of the loan and in addition to the security originally taken therefor and as collateral thereto."

The power conferred by this section is similar to that of trust companies.

39A. is new. Corresponds to similar provision in the *Bank Act* as revised in 1944.

Exceptions.

(2) Where the amount of interest or discount on any loan or advance is less than one dollar the bank may, notwithstanding anything contained in this section, stipulate for, charge, take, reserve or exact a total charge in respect of interest or discount not exceeding one dollar, provided that where the loan or advance is not in excess of twenty-five dollars and the amount of interest or discount thereon is less than fifty cents, the maximum charge in respect thereof shall not exceed fifty cents.

Charge for keeping of account.

(3) The bank shall not directly or indirectly charge or receive any sum whatsoever for the keeping of any account unless the charge is made by express agreement between the bank and the customer."

3. The said Act is further amended by adding to section forty-nine, as enacted by section seven of chapter thirty-nine of the statutes of 1934, the following subsection:—

If amount reserved in excess of reasonable requirements.

"(3) Where in the opinion of the Minister an amount set aside or reserved by the bank out of income either by way of write-down of the value of assets or appropriation to any contingency reserve or contingent account for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises or other contingencies, is in excess of the reasonable requirements of the bank having regard to all the circumstances, the Minister shall notify the Minister of National Revenue and the Deputy Minister of National Revenue (Taxation) of the amount so set aside and of the amount of the excess, but nothing in this subsection shall be construed to give the Minister any jurisdiction over the discretion of the directors of the bank with regard to amounts set aside, reserved or transferred to any reserve or other fund from income upon which taxes have been assessed under the *Income War Tax Act* or *The Excess Profits Tax Act, 1940.*"

4. Section fifty-nine, as enacted by section ten of chapter twelve of the statutes of 1934, and section sixty of the said Act are repealed and the following substituted therefor:—

Annual return of unpaid dividends.

"**59.** (1) The bank shall, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return as at the end of such calendar year

(a) of all dividends which have remained unpaid for more than five years; and

(b) of all amounts or balances at branches or agencies in respect of which no interest has been paid out and no other transaction has taken place and no statement of account has been requested or acknowledged by the creditor, during the five years prior to the date of such return:

3. The added subsection (3) to section 49 is new and brings the Act into line with the *Bank Act* as revised in 1944 in this respect.

4. The underlined words in section 59 (1) are added to the present section 59 with the word "thirty" in the first line thereof substituted for the word "twenty". Subsection (2) is in part the present section 60 transposed for an improved arrangement. The effect of this section is to bring these provisions into line with the corresponding provisions in the *Bank Act* as revised in 1944.

Section 59 now reads:—

"**59.** The bank shall, within twenty days after the close of each calendar year, transmit or deliver to the Minister to be laid by him before Parliament, a return of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect of which no transactions have taken place or upon which no interest has been paid during the five years prior to the date of such return.

2. In case of moneys deposited for a fixed period, the period of five years in this section referred to shall be reckoned from the date of the termination of such fixed period.

3. If a dividend, amount or balance is for a less sum than five dollars, and returns in respect thereof have been made under the preceding provisions of this section for five consecutive years, the bank may thereafter omit from the respective returns particulars required by the said provisions with regard to any such dividend, amount or balance."

Proviso.

Provided that, in the case of moneys deposited for a fixed period, the term of five years shall be reckoned from the date of the termination of such fixed period.

Particulars of return.

(2) The return mentioned in subsection one shall set forth

(a) the name of each shareholder or creditor to whom such dividends, amounts or balances are, according to the books of the bank, payable;

(b) the last known address of each such shareholder or creditor, as shown by the books of the bank;

(c) the amount due to each such shareholder or creditor;

(d) the branch or agency of the bank at which the last transaction took place;

(e) the date of such last transaction; and

(f) if such shareholder or creditor is known to the bank to be dead, the names and addresses of his legal representatives, so far as known to the bank.

Return of cheques, drafts and bills of exchange.

(3) The bank shall likewise, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return of all cheques, drafts or bills of exchange, issued or certified by the bank and remaining unpaid for more than five years prior to the date of such return, setting forth so far as known

(a) the name of each person to whom, or at whose request, each cheque, draft or bill was issued or certified;

(b) the last known address of each such person, as shown by the books of the bank;

(c) the name of the payee of each draft or bill;

(d) the amount and date of each cheque, draft or bill;

(e) the name of the place where each cheque, draft or bill was payable; and

(f) the branch or agency of the bank from which each cheque, draft or bill was issued, or by which it was certified.

Returns in respect to sums under $10.

(4) If a dividend, amount or balance, cheque, draft or bill is for a less sum than ten dollars and returns in respect thereof have been made under the preceding provisions of this section for two consecutive years, the bank may thereafter omit from the respective returns particulars required by the said provisions with regard to any such dividend, amount or balance, cheque, draft or bill.

Notice to persons interested.

(5) The bank shall transmit by ordinary post to the person to whom any dividend, amount or balance mentioned in this section is payable, and to the person, in so far as known to the bank, to whom any cheque, draft or bill mentioned in this section was issued, or at whose request any such cheque was certified, to the last known address of the person as shown by the books of the bank, a notice in writing stating that the dividend remains unpaid, or that in respect of the amount or balance no interest has been

Subsections (3) to (6) are new. Correspond to the *Bank Act*.

paid out and no other transaction has taken place and no statement of account has been requested or acknowledged by the creditor, or that the cheque, draft or bill remains unpaid, as the case may be.

Item.

(6) The notice required by subsection five shall be given twice, namely, during the month of January next after the end of the first two-year period and also during the month of January next after the end of the first five-year period in respect of which

(a) the dividend has remained unpaid;

(b) no interest has been paid out and no other transaction has taken place and no statement of account has been requested or acknowledged by the creditor, in connection with the amount or balance; or

(c) the cheque, draft or bill has remained unpaid."

Manner of signing returns. To be laid before Parliament.

"**60.** Returns under section fifty-nine shall be signed in the manner in which monthly returns are required to be signed under this Act and shall be laid before Parliament within fifteen days after receipt thereof by the Minister, or if Parliament is not then sitting, within fifteen days after the beginning of the next ensuing session."

5. Section seventy-six of the said Act, as enacted by section nineteen of chapter forty-seven of the statutes of 1944-45, is repealed and the following substituted therefor:—

Loans without collateral securities.

"**76.** (1) If a bank knowingly makes loans to any persons under the provisions of section thirty-eight or thirty-nine in excess of the aggregate amounts prescribed therein, the bank shall incur a penalty of an amount equal to interest at ten per centum per annum on the excess for each day during which the excess continues.

Penalty.

Excessive rate of interest charged an offence.

(2) If a bank violates the provisions of subsection one of section thirty-nine A, the bank shall be guilty of an offence and liable for every such offence to a fine not exceeding five hundred dollars and everyone who, being a manager or officer of any bank, violates the provisions of that subsection is guilty of an offence and liable for every such offence to a fine not exceeding one hundred dollars."

Penalty.

Section 60 now reads:

"**60.** Such return shall be signed in the manner required for the monthly returns under this Act, and shall set forth the name of each shareholder or creditor, his last known address, the amount due, the agency of the bank at which the last transaction took place, and the date thereof; and if such shareholder or creditor is known to the bank to be dead, such return shall show the names and addresses of his legal representatives, so far as known to the bank."

The words underlined above are omitted as this detailed information is now required under section 59. The requirement for tabling the return is added.

5. Subsection (1) of section 76 is redrafted to make it apply also to section 39 permitting loans on real property provided for by the amendments in clause two.

Subsection (2) is new. It provides an offence and penalty for violation of the new section 39A set out in this Bill.

Schedule amended.

6. The Schedule to the said Act, as enacted by section twenty of chapter forty-seven of the statutes of 1944–45, is amended by repealing the paragraphs enumerated one to sixteen, inclusive, where they appear therein under the heading "ASSETS" and substituting therefor the following:—

" 1. Notes of and deposits with Bank of Canada and deposits with chartered banks.
2. Cash, other than notes of Bank of Canada.
3. Dominion Government direct and guaranteed securities not exceeding market value.
4. Provincial government direct and guaranteed securities, not exceeding market value.
5. Canadian municipal and school corporation bonds and debentures, not exceeding market value.
6. Bonds and debentures of manufacturing companies, not exceeding market value.
7. Other bonds, debentures and stocks, not exceeding market value.
8. Loans on the security of bonds, debentures, stocks, life insurance or other securities, less provision for estimated loss.
9. Loans on the security of mortgages or hypothecs on improved real estate, less provision for estimated loss.
10. Loans without collateral security, less provision for estimated loss.
11. Poor fund or Charity fund investments.
12. Bank premises, at cost, less provision for depreciation.
13. Other assets not included under the foregoing heads."

6. The repealed paragraphs read as follows:

"1. Notes of Bank of Canada and deposits with Bank of Canada and chartered banks.
2. Cash in hand other than notes of Bank of Canada.
3. Dominion and Provincial Government direct and guaranteed securities, (not exceeding market value).
4. Canadian municipal and school corporation bonds and debentures, (not exceeding market value).
5. Bonds and debentures of public utility companies, (not exceeding market value).
6. Bonds and debentures of manufacturing companies, (not exceeding market value).
7. Other bonds, debentures and securities, (not exceeding market value).
8. Loans to Dominion and Provincial Governments.
9. Loans for which bonds, debentures, stocks, life insurance or other securities are held as collateral security, (estimated loss provided for).
10. Loans without collateral security to municipal and school corporations, fabriques de paroisses, syndics governed by the Parish and Fabrique Act of the Province of Quebec, ecclestiastical and religious corporations and corporations operating hospitals and sanitaria, (estimated loss provided for).
11. Loans without collateral security to manufacturing companies, (estimated loss provided for).
12. Loans without collateral security to individuals, (estimated loss provided for).
13. Special Poor Fund or Charity Fund investments.
14. Investment in chartered bank stocks made previous to the incorporation of the bank, (not exceeding market value).
15. Bank premises, at not more than cost, less amounts (if any) written off.
16. Other assets not included under the foregoing heads."

The purpose is to clarify the manner in which the bank is required to itemize its assets and to take account of the amended lending powers.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Z[11].

An Act to amend The Saskatchewan Natural Resources Act.

Read a first time, Monday, 14th June, 1948.

Honourable Senator ROBERTSON.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
15002 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Z[11].

An Act to amend The Saskatchewan Natural Resources Act.

1930, c. 41; 1931, c. 51; 1947, c. 45.

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

Short Title.

1. This Act may be cited as *The Saskatchewan Natural Resources Act No. 4.*

Agreement confirmed.

2. The Agreement set out in the Schedule is hereby confirmed and shall take effect according to its terms.

Explanatory Notes.

By Agreement dated the 20th day of March, 1930, the Government of Canada transferred to the Government of Saskatchewan certain natural resources, including school lands. Paragraph 7 of the said Agreement provided that school lands so transferred to the province should be administered in accordance with the provisions of sections 37 to 40 of the *Dominion Lands Act.* Section 38 of the *Dominion Lands Act* required that all sales of school lands should be by public auction.

The Province of Saskatchewan now desires to have the said paragraph 7 of the Agreement of the 20th day of March, 1930, amended to enable the Government of Saskatchewan to sell school lands to veterans without the restriction imposed by section 38 of the *Dominion Lands Act.*

The necessary amendment to paragraph 7 is embodied in an agreement between the Government of Canada and the Government of Saskatchewan which was approved by Order in Council P.C. 2308, dated the 28th May, 1948, and which appears as a schedule to the bill. This agreement has not yet been confirmed by the Legislature of Saskatchewan.

SCHEDULE.

MEMORANDUM OF AGREEMENT made this 25th day of May, 1948,

BETWEEN

THE GOVERNMENT OF CANADA, represented herein by the Honourable James A. MacKinnon, Acting Minister of Mines and Resources,

OF THE FIRST PART,

and

THE GOVERNMENT OF SASKATCHEWAN, represented herein by the Honourable Isidore Charles Nollet, Minister of Agriculture,

OF THE SECOND PART.

WHEREAS the Agreement entered into between the parties hereto on the twentieth day of March, A.D. 1930, (hereinafter referred to as the Natural Resources Transfer Agreement), was duly approved by the Parliament of Canada and the Legislature of the Province, and upon an address to His Majesty from the Senate and House of Commons of Canada, was confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled *The British North America Act, 1930,* being chapter twenty-six of the Imperial Statutes, 20-21 George V;

AND WHEREAS by paragraph 26 of the said Natural Resources Transfer Agreement it was agreed that the provisions of the said Agreement might be varied by an Agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS the said Natural Resources Transfer Agreement came into force on the first day of October, A.D. 1930, in virtue of a further Agreement between the parties thereto, dated the seventh day of August, A.D. 1930, which was duly confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

AND WHEREAS it was provided by paragraph 7 of the said Natural Resources Transfer Agreement as follows:—

> "The school lands fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the *Dominion Lands Act*, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province, under the terms hereof, shall be set aside and shall continue to be administered by the Province

in accordance, mutatis mutandis, with the provisions of sections thirty-seven to forty of the *Dominion Lands Act*, for the support of schools organized and carried on therein in accordance with the law of the Province."

AND WHEREAS it has been agreed between Canada and the Province of Saskatchewan that the said paragraph 7 be amended as hereinafter set forth.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH as follows:

1. The said Natural Resources Transfer Agreement is hereby amended by adding to the above mentioned paragraph 7 the following words:

"School lands may be sold to veterans qualified to participate in the benefits of the *Veterans Land Act, 1942*, and amendments thereto, under and subject to terms and conditions to be prescribed by regulations made by the Lieutenant Governor in Council".

2. This Agreement is made subject to its being confirmed by the Parliament of Canada and by the Legislature of the Province of Saskatchewan and shall take effect on the first day of the calendar month beginning next after its confirmation, as aforesaid, whichever confirmation, that of the Parliament of Canada or that of the Legislature of the Province shall be later in date.

IN WITNESS WHEREOF the Honourable J. A. MacKinnon, Acting Minister of Mines and Resources, has hereunto set his hand on behalf of the Government of Canada; and the Honourable Isidore Charles Nollet, Minister of Agriculture, has hereunto set his hand on behalf of the Province of Saskatchewan.

Signed on behalf of the Government of Canada by the Honourable, the Acting Minister of Mines and Resources..... } Jas. A. MacKinnon

In the presence of W. C. Bethune..... }

Signed on behalf of the Government of Saskatchewan by the Honourable Isidore Charles Nollet, Minister of Agriculture.. } I. C. Nollet.

In the presence of E. E. Zora..... }

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL A[12].

An Act for the relief of Esther Leibof Kaufman.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
8185 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL A[12].

An Act for the relief of Esther Leibof Kaufman.

Preamble.

WHEREAS Esther Leibof Kaufman, residing at the city of Montreal, in the province of Quebec, wife of Irving William Kaufman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of October, A.D. 1929, at the city of New York, in the state of New York, one of the United States of America, she then being Esther Leibof; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Esther Leibof and Irving William Kaufman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsover.

Right to marry again.

2. The said Esther Leibof may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Irving William Kaufman had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[12].

An Act for the relief of Harold Clarence Simkin.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

5591

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL B[12].

An Act for the relief of Harold Clarence Simkin.

Preamble.

WHEREAS Harold Clarence Simkin domiciled in Canada and residing at the city of Montreal, in the province of Quebec, sales manager, has by his petition alleged that on the first day of May, A.D. 1935, at the city of Winnipeg, in the province of Manitoba, he and Pearl Josephine Comlins who was then of the said city of Winnipeg, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Harold Clarence Simkin and Pearl Josephine Comlins, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Harold Clarence Simkin may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Pearl Josephine Comlins had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL C[12].

An Act for the relief of Winnifred Emily Ford Salmon.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
9574 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL C[12].

An Act for the relief of Winnifred Emily Ford Salmon.

Preamble.

WHEREAS Winnifred Emily Ford Salmon, residing at the city of Montreal, in the province of Quebec, wife of Berle Barcus Salmon, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighth day of October, A.D. 1927, at the city of Winnipeg, in the province of Manitoba, she then being Winnifred Emily Ford, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Winnifred Emily Ford and Berle Barcus Salmon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Winnifred Emily Ford may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Berle Barcus Salmon had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL D[12].

An Act for the relief of Arthur Herbert John Louth.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

7632

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL D[12].

An Act for the relief of Arthur Herbert John Louth.

Preamble.

WHEREAS Arthur Herbert John Louth, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the eleventh day of November, A.D. 1939, at the said city, he and Helena Grace Chalette, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Arthur Herbert John Louth and Helena Grace Chalette, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Arthur Herbert John Louth may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Helena Grace Chalette had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E[12].

An Act for the relief of Frank Potts.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL E[12].

An Act for the relief of Frank Potts.

Preamble.

WHEREAS Frank Potts, domiciled in Canada and residing at the city of Verdun, in the province of Quebec, engineer, has by his petition alleged that on the eighteenth day of December, A.D. 1937, at the city of Swanick, in the county of Derby, England, he and Marguerita Leam, who was then of the city of Derby, England, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frank Potts and Marguerita Leam, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frank Potts may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marguerita Leam had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48

THE SENATE OF CANADA

BILL F12.

An Act for the relief of Kenneth Wright Williamson.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2736

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL F[12].

An Act for the relief of Kenneth Wright Williamson.

Preamble.

WHEREAS Kenneth Wright Williamson, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the second day of January, A.D. 1943, at the said city, he and Esther Catherine Tiberi, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kenneth Wright Williamson and Esther Catherine Tiberi, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kenneth Wright Williamson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Esther Catherine Tiberi had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[12].

An Act for the relief of Ida Goldman Adelstein.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJEST
CONTROLLER OF STATIONERY
7612 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL G[12].

An Act for the relief of Ida Goldman Adelstein.

Preamble.

WHEREAS Ida Goldman Adelstein, residing at the city of Montreal, in the province of Quebec, coat finisher, wife of Samuel Adelstein, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the thirty-first day of July, A.D. 1928, at the said city, she then being Ida Goldman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ida Goldman and Samuel Adelstein, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ida Goldman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Samuel Adelstein had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[12].

An Act for the relief of George Cohen.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

8177

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL H[12].

An Act for the relief of George Cohen.

Preamble.

WHEREAS George Cohen, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by his petition alleged that on the fifth day of January, A.D. 1936, at the said city, he and Doris Dubin, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between George Cohen and Doris Dubin, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said George Cohen may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Doris Dubin had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[12].

An Act for the relief of Katharine Lillian Cornish Mullin.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

4012

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL I[12].

An Act for the relief of Katharine Lillian Cornish Mullin.

Preamble.

WHEREAS Katharine Lillian Cornish Mullin, residing at the city of Lachine, in the province of Quebec, switchboard operator, wife of Llewellyn Michael Marpole Mullin, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of September, A.D. 1926, at the said city, she then being Katharine Lillian Cornish, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Katharine Lillian Cornish and Llewellyn Michael Marpole Mullin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Katharine Lillian Cornish may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Llewellyn Michael Marpole Mullin had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL J[12].

An Act for the relief of Orville Lester Bennett.

Read a first time, Wednesday, 16th June, 1948.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

9950

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL J[12].

An Act for the relief of Orville Lester Bennett.

Preamble.

WHEREAS Orville Lester Bennett, domiciled in Canada and residing at the township of South Hull, in the province of Quebec, lineman, has by his petition alleged that on the twenty-third day of April, A.D. 1938, at the city of Hull, in the said province, he and Edith Winnifred Foley, who was then of the town of Quyon, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Orville Lester Bennett and Edith Winnifred Foley, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Orville Lester Bennett may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edith Winnifred Foley had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[12].

An Act for the relief of May Holmes Martin.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
2698 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL K[12].

An Act for the relief of May Holmes Martin.

Preamble.

WHEREAS May Holmes Martin, residing at the city of Westmount, in the province of Quebec, wife of Thomas Frederick Martin, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the fifth day of April, A.D. 1930, at the said city of Montreal, she then being May Holmes, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between May Holmes and Thomas Frederick Martin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said May Holmes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas Frederick Martin had not been solemnized.

377

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL L[12].

An Act for the relief of Georgette Mathias.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

13418

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL L[12].

An Act for the relief of Georgette Mathias.

Preamble.

WHEREAS Georgette Mathias, residing at the city of Montreal, in the province of Quebec, typist, wife of David Francis Mathias, who is domiciled in Canada and residing at the town of Dorval, in the said province, has by her petition alleged that they were married on the twenty-second day of February, A.D. 1943, at the city of Ottawa, in the province of Ontario, she then being Georgette Crawshaw, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Georgette Crawshaw and David Francis Mathias, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Georgette Crawshaw may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said David Francis Mathias had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL M[12].

An Act for the relief of Gladys Odella Sweet Elliott.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
7092 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL M[12].

An Act for the relief of Gladys Odella Sweet Elliott.

Preamble.

WHEREAS Gladys Odella Sweet Elliott, residing at the town of Phillipsburg, in the province of Quebec, wife of Henry Alfred Elliott, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the twenty-ninth day of July, A.D. 1931, at the said town, she then being Gladys Odella Sweet, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gladys Odella Sweet and Henry Alfred Elliott, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gladys Odella Sweet may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Alfred Elliott had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N[12].

An Act for the relief of Robert Charles Delafosse.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2216

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL N[12].

An Act for the relief of Robert Charles Delafosse.

Preamble.

WHEREAS Robert Charles Delafosse, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, conductor, has by his petition alleged that on the twenty-third day of September, A.D. 1935, at the said city, he and Edna Evelyn Catherine Fennell, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Charles Delafosse and Edna Evelyn Catherine Fennell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Charles Delafosse may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edna Evelyn Catherine Fennell had not been solemnized.

380

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL O[12].

An Act for the relief of Adelaide Jardine McDonald.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
2562 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL O[12].

An Act for the relief of Adelaide Jardine McDonald.

Preamble.

WHEREAS Adelaide Jardine McDonald, residing at the city of Toronto, in the province of Ontario, clerk, wife of Gordon McDonald, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the thirtieth day of June, A.D. 1932, at the said city of Montreal, she then being Adelaide Jardine, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Adelaide Jardine and Gordon McDonald, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Adelaide Jardine may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gordon McDonald had not been solemnized.

381

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL P12.

An Act for the relief of Edith McLachlan Ward.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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CONTROLLER OF STATIONERY
1948

13422

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL P12.

An Act for the relief of Edith McLachlan Ward.

Preamble.

WHEREAS Edith McLachlan Ward, residing at the city of Montreal, in the province of Quebec, bookkeeper, wife of Gilbert Francis Ward, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of August, A.D. 1940, at the said city, she then being Edith McLachlan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith McLachlan and Gilbert Francis Ward, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith McLachlan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gilbert Francis Ward had not been solemnized.

382

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Q[12].

An Act for the relief of Eva Lamothe Paquin.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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CONTROLLER OF STATIONERY
1948

7630

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Q[12].

An Act for the relief of Eva Lamothe Paquin.

Preamble.

WHEREAS Eva Lamothe Paquin, residing at the city of Montreal, in the province of Quebec, clerk, wife of Marie Joseph Donat Paquin, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourth day of January, A.D. 1921, at the said city, she then being Eva Lamothe, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Lamothe and Marie Joseph Donat Paquin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Lamothe may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Marie Joseph Donat Paquin had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL R[12].

An Act for the relief of Elizabeth Iris Lobar Kinnon.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

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CONTROLLER OF STATIONERY
1948

5259

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL R[12].

An Act for the relief of Elizabeth Iris Lobar Kinnon.

Preamble.

WHEREAS Elizabeth Iris Lobar Kinnon, residing at the city of Montreal, in the province of Quebec, wife of Harold Robert William Kinnon, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-second day of August, A.D. 1944, at the said city, she then being Elizabeth Iris Lobar, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Iris Lobar and Harold Robert William Kinnon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Iris Lobar may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harold Robert William Kinnon had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL S[12].

An Act for the relief of Jeanne Obodofsky Newton.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

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CONTROLLER OF STATIONERY
7174 1948

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL S[12].

An Act for the relief of Jeanne Obodofsky Newton.

Preamble.

WHEREAS Jeanne Obodofsky Newton, residing at the city of Montreal, in the province of Quebec, machine operator, wife of Charles Edward Newton, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the sixteenth day of March, A.D. 1940, at the city of Quebec, in the said province, she then being Jeanne Obodofsky, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jeanne Obodofsky and Charles Edward Newton, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jeanne Obodofsky may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Edward Newton had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL T[12].

An Act for the relief of Philip Sidilkofsky.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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CONTROLLER OF STATIONERY
1948

9560

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL T[12].

An Act for the relief of Philip Sidilkofsky.

Preamble.

WHEREAS Philip Sidilkofsky, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, traveller, has by his petition alleged that on the sixth day of April, A.D. 1941, at the said city, he and Ruth Alvina Bennett, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Philip Sidilkofsky and Ruth Alvina Bennett, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Philip Sidilkofsky may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ruth Alvina Bennett had not been solemnized.

J86

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U12.

An Act for the relief of Rhoda Marjorie Beacom Sadler.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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CONTROLLER OF STATIONERY
1948

1680

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL U[12].

An Act for the relief of Rhoda Marjorie Beacom Sadler.

Preamble.

WHEREAS Rhoda Marjorie Beacom Sadler, residing at the city of Montreal, in the province of Quebec, waitress, wife of William Arthur Sadler, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of April, A.D. 1926, at the said city, she then being Rhoda Marjorie Beacom, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rhoda Marjorie Beacom and William Arthur Sadler, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rhoda Marjorie Beacom may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Arthur Sadler had not been solemnized.

Fourth Session, Twentieth Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V12.

An Act for the relief of Becky Herscovitch Moscovitch.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

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4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL V[12].

An Act for the relief of Becky Herscovitch Moscovitch.

Preamble.

WHEREAS Becky Herscovitch Moscovitch, residing at the city of Montreal, in the province of Quebec, clothing finisher, wife of Benny Moscovitch, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-second day of June, A.D. 1918, at the said city, she then being Becky Herscovitch, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Becky Herscovitch and Benny Moscovitch, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Becky Herscovitch may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Benny Moscovitch had not been solemnized.

388

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL W12.

An Act for the relief of Veronica Conrick Pelley.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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CONTROLLER OF STATIONERY
1948

1563

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL W12.

An Act for the relief of Veronica Conrick Pelley.

Preamble.

WHEREAS Veronica Conrick Pelley, residing at the city of Montreal, in the province of Quebec, waitress, wife of Gilbert Joseph Pelley, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of August, A.D. 1940, at the said city, she then being Veronica Conrick, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Veronica Conrick and Gilbert Joseph Pelley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Veronica Conrick may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Gilbert Joseph Pelley had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL X[12].

An Act for the relief of William Bryan Hazel.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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CONTROLLER OF STATIONERY
1948

1391

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL X[12].

An Act for the relief of William Bryan Hazel.

Preamble.

WHEREAS William Bryan Hazel, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, soldier, has by his petition alleged that on the fifth day of December, A.D. 1942, in the district of Wainford, in the county of East Suffolk, England, he and Joyce Evelyn Balls, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Bryan Hazel and Joyce Evelyn Balls, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Bryan Hazel may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Joyce Evelyn Balls had not been solemnized.

390

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Y12.

An Act for the relief of Victorien Tremblay.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
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CONTROLLER OF STATIONERY
1948

6362

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Y[12].

An Act for the relief of Victorien Tremblay.

Preamble.

WHEREAS Victorien Tremblay, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chauffeur, has by his petition alleged that on the twenty-fourth day of May, A.D. 1941, at Anerley, in the county of Kent, England, he and Vera Elsie Hill, who was then of the city of Croydon, in the county of Sussex, England, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Victorien Tremblay and Vera Elsie Hill, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Victorien Tremblay may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Vera Elsie Hill had not been solemnized.

Fourth Session, Twentieth Parliament, 11–12 George VI, 1947–48.

THE SENATE OF CANADA

BILL Z[12].

An Act for the relief of Pierre Behocaray.

AS PASSED BY THE SENATE, 17th JUNE, 1948.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

2706

4th Session, 20th Parliament, 11-12 George VI, 1947-48.

THE SENATE OF CANADA

BILL Z[12].

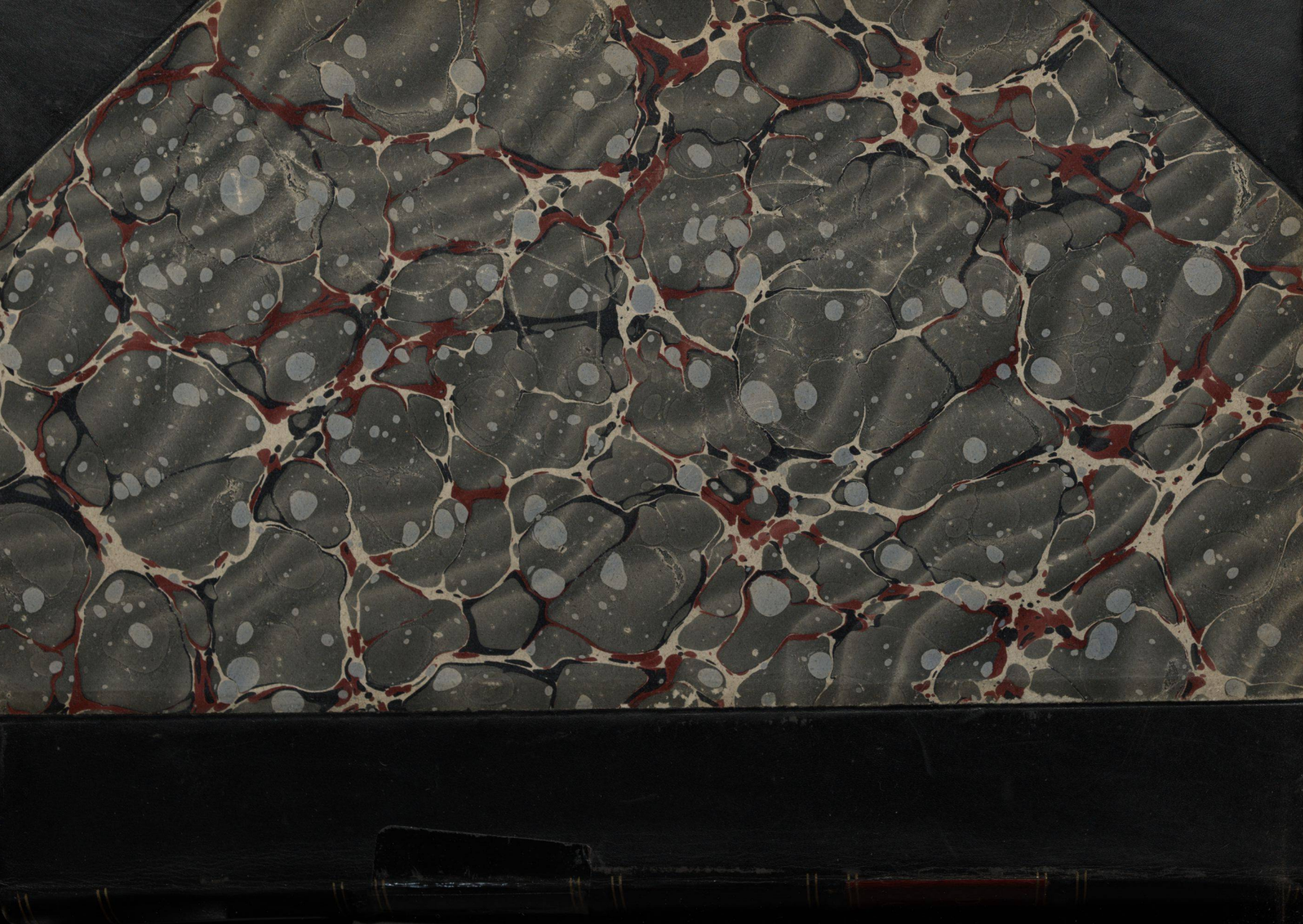
An Act for the relief of Pierre Behocaray.

Preamble.

WHEREAS Pierre Behocaray, domiciled in Canada and residing at the city of Sherbrooke, in the province of Quebec, confectioner, has by his petition alleged that on the second day of December, A.D. 1924, at the city of Paris, France, he and Catherine Behocaray, who was then of the said city of Paris, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved, and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Pierre Behocaray and Catherine Behocaray, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Pierre Behocaray may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Catherine Behocaray had not been solemnized.