Canada. Laws, Statutes, etc.

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CANADA
HOUSE OF COMMONS

21st Parliament, 4th Session
1951

BILLS (First Reading)

- Dominion Day Act and Victoria Day Act amdt. Mr. MacDougall C- 2
- Criminal Code amdt. (subversive activities). Mr. LaCroix C- 3
- Industrial Relations and Disputes Investigation Act amdt. (voluntary revocable check-off). Mr. Knowles C- 4
- Canadian Wheat Board Act amdt. Mr. Howe C- 5
- Canadian National Railways (appointment of auditors). Mr. Chevrier C- 6
- Immigration Act amdt. Mr. Arsenault C- 23
- Emergency powers. Mr. St. Laurent C- 24
- Defence production. Mr. St. Laurent C- 77
- Farm Improvement Loans Act amdt. Mr. Abbott C- 78
- Indian Act amdt. Mr. Harris (Grey-Bruce) C- 79
- Foreign Exchange Control Act amdt. Mr. Abbott C-147
- Interim supply bill. Mr. Abbott C-169
- Supply (supplementaries). Mr. Abbott C-173
- Yukon Act amdt. Mr. Winters C-188
- Northwest Territories Act amdt. Mr. Winters C-189
- Prisons and Reformatories Act amdt. Mr. Garson C-191
- Petition of Right Act amdt. Mr. Garson C-192
- Weights and Measures Act amdt. Mr. Howe C-193
- Emergency Gold Mining Assistance Act amdt. Mr. Prudham C-194
- Consumer Credit (Temporary Provisions) Act amdt. Mr. Abbott C-195
- Hamilton Harbour Commission Act amdt. Mr. Chevrier C-196
- Aeronautics Act amdt. Mr. Chevrier C-197
- Customs Act amdt. Mr. McCann C-198
- Income Tax Act amdt. Mr. Knowles C-199
- Canadian Commercial Corporation Act amdt. Mr. Howe C-284

- Canadian and British Insurance Companies Act amdt. Mr. Abbott C-285
- Veterans Business and Professional Loans Act amdt. Mr. Abbott C-286
- Veterans benefit. Mr. Lapointe C-287
- Pension Act amdt. Mr. Lapointe C-288
- Laurier house. Mr. St. Laurent C-289
- Kingsmere park. Mr. St. Laurent C-290
- Government Employees Compensation Act amdt. Mr. Gregg C-291
- North Fraser Harbour Commissioners Act amdt. Mr. Chevrier C-292
- Length and mass units. Mr. Howe C-293
- Excise Tax Act amdt. Mr. Abbott C-294
- Customs Tariff amdt. Mr. Abbott C-295
- Income Tax Act amdt. Mr. Abbott C-296
- Post office. Mr. Rinfret C-322
- Meat packing industry. Mr. Stewart (Winnipeg North) C-333
- Exchequer Court jurisdiction on divorce. Mr. Knowles C-334
- Veterans Insurance Act amdt. Mr. Lapointe C-352
- Supply (interim). Mr. Abbott C-353
- Weights and measures. Mr. Howe C-355
- Canada-Sweden income tax agreement. Mr. McCann C-372
- Canada-France succession duty convention. Mr. McCann C-373
- Canada-France income tax convention. Mr. McCann C-374
- Prairie Farm Rehabilitation Act amdt. Mr. Gardiner C-375
- Canadian National Railways (Sherridon-Lynn Lake line). Mr. Chevrier C-376
- Railway Act amdt. Mr. Chevrier C-377
- Canadian National-Canadian Pacific Act amdt. Mr. Chevrier C-378
- Maritime Freight Rates Act amdt. Mr. Chevrier C-379
- Manitoba natural resources agreement amdt. Mr. Abbott C-385
- Alberta natural resources agreement amdt. Mr. Abbott C-386
- Saskatchewan natural resources agreement amdt. Mr. Abbott C-387
- Fair employment practices. Mrs. Fairclough C-388
- Returned Soldiers Insurance Act amdt. Mr. Lapointe C-389

- Municipal grants. Mr. Abbott C-390
- Criminal Code (offensive weapons, sedition, etc.) amdt. Mr. Garson C-391
- Canadian National railways (refunding obligations, etc.). Mr. Abbott C-392
- Canadian National Railways (capital expenditures, etc.). Mr. Chevrier C-393
- Old age assistance. Mr. Martin C-395
- Blind persons. Mr. Martin C-396
- Federal District Commission Act amdt. Mr. St. Laurent C-397
- Financial administration. Mr. Abbott C-401
- Canada lands surveys. Mr. Prudham C-402
- Canada dairy products. Mr. Gardiner C-403
- Dominion Elections Act amdt. Mr. Bradley C-404
- Judges Act amdt. Mr. Garson C-405
- Supply. Mr. Abbott C-406

LIST OF ACTS

SESSION 1951

FOURTH SESSION, TWENTY-FIRST PARLIAMENT, 15 GEORGE VI, 1951.

LIST OF PUBLIC ACTS OF CANADA WITH CHAPTER NUMBERS AND DATES OF ASSENT.

ASSENTED TO MARCH 21, 1951.

CHAP.		BILL NO.
1.	Appropriation Act, No. 1, 1951, The (Interim)	169
2.	Appropriation Act, No. 2, 1951, The (Further Supplementary)	173
3.	Canadian Wheat Board Act, 1935, An Act to amend The	5
4.	Defence Production Act, The	77
5.	Emergency Powers Act, The	24
6	Farm Improvement Loans Act, 1944, An Act to amend The	78
7.	Foreign Exchange Control Act, An Act to amend The	147

ASSENTED TO MAY 31, 1951.

8.	Appropriation Act, No. 3, 1951, The	353
9.	Auditors for National Railways, An Act respecting the appointment of	6
10.	Bridge over the St. Lawrence River at or near the Town of Valleyfield, in the Province of Quebec, An Act respecting the Construction and Maintenance of a	E6-148
11.	Canadian and British Insurance Companies Act, 1932, An Act to amend The	285
12.	Canadian Citizenship Act, An Act to amend The	F6-172
13.	Canadian Commercial Corporation Act, An Act to amend The	284
14.	Consumer Credit (Temporary Provisions) Act, An Act to amend The	195
15.	Export and Import Permits Act, An Act to amend The	W2-130
16.	Government Employees Compensation Act, 1947, An Act to amend The	291
17.	Hamilton Harbour Commissioners, An Act respecting The	196
18.	Kingsmere Park, An Act respecting	290
19.	Laurier House, An Act respecting	289
20.	Migratory Birds Convention Act, An Act to amend the	V-80
21.	Northwest Territories Act, An Act to amend the	189
22.	Radio Act, 1938, An Act to amend The	W-76
23.	Yukon Act, An Act to amend the	188

ASSENTED TO JUNE 20, 1951.

24.	Central Mortgage and Housing Corporation Act, An Act to amend The	M12-380
25.	Criminal Code. (Race Meetings) An Act to amend The	P11-357
26.	Customs Act, An Act to amend the	198
27.	Customs Tariff, An Act to amend the	295
28.	Excise Tax Act, An Act to amend the	294
29.	Indian Act, The	79

LIST OF PUBLIC ACTS OF CANADA WITH CHAPTER NUMBERS AND DATES OF ASSENT—*Conc.*

CHAP.		BILL NO.
30.	Juvenile Delinquents Act, 1929, An Act to amend The	D11-344
31.	Length and Mass Units Act, The	293
32.	National Housing Act, 1944, An Act to amend The	R12-381
33.	Petition of Right Act, An Act to amend the	192
34.	Prisons and Reformatories Act, An Act to amend the	191
35.	Quebec Savings Banks Act, An Act to amend the	D10-338
36.	Weights and Measures Act, The	355

ASSENTED TO JUNE 30, 1951.

37.	Alberta Natural Resources Transfer (Amendment) Act, 1951, The	386
38.	Blind Persons Act, The	396
39.	Canada Dairy Products Act, The	403
40.	Canada-France Income Tax Convention Act, 1951, The	374
41.	Canada-France Succession Duty Convention Act, 1951, The	373
42.	Canada-Sweden Income Tax Agreement Act, 1951, The	372
43.	Canadian National Railways and to authorize the acquisition of the railway of The Quebec Railway, Light and Power Company An Act respecting	X12-399
44.	Canadian National Railway Company from Sherridon to Lynn Lake, in the Province of Manitoba, An Act respecting the construction of a line of railway by	376
45.	Canadian National Railways Financing and Guarantee Act, 1951	393
46.	Canadian National Railways Refunding Act, 1951	392
47.	Criminal Code, An Act to amend the	391
48.	Dominion Elections Act, 1938, An Act to amend The	404
49.	Emergency Gold Mining Assistance Act, An Act to amend The	194
50.	Federal District Commission Act, 1927, An Act to amend The	397
51.	Income Tax Act, An Act to amend The	296
52.	Judges Act, 1946, An Act to amend The	405
53.	Manitoba Natural Resources Transfer (Amendment) Act, 1951	385
54.	Municipal Grants Act, The	390
55.	Old Age Assistance Act, The	395
56.	Pension Act and change the Title thereof, An Act to amend The	288
57.	Post Office Act, The	322
58.	Prairie Farm Rehabilitation Act, An Act to amend The	375
59.	Returned Soldiers' Insurance Act, An Act to amend The	389
60.	Saskatchewan Natural Resources Transfer (Amendment) Act, 1951	387
61.	Supreme Court Act, An Act to amend the	Y12-400
62.	Veterans Benefit Act, 1951, The	287
63.	Veterans' Business and Professional Loans Act, An Act to amend The	286
64.	Veterans Insurance Act, An Act to amend The	352
65.	Appropriation Act, No. 4, 1951, The	406

LIST OF LOCAL AND PRIVATE ACTS OF CANADA WITH CHAPTER NUMBERS AND DATES OF ASSENT.

CHAP.		BILL NO.
	ASSENTED TO MARCH 21, MAY 31, JUNE 20 AND JUNE 30, 1951.	
	RAILWAY COMPANIES.	
66.	Canadian Pacific Railway Company, An Act respecting	C11-356
	INSURANCE, TRUST AND LOAN COMPANIES.	
67.	Canadian Slovak Benefit Society, An Act respecting	O11-365
68.	Co-operative Fire and Casualty Company, An Act to incorporate...	D12-367
—	First Canadian Reinsurance Company, An Act to incorporate (*See* Great Lakes Reinsurance Company—Chap. 69)	V11-354
69.	Great Lakes Reinsurance Company, An Act to incorporate The..	V11-354
70.	Industrial Loan and Finance Corporation, An Act respecting.....	A10-335
71.	Mercantile and General Reinsurance Company of Canada Limited, An Act to incorporate The	G6-177
72.	Missisquoi and Rouville Insurance Company, An Act to incorporate The	E12-366
73.	Traders General Insurance Company, An Act to incorporate.....	G-39
74.	Trust and Loan Company of Canada, An Act respecting The.....	W12-398
	RELIGIOUS CORPORATIONS.	
75.	Baptist Union of Western Canada, An Act to incorporate The.....	B10-336
76.	Evangelical Lutheran Church of Canada, An Act to incorporate The	D-8
77.	Hutterian Brethren Church, An Act to incorporate The	B-7
78.	Polish National Catholic Church of America in Canada, An Act to incorporate The	I7-268
79.	Ruthenian Greek Catholic Episcopal Corporation of Canada, An Act respecting the	W5-174
80.	Scripture Gift Mission (Canada) Incorporated, An Act to incorporate The	T6-267
81.	Ukrainian Catholic Episcopal Corporation of Eastern Canada, An Act to incorporate The	Y5-176
82.	Ukrainian Catholic Episcopal Corporation of Saskatchewan, An Act to incorporate The	C10-337
83.	Ukrainian Catholic Episcopal Corporation of Western Canada, An Act to incorporate The	X5-175
84.	United Church of Canada Act, An Act to amend The	C-22
	OTHER COMPANIES.	
85.	British Columbia Telephone Company, An Act respecting.....	E-116
—	Canadian Institute of Chartered Accountants, The (*See*—Dominion Association of Chartered Accountants—Chap 89).....	H-40
86.	Canadian Legion of the British Empire Service League, An Act respecting the	G5-190
87.	Canadian-Montana Pipe Line Company, An Act to incorporate...	L1-117
88.	Champion Pipe Line Corporation Limited, An Act to incorporate..	U6-321
89.	Dominion Association of Chartered Accountants, An Act respecting The	H-40
90.	Hanks, An Act respecting a certain patent application of George R.	F4-131
91.	Independent Pipe Line Company, An Act to incorporate.....	D8-269
92.	Trans-Canada Pipe Lines Limited, An Act to incorporate.....	F-75
93.	Trans Mountain Oil Pipe Line Company, An Act to incorporate....	M1-115

DIVORCES

ASSENTED TO MARCH 21, MAY 31 AND JUNE 30, 1951.

CHAP.		BILL NO.
94.	Akstinas, Birute Elena Vaitkunaite	T11-342
95.	Allaire, Aline Alina Buka	T1-46
96.	Allen, Mildred Ann Sinclair	A12-349
97.	Anderson, Lorraine Colville Watson	Y7-228
98.	Andrews, Yvonne Winifred Kathleen Walker	H11-326
99.	Ashmore, Lucille Ida Fenlon	J8-238
100.	Astroff, Ann	L12-64
101.	Ayer, Homer Leavitt	P3-99
102.	Ayton, Isabella Potts Younger	X-25
103.	Baker, Norma Phoebe Mary Buchanan	M3-96
104.	Bard, Thelma Rosenberg Schwarz	P7-219
105.	Barnett, Margaret Isobel	O7-218
106.	Bartholomew, Ethelbert Deniston Joseph	C5-143
107.	Bartlett, Howard Wesley	J10-302
108.	Bell, Beatrice Watson	Y10-317
109.	Bell, Emma Laronde (Delaronde)	S11-341
110.	Bennett, Margaret Elizabeth Audrey Midgley	M2-65
111.	Bercovitch, Cerna Segall	T2-72
112.	Berger, Leah Berniker	J6-178
113.	Bernstein, Rose Pap	H5-149
114.	Besner, Judith Francis Cohen	P-16
115.	Bialer, Anne Cohen	P5-157
116.	Bigaouette, Marie Jeanne Dragon	P4-128
117.	Bissonnette, Dorothy Agnes Bell	Z8-254
118.	Bjarnason, Marie Madeleine Pauline Parent	K9-265
119.	Blackadar, Kathleen Beatrice Denman	P1-42
120.	Boisjoly, Rodolphe	L12-364
121.	Boisvert, Ellen Agnes Evans	V6-200
122.	Boon, Kathleen Agnes Margaret Saddleton Pout	N2-66
123.	Boyer, Raymond	S1-45
124.	Boyle, Edna Donnelly	L3-95
125.	Bragdon, Catherine Veronica Joynt	O6-183
126.	Brock, Addie Jane Monica Wright	E10-297
127.	Brooks, Brigitte Dorothea Felicity Gutmann Lowenbach	R2-70
128.	Brousseau, Marie Elizabeth Rose Ange Cousineau	V12-394
129.	Browman, Roslyn Beverly Gold	C3-86
130.	Brown, Rebecca Glicofsky	W3-106
131.	Buhr, Brenda Mary Powell-Tuck	S3-102
132.	Bullock, Agnes Mary Binnie	D9-258
133.	Caduc, Dorothy Chaffee	Q12-371
134.	Cameron, Elsie Mary Harrop	I9-263
135.	Campeau, Mary Margaret Lillian Phillips	D2-56
136.	Carey, Violet Taylor	J11-328
137.	Caron, Marie Madeleine Clemence McKenzie	P8-244
138.	Carrieres, Colette Clement	F7-210
139.	Charland, Laurette Trudel	V10-314
140.	Churchill, Ernest	V2-74
141.	Cleghorn, Marion Agnes Kelsch	N11-332
142.	Cohen, Frances Helen Shulman	C9-257
143.	Collins, Marion Evelyn Peak	F12-358
144.	Connor, Joseph Taite	G2-59
145.	Cook, Emily Ivy Rose	O3-98
146.	Cook, Marguerite Marie Rita Fournier	D4-113
147.	Couldrey, Ann Smith	O9-272
148.	Courcy, Kathleen Harrington	D7-208
149.	Coutu, Jean Camille Antoine	G8-235
150.	Coviensky, Sarah Kamichik	X11-346
151.	Crassowski, Francoise Brunet	A4-110
152.	Cullen, Donald Benedict	J1-37

DIVORCES—*Cont.*

CHAP.		BILL NO.
153.	Cuthbertson, Eugenia Jean Diakonuk	C1-30
154.	Darby, Edward Stanley	Z7-229
155.	Deguire, Gaston	U7-224
156.	de Lall, Frances Danforth Stephens Ross	K-11
157.	Desjardins, Albert Edouard	R1-44
158.	Desjardins, Evelyn Serchuk	R9-275
159.	Deutsch, Bella Rashkin	T5-161
160.	Dinelle, Lovannez Chartrand	O10-307
161.	Dolny, Olga Kushner	F2-58
162.	Donaldson, John Cook	S10-311
163.	Dossin, Margaret Beatrice Tynan	U1-47
164.	Duchesne, Joseph	H12-360
165.	Duddridge, Gwendoline Mary Teresa Sullivan	B11-320
166.	Duplessis, Marie Blanche Amilda Lessard	J4-122
167.	Duquette, Rollande Cecile Larocque	Q7-220
168.	Elliott, Beulah Nellie	U8-249
169.	Evans, Myrtle Louise Vassell	R8-246
170.	Ewaldt, Doris May Thompson	U10-313
171.	Feigelman, Betty Roseman	Z6-204
172.	Findlay, Violet Edith Hack	S2-71
173.	Fink, Jean Troster	V7-225
174.	Finlayson, Anna Kirk Rosborough	J9-264
175.	Finley, Eugenie Marjorie Ross	I12-361
176	Fiset, Marie Leontine Juliette Henriette Giguere	X1-50
177.	Fitleberg, Minnie Engle	K5-152
178.	Flesch, Ida Courland Rubin	G11-325
179.	Flewitt, Edward Albert	C2-55
180.	Flipping, Dorothy Isabel Pitcher	F3-89
181.	Foley, Paulette Joly	J3-93
182.	Forman, Rachel Aizer	A7-205
183.	Foster, Lois Christine Flemming	M6-181
184.	Fournier, Elphège	U12-384
185.	Fraser, Gertrude Job	K7-214
186.	Fritsch, Rolande Dumas	D3-87
187.	Frosst, Daphne May Hodgson	L-12
188.	Fryer, Muriel Edna Glass	R11-340
189.	Getzler, Sarah Alice Thompson	P6-184
190.	Gibson, Phyllis Eileen Paris	X7-227
191.	Gilman, Mary Margaret Urquhart Cuthbert	V4-136
192.	Gingras, Doris Auclair	L11-330
193.	Ginsberg, Sylvia Miller	G3-90
194.	Glenday, Beatrice Vida Harriett Hunnisett	M7-216
195.	Goldsmith, Saul Samuel	Q2-69
196.	Goodman, Ruth Landan	A2-53
197.	Grant, Bertha Ellen Bradley	R3-101
198.	Grant, Jacqueline Yvonne Suzanne Stuker	B5-142
199.	Grater, Jack Harold Frederick	T4-134
200.	Greco, Marie Rose Berthe Bernard	E9-259
201.	Green, Edna May Walker	R6-186
202.	Green, Margaret Isabel Ward	W4-137
203.	Greenberg, Rose Pakidailo	O4-127
204.	Greenleaf, Muriel Bruce Higgins	W6-201
205.	Greenshields, William Stevenson	W10-315
206.	Hague, John Andrew	I-9
207.	Hajaly, Julia Saykaly	K11-329
208.	Hallam, Grace Andersen	Q6-185
209.	Harris, Violet Edith Macdonald	Z3-109
210.	Heaney, Mona Patricia Kiddie	L9-266
211.	Henderson, George Keith	U11-343
212.	Houghton, Eileen Haswell	P2-68

DIVORCES—*Cont.*

CHAP.		BILL NO.
213.	Humphreys, Theresa Verna Brisson	N12-368
214.	Hunt, Mary Louise Webster	I4-121
215.	Jacques, Mansell Reginald	B8-231
216.	Jameson, William Alfred	F8-234
217.	Jekkel, Terez (Therese) Baranyai	V8-250
218.	Jewer, Eli Wilson	T8-248
219.	Johnson, Eileen Florence Alma Hinton	A6-165
220.	Jones, Gertrude Banner	A9-255
221.	Jones, Gladys Eliza Cartwright	U5-162
222.	Jones, Margaret Alice McDermid	Y-26
223.	Jorgensen, Clare Kent Gerrie	K10-316
224.	Jorgensen, Ilse Helen Kneutgen	I10-301
225.	Jurewicz, Anna Goralczyk	E7-209
226.	Katinoglou, Stephanos	K10-303
227.	Keane, Flora Muriel Crane	S12-382
228.	Kennedy, Geraldine Mae Cuffe	I8-237
229.	Kennedy, Jane Louise Welle	J-10
230.	Kidd, Phoebe Ross	P9-273
231.	Kidman, Bertram Kenneth	V9-279
232.	Kirkman, Mona Fern Barton	Z9-283
233.	Kirzner, Selma Rokowsky	X3-107
234.	Kovacs, Mihaly	V3-105
235.	Krilyk, Andrew	W8-251
236.	Lalonde, Elizabeth Cochrane Aitchison	I11-327
237.	Landry, Raymond	M10-305
238	Lane, Lloyd William	N10-306
239.	Langlois, Ferdinand	Y3-108
240.	Lansing, Ruth Moffat Bell	D1-31
241.	Lanthier, Paulette Charbonneau	U2-73
242.	Latkowski, Mary Zientek	E2-57
243.	Latour, Estelle Tetreau	Y9-282
244.	Lawrence, Henry John	R5-159
245.	Leatherdale, Jeannine Lafleur	U9-278
246.	LeBlanc, Paul Emile	F9-260
247.	Lees, Beatrice Sullivan	Y2-82
248.	Leftly, Elmsley Alexander	Z1-52
249.	Lemieux, Joseph Maurice Fernando	I1-36
250.	Levesque, Carol Elisabeth Chute	L5-153
251.	Levesque, Real	X6-202
252.	Levitt, Ivy Lucas	C4-112
253.	Levy, Grace Shirley Kraminsky	S5-160
254.	Lewis, Alice Ann Gordon	Q9-274
255.	Lichtenstein, Irmgard Magdalena Hetzel	M9-270
256.	Lippiatt, Evelyn Maria Bianchi	F10-298
257.	Lipson, Nell Gohenberg	B3-85
258.	Lummis, Doris Mary Thompson	X9-281
259.	Lyons, Yvette Ernestine Gagnon	N4-126
260.	MacArthur, Marion Cruickshank	Z10-318
261.	Mackenzie, Maeve Mary Margaret McPherson	O-15
262.	MacKinnon, Dora Greenwell	Q1-43
263.	MacLean, Archibald Kenneth	C12-351
264.	Mallette, Gabrielle Robert	B12-350
265.	Marchand, Leon Simon	G10-299
266.	Martel, Jean-Maurice	K2-63
267.	Mayou, Josephine Gibson Clark	Q5-158
268.	Mazzalongo, Maria Silvaggio	A5-141
269.	McCallum, Kathleen Merle McCullough	U4-135
270.	McCormack, Bernard Kenneth	A8-230
271.	McCormick, Mabel Caroline Lay Redburn	S4-133
272.	McEwen, Ritchie Leslie	B6-166

DIVORCES—*Cont.*

Chap.		Bill No.
273.	McKeown, Margo Clare McManus	S8-247
274.	McMullen, Doris Demree	U-21
275.	McRandall, Eileen McDermott	T3-103
276.	Meller, Yetta Handler	L10-304
277.	Melnick, Julia Starr	E8-233
278.	Michael, Florence Lachovitz	B1-29
279.	Michael, Mary Ruth Langlois	Y6-203
280.	Millman, Jeanne Wigdor	S7-222
281.	Moisan, Joseph Napoleon Romeo	N6-182
282.	Molson, Celia Frances Cantlie	M-13
283.	Moore, Ivy Grace Barnsdale	P12-370
284.	Moran, Viola Rupert	H6-170
285.	Morin, Irene Bourgeau	O5-156
286.	Moscoutis, Sophie Kotsos	P10-308
287.	Mulvey, Patricia Galley	R-18
288.	Neveu, Hortense Marie Therese Loiese	Z5-164
289.	Neveu, Joseph Arthur	C7-207
290.	Nichol, Olive Marguerite Cann	Q4-129
291.	Nielsen, Carl Marius	H7-212
292.	Ober, Esther Marie Henning	Y1-51
293.	Oleschuk, Bill	O2-67
294.	Orr, Marie Rose Vachon	D6-168
295.	Paquin, Georges	M11-331
296.	Paradis, Romeo	B7-206
297.	Parrott, Gerald Tudor	W1-49
298.	Parsons, Harold Dimond	X8-252
299.	Pieluch, Taras	G9-261
300.	Pike, Opal Jean Ellis	T12-383
301.	Piuze, Paul Emile	E4-114
302.	Pratt, Frederick John	Y4-139
303.	Priestman, Ruth Helen Findlay Paterson	H10-300
304.	Prosser, Arthur David	N8-242
305.	Quenneville, Cecile Duguay	G1-34
306.	Quinn, Martin Raymond	O1-41
307.	Racine, Grace Gloria Ramsey	N3-97
308.	Racine, Marie Laure Jacqueline Patenaude	Q11-339
309.	Raizman, Ela	K8-239
310.	Ralston, Kathryn Louise Morrison	V1-48
311.	Ram, Dorothy Shapiro	O12-369
312.	Ranger, Capitola Jodoin	T7-223
313.	Ritchie, Edith Frances Storrier	E3-88
314.	Roberts, Kurt, otherwise known as Kurt Rosenbaum	E1-32
315.	Robinson, Kathleen Louise Jones	Z2-83
316.	Robinson, Lottie Aileen Wright	M8-241
317.	Rodin, Shirley Titleman	M4-125
318.	Rogers, Myrtle Dorcas Perry	A3-84
319.	Romeo, Antonio	G4-119
320.	Rondeau, Helen Marion Peacock	J12-362
321.	Rosen, Philip	I6-171
—	Rosenbaum, Kurt, (*See* Roberts, Kurt, Chap. 314)	E1-32
322.	Roxburgh, Joyce Margaret Wright	H9-262
323.	Sabourin, Joseph Alfred	W11-345
324.	Sauve, Muriel Violet Marcella Barkas	L6-180
325.	Savage, Georgina Catherine Christie	N5-155
326.	Schwartz, Ann Galganov	I2-61
327.	Segal, Anne Fineman	K4-123
328.	Senecal, Fernand	H3-91
329.	Seniw, Peter	Y8-253
330.	Shaffer, Ruth Chernofsky	A1-28
331.	Shagory, Julia Saad	L8-240

DIVORCES—*Cont.*

CHAP.		BILL NO.
332.	Shang, Yvette Barnaby	J5-151
333.	Shapiro, Etta Smolkin	R7-221
334.	Shatilla, Laurice Mary Michel	U3-104
335.	Shaw, Jean Eurwen Jones	K3-94
336.	Shaw, Ruth Mary Halsey	K12-363
337.	Sher, Betty Suffrin	K6-179
338.	Shmukler, Jean Zelda Schacter	X2-81
339.	Short, John Brock	G12-359
340.	Sigman, Mae Kert	Q10-309
341.	Simpson, Emily Rita Rowlands	B4-111
342.	Simpson, Ivy Elizabeth Whitehead	D5-144
343.	Smith, Sarah Jane Greeley	R10-310
344.	Stavert, Doris Eileen Rowe Brenan	J7-213
345.	Stephens, Jane Stirling	E11-323
346.	Stewart, Edmund Vaughan	O8-243
347.	Stirling, Catherine Marie Littlefield	C6-167
348.	Stone, Albert William	I5-150
349.	Story, Donald George	S6-187
350.	Surkala, Petrus (Peter)	T-20
351.	Tarontchick, Abraham, otherwise known as Abraham Turner	R4-132
352.	Teitelbaum, Annie Mendelson	A11-319
353.	Telford, Yvonne Michaud	B2-54
354.	Thomas, James Edward	H4-120
355.	Thorley, Valeda Ardell Derick	K1-38
356.	Tinker, Rejeanne Laliberte	X4-138
357.	Towler, Edith Mary Bentley	Q-17
358.	Towstuk, Margarette Marie Hyduk	H1-35
359.	Tribe, Vivian Edna Bartlett	T9-277
360.	Troop, Cecily Chandler	T10-312
—	Turner, Abraham (*See*—Tarontchick, Abraham, Chap. 351)	R4-132
361.	Turner, Arthur Frederick Albin	Z4-140
362.	Turner, Lillian Cohen	M5-154
363.	Tutino, Vincent	I3-92
364.	Tyner, Rowland Walter	N-14
365.	Valiquette, (Marie Fernande) Yvette Marsan	Y11-347
366.	Verner, Jacqueline Moquin	Z-27
367.	Walker, Vivian June Pomeroy	S9-276
368.	Walter, Anna Boronow	N9-271
369.	Wardell, Doris Dominiqua Sernuck	H2-60
370.	Warren, Ethel Kershaw	S-19
371.	Watkins, Mary Jenner	H8-236
372.	Weinstein, Doris Mayoff	J2-62
373.	Wells, Elma Lillian Le Drew	Q3-100
374.	Wheatley, Bertha Barbara Bishop	G7-211
375.	White, Rae Goldstein	W7-226
376.	Wick, Meinerth Aage Arsvold	Q8-245
377.	Wilks, Evelyn Elizabeth Hulbig	E5-145
378.	Williams, Margaret Cameron	F5-146
379.	Williams, Margaret Elizabeth McIntyre	Z11-348
380.	Williams, Salfeda Busko	N7-217
381.	Withenshaw, Margaret Stevenson Erskine	F1-33
382.	Worall, Grace Helen Potts	V5-163
383.	Wrathall, Mavis Elizabeth Thomas	F11-324
384.	Wyler, Selma Schenker	B9-256
385.	Wynn, Ruth Fishman	L7-215
386.	Yaphe, Ida Weinstein	L4-124
387.	Yon, Louis Elie	W9-280

OTTAWA—EDMOND CLOUTIER, C.M.G., O.A., D.S.P., Printer to the King's Most Excellent Majesty, 1951.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Dominion Day Act and the Victoria Day Act.

First reading, February 1, 1951.

MR. MACDOUGALL.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

70218

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Dominion Day Act and the Victoria Day Act.

R.S., c. 49.
R.S., c. 204.

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

1. Sections two and three of the *Dominion Day Act*, chapter forty-nine of the Revised Statutes of Canada, 1927, are repealed, and the following substituted therefor:—

Dominion Day.

"**2.** Throughout Canada, in each and every year, the first Monday following the thirtieth day of June shall be a legal holiday and shall be kept and observed as such under the name of Dominion Day."

2. Sections two and three of the *Victoria Day Act*, chapter two hundred and four of the Revised Statutes of Canada, 1927, are repealed and the following substituted therefor:—

Victoria Day.

"**2.** Throughout Canada, in each and every year, the first Monday following the twenty-third day of May shall be a legal holiday and shall be kept and observed as such under the name of Victoria Day."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Criminal Code. (Subversive Activities).

First reading, February 1, 1951.

MR. LACROIX.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

76039

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; 1947-48, cc. 39, 40; 1949 (2nd. Sess.), cc. 2, 13. 1950 (1st. Sess.), cc. 11, 12.

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Criminal Code. (Subversive Activities).

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

1. The *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting therein the following section:—

Certain prohibited acts.

"**98.** (1) It shall be unlawful for any person:—

(a) to attempt in any manner to establish in Canada a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual;

(b) to perform or attempt to perform any act with intent to facilitate or aid in bringing about the establishment in Canada of such a totalitarian dictatorship;

(c) actively to participate in the management, direction, or supervision of any movement to establish in Canada such a totalitarian dictatorship;

(d) actively to participate in the management, direction, or supervision of any movement to facilitate or aid in bringing about the establishment in Canada of such a totalitarian dictatorship;

(e) to conspire to do anything made unlawful by this subsection.

Penalty.

(2) Any person who violates any of the provisions of subsection one of this section shall, upon conviction thereof, be punished by a fine of not more than ten thousand dollars or imprisonment for not more than ten years, or both such fine and imprisonment."

Explanatory Notes.

The purpose of the first amendment is to make it a criminal offence for any person to participate in subversive activities with a view of establishing in Canada a totalitarian dictatorship contrary to our democratic way of life.

The intention of the second amendment is to prevent the fabrication and the dissemination through the mails, the radio or otherwise of subversive propaganda.

2. The said Act is further amended by adding the following section immediately after section two hundred and nine thereof.

"**209A.** Every one is guilty of an indictable offence and liable to two years imprisonment who knowingly, without lawful justification or excuse,

(a) makes, prints, publishes, distributes, circulates, transmits through the mails or otherwise any written matter, picture, model or other thing whatsoever; or

(b) broadcasts, or actively participates in broadcasting any speeches, plays, sketches, news or comments

with a view to establishing in Canada a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Voluntary revocable check-off).

First reading, February 5, 1951.

MR. KNOWLES.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

78743

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Voluntary revocable check-off).

1947-48, c. 54.

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

1. Section six of *The Industrial Relations and Disputes Investigation Act*, chapter fifty-four of the statutes of 1947-48, is amended by adding thereto the following subsection:

Deduction of union dues.

"(3) Upon request of a trade union entitled to bargain collectively under this Act on behalf of a unit of employees and upon receipt of a request in writing signed by any employee in such unit, the employer of such employee shall, until the employee in writing withdraws such request, periodically deduct, and pay out of the wages due to such employee to the person designated by the trade union to receive the same, the union dues of such employee; and the employer shall furnish to such trade union the names of the employees who have given and withdrawn such authority."

Explanatory Note.

This bill adds a new subsection three to section six of the Act. The effect of this new subsection is to provide for the voluntary revocable check-off of union dues.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend The Canadian Wheat Board Act, 1935.

First reading, February 14, 1951.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

78756

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

1935, c. 53; 1939, c. 39; 1940, c. 25; 1942–43, c. 4; 1947, c. 15; 1947–48, c. 4; 1950, cc. 31, 51, 50.

An Act to amend The Canadian Wheat Board Act, 1935.

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

1. Paragraph *(bb)* of section twenty of *The Canadian Wheat Board Act, 1935*, chapter fifty-three of the statutes of 1935, as enacted by section three of chapter thirty-one of the statutes of 1950, is repealed and the following substituted therefor:

"pool period" defined.

"*(bb)* each crop year subsequent to the thirty-first day of July, nineteen hundred and fifty and prior to the first day of August, nineteen hundred and fifty-three; and"

2. Paragraph *(b)* of subsection one of section twenty-one of the said Act, as enacted by section four of chapter thirty-one of the statutes of 1950, is repealed and the following substituted therefor:

"*(b)* pay to producers selling and delivering wheat produced in the designated area to the Board, at the time of delivery or at any time thereafter as may be agreed upon, a sum certain per bushel basis in store Fort William/Port Arthur or Vancouver to be fixed from time to time by regulation of the Governor in Council in respect of wheat of the grade No. 1 Manitoba Northern and by the Board, with the approval of the Governor in Council, in respect of each other grade thereof: Provided that such sum certain shall, in the case of grades other than No. 1 Manitoba Northern be such sum certain as in the opinion of the Board, with the approval of the Governor in Council, from time to time, brings the sum certain for each such grade into proper price relationship with the said sum

Explanatory Notes.

The general purposes of the Bill are to make provision for:

(a) The correction of the present par. *(bb)* of section twenty of the Act by changing the date the "31st day of August" as it appears in the said paragraph to the "1st day of August".

(b) The payment of an adjusting payment on a grade basis in the event of an increase in the sum certain during a pool period to producers who have sold and delivered wheat to the Board in that pool period prior to the increase.

(c) The transfer in the accounts of the Board of the unsold balance of wheat delivered during a preceding pool period to its accounts for the then current pool period at such price as the Governor in Council may deem reasonable in order that the Board may proceed with the distribution of the surplus arising from its operations in wheat in that preceding pool period as if all such wheat had been sold and paid for in full.

1. The present paragraph *(bb)* of section twenty is as follows:

"(*bb*) each crop year subsequent to the thirty-first day of July, nineteen hundred and fifty and prior to the *thirty*-first day of August, nineteen hundred and fifty-three; and"

2. The present paragraph *(b)* of subsection one of section twenty-one of the Act is as follows:

"*(b)* pay to producers selling and delivering wheat produced in the designated area to the Board, at the time of delivery or at any time thereafter as may be agreed upon, a sum certain per bushel basis in store Fort William/Port Arthur or Vancouver to be fixed from time to time by regulation of the Governor in Council in respect of wheat of the Grade No. 1 Manitoba Northern and by the Board, with the approval of the Governor in Council, in respect of each other grade thereof: Provided that such sum certain shall, in the case of grades other than No. 1 Manitoba Northern be such sum as in the opinion of the Board with the approval of the Governor in Council, from time to time brings the sum certain for each such grade into proper price relationship with the said sum certain for the grade No. 1 Manitoba Northern; *and where the Governor in Council, pursuant to this paragraph, increases during a pool period the sum certain payable to producers in respect of wheat of the grade No. 1 Manitoba Northern, the Board shall pay to any person the amount of such increase in respect of each bushel of wheat* produced in the designated area and sold and delivered by him as a producer to the Board during that pool period prior to the day on which such increase becomes effective;"

The present section provides that if the sum certain payable to producers selling and delivering wheat to the Board during a pool period is increased in that pool period producers delivering wheat to the Board in the pool period prior to the effective date of the increase will each receive the same adjusting payment irrespective of the grade of wheat delivered. The proposed amendment will delete

certain for the grade No. 1 Manitoba Northern; and where, pursuant to this paragraph, the sum certain payable to producers in respect of wheat of any grade is increased during a pool period, the Board shall pay to any person the amount of such increase in respect of each bushel of wheat of that grade produced in the designated area and sold and delivered by him as a producer to the Board during that pool period prior to the day on which such increase becomes effective;"

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

Transfer of wheat from one pool period to subsequent pool period.

"**24A.** The Governor in Council may authorize the Board to adjust its accounts at any time by transferring to the then current pool period all wheat delivered during a preceding pool period and then remaining unsold, and the Board shall credit to the accounts for that preceding pool period, and charge against the accounts for the current pool period, such amount as the Governor in Council deems to be a reasonable price for the wheat so transferred; and all wheat so transferred shall,

(a) for the purposes of the accounts relating to that preceding pool period, be deemed to have been sold and paid for in full for the said amount, and

(b) in the accounts relating to the current pool period, be dealt with as though it had been sold and delivered to the Board by producers in the current pool period and purchased by the Board for the said amount, but no further certificates in respect thereof shall be issued under paragraph *(c)* of subsection one of section twenty-one."

from the paragraph the words *italicized* on the first page of the explanatory notes and will substitute the words underlined in the paragraph in the Bill to provide that in the event of such an increase the adjusting payment to be made to producers who have delivered in the pool period prior to the effective date of the increase is the amount of the increase which relates to the grade of wheat delivered.

3. The proposed section 24A is new. Its purpose is to allow an early distribution after the end of a pool period of moneys payable under certificates issued to persons who have sold and delivered wheat to the Board in that pool period. The section provides for the transfer of wheat in the accounts of the Board from a preceding pool period to the current pool period at such price as the Governor in Council may deem reasonable. This will allow the Board to proceed with the distribution of the surplus arising from it operations relating to wheat in that preceding pool period as if it had sold all wheat delivered to it in such period.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act respecting the appointment of Auditors for National Railways.

First reading, February 14, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

78880

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA

BILL 6.

An Act respecting the appointment of Auditors for National Railways.

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

Auditors.

1. Notwithstanding the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, chapter thirty-three of the statutes of 1932-33, as enacted by section three of chapter twenty-five of the statutes of 1936, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Toronto and Montreal, chartered accountants, are appointed as independent auditors for the year 1951, to make a continuous audit under the provisions of the said section, of the accounts of National Railways as defined in the said Act.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Immigration Act.

First reading, February 20, 1951.

MR. ARSENAULT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

79603

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Immigration Act.

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

1. The *Immigration Act*, chapter ninety-three of the Revised Statutes of Canada, 1927, is amended by inserting therein, immediately after section three, the following section:

Political refugees.

Right of asylum.

Permit to remain in Canada.

"**3A.** (1) If an alien who has entered or landed in Canada is liable to deportation as belonging to one of the prohibited classes as defined in section three, claims that he is a political refugee, he may invoke the right of asylum and may apply to a judge of a superior court in the province in which he is then residing to have this right recognized and declared and shall give notice to the Minister of his intention to make such application and of the place, the date, and the hour of the hearing of such application.

(2) If the decision of the court is that the alien has proved that he is a political refugee and that, all circumstances being considered, he should be granted asylum in Canada, the Minister may issue a permit authorizing the said alien to remain in Canada subject to the provisions of section four of this Act."

Explanatory Note.

The purpose of this Bill is to provide for the right of asylum recognized in international law for political refugees and that judges of superior courts may decide whether this right should be recognized and declared or not in particular cases.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to confer certain Emergency Powers upon the Governor in Council.

First reading, February 20, 1951.

THE PRIME MINISTER.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

78565

Fourth Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to confer certain Emergency Powers upon the Governor in Council.

Preamble.

WHEREAS an international emergency exists that threatens the security of Canada;

AND WHEREAS it is essential that emergency powers be conferred to enable measures to be taken as urgently required from time to time to carry out adequate defence preparations, to regulate the economy of Canada to meet the needs of defence and to stabilize the economy and to safeguard it from disruption that may result from defence preparations in Canada or from emergency measures taken in other countries, in order that defence preparations may not be impeded;

AND WHEREAS it is preferable that the necessary emergency powers be exercised under special authority from Parliament rather than that the *War Measures Act* be brought into force so long as present efforts to avert war are continuing and, moreover, it is not desirable that the wide powers conferred by that Act to interfere with the fundamental liberties of the individual should now be brought into operation:

R.S., c. 206.

THEREFORE 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 Emergency Powers Act.*

POWERS OF THE GOVERNOR IN COUNCIL.

G. in C. powers.

2. (1) The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existing international emergency deem necessary or advisable for

the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:—

(a) control and suppression of maps, plans and photographs;

(b) control of communications and means of communication;

(c) control of the harbours, ports and territorial waters of Canada and the movements of vessels;

(d) transportation by land, air or water and the control of the transport of persons and things;

(e) trading, exportation, importation, production and manufacture; and

(f) imposition and recovery, in connection with any scheme of control, of fees or charges payable to the Receiver General of Canada or into any fund or account established by order or regulation for the purposes of the scheme of control.

Powers restricted.

(2) Notwithstanding anything contained therein, the powers conferred on the Governor in Council by subsection one do not include power to make orders or regulations in relation to

(a) detention, exclusion or deportation of any person;

(b) censorship or the control and suppression of publications and writings; or

(c) expenditure of moneys otherwise than in accordance with an appropriation by Parliament except expenditure of moneys from any fund or account established by order or regulation in connection with a scheme of control for the purposes of that scheme of control.

Orders and regulations to have force of law.

(3) All orders and regulations made under or pursuant to authority conferred under this Act have the force of law while this Act is in force.

Annulment of orders in Council by Senate and House of Commons resolution. 1950, c. 50.

(4) If the Senate and House of Commons within a period of forty days, beginning with the day on which any order in council made under this Act is laid before Parliament in accordance with *The Regulations Act* and excluding any time during which Parliament is dissolved or prorogued or during which both the Senate and House of Commons are adjourned for more than four days, resolve that it be annulled, it shall cease to have effect, but without prejudice to its previous operations or anything duly done or suffered thereunder or any offence committed or any penalty or forfeiture or punishment incurred.

Penalties.

3. (1) The Governor in Council may prescribe penalties by way of fine or by way of imprisonment for a term not exceeding five years, or by way of both fine and such imprisonment, that may be imposed for violation of orders or regulations made under this Act and may also prescribe whether, and the circumstances in which, the said penalties shall be imposed upon summary conviction or indictment.

Seizure, detention and forfeiture of goods, etc.

(2) Any goods, wares or merchandise dealt with contrary to any order or regulation made under this Act may be seized and detained and shall be liable to forfeiture at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada, or in any superior court, and any such court may make rules governing the procedure upon any proceedings taken before such court or a judge thereof under this section.

Duration.

Expiration of sections 1 to 3.

Continuance upon addresses of Senate and House of Commons.

4. Sections one to three of this Act expire on the thirty-first day of May, one thousand nine hundred and fifty-two: Provided that if at any time while they are in force addresses are presented to the Governor General by the Senate and House of Commons, respectively, praying that they should be continued in force for a further period, not exceeding one year from the time at which they would otherwise expire, and the Governor in Council so orders, they shall continue in force for that further period.

Savings.

Application of the *War Measures Act*.

5. Nothing in this Act limits or restricts the powers conferred on the Governor in Council by the *War Measures Act* and, notwithstanding anything in section four, if while sections one to four are in force a proclamation is issued under the *War Measures Act* declaring that war, invasion or insurrection, real or apprehended, exists, sections one to four are repealed and all orders and regulations lawfully made under or pursuant to authority conferred under this Act in force immediately before those sections are so repealed, continue in full force and effect as if made under the *War Measures Act* and shall be deemed to have been so made.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 77.

An Act respecting the Department of Defence Production.

First reading, February 23, 1951.

THE PRIME MINISTER.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
79288 1951

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 77.

An Act respecting the Department of Defence Production.

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 Defence Production Act.*

INTERPRETATION.

Definitions.

2. In this Act,

"associated government."

(a) "associated government" means His Majesty's government in the United Kingdom, any other government of the British Commonwealth of Nations, the government of a country that is a member of the North Atlantic Treaty Organization or the government of any other country designated by the Governor in Council as being a country the defence of which is vital to the defence of Canada;

"construct."

(b) "construct" includes repair, maintain, improve or extend;

"defence contract."

(c) "defence contract" means

(i) a contract with His Majesty or an agent of His Majesty or with an associated government, whether entered into before or after the commencement of this Act, that in any way relates to defence supplies or to defence projects or to the designing, manufacturing, producing, constructing, finishing, assembling, transporting, repairing, maintaining or servicing, or storing of or dealing in defence supplies or defence projects, and

(ii) a defence sub-contract as hereinafter defined;

"defence projects." *(d)* "defence projects" means buildings, aerodromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works, or works required for the production, maintenance or storage of defence supplies;

"defence supplies." *(e)* "defence supplies" means

(i) arms, ammunition, implements of war, vehicles, mechanical and other equipment, watercraft, amphibious craft, aircraft, animals, articles, materials, substances and things required or used for the purposes of the defence of Canada or for co-operative efforts for defence being carried on by Canada and an associated government,

(ii) ships of all kinds, and

(iii) articles, materials, substances and things of all kinds used for the production or supply of anything mentioned in paragraph (i) or (ii) or for the construction of defence projects;

"Department." *(f)* "Department" means the Department of Defence Production;

"essential material." *(g)* "essential material" means a material or substance designated by the Governor in Council under section thirty as an essential material;

"essential service." *(h)* "essential service" means the carrying on of any commercial activity, including the generation or distribution of electrical energy, designated by the Governor in Council under section thirty as an essential service;

"government issue." *(i)* "government issue" means machinery, machine tools, equipment or defence supplies furnished by the Minister or by an agent of His Majesty on behalf of His Majesty or on behalf of an associated government or acquired or purchased on behalf of His Majesty or on behalf of an associated government with funds provided by the Minister or by an agent of His Majesty or by an associated government;

"investigator." *(j)* "investigator" means a person appointed by the Minister to conduct an inquiry under section twenty-nine;

"mark-up." *(k)* "mark-up" means the amount added to cost in determining the selling price to cover overhead and profit;

"Minister." *(l)* "Minister" means the Minister of Defence Production;

"order." *(m)* "order" means a general or specific order, requirement, direction or prescription in writing made or issued under this Act or a regulation;

"price." *(n)* "price" includes rate or charge for any service;

"royalties." *(o)* "royalties" includes licence fees and all other payments analogous to royalties, whether or not payable under any contract, that are calculated as a percentage of the cost or sale price of defence supplies or as a fixed amount per article produced or that are based upon the quantity or number of articles produced or sold

or upon the volume of business done, and includes claims for damages for the infringement or use of any patent or registered industrial design;

'sale." (p) "sale" includes consignment or other disposition of materials and the supplying of any service and "sold" has a corresponding meaning; and

"defence sub-contract." (q) "defence sub-contract" means a contract or arrangement between any persons whomsoever, whether entered into before or after the commencement of this Act,

(i) to perform all or any part of the work or service, or to make or furnish any article or material for the purpose of any other defence contract,

(ii) under which any amount payable is contingent upon the entry into of any other defence contract or determined with reference to any amount payable under or otherwise by reference to any other defence contract, or

(iii) under which any part of the services performed or to be performed consists of soliciting, attempting to negotiate or negotiating any other defence contract or soliciting or negotiating for the purchase or sale of any articles, materials or services required to fulfill any other defence contract,

and for greater certainty but not so as to limit the foregoing, for the purposes of this paragraph the expression "other defence contract" includes a defence sub-contract as defined in this paragraph.

DEPARTMENT OF DEFENCE PRODUCTION.

Department. **3.** (1) There shall be a department of the government of Canada to be called the Department of Defence Production, over which the Minister of Defence Production for the time being, appointed by Commission under the Great Seal, shall preside.

Minister. Minister's salary. (2) The salary of the Minister, unless he is in receipt of a salary as the Minister of another department of the Government of Canada, shall be ten thousand dollars per annum.

Deputy Minister. **4.** (1) There shall be a Deputy Minister of Defence Production, who shall be appointed by the Governor in Council.

Associate Deputy Ministers. (2) The Governor in Council may appoint one or more Associate Deputy Ministers, who shall have the rank and status of deputy heads of a department and as such shall, under the direction of the Minister and of the Deputy Minister, perform such duties and exercise such authority as deputies of the Minister and otherwise, as may be assigned to them by the Minister.

Officers. (3) Such officers, clerks and employees as are necessary for the proper conduct of the business of the Department may be appointed in the manner authorized by law but the Minister may

(a) with the approval of the Treasury Board, employ such technical or other temporary employees as he deems necessary, and, with such approval, fix the remuneration of and prescribe the travelling or other expenses that may be incurred by such employees; and

(b) employ any person to hold a position under this Act for a period not exceeding sixty days and fix the remuneration of and prescribe the travelling or other expenses that may be incurred by such person.

Exception.

(4) Where the Governor in Council decides that it is not practicable or is not in the public interest to apply subsection three to any position or positions or employee or employees or any class thereof, the Governor in Council may exclude such position or positions or employee or employees or that class in whole or in part, from the provisions of subsection three and may make such regulations as he deems advisable with respect to employment therein, including appointment, organization, classification, rates of compensation and terms and conditions of employment.

Transfers; *Civil Service Superannuation Act* applicable.

(5) Notwithstanding any other statute or law, where a person is appointed to a position under this Act and before his appointment he was a contributor under a Part of the *Civil Service Superannuation Act* other than Part VI and his appointment under this Act was made with the consent of the Minister of the department or branch of the public service in which he was employed, he continues while he holds a position under this Act to be such a contributor under the *Civil Service Superannuation Act* and for the purposes of that Act his service in a position under this Act shall be counted as service in the Civil Service and he, his widow, children or other dependants, if any, may be granted the respective allowances or gratuities provided by that Act.

Retirement.

(6) Where a person to whom subsection five applies retires from a position under this Act for a reason other than misconduct,

(a) if before his appointment under this Act he was employed

(i) in a position to which the *Civil Service Act* applied or on the staff of the Canadian Commercial Corporation, he may be appointed to a position to which the *Civil Service Act* applies of a class not lower than the class in which he was so employed, or

(ii) in any other position in the public service, he may be appointed to a position in the public service to which the *Civil Service Act* does not apply of a class not lower than the class in which he was so employed;

(b) if he fails to apply for or refuses appointment to a position to which he may be appointed under paragraph *(a)* and has not reached retirement age or become

disabled or incapable of performing the duties of the position, he shall be deemed, for the purposes of the *Civil Service Superannuation Act*, to have retired voluntarily from a position in the Civil Service; or

(c) if he applies for and is not appointed to such a position he shall be deemed, for the purposes of the *Civil Service Superannuation Act*, to have been retired from his position in the Civil Service by reason of abolition of office;

and in either of the cases mentioned in paragraph *(b)* or *(c)* he may be granted such retiring leave as he might have been granted if his service in a position under this Act were service in the position in which he was employed before his appointment under this Act.

Regulations.

(7) The Governor in Council may make regulations to give effect to the provisions of this section or otherwise to provide for the administration of this Act.

Minister's authority to assign powers.

5. The Minister may authorize any person, on his behalf and under his control and direction, to do any act or thing or to exercise any power that the Minister may do or exercise under this Act.

Advisors.

6. The Governor in Council may appoint advisers and establish advisory and other boards, composed of such members as he may appoint, to advise or aid the Minister, to perform such duties and exercise such powers as he may designate, and may fix the remuneration and expenses to be paid to persons appointed under this section.

Corporations.

7. (1) The Minister may, if he considers that the carrying out of the purposes or provisions of this Act is likely to be facilitated thereby, with the approval of the Governor in Council, procure the incorporation of any one or more corporations for the purpose of undertaking or carrying out any acts or things that the Minister is authorized to undertake or carry out under this Act.

Charter under letters patent.

1934, c. 33.

(2) For the purposes of this section, upon the request of the Minister, the Secretary of State of Canada may, by letters patent under his seal of office, grant a charter under Part I of *The Companies Act, 1934*, constituting such persons as are named by the Minister and any others who may thereafter be appointed by the Minister in their stead or in addition thereto a corporation for any purpose mentioned in subsection one.

Removal and appointment of members, directors or officers.

(3) The Minister may remove any members, directors or officers of a corporation incorporated under this section at any time and may appoint others in their stead or may appoint additional persons as members.

Agent of His Majesty.

(4) A corporation incorporated under this section is for all purposes an agent of His Majesty and its powers may be exercised only as an agent of His Majesty.

Actions against and by.

(5) Actions, suits or proceedings in respect of any right or obligation acquired or incurred by a corporation incorporated under this section on behalf of His Majesty whether in its name or in the name of His Majesty may be

(a) brought or taken against the corporation without the Governor General's fiat; or

(b) brought or taken by the corporation

in the name of the corporation in any court that would have jurisdiction if the corporation were not an agent of His Majesty.

Audit of accounts.

(6) The accounts of a corporation incorporated under this section shall be audited by the Auditor General of Canada.

Minister may contract with corporation.

8. (1) Notwithstanding that a corporation is an agent of His Majesty, the Minister may, on behalf of His Majesty, enter into a contract under the provisions of this Act with the corporation as if it were not an agent of His Majesty.

Contract with person to act as agent of His Majesty.

(2) The Minister may, with the approval of the Governor in Council, enter into a contract with a person authorizing that person to act, under the control and direction of the Minister, as an agent of His Majesty, for any of the purposes for which the Minister is authorized to act on behalf of His Majesty under this Act.

Responsibilities of the Minister.

Administration of Department under the Minister.

9. (1) The administration of the Department shall be under the management and direction of the Minister and the Minister may, subject to the provisions of this Act, exercise the powers conferred on him by this Act in relation to defence supplies or defence projects required for the purposes of the Department or any department or branch of the public service of Canada.

Minister's power to acquire supplies and construct projects.

(2) The Minister, exclusively, may buy or otherwise acquire defence supplies and construct defence projects required by the Department of National Defence, except

(a) defence projects to be constructed by persons in the employ of His Majesty; and

(b) such defence supplies or defence projects as the Minister may, with the concurrence of the Minister of National Defence, request the Department of National Defence to procure or construct.

Transfer of powers and duties from Minister of Trade and Commerce to the Minister.

(3) All powers, duties and functions that are vested in or required to be exercised or performed by the Minister of Trade and Commerce by or under any Act, order, regulation, contract, lease or other writing in relation to Canadian Arsenals Limited, Crown Assets Disposal Corporation, Defence Construction Limited, Polymer Corporation Limited, Eldorado Mining and Refining (1944) Limited (and its subsidiary Northern Transportation Company (1947) Limited) and Canadian Commercial Corporation are

transferred to and shall be exercised or performed by the Minister.

Exercise of powers conferred by other Acts.

(4) The Minister may exercise and carry out powers, duties and functions conferred or imposed on him by or pursuant to any other Act.

Act for an associated government.

10. If authorized by the Governor in Council so to do, the Minister may do or undertake, on behalf of an associated government, any act or thing that he is authorized to do or undertake by this Act on behalf of His Majesty.

Organization of Industry for Defence.

Minister to mobilize, conserve and co-ordinate economic and industrial facilities.

11. The Minister shall examine into, organize, mobilize and conserve the resources of Canada contributory to, and the sources of supply of, defence supplies and the agencies and facilities available for the supply of the same and for the construction of defence projects and shall explore, estimate and provide for the fulfilment of the needs, present and prospective, of the Government and the community in respect thereto and generally shall take steps to mobilize, conserve and co-ordinate all economic and industrial facilities in respect of defence supplies and defence projects and the supply or construction thereof.

Minister may require persons to make returns.

12. The Minister may, by notice in writing, require a person

(a) producing, dealing in or having control of defence supplies or constructing defence projects, or

(b) carrying on a business or possessing accommodation or facilities which in the opinion of the Minister is or are suitable for or can be adapted to producing, dealing in or storing defence supplies or constructing defence projects,

to make periodical or other returns, at such times and containing such particulars as may be specified in the notice, with respect to defence supplies produced, dealt in or controlled by such person or which are held or have been contracted for by him or which he contemplates acquiring, and the sources of supply thereof, and with respect to the facilities or accommodation which such person has available for or which are adaptable to the production or storage of defence supplies or the construction of defence projects.

Other departments to provide supplementary returns.

13. Where a government department has, under or pursuant to any Act, power to obtain, for any purpose, information as to matters with respect to which the Minister is empowered to require returns to be made, that department shall, if so required by the Minister, exercise that power for the purpose of assisting the Minister in obtaining any such information.

Stock-piling.

14. The Minister may, on behalf of His Majesty and subject to the provisions of this Act, acquire, store, maintain and transport and sell, exchange or otherwise dispose of such materials or substances as may be designated by the Governor in Council as materials or substances essential to the needs of the community of which it is advisable to maintain stocks to safeguard against possible shortages thereof.

DEFENCE PROCUREMENT.

Ministerial powers to acquire and dispose of supplies.

15. The Minister may, on behalf of His Majesty and subject to the provisions of this Act,

Manufacture.

(a) buy or otherwise acquire, utilize, store, transport, sell, exchange or otherwise dispose of defence supplies;

(b) manufacture or otherwise produce, finish, assemble, process, develop, repair, maintain or service defence supplies or manage and operate facilities therefor;

Defence projects.

(c) construct or acquire defence projects and sell, exchange or otherwise dispose of them;

Professional or commercial services.

(d) arrange for the performance of professional or commercial services;

Deal with real or personal property.

(e) purchase or otherwise acquire, sell, exchange or otherwise dispose of real or personal property or any interest therein which, in the opinion of the Minister, is or is likely to be necessary or desirable for any of the purposes mentioned in paragraph *(a)*, *(b)* or *(c)*;

Loans, advances or guarantees.

(f) make loans or advances to or guarantee repayment of loans or advances made to a person for the purpose of providing assistance for the construction, acquisition, extension or improvement of capital equipment or works by, or to provide working capital for, that person for the manufacture, production, finishing, assembling, processing, development, storage, transportation, repairing, maintenance or servicing of defence supplies or for the construction or operation of defence projects or by way of advance payment on account of or to enable that person to carry out any contract entered into with the Minister under this Act or any defence contract; and

General.

(g) do all such things as appear to the Minister to be incidental to or necessary or expedient to the matters mentioned in the foregoing provisions of this section or as may be authorized by the Governor in Council with respect to the procurement, construction or disposal of defence supplies or defence projects.

Defence Production Revolving Fund.

16. (1) An account shall be established in the Consolidated Revenue Fund for the purposes of this section, to be known as the Defence Production Revolving Fund.

Expenditures from C. R. Fund.

(2) There may be expended from time to time from the Consolidated Revenue Fund and charged to the Defence Production Revolving Fund amounts for the following purposes:

(a) to pay the cost of acquisition, storage, maintenance or transportation of stocks of materials or substances purchased pursuant to section fourteen or of stocks of defence supplies acquired under section fifteen which the Minister deems it is advisable to maintain;

(b) to pay the cost of acquisition, storage or maintenance of defence supplies requisitioned for payment out of an appropriation or by an agent of His Majesty or to be paid for by an associated government, such amounts if paid from the Fund to be reimbursed from the appropriation or by the agent or associated government; and

(c) for loans or advances authorized under this Act for any purpose other than to assist in the construction, acquisition, extension or improvement of capital equipment or works by any person.

Receipts to be shown in the Fund.

(3) There shall be shown as receipts in the Defence Production Revolving Fund all amounts

(a) received by the Receiver General of Canada from the sale or disposition by the Minister of materials, substances or defence supplies mentioned in paragraph *(a)* of subsection two;

(b) charged to another appropriation in respect of costs mentioned in paragraph *(a)* of subsection two, where the materials, substances or defence supplies may be acquired under that appropriation;

(c) charged to an appropriation or paid by an agent of His Majesty or by an associated government to pay costs incurred in respect of defence supplies payment for which was made out of the Fund under paragraph *(b)* of subsection two; or

(d) received in repayment of a loan or advance mentioned in paragraph *(c)* of subsection two.

Limitation on amount of expenditures.

(4) The expenditures charged to the Defence Production Revolving Fund shall not at any time exceed the receipts shown therein by more than one hundred million dollars or such further amount as Parliament may authorize from time to time.

Credits for losses only by Parliamentary appropriation.

(5) No amount may be credited to the Defence Production Revolving Fund as a receipt to reimburse the Fund for any loss sustained in respect of the acquisition and subsequent disposition of any defence supplies or on account of any loan or advance or otherwise except pursuant to an appropriation by Parliament for that purpose.

Contracts only upon Ministerial requisition.

17. (1) The Minister may, on behalf of His Majesty, enter into contracts for the carrying out of anything he is authorized to do under section fourteen or fifteen and the following provisions apply with respect to every such contract entered into by the Minister on behalf of His Majesty:

(a) no contract shall be entered into unless the Minister or the Minister of the department concerned has made a requisition stating the purpose for which the contract is to be entered into, and the estimated expenditure, loan or guarantee involved;

(b) the requisition shall be signed by the Minister or the Minister of the department concerned if the estimated expenditure, loan or guarantee exceeds fifty thousand dollars, but otherwise may be signed by his deputy or other officer authorized by him;

(c) the requisition, if not made by the Minister, shall be transmitted to the Minister;

(d) except as authorized by paragraph *(e)*, no contract may be entered into by the Minister without the approval of the Governor in Council; and

(e) a contract may be entered into by the Minister without the approval of the Governor in Council if

(i) in the opinion of the Minister, the contract must be entered into immediately in the interests of defence,

(ii) the estimated expenditure, loan or guarantee does not exceed twenty-five thousand dollars, or

(iii) competitive tenders have been obtained and the lowest tender, involving an estimated expenditure not exceeding fifty thousand dollars, is accepted,

but the Minister shall make a report to the Governor in Council in respect of any contract involving an estimated expenditure, loan or guarantee exceeding ten thousand dollars and entered into without the approval of the Governor in Council.

G. in C. regulations *re* payments in excess of expenditure under contracts.

(2) The Governor in Council may make regulations to prescribe conditions on which payments may be made under contracts entered into under subsection one in excess of the expenditure provided for under the contract.

Terms and conditions subject to approval by Minister.

(3) The Minister may settle or approve the terms and conditions of a contract he is authorized to enter into under this section and may from time to time prescribe general terms and conditions that may be incorporated by reference into particular defence contracts or any class or classes of defence contracts.

Subject to general conditions.

(4) Subject to the express terms and conditions contained therein, every defence contract that provides either expressly or in effect that general conditions identified by a specified designation or number are applicable thereto or form part thereof, shall be read and construed as if the general conditions to which reference is so made were expressly set out in the contract.

Contract either in name of His Majesty or the Minister.

(5) Where the Minister is authorized to enter into a contract on behalf of His Majesty under this Act, the contract may be entered into in the name of His Majesty or in the name of the Minister.

Title to government issue or building free of all claims, liens and encumbrances.

18. Where by the terms of a defence contract it is provided that title to any government issue or building furnished or made available to a person or obtained or constructed by him with money provided by His Majesty or an agent of His Majesty or an associated government remains vested or vests in His Majesty or in an associated government free and clear from all claims, liens, charges and encumbrances, then, notwithstanding any law in force in any province, the title to the government issue or building remains vested or vests in accordance with the terms of the contract free and clear from all claims, liens and encumbrances and, subject to any provisions in the contract, His Majesty or the associated government in whom the title is vested is entitled at any time to remove, sell or dispose of the government issue or building.

Premature recission or termination of contract.

19. No person is entitled to damages, compensation or other allowance for loss of profit, direct or indirect, arising out of the rescission or termination of a defence contract at any time before it is fully performed if it is rescinded or terminated pursuant to a power contained in the contract or pursuant to a power conferred by or under an Act of the Parliament of Canada.

Relief from claims for patent or industrial design infringement.

20. (1) The Minister may, on behalf of His Majesty, contract with any person that His Majesty will relieve that person from any claims, actions or proceedings for the payment of royalties for the use or infringement of any patent or registered industrial design by that person in, or for the furnishing of any engineering or technical assistance or services to that person for, the performance of a defence contract.

Relief from royalty payments.

(2) A person with whom the Minister has contracted under subsection one is not liable to pay royalties under any contract, statute or otherwise by reason of the infringement or use of a patent or registered industrial design in, or in respect of engineering or technical assistance or services furnished for the performance of a defence contract and to which the contract under subsection one applies.

Compensation for use of patent or industrial design.

(3) A person who, but for subsection two, would have been entitled to a royalty from another person for the infringement or use of a patent or registered industrial design or in respect of engineering or technical services for which a royalty would be payable but who by reason of subsection two is not so entitled, is entitled to reasonable compensation from His Majesty for the infringement, use or services and if the Minister and that person cannot agree as to the amount of the compensation, it shall be fixed by the Commissioner of Patents and any decision

of the Commissioner under this section shall be subject to appeal to the Exchequer Court of Canada under the provisions of *The Patent Act, 1935*.

1935, c. 32.

Contractor to keep accounts and records.

21. (1) A person who has entered into a defence contract shall keep detailed accounts and records of the cost of carrying out the contract and shall, on demand, produce to any person thereunto authorized by the Minister every account, record or document of any description with respect to the contract and with respect to his other business that may be required by the person so authorized and shall permit him to examine, audit and take copies of and extracts from the accounts, records or documents.

Re-assessment of costs and profits.

(2) Where the Minister is satisfied, either before or after the performance, in whole or in part, of a defence contract entered into after the commencement of this Act, that the total amount paid or payable thereunder to any person is in excess of the fair and reasonable cost of performing the contract together with a fair and reasonable profit, he may by order reduce the amount that such person is entitled to retain or receive thereunder to such amount as he may fix as the fair and reasonable cost of performing the contract together with a fair and reasonable profit thereon and the Minister may direct that person to pay to the Receiver General of Canada forthwith any amount which that person has received under the contract in excess of the amount so fixed.

Idem.

A person a party to two or more contracts.

(3) Where a person is a party to two or more defence contracts the Minister may

(a) by one order reduce the total amount that he is entitled to retain or receive under any two or more or all of the contracts to such amount as the Minister may fix as the fair and reasonable cost of performing the contracts together with a fair and reasonable profit thereon; or

(b) by order fix the amount that he is entitled to retain or receive in respect of defence contracts during such period as may be designated by the Minister as the fair and reasonable cost of performing the contracts together with a fair and reasonable profit thereon during that period;

and the Minister may direct him to pay to the Receiver General of Canada forthwith any amount which he has received under the contracts or in respect of defence contracts during the period in excess of the amount so fixed in respect thereof.

Contractor carrying on other business.

(4) Where a person has during a period carried on business other than the performance of defence contracts, the Minister may, for the purpose of determining his fair and reasonable cost of performing defence contracts, or the fair and reasonable profit thereon, during the period, determine for the purposes of this section the share or part of the gross

income of that person or of the cost incurred by him during the period that is to be regarded as being attributable to such other business.

Minister not necessarily bound by contractor's accounts and records.

(5) Where the Minister is satisfied that the accounts or records kept by a person with respect to the performance of a defence contract, or of defence contracts during any period designated by the Minister under subsection three or four, are insufficient to enable the cost of performance of the contract or contracts to be determined, or that the cost as shown by the accounts or records is not fair and reasonable, the Minister shall not be limited or bound by the accounts or records in fixing the fair and reasonable cost of performance of the contract or contracts.

Re-payments recoverable in Court.

(6) An amount payable to the Receiver General of Canada pursuant to a direction of the Minister under this section is recoverable in the Exchequer Court of Canada or any other court of competent jurisdiction, with full costs of suit, as a debt due to His Majesty.

Appeal to Exchequer Court.

22. (1) A person affected by an order or direction made by the Minister under section twenty-one may, within thirty days after the receipt of a copy of the order or direction, inform the Minister of his intention to appeal against the order or direction to the Exchequer Court of Canada and shall, within such period of thirty days, file a notice of such intention in the Court and upon giving and filing the notice all proceedings under the order or direction shall be stayed pending disposition of the appeal by the Exchequer Court.

Appellant may be ordered to give security.

(2) Where a person has appealed under this section against an order or direction made by the Minister under section twenty-one, a judge of the Exchequer Court may, on application made on behalf of the Minister, if it appears to him that the person appealing has assets to pay the amount required to be paid by him under the order or direction in whole or in part but that the assets may be disposed of or converted before the appeal is decided in such way that assets to pay any amount that may be owing as a result of the appeal may not be available, order that person to give security to the satisfaction of the Court for payment of the whole or such part of the amount payable under the order or direction as the judge deems advisable in the circumstances.

Proceedings on appeal.

Court decision final.

(3) Where a notice of appeal has been filed in accordance with subsection one, the Exchequer Court shall, on the application of the Minister or of the appellant, give directions relative to the disposition of the appeal and shall upon the hearing of the appeal have jurisdiction to review any direction or decision of the Minister under this section and may confirm the Minister's order or direction or vary the same as it deems just and the decision of the Court shall be final and conclusive.

Person refusing contract may be ordered to comply.

23. (1) Where a person who has been requested to enter into a defence contract on terms and conditions that the Minister considers to be fair and reasonable has refused or failed to enter into the contract, if the Minister is satisfied that such person owns or controls facilities that are suitable for or can be adapted to the work required to carry out such contract and that his refusal or failure was without reasonable excuse, the Minister may direct that person to produce, deliver or store, or to construct, as the case may be, on such terms and conditions and within such period as the Minister considers to be fair and reasonable in the circumstances, the defence supplies or the defence project or projects that would have been the subject-matter of the contract if it had been entered into.

Person liable for loss or damage.

(2) A person who stores defence supplies pursuant to a direction under this section is liable for the loss thereof or for damage thereto as if he had agreed to store them for reward.

Minister may requisition supplies.

24. (1) The Minister may, where he deems it necessary for any of the purposes of this Act, by notice in writing to a person who owns or has in his possession, custody or control defence supplies, requisition the supplies on behalf of His Majesty.

Upon notice given supplies vest in His Majesty.

(2) Where a notice has been given by the Minister under subsection one, all right, title or interest in the defence supplies specified in the notice forthwith vest in His Majesty.

Compensation in lieu of supplies.

(3) The compensation payable for defence supplies requisitioned under this section shall stand in the stead of the supplies and any claim to or encumbrance upon the supplies is, with respect to His Majesty, converted into a claim to the compensation money or to a proportionate amount thereof and is void with respect to the supplies.

Refusal to possession of requisioned supplies.

(4) Where a person who has in his possession defence supplies that have been requisitioned under this section, refuses to permit the Minister or any person authorized by the Minister in that behalf to take possession of or to remove the supplies, a judge of the Exchequer Court or of any superior court in the province may, on application by the Attorney General of Canada and after notice to show cause given in such manner as the judge prescribes, issue his warrant to the sheriff of the district or county within which the supplies are situated, directing him to seize the supplies and deliver them to the Minister or a person acting for the Minister in that behalf.

Compensation.

25. The compensation to be paid to any person to whom a direction has been given by the Minister under section twenty-three or for any defence supplies requisitioned by the Minister under section twenty-four shall be such as may be agreed upon between the Minister and the person entitled to the compensation and in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court of Canada.

Order priority of production.

26. The Governor in Council may make such regulations or orders as he deems necessary or advisable to require persons who produce or deal in defence supplies or construct defence projects to give priority in the carrying on of their business, in such manner and on such terms and conditions as may be prescribed by or purusant to the regulations, to the production of or dealing in defence supplies or construction of defence projects to meet the requirements of the defence of Canada or of an associated government.

Appointment of controller.

27. (1) Where the Minister is satisfied that

(a) a person who has entered into a defence contract has failed or is likely to fail to perform the contract in a businesslike and efficient manner,

(b) a person who has entered into a defence contract has failed to keep proper and detailed accounts and records of the cost of the work performed under the contract, or

(c) a person to whom a direction has been given under section twenty-three, or who is required pursuant to a regulation to give priority in the carrying on of his business to the production of or dealing in defence supplies, or construction of defence projects has failed without reasonable excuse to comply with the direction or regulation or the Minister is satisfied that he will so fail or is likely so to fail

the Minister may authorize another person (in this Act called a "controller") to carry on, until the Minister otherwise directs, the whole or any part of the business of that person.

Controller agent of the owner.

(2) Where a controller has been appointed to carry on a business or a part thereof, he shall be deemed to be the agent of the owner thereof for the purpose of carrying on the business or that part thereof, except that the owner shall not have any right to control the business or that part thereof and the controller may, subject to any instructions of the Minister, do all such things as he thinks fit for the purpose of carrying on the business or that part thereof.

Owner to furnish information required by controller.

(3) A controller may direct the owner of or any person employed in connection with a business or the part of a business in respect of which the controller was appointed to furnish to him estimates, returns or other information relating thereto.

Relief from other obligations.

28. (1) The Minister may, by order, direct that a person shall not be bound by any obligation, restriction or limitation imposed on that person by or under any statute, order, rule, regulation, by-law, or contract with respect to such matters as may be specified in the order affecting the entry into or performance of a defence contract by that person or the carrying out of an order made by the Minister under this Act.

Defence to action for failure to fulfil contract.

(2) Where the failure to fulfil any contract, whether entered into before or after the commencement of this Act, is due to the compliance on the part of any person with any provision of this Act or any order or regulation, proof of that fact shall be a good defence to any action or proceeding in respect of the failure.

Inquiry and appointment of investigator.

29. (1) The Minister may, whenever he deems it expedient, cause an inquiry to be made into and concerning any matter relating to or incidental to or arising out of a defence contract or any group or series of defence contracts or any dealings in or with defence supplies, and may appoint a person or persons by whom the inquiry shall be conducted.

Powers, R.S., c. 99.

(2) An investigator has all the powers conferred on commissioners by sections four and five of the *Inquiries Act* or which may be conferred on commissioners under subsection one of section eleven thereof.

Representation by counsel.

(3) An investigator may allow any person whose conduct is being investigated under this Act, and shall allow any person against whom a charge is made in the course of such inquiry, to be represented by counsel.

Report only after notice and hearing.

(4) No report shall be made against any person until reasonable notice has been given to him of the matters alleged against him and he has been allowed full opportunity to be heard in person or by counsel.

Powers of entry and seizure.

(5) An investigator may in writing, with the approval of a judge of the Exchequer Court of Canada or of the Supreme or Superior Court or a County Court of any province, which approval such judge is hereby empowered to give upon the *ex parte* application of the investigator, authorize an officer or constable of the Royal Canadian Mounted Police or any police officer or constable or other person employed for the preservation and maintenance of the public peace, together with any other person named in such writing, to enter and search, if necessary by force, any building,

receptacle or place for books, records, documents or things that may contain or give information required for the purposes of an inquiry under this section and to seize any books, records, documents or things and carry them before the investigator or such other person as the investigator may direct, to be held at the discretion of the investigator for the purposes of the inquiry.

Witness fees and expenses.

(6) When an investigator summons a witness before him, reasonable travelling expenses shall be paid to the witness at the time of service of the summons.

Essential Materials and Services.

Designation.

Designation of materials and services as essential.

30. The Governor in Council may, from time to time,

(a) designate as an essential material any material or substance the control of the supply and use of which is, in his opinion, essential to ensure the availability of adequate defence supplies or for the construction or operation of defence projects; or

(b) designate as an essential service the carrying on of any commercial activity, including the generation and distribution of electrical energy, the control of which is, in his opinion, essential for the adequate production or use of essential materials for defence supplies or defence projects;

to meet the requirements of the defence forces of Canada or for co-operative efforts for defence being carried on by Canada and associated governments.

Control.

Control over essential supplies and projects.

31. (1) The Governor in Council may do and authorize such acts and things and make from time to time such orders and regulations as he deems necessary to control and regulate the production, processing, distribution, acquisition, disposition or use of essential materials or the supply or use of essential services for the purposes of

(a) ensuring the availability of defence supplies or the construction or operation of defence projects for the defence requirements of Canada and for co-operative arrangements for defence being carried on by Canada and associated governments; or

(b) ensuring that abnormal requirements of essential materials and services for defence supplies or defence projects are obtained in the manner least likely to cause disruption of the trade and commerce of Canada depend-

ent on those materials and services, which disruption might impede or prejudice the defence preparations or the economic stability of Canada.

Ministerial orders.

(2) Subject to the regulations, if any, the Minister may, by order, as he deems necessary for the purposes specified in subsection one,

(a) require any person who produces, processes, deals in or has in his possession or control any essential materials to deal with, supply or dispose of any such materials in such manner and in such priority to that person's other transactions as the Minister may prescribe;

(b) require any person who produces or processes any essential materials to produce or process any such materials in such manner and in such priority to that person's other production or processing operations as the Minister may prescribe;

(c) prescribe the quantities of, the manner and circumstances in which and the conditions on which any essential materials may be produced, processed, used, acquired or disposed of, either generally or within periods of time prescribed by the Minister, and for these purposes may require persons to obtain permits;

(d) require any person who supplies any essential service to supply the service to such persons, to such extent and on such conditions as the Minister may prescribe;

(e) prescribe the restrictions and conditions according to which an essential service may be supplied or used, either generally or within periods of time prescribed by the Minister, and for these purposes may require persons to obtain permits;

(f) fix the maximum prices, either by determining the selling price or the mark-up, at which and the terms and conditions on which any essential materials or essential services may be sold or offered for sale by any person; and require any seller to refund to any buyer any sum or consideration received in excess of a maximum selling price so fixed;

(g) prescribe the circumstances in which and the terms and conditions on which, for any purposes of this Act, permits shall be obtained from the Minister or from a person designated by the Minister; grant general or other permits; and amend, suspend or cancel any permit;

(h) require any person to furnish such information respecting essential materials produced, processed or dealt in by him or essential services supplied by him, or respecting his production and other facilities relating thereto, in such time and manner as the Minister may prescribe; and

(i) do such further things in regard to the production, supply, distribution and use of essential materials or essential services as may be authorized by order or regulation of the Governor in Council.

OFFENCES.

Offences.

32. (1) Every person who

(a) being required to make a return under section twelve fails to make the return or knowingly or recklessly makes an untrue statement in the return,

(b) fails to comply with a direction given to him under section twenty-three,

(c) wilfully obstructs a controller in the exercise of any of his functions under section twenty-seven,

(d) fails to comply with a direction given by a controller under section twenty-seven or in purported compliance with any such direction knowingly furnishes a false return, estimate or other false information, or

(e) contravenes or fails to observe any provision of this Act or any order or regulation not mentioned in paragraphs *(a)* to *(d)*,

is guilty of an offence.

Penalties.

(2) Every person guilty of an offence under paragraph *(a)* of subsection one is liable on summary conviction to a fine not exceeding five hundred dollars, and if the failure to make the return of which he is convicted continues after the conviction, he is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars for each day on which the failure continues, but the court by which he is convicted may fix a reasonable period from the day of his conviction for the making of the return, and where a court has fixed such a period he is not guilty of an offence for failure to make the return during any day in that period if before the end of the period he makes the return.

Idem.

(3) Every person guilty of an offence under this Act, other than an offence mentioned in subsection two, is liable upon summary conviction or conviction upon indictment to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

Complaint or information within 12 months. R.S., c. 36.

(4) In any prosecution under Part XV of the *Criminal Code* for an offence under this Act the complaint shall be made or the information laid within twelve months from the time when the matter of the complaint or information arose.

Officers or directors of guilty corporation.

(5) Where a corporation is guilty of an offence under this Act, any officer or director of the corporation is a party to and guilty of the offence if it was committed with his

knowledge unless he exercised all due diligence to prevent the commission of the offence; and in any proceeding against a person who was a director or officer of a corporation when the corporation committed an offence under this Act for being a party to and guilty of such offence, the burden of proving his absence of such knowledge or the exercise of such due diligence by him shall be upon the accused.

Defence of due diligence.

33. It shall be a defence to any charge laid in respect of an offence alleged to have been committed by a person under this Act by reason of failure to make any return or to comply with any direction or order if that person establishes that he used all due diligence to make the return or comply with the direction or order and failed to do so for a reason beyond his control.

GENERAL.

Non-disclosure of information.

34. No information with respect to an individual business that has been obtained under or by virtue of this Act shall be disclosed without the consent of the person carrying on that business except,

(a) to a government department, or any person authorized by a government department, requiring such information for the purpose of the discharge of the functions of that department; or

(b) for the purposes of any prosecution for an offence under this Act, or, with the consent of the Minister, for the purposes of any civil suit or other proceeding at law.

C.C. Corporation and companies under *Government Companies Operation Act* capacity and powers.

35. The Canadian Commercial Corporation or a company to which *The Government Companies Operation Act* applies has capacity and power to make arrangements to act on behalf of the Minister under this Act or to enter into contracts to act as agent of His Majesty under this Act and the making of such arrangements or the entry into such contracts and the carrying out thereof shall be deemed to be included in the objects and purposes for which the Corporation or the company was incorporated.

No action lies against controller or investigator.

36. No controller or investigator is responsible at law for any act or thing done by him in good faith in the performance of his duties or the exercise of his powers under this Act and no action may be taken against a controller or investigator in respect thereof.

Paramount powers under this Act.
R.S., c. 166.
R.S., c. 162.

37. The powers conferred by this Act may be exercised notwithstanding anything contained in the *Public Works Act* or in the *Public Printing and Stationery Act*.

Orders and regulations.

38. The Governor in Council may make orders and regulations to carry out the purposes and provisions of this Act.

Repeal and Suspension of Acts.

Repeal.

39. (1) *The Essential Materials (Defence) Act*, chapter six of the statutes of 1950-51, is repealed.

Repeal.

(2) *The Defence Supplies Act*, chapter thirty-three of the statutes of 1950, shall have no force or effect while this Act remains in force except in so far as it is necessary to give effect to anything done thereunder before the coming into force of this Act.

(3) All powers, duties and functions that are vested in the Minister of Trade and Commerce under any contract, agreement, lease or other writing entered into pursuant to *The Department of Munitions and Supply Act*, chapter three of the statutes of 1939 (Second Session), or *The Defence Supplies Act*, chapter thirty-three of the statutes of 1950, are transferred to and shall be exercised and performed by the Minister.

Commencement.

Coming into force.

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

Expiry.

Expiration.

41. This Act, except subsection six of section four, shall expire on the thirty-first day of July, nineteen hundred and fifty-six.

78.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 78.

An Act to amend The Farm Improvement Loans Act, 1944.

First reading, February 27, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

80690

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act respecting Indians.

First reading, February 27, 1951

THE MINISTER OF CITIZENSHIP AND IMMIGRATION.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

78118

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA

BILL 79.

An Act respecting Indians.

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 Indian Act.*

INTERPRETATION.

Definitions.

2. (1) In this Act,

"band."

(a) "band" means a body of Indians

(i) for whose use and benefit in common, lands, the legal title to which is vested in His Majesty, have been set apart before or after the coming into force of this Act,

(ii) for whose use and benefit in common, moneys are held by His Majesty, or

(iii) declared by the Governor in Council to be a band for the purposes of this Act;

"child."

(b) "child" includes a legally adopted Indian child;

"council of the band."

(c) "council of the band" means

(i) in the case of a band to which section seventy-three applies, the council established pursuant to that section,

(ii) in the case of a band to which section seventy-three does not apply, the council chosen according to the custom of the band, or, where there is no council, the chief of the band chosen according to the custom of the band;

"Department."

(d) "Department" means the Department of Citizenship and Immigration;

"elector."

(e) "elector" means a person who

(i) is registered on a Band List,

(ii) is of the full age of twenty-one years, and

(iii) is not disqualified from voting at band elections;

"estate."

(f) "estate" includes real and personal property and any interest in land;

Explanatory Notes and Cross References to the *Indian Act.*

The purposes of this Bill are:—

To amend, consolidate and clarify the *Indian Act.*

It is proposed to abolish the three parts into which the Act is now divided by amalgamating parts one and two and by section 125 of the Bill establish part three of the Act as a new act to be cited as the *Indian (Soldier Settlement) Act.*

Section 2 (b).

New.

New.

New.

Section 163 (a).

New.

"Indian." (*g*) "Indian" means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian;

"Indian moneys." (*h*) "Indian moneys" means all moneys collected, received or held by His Majesty for the use and benefit of Indians or bands;

"intoxicant." (*i*) "intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating;

"member of a band." (*j*) "member of a band" means a person whose name appears on a Band List or who is entitled to have his name appear on a Band List;

"mentally incompetent Indian." (*k*) "mentally incompetent Indian" means an Indian who, pursuant to the laws of the province in which he resides, has been found to be mentally defective or incompetent for the purposes of any laws of that province providing for the administration of estates of mentally defective or incompetent persons;

"Minister." (*l*) "Minister" means the Minister of Citizenship and Immigration;

"registered." (*m*) "registered" means registered as an Indian in the Indian Register;

"Registrar." (*n*) "Registrar" means the officer of the Department who is in charge of the Indian Register;

"reserve." (*o*) "reserve" means a tract of land, the legal title to which is vested in His Majesty, that has been set apart by His Majesty for the use and benefit of a band;

"superintendent." (*p*) "superintendent" includes a commissioner, regional supervisor, Indian superintendent, assistant Indian superintendent and any other person declared by the Minister to be a superintendent for the purposes of this Act, and with reference to a band or a reserve, means the superintendent for that band or reserve;

"surrendered lands." (*q*) "surrendered lands" means a reserve or part of a reserve or any interest therein, the legal title to which remains vested in His Majesty, that has been released or surrendered by the band for whose use and benefit it was set apart.

"band." (2) The expression "band" with reference to a reserve or surrendered lands means the band for whose use and benefit the reserve or the surrendered lands were set apart.

Exercise of powers conferred on band or council. (3) Unless the context otherwise requires or this Act otherwise provides

(*a*) a power conferred upon a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the electors of the band, and

Section 2 (d).

New.

Section 2 (f).

New.

New.

New.

New.

New.

Section 2 (j).

Section 2 (a).

Section 2 (e).

New.

New.

(*b*) a power conferred upon the council of a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the councillors of the band present at a meeting of the council duly convened.

ADMINISTRATION.

Minister to administer Act.

3. (1) This Act shall be administered by the Minister of Citizenship and Immigration, who shall be the superintendent general of Indian affairs.

Authority of Deputy Minister and chief officer.

(2) The Minister may authorize the Deputy Minister of Citizenship and Immigration or the chief officer in charge of the branch of the Department relating to Indian affairs to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or any other Act of the Parliament of Canada relating to Indian affairs.

APPLICATION OF ACT.

Eskimos.

4. (1) This Act does not apply to the race of aborigines commonly referred to as Eskimos.

G. in C. may declare Act inapplicable.

(2) The Governor in Council may by proclamation declare that this Act or any portion thereof shall not apply to

(*a*) any Indians or any group or band of Indians, or

(*b*) any reserve or any surrendered lands or any part thereof,

and may by proclamation revoke any such declaration.

DEFINITION AND REGISTRATION OF INDIANS.

Indian Register.

5. An Indian Register shall be maintained in the Department, which shall consist of Band Lists and General Lists and in which shall be recorded the name of every person who is entitled to be registered as an Indian.

Band Lists and General Lists.

6. The name of every person who is a member of a band and is entitled to be registered shall be entered in the Band List for that band, and the name of every person who is not a member of a band and is entitled to be registered shall be entered in a General List.

Deletions and additions.

7. (1) The Registrar may at any time add to or delete from a Band List or a General List the name of any person who, in accordance with the provisions of this Act, is entitled or not entitled, as the case may be, to have his name included in that List.

New.

New.

New.

The Supreme Court of Canada has by its Judgment dated 5th April, 1939, determined that the term "Indians" as used in Head 24 of Section 91 of the *British North America Act, 1867*, include Eskimo inhabitants of the province of Quebec. As the Eskimo mode of life is so different to the Indian mode of life, it is not possible to make the provisions of this Bill apply to these aborigines.

Section 3.

New.

The definition of "Indian" and registration of Indians as proposed in Sections 5 to 17 inclusive of the Bill are new, and are designed to set out the persons who are to be benefited, restricted or otherwise affected. The definition of "Indian" in the present Act is not clear and it has not been possible to determine with certainty who is or who is not an Indian.

New.

Sections 5, 6 and 7. Provide for a register to be maintained in which will be recorded the names and particulars of all persons affected by the Bill and customarily known and classified as Indians.

Date of change.

(2) The Indian Register shall indicate the date on which each name was added thereto or deleted therefrom.

Existing lists to constitute Register.

8. Upon the coming into force of this Act, the band lists then in existence in the Department shall constitute the Indian Register, and the applicable lists shall be posted in a conspicuous place in the superintendent's office that serves the band or persons to whom the list relates and in all other places where band notices are ordinarily displayed.

Deletions and additions may be protested.

9. (1) Within six months after a list has been posted in accordance with section eight or within three months after the name of a person has been added to or deleted from a Band List or a General List pursuant to section seven

(a) in the case of a Band List, the council of the band, any ten electors of the band, or any three electors if there are less than ten electors in the band,

(b) in the case of a posted portion of a General List, any adult person whose name appears on that posted portion, and

(c) the person whose name was included in or omitted from the list referred to in section eight, or whose name was added to or deleted from a Band List or a General List,

may, by notice in writing to the Registrar, containing a brief statement of the grounds therefor, protest the inclusion, omission, addition, or deletion, as the case may be, of the name of that person.

Registrar to cause investigation.

(2) Where a protest is made to the Registrar under this section he shall cause an investigation to be made into the matter and shall render a decision, and subject to a reference under subsection three, the decision of the Registrar is final and conclusive.

Reference to Judge.

(3) Within three months from the date of a decision of the Registrar under this section

(a) the council of the band affected by the Registrar's decision, or

(b) the person by or in respect of whom the protest was made,

may, by notice in writing, request the Registrar to refer the decision to a judge for review, and thereupon the Registrar shall refer the decision, together with all material considered by the Registrar in making his decision, to the judge of the county or district court of the county or district in which the band is situated or in which the person in respect of whom the protest was made resides, or such other county or district as the Minister may designate.

New.

New.

Section 8. *The Indian Register.* To set up such a register necessitates a foundation list and Section 8 provides that basic list by declaring that the sum total of existing lists shall constitute the register.

New.

Sections 9 and 10. Provide the machinery for making and keeping the register as accurate as possible until with the assistance of the Indians themselves and their leaders, the register will eventually be made to include the name of every Indian in Canada and no others.

Inquiry and decision.

(4) The judge of the county or district court shall inquire into the correctness of the Registrar's decision, and for such purposes may exercise all the powers of a commissioner under Part I of the Inquiries Act; the judge shall decide whether the person in respect of whom the protest was made is, in accordance with the provisions of this Act, entitled or not entitled, as the case may be, to have his name included in the Indian Register, and the decision of the judge is final and conclusive.

Wife and minor children.

10. Where the name of a male person is included in, omitted from, added to or deleted from a Band List or a General List, the names of his wife and his minor children shall also be included, omitted, added or deleted, as the case may be.

Persons entitled to be registered.

11. Subject to section twelve, a person is entitled to be registered if that person

(a) on the twenty-sixth day of May, eighteen hundred and seventy-four, was, for the purposes of *An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands*, chapter forty-two of the statutes of 1868, as amended by section six of chapter six of the statutes of 1869, and section eight of chapter twenty-one of the statutes of 1874, considered to be entitled to hold, use or enjoy the lands and other immovable property belonging to or appropriated to the use of the various tribes, bands or bodies of Indians in Canada,

(b) is a member of a band

(i) for whose use and benefit, in common, lands have been set apart or since the twenty-sixth day of May, eighteen hundred and seventy-four have been agreed by treaty to be set apart, or

(ii) that has been declared by the Governor in Council to be a band for the purposes of this Act,

(c) is a male person who is a direct descendant in the male line of a male person described in paragraph *(a)* or *(b)*,

(d) is the legitimate child of

(i) a male person described in paragraph *(a)* or *(b)*, or

(ii) a person described in paragraph *(c)*,

(e) is the illegitimate child of a female person described in paragraph *(a)*, *(b)* or *(d)*, unless the Registrar is satisfied that the father of the child was not an Indian and the Registrar has declared that the child is not entitled to be registered, or

(f) is the wife or widow of a person who is entitled to be registered by virtue of paragraph *(a)*, *(b)*, *(c)*, *(d)* or *(e)*.

New.

New. Defines persons eligible for registration as Indians.

Persons not entitled to be registered.

12. (1) The following persons are not entitled to be registered, namely,

(a) a person who

(i) has received or has been allotted half-breed lands or money scrip,

(ii) is a descendant of a person described in subparagraph (i),

(iii) is enfranchised, or

(iv) is a person born of a marriage entered into after the coming into force of this Act and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph *(a)*, *(b)* or *(d)* of section eleven,

unless, being a woman, that person is the wife or widow of a person described in section eleven, and

(b) a woman who is married to a person who is not an Indian.

Certificate.

(2) The Minister may issue to any Indian to whom this Act ceases to apply, a certificate to that effect.

Admission to band of persons on General List.

13. (1) Subject to the approval of the Minister, a person whose name appears on a General List may be admitted into membership of a band with the consent of the band or the council of the band.

Transfer of band membership.

(2) Subject to the approval of the Minister, a member of a band may be admitted into membership of another band with the consent of the latter band or the council of that band.

Woman marrying outside band ceases to be member.

14. A woman who is a member of a band ceases to be a member of that band if she marries a person who is not a member of that band, but if she marries a member of another band, she thereupon becomes a member of the band of which her husband is a member.

Payments to persons ceasing to be members.

15. (1) Subject to subsection two, an Indian who becomes enfranchised or who otherwise ceases to be a member of a band is entitled to receive from His Majesty

(a) one *per capita* share of the capital and revenue moneys held by His Majesty on behalf of the band, and

(b) an amount equal to the amount that in the opinion of the Minister he would have received during the next succeeding twenty years under any treaty then in existence between the band and His Majesty if he had continued to be a member of the band.

Payments not to be made in certain cases.

(2) A person is not entitled to receive any amount under subsection one

(a) if his name was removed from the Indian register pursuant to a protest made under section nine, or

New. Defines persons not eligible for registration as Indians.

See Section 16 (1).

New.

See Section 14.

New.

Sections 13 to 17 inclusive.
See Section 17. Closely associated with recognition of Indian status, the Bill follows an Indian custom which divides the members of their race into bands or groups. Without making use of the grouping into bands, it would be virtually impossible to set up the Indian Register.

See Section 15.

New.
Declares who shall and who shall not be entitled to share in band funds or be entitled to the value of permanent improvements left on a reserve on losing membership rights in a band; amplifying the present provision for payment on enfranchisement and on marriage to a white man. *(See Sections 14, 15, 110 (9) and (10) and 114).*

(b) if he is not entitled to be a member of a band by reason of the application of paragraph *(e)* of section eleven or subparagraph (iv) of paragraph *(a)* of section twelve.

Payments to minors.

(3) Where by virtue of this section moneys are payable to a person who is under the age of twenty-one, the Minister may

(a) pay the moneys to the parent, guardian or other person having the custody of that person, or

(b) cause payment of the moneys to be withheld until that person reaches the age of twenty-one.

Compensation for permanent improvements.

(4) Where the name of a person is removed from the Indian Register and he is not entitled to any payment under subsection one, the Minister may, if he considers it equitable to do so, authorize payment, out of moneys appropriated by Parliament, of such compensation as the Minister may determine for any permanent improvements made by that person on lands in a reserve.

Transfer of funds.

16. (1) Section fifteen does not apply to a person who ceases to be a member of one band by reason of his becoming a member of another band, but, subject to subsection three, there shall be transferred to the credit of the latter band the amount to which that person would, but for this section, have been entitled under section fifteen.

Transferred member's interest in lands and moneys.

(2) A person who ceases to be a member of one band by reason of his becoming a member of another band is not entitled to any interest in the lands or moneys held by His Majesty on behalf of the former band, but he is entitled to the same interest in common in lands and moneys held by His Majesty on behalf of the latter band as other members of that band.

Transfer of woman by marriage.

(3) Where a woman who is a member of one band becomes a member of another band by reason of marriage, and the *per capita* share of the capital and revenue moneys held by His Majesty on behalf of the first-mentioned band is greater than the *per capita* share of such moneys so held for the second-mentioned band, there shall be transferred to the credit of the second-mentioned band an amount equal to the *per capita* share held for that band, and the remainder of the money to which the woman would, but for this section, have been entitled under section fifteen shall be paid to her in such manner and at such times as the Minister may determine.

Minister may constitute new bands.

17. (1) The Minister may, whenever he considers it desirable,

(a) constitute new bands and establish Band Lists with respect thereto from existing Band Lists or General Lists, or both, and

(b) amalgamate bands that, by a vote of a majority of their electors, request to be amalgamated.

New.

See Section 17.

Provides for the transfer of funds from one band to another on transfer of membership, continuing and enlarging the practice established under the present Act.

New.

Provides under certain circumstances for a cash adjustment when a woman marries.

New.

Division of reserves and funds.

(2) Where pursuant to subsection one a new band has been established from an existing band or any part thereof, such portion of the reserve lands and funds of the existing band as the Governor in Council determines shall be held for the use and benefit of the new band.

RESERVES.

Reserves to be held for use and benefit of Indians.

18. (1) Subject to the provisions of this Act, reserves shall be held by His Majesty for the use and benefit of the respective bands for which they were set apart; and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used is for the use and benefit of the band.

Use of reserves for schools, etc.

(2) The Governor in Council may authorize the use of lands in a reserve for the purpose of Indian schools, the administration of Indian affairs, Indian health projects or for any other purpose for the general welfare of the band, and may take any lands in a reserve required for such purposes, but where an individual Indian, immediately prior to such taking, was entitled to the possession of such lands, compensation for such use shall be paid to the Indian, in such amount as may be agreed between the Indian and the Minister, or, failing agreement, as may be determined in such manner as the Minister may direct.

Minister may authorize surveys and subdivisions.

19. The Minister may

(a) authorize surveys of reserves and the preparation of plans and reports with respect thereto,

(b) divide the whole or any portion of a reserve into lots or other subdivisions, and

(c) determine the location and direct the construction of roads in a reserve.

POSSESSION OF LANDS IN RESERVES.

Possession of lands in a reserve.

20. (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.

Certificate of Possession.

(2) The Minister may issue to an Indian who is lawfully in possession of land in a reserve a certificate, to be called a Certificate of Possession, as evidence of his right to possession of the land described therein.

Location tickets issued under previous legislation.

(3) For the purposes of this Act, any person who, at the commencement of this Act, holds a valid and subsisting location ticket issued under *The Indian Act, 1880*, or any statute relating to the same subject matter, shall be deemed to be lawfully in possession of the land to which the location ticket relates and to hold a Certificate of Possession with respect thereto.

New.

Section 19 amended to enable the Governor in Council to determine the uses to which reserves may be put and providing for compensation to individuals whose land is used for administrative purposes.

See Section 11.

Section 20.

Section 47 (3).

Section 21.

Sections 20 to 27 inclusive replace sections 21 to 24 inclusive and are the same in principle. Amendments are suggested to meet problems of administration of lands occupied by Indians in reserves. There is one new feature, namely, provision for temporary holdings on which an Indian must establish himself before being given permanent possession.

Temporary possession.

(4) Where possession of land in a reserve has been allotted to an Indian by the council of the band, the Minister may, in his discretion, withhold his approval and may authorize the Indian to occupy the land temporarily and may prescribe the conditions as to use and settlement that are to be fulfilled by the Indian before the Minister approves of the allotment.

Certificate of Occupation.

(5) Where the Minister withholds approval pursuant to subsection four, he shall issue a Certificate of Occupation to the Indian, and the Certificate entitles the Indian, or those claiming possession by devise or descent, to occupy the land in respect of which it is issued for a period of two years from the date thereof.

Extension of Certificate of Occupation, and approval of allotment.

(6) The Minister may extend the term of a Certificate of Occupation for a further period not exceeding two years, and may, at the expiration of any period during which a Certificate of Occupation is in force

(a) approve the allotment by the council of the band and issue a Certificate of Possession if in his opinion the conditions as to use and settlement have been fulfilled, or

(b) refuse approval of the allotment by the council of the band and declare the land in respect of which the Certificate of Occupation was issued to be available for re-allotment by the council of the band.

Register.

21. There shall be kept in the Department a register, to be known as the Reserve Land Register, in which shall be entered particulars relating to Certificates of Possession and Certificates of Occupation and other transactions respecting lands in a reserve.

Improvements on lands subsequently included in a reserve.

22. Where an Indian who is in possession of lands at the time they are included in a reserve made permanent improvements thereon before that time, he shall be deemed to be in lawful possession of such lands at the time they are so included.

Compensation for improvements.

23. An Indian who is lawfully removed from lands in a reserve upon which he has made permanent improvements may, if the Minister so directs, be paid compensation in respect thereof in an amount to be determined by the Minister, either from the person who goes into possession or from the funds of the band, at the discretion of the Minister.

Transfer of possession.

24. An Indian who is lawfully in possession of lands in a reserve may transfer to the band or to another member of the band the right to possession of the land, but no transfer or agreement for the transfer of the right to possession of lands in a reserve is effective until it is approved by the Minister.

Part Section 22.

Section 24 amended to apply in all provinces.

Part Section 21.

Part Section 23.

Transfer where Indian ceases to reside on reserve.

25. (1) An Indian who ceases to be entitled to reside on a reserve may, within six months or such further period as the Minister may direct, transfer to the band or another member of the band the right to possession of any lands in the reserve of which he was lawfully in possession.

Right of possession not transferred reverts to band.

(2) Where an Indian does not dispose of his right of possession in accordance with subsection one, the right to possession of the land reverts to the band, subject to the payment to the Indian who was lawfully in possession of the land, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Correction of Certificates.

26. Whenever a Certificate of Possession or Occupation was, in the opinion of the Minister, issued to or in the name of the wrong person, through mistake, or contains any clerical error or misnomer, or wrong description of any material fact therein, the Minister may cancel the Certificate and issue a corrected Certificate in lieu thereof.

Cancellation of Certificates.

27. The Minister may, with the consent of the holder thereof, cancel any Certificate of Possession or Occupation, and may cancel any Certificate of Possession or Occupation that in his opinion was issued through fraud or in error.

Grants, etc. of reserve lands void.

28. (1) Subject to subsection two, a deed, lease, contract, instrument, document or agreement of any kind whether written or oral, by which a band or a member of a band purports to permit a person other than a member of that band to occupy or use a reserve or to reside or otherwise exercise any rights on a reserve is void.

Minister may issue permits.

(2) The Minister may by permit in writing authorize any person for a period not exceeding one year to occupy or use a reserve or to reside or otherwise exercise rights on a reserve.

Reserve lands exempt from seizure.

29. Reserve lands are not subject to seizure under legal process.

Trespass on Reserves.

Penalty for trespass.

30. A person who trespasses on a reserve is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month or to both fine and imprisonment.

Information by Attorney General.

31. (1) Without prejudice to section thirty, where an Indian or a band alleges that persons other than Indians are or have been

(a) unlawfully in occupation or possession of,

New.

Provides procedure for the disposition of the land of a person who ceases to be entitled to reside on a reserve.

New.

New.

Section 34.

Sections 23 and 105.

New. *Sections 35, 36, 37 and 38.*

Section 39.

(b) claiming adversely the right to occupation or possession of, or

(c) trespassing upon

a reserve or part of a reserve, the Attorney General of Canada may exhibit an Information in the Exchequer Court of Canada claiming, on behalf of the Indian or the band, the relief or remedy sought.

Information deemed action or suit by Crown. 1928, c. 23.

(2) An Information exhibited under subsection one shall, for all purposes of the *Exchequer Court Act*, be deemed to be an action or suit by the Crown within the meaning of paragraph *(d)* of section thirty of that Act.

Existing remedies preserved.

(3) Nothing in this section shall be construed to impair, abridge or otherwise affect any right or remedy that, but for this section, would be available to His Majesty or to an Indian or a band.

Sale or Barter of Produce.

Sale or barter of produce prohibited unless superintendent approves.

32. (1) A transaction of any kind whereby a band or a member thereof purports to sell, barter, exchange, give or otherwise dispose of cattle or other animals, grain or hay, whether wild or cultivated, or root crops or plants or their products from a reserve in Manitoba, Saskatchewan, Alberta, the Northwest Territories or the Yukon Territory, to a person other than a member of that band, is void unless the superintendent approves the transaction in writing.

Exemption.

(2) The Minister may at any time by order exempt a band and the members thereof or any member thereof from the operation of this section, and may revoke any such order.

Offence.

33. Every person who enters into a transaction that is void under subsection one of section thirty-two is guilty of an offence.

Roads and Bridges.

Band to maintain roads, bridges, etc.

34. (1) A band shall ensure that the roads, bridges, ditches and fences within the reserve occupied by that band are maintained in accordance with instructions issued from time to time by the superintendent.

Minister may maintain roads, bridges, etc.

(2) Where, in the opinion of the Minister, a band has not carried out the instructions of the superintendent given under subsection one, the Minister may cause the instructions to be carried out at the expense of the band or any member thereof and may recover the cost thereof from any amounts that are held by His Majesty and are payable to the band or such member.

Sections 40 and 41.

New.

Section 42.

Section 47 (1).

Section 47 (2).

Lands Taken for Public Purposes.

Local authorities may take lands with consent of G. in C.

35. (1) Where by an Act of the Parliament of Canada or a provincial legislature His Majesty in right of a province, a municipal or local authority or a corporation is empowered to take or to use lands or any interest therein without the consent of the owner, the power may, with the consent of the Governor in Council and subject to any terms that may be prescribed by the Governor in Council, be exercised in relation to lands in a reserve or any interest therein.

Procedure.

(2) Unless the Governor in Council otherwise directs, all matters relating to compulsory taking or using of lands in a reserve under subsection one shall be governed by the statute by which the powers are conferred.

Grant in lieu of compulsory taking.

(3) Whenever the Governor in Council has consented to the exercise by a province, authority or corporation of the powers referred to in subsection one, the Governor in Council may, in lieu of the province, authority or corporation taking or using the lands without the consent of the owner, authorize a transfer or grant of such lands to the province, authority or corporation, subject to any terms that may be prescribed by the Governor in Council.

Payment.

(4) Any amount that is agreed upon or awarded in respect of the compulsory taking or using of land under this section or that is paid for a transfer or grant of land pursuant to this section shall be paid to the Receiver General of Canada for the use and benefit of the band or for the use and benefit of any Indian who is entitled to compensation or payment as a result of the exercise of the powers referred to in subsection one.

Special Reserves.

Act applies to reserves not vested in the Crown.

36. Where lands have been set apart for the use and benefit of a band and legal title thereto is not vested in His Majesty, this Act applies as though the lands were a reserve within the meaning of this Act.

Surrenders.

No sale etc., until surrender.

37. Except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to His Majesty by the band for whose use and benefit in common the reserve was set apart.

Band may surrender.

38. (1) A band may surrender to His Majesty any right or interest of the band and its members in a reserve.

Absolute or qualified.

(2) A surrender may be absolute or qualified, conditional or unconditional.

Section 48.

Section 49.

Part Section 50.

New.

How surrender made.

39. (1) A surrender is void unless

(a) it is made to His Majesty,

(b) it is assented to by a majority of the electors of the band at

(i) a general meeting of the band called by the council of the band, or

(ii) a special meeting of the band called by the Minister for the purpose of considering a proposed surrender, and

(c) it is accepted by the Governor in Council.

Minister may call meeting of band.

(2) Where a majority of the electors of a band did not vote at a meeting called pursuant to subsection one of this section or pursuant to section fifty-one of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, the Minister may, if the proposed surrender was assented to by a majority of the electors who did vote, call another meeting by giving thirty days' notice thereof.

Assent of band.

(3) Where a meeting is called pursuant to subsection two and the proposed surrender is assented to at the meeting by a majority of the members voting, the surrender shall be deemed, for the purpose of this section, to have been assented to by a majority of the electors of the band.

Secret ballot.

(4) The Minister may, at the request of the council of the band or whenever he considers it advisable, order that a vote at any meeting under this section shall be by secret ballot.

Officials required.

(5) Every meeting under this section shall be held in the presence of the superintendent or some other officer of the Department designated by the Minister.

Certification of surrender.

40. When a proposed surrender has been assented to by the band in accordance with section thirty-nine, it shall be certified on oath by the superintendent or other officer who attended the meeting and by the chief or a member of the council of the band, and shall then be submitted to the Governor in Council for acceptance or refusal.

Effect of surrender.

41. A surrender shall be deemed to confer all rights that are necessary to enable His Majesty to carry out the terms of the surrender.

Section 53.

Section 51.

Section 51(3 and 4).

New.

Descent of Property.

Powers of Minister with respect to property of deceased Indians.

42. Unless otherwise provided in this Act, all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indians, is vested exclusively in the Minister, and shall be exercised subject to and in accordance with regulations of the Governor in Council.

Particular powers.

43. Without restricting the generality of section forty-two, the Minister may

(a) appoint executors of wills and administrators of estates of deceased Indians, remove them and appoint others in their stead,

(b) authorize executors to carry out the terms of the wills of deceased Indians,

(c) authorize administrators to administer the property of Indians who die intestate,

(d) carry out the terms of wills of deceased Indians and administer the property of Indians who die intestate, and

(e) make or give any order, direction or finding that in his opinion it is necessary or desirable to make or give with respect to any matter referred to in section forty-two.

Courts may exercise jurisdiction with consent of Minister.

44. (1) The court that would have jurisdiction if the deceased were not an Indian may, with the consent of the Minister, exercise, in accordance with this Act, the jurisdiction and authority conferred in relation to matters and causes testamentary upon the Minister by this Act and any other powers, jurisdiction and authority ordinarily vested in that court.

Minister may refer a matter to the court.

(2) The Minister may direct in any particular case that an application for the grant of probate of the will or letters of administration shall be made to the court that would have jurisdiction if the deceased were not an Indian, and the Minister may refer to such court any question arising out of any will or the administration of any estate.

New.

Sections 42 to 52 replace *sections 25 to 33* inclusive of the Act, and by Section 43 it is proposed to give the Minister statutory jurisdiction and authority in relation to matters and causes testamentary with respect to deceased Indians. This authority is presently exercised by the Minister under his general authority in the Act, but it is deemed advisable to provide specific authority therefor.

Section 33.

Orders relating to lands.

(3) A court that is exercising any jurisdiction or authority under this section shall not without the consent in writing of the Minister enforce any order relating to real property on a reserve.

WILLS.

Indians may make wills.

45. (1) Nothing in this Act shall be construed to prevent or prohibit an Indian from devising or bequeathing his property by will.

Form of will.

(2) The Minister may accept as a will any written instrument signed by an Indian in which he indicates his wishes or intention with respect to the disposition of his property upon his death.

Probate.

(3) No will executed by an Indian shall be of any legal force or effect as a disposition of property until the Minister has approved the will or a court has granted probate thereof pursuant to this Act.

Minister may declare will void.

46. (1) The Minister may declare the will of an Indian to be void in whole or in part if he is satisfied that

(a) the will was executed under duress or undue influence,

(b) the testator at the time of execution of the will lacked testamentary capacity,

(c) the terms of the will would impose hardship on persons for whom the testator had a responsibility to provide,

(d) the will purports to dispose of land in a reserve in a manner contrary to the interest of the band or contrary to this Act,

(e) the terms of the will are so vague, uncertain or capricious that proper administration and equitable distribution of the estate of the deceased would be difficult or impossible to carry out in accordance with this Act, or

(f) the terms of the will are against the public interest.

Where will declared void.

(2) Where a will of an Indian is declared by the Minister or by a court to be wholly void, the person executing the will shall be deemed to have died intestate, and where the will is so declared to be void in part only, any bequest or devise affected thereby, unless a contrary intention appears in the will, shall be deemed to have lapsed.

Section 25.

New. *See section 25 (2).*

Appeals.

Appeal to Exchequer Court.

47. (1) A decision of the Minister made in the exercise of the jurisdiction or authority conferred upon him by section forty-two, forty-three or forty-six may, within two months from the date thereof, be appealed by any person affected thereby to the Exchequer Court of Canada, if the amount in controversy in the appeal exceeds five hundred dollars or if the Minister consents to an appeal.

Rules.

(2) The judges of the Exchequer Court may make rules respecting the practice and procedure governing appeals under this section.

Distribution of Property on Intestacy.

Widow's share where net value less than $2,000.

48. (1) Where the net value of the estate of an intestate does not, in the opinion of the Minister, exceed in value two thousand dollars, the estate shall go to the widow.

Widow's share where estate $2,000 or more.

(2) Where the net value of the estate of an intestate, in the opinion of the Minister, is two thousand dollars or more, two thousand dollars shall go to the widow, and the remainder shall go as follows, namely,

(a) if the intestate left no issue, the remainder shall go to the widow,

(b) if the intestate left one child, one-half of the remainder shall go to the widow,

(c) if the intestate left more than one child, one-third of the remainder shall go to the widow,

and where a child has died leaving issue and such issue is alive at the date of the intestate's death, the widow shall take the same share of the estate as if the child had been living at that date.

Where children not provided for.

(3) Notwithstanding subsections one and two,

(a) where in any particular case the Minister is satisfied that any children of the deceased will not be adequately provided for, he may direct that all or any part of the estate that would otherwise go to the widow shall go to the children, and

Right to occupy lands

(b) the Minister may direct that the widow shall have the right, during her widowhood, to occupy any lands on a reserve that were occupied by her deceased husband at the time of his death.

Distribution to issue.

(4) Where an intestate dies leaving issue his estate shall be distributed, subject to the rights of the widow, if any, *per stirpes* among such issue.

Distribution to father and mother.

(5) Where an intestate dies leaving no widow or issue his estate shall go to his father and mother in equal shares if both are living, but if either of them is dead the estate shall go to the survivor.

Distribution to brothers, sisters and issue of brothers and sisters.

(6) Where an intestate dies leaving no widow or issue or father or mother his estate shall go to his brothers and sisters in equal shares, and if any brother and sister is dead the

New.

This section is founded on the uniform *Intestate Succession Act* prepared by the Commissioners on Uniformity of Legislation in Canada, and replaces *section 26*.

children of the deceased brother or sister shall take the share their parent would have taken if living, but where the only persons entitled are children of deceased brothers and sisters, they shall take *per capita*.

Next-of-kin.

(7) Where an intestate dies leaving no widow, issue, father, mother, brother or sister, and no children of any deceased brother or sister, his estate shall go to his next-of-kin.

Distribution amongst next-of-kin.

(8) Where the estate goes to the next-of-kin it shall be distributed equally among the next-of-kin of equal degree of consanguinity to the intestate and those who legally represent them, but in no case shall representation be admitted after brothers' and sisters' children, and any interest in land in a reserve shall vest in His Majesty for the benefit of the band if the nearest of kin of the intestate is more remote than a brother or sister.

Degrees of kindred.

(9) For the purposes of this section, degrees of kindred shall be computed by counting upward from the intestate to the nearest common ancestor and then downward to the relative, and the kindred of the half-blood shall inherit equally with those of the whole-blood in the same degree.

Descendants and relatives born after intestate's death.

(10) Descendants and relatives of the intestate begotten before his death but born thereafter shall inherit as if they had been born in the lifetime of the intestate and had survived him.

Estate not disposed of by will.

(11) All such estate as is not disposed of by will shall be distributed as if the testator had died intestate and had left no other estate.

No dower or estate by curtesy.

(12) No widow is entitled to dower in the land of her deceased husband dying intestate, and no husband is entitled to an estate by curtesy in the land of his deceased wife so dying, and there is no community of real or personal property situated on a reserve.

Illegitimate children.

(13) Illegitimate children and their issue shall inherit from the mother as if the children were legitimate, and shall inherit as if the children were legitimate, through the mother, if dead, any real or personal property that she would have taken, if living, by gift, devise or descent from any other person.

Intestate being an illegitimate child.

(14) Where an intestate, being an illegitimate child, dies leaving no widow or issue, his estate shall go to his mother, if living, but if the mother is dead his estate shall go to the other children of the same mother in equal shares, and where any child is dead the children of the deceased child shall take the share their parent would have taken if living; but where the only persons entitled are children of deceased children of the mother, they shall take *per capita*.

"widow" includes "widower".

(15) This section applies in respect of an intestate woman as it applies in respect of an intestate male, and for the the purposes of this section the word "widow" includes "widower".

"child"

(16) In this section "child" includes a legally adopted child.

Devisee of lands not entitled to possession until possession approved.

49. A person who claims to be entitled to possession or occupation of lands in a reserve by devise or descent shall be deemed not to be in lawful possession or occupation of that land until the possession is approved by the Minister.

Devisee not entitled unless resident on reserve.

50. (1) A person who is not entitled to reside on a reserve does not by devise or descent acquire a right to possession or occupation of land in that reserve.

Sale by superintendent.

(2) Where a right to possession or occupation of land in a reserve passes by devise or descent to a person who is not entitled to reside on a reserve, that right shall be offered for sale by the superintendent to the highest bidder among persons who are entitled to reside on the reserve and the proceeds of the sale shall be paid to the devisee or descendant, as the case may be.

Unsold lands revert to band.

(3) Where no tender is received within six months or such further period as the Minister may direct after the date when the right to possession or occupation is offered for sale under subsection two, the right shall revert to the band free from any claim on the part of the devisee or descendant, subject to the payment, at the discretion of the Minister, to the devisee or descendant, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Purchaser not entitled to possession until possession approved.

(4) The purchaser of a right to possession or occupation of land under subsection two shall be deemed not to be in lawful possession or occupation of the land until the possession is approved by the Minister.

Mentally Incompetent Indians.

Powers of Minister generally.

51. (1) Subject to this section, all jurisdiction and authority in relation to the property of mentally incompetent Indians is vested exclusively in the Minister.

Particular powers.

(2) Without restricting the generality of subsection one, the Minister may

(a) appoint persons to administer the estates of mentally incompetent Indians,

(b) order that any property of a mentally incompetent Indian shall be sold, leased, alienated, mortgaged, disposed of or otherwise dealt with for the purpose of

(i) paying his debts or engagements,

(ii) discharging encumbrances on his property,

(iii) paying debts or expenses incurred for his maintenance or otherwise for his benefit, or

(iv) paying or providing for the expenses of future maintenance, and

Section 31.

Section 25 (3).

New.

Section 28.

(c) make such orders and give such directions as he considers necessary to secure the satisfactory management of the estates of mentally incompetent Indians.

Property off reserve.

(3) The Minister may order that any property situated off a reserve and belonging to a mentally incompetent Indian shall be dealt with under the laws of the province in which the property is situated.

GUARDIANSHIP.

Administration of property of infant children.

52. The Minister may administer or provide for the administration of any property to which infant children of Indians are entitled, and may appoint guardians for such purpose.

MANAGEMENT OF RESERVES AND SURRENDERED LANDS.

Disposition of surrendered lands.

53. (1) The Minister or a person appointed by him for the purpose may manage, sell, lease or otherwise dispose of surrendered lands in accordance with this Act and the terms of the surrender.

Grant where original purchaser dead.

(2) Where the original purchaser of surrendered lands is dead and the heir, assignee or devisee of the original purchaser applies for a grant of the lands, the Minister may, upon receipt of proof in such manner as he directs and requires in support of any claim for the grant and upon being satisfied that the claim has been equitably and justly established, allow the claim and authorize a grant to issue accordingly.

Departmental employees not to acquire surrendered lands.

(3) No person who is appointed to manage, sell, lease or otherwise dispose of surrendered lands or who is an officer or servant of His Majesty employed in the Department may, except with the approval of the Governor in Council, acquire directly or indirectly any interest in surrendered lands.

Assignments.

54. Where surrendered lands have been agreed to be sold or otherwise disposed of and Letters Patent relating thereto have not issued, or where surrendered lands have been leased, the purchaser, lessee or other person having an interest in the surrendered lands may, with the approval of the Minister, assign his interest in the surrendered lands or a part thereof to any other person.

Surrendered Lands Register.

55. (1) There shall be kept in the Department a register, to be known as the Surrendered Lands Register, in which shall be entered particulars in connection with any lease or other disposition of surrendered lands by the Minister or any assignment thereof.

Conditional assignment.

(2) A conditional assignment shall not be registered.

Proof of execution.

(3) Registration of an assignment may be refused until proof of its execution has been furnished.

New.

New.

Sections 4 and 54.

Section 72.

Section 60.

Section 57.

Section 56.

Section 58 (3).

New.

Effect of registration.

(4) An assignment registered under this section is valid against an unregistered assignment or an assignment subsequently registered.

Certificate of registration rendered.

56. Where an assignment is registered there shall be endorsed on the original copy thereof a certificate of registration signed by the Minister or by an officer of the Department authorized by him to sign such certificates.

Regulations.

57. The Governor in Council may make regulations

(a) authorizing the Minister to grant licences to cut timber on surrendered lands, or, with the consent of the council of the band, on reserve lands,

(b) imposing terms, conditions and restrictions with respect to the exercise of rights conferred by licences granted under paragraph *(a)*,

(c) providing for the disposition of surrendered mines and minerals underlying lands in a reserve,

(d) prescribing the penalty not exceeding one hundred dollars or imprisonment for a term of three months or both fine and imprisonment that may be imposed on summary conviction for violation of any regulation made under this section, and

(e) providing for the seizure and forfeiture of any timber or minerals taken in violation of any regulation made under this section.

Uncultivated or unused lands.

58. (1) Where land in a reserve is uncultivated or unused or remains uncultivated or unused for a period of two years, the Minister may, with the consent of the council of the band,

(a) improve or cultivate such land and employ persons therefor, authorize and direct the expenditure of so much of the capital funds of the band as he considers necessary for such improvement or cultivation including the purchase of such stock, machinery or material or for the employment of such labour as the Minister considers necessary,

(b) where the land is in the lawful possession of any individual, grant a lease of such land for agricultural or grazing purposes or for any purpose that is for the benefit of the person in possession, and

(c) where the land is not in the lawful possession of any individual, grant for the benefit of the band a lease of such land for agricultural or grazing purposes.

Distribution of proceeds.

(2) Out of the proceeds derived from the improvement or cultivation of lands pursuant to paragraph *(b)* of subsection one, a reasonable rent shall be paid to the individual in lawful possession of the lands or any part thereof, and the remainder of the proceeds shall be placed to the credit

Section 58 (1).

Section 57.

Section 76.

Section 50 (2).

Section 93 (3).

of the band, but if improvements are made on the lands occupied by an individual, the Minister may deduct the value of such improvements from the rent payable to such individual under this subsection.

Lease at request of occupant.

(3) The Minister may lease for the benefit of any Indian upon his application for that purpose, the land of which he is lawfully in possession without the land being surrendered.

Disposition of grass, timber, non-metallic substances, etc.

(4) Notwithstanding anything in this Act, the Minister may, without a surrender

(a) dispose of wild grass or dead or fallen timber,

(b) with the consent of the council of the band, dispose of sand, gravel, clay and other non-metallic substances upon or under lands in a reserve, or, where such consent cannot be obtained without undue difficulty or delay, may issue temporary permits for the taking of sand, gravel, clay and other non-metallic substances upon or under lands in a reserve, renewable only with the consent of the council of the band,

and the proceeds of such transactions shall be credited to band funds or shall be divided between the band and the individual Indians in lawful possession of the lands in such shares as the Minister may determine.

Adjustment of contracts.

59. The Minister may, with the consent of the council of a band

(a) reduce or adjust the amount payable to His Majesty in respect of a sale, lease or other disposition of surrendered lands or a lease or other disposition of lands in a reserve or the rate of interest payable thereon, and

(b) reduce or adjust the amount payable to the band by an Indian in respect of a loan made to the Indian from band funds.

G. in C. may grant to band control over lands.

60. (1) The Governor in Council may at the request of a band grant to the band the right to exercise such control and management over lands in the reserve occupied by that band as the Governor in Council considers desirable.

Withdrawal.

(2) The Governor in Council may at any time withdraw from a band a right conferred upon the band under subsection one.

Management of Indian Moneys.

Indian moneys to be held for use and benefit.

61. (1) Indian moneys shall be expended only for the benefit of the Indians or bands for whose use and benefit in common the moneys are received or held, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which Indian moneys are used or are to be used is for the use and benefit of the band.

Section 50.

Section 50 amended to include non-metallic substances and to provide for the disposition of proceeds.

Section 91.

New.

New.

Sections 61, 62, 64, 65 and 66 replace *sections 92 and 93*, and have been redrafted to *(a)* define what moneys are capital and what are revenue; *(b)* authorize expenditures therefrom with band consent.

Interest.

(2) Interest upon Indian moneys held in the Consolidated Revenue Fund shall be allowed at a rate to be fixed from time to time by the Governor in Council.

Capital and revenue.

62. All Indian moneys derived from the sale of surrendered lands or the sale of capital assets of a band shall be deemed to be capital moneys of the band and all Indian moneys other than capital moneys shall be deemed to be revenue moneys of the band.

Payments to Indians.

1931, c. 27.

63. Notwithstanding *The Consolidated Revenue and Audit Act, 1931*, where moneys to which an Indian is entitled are paid to a superintendent under any lease or agreement made under this Act, the superintendent may pay the moneys to the Indian.

Expenditure of capital moneys with consent.

64. With the consent of the council of a band, the Minister may authorize and direct the expenditure of capital moneys of the band

(a) to distribute *per capita* to the members of the band an amount not exceeding fifty per cent of the capital moneys of the band derived from the sale of surrendered lands,

(b) to construct and maintain roads, bridges, ditches and water courses on the reserves or on surrendered lands,

(c) to construct and maintain outer boundary fences on reserves,

(d) to purchase land for use by the band as a reserve or as an addition to a reserve,

(e) to purchase for the band the interest of a member of the band in lands on a reserve,

(f) to purchase livestock and farm implements, farm equipment, or machinery for the band,

(g) to construct and maintain on or in connection with a reserve such permanent improvements or works as in the opinion of the Minister will be of permanent value to the band or will constitute a capital investment,

(h) to make to members of the band, for the purpose of promoting the welfare of the band, loans not exceeding one-half of the total value of

(i) the chattels owned by the borrower, and

(ii) the land with respect to which he holds or is eligible to receive a Certificate of Possession,

and may charge interest and take security therefor,

(i) to meet expenses necessarily incidental to the management of lands on a reserve, surrendered lands and any band property, and

(j) for any other purpose that in the opinion of the Minister is for the benefit of the band.

New.

New.

To facilitate the return of rentals to individual Indians whose lands have been leased under section 58 (3).

See explanatory note opposite section 61.

Expenditure of capital.

65. The Minister may pay from capital moneys

(a) compensation to an Indian in an amount that is determined in accordance with this Act to be payable to him in respect of land compulsorily taken from him for band purposes, and

(b) expenses incurred to prevent or suppress grass or forest fires or to protect the property of Indians in cases of emergency.

Expenditure of revenue moneys with consent of band.

66. (1) With the consent of the council of a band, the Minister may authorize and direct the expenditure of revenue moneys for any purpose that in his opinion will promote the general progress and welfare of the band or any member of the band.

Minister may direct expenditure.

(2) The Minister may make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band.

Expenditure of revenue moneys with authority of G. in C.

(3) The Governor in Council may authorize the expenditure of revenue moneys of the band for all or any of the following purposes, namely,

(a) for the destruction of noxious weeds and the prevention of the spreading or prevalence of insects, pests or diseases that may destroy or injure vegetation on Indian reserves,

(b) to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable,

(c) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof,

(d) to prevent overcrowding of premises on reserves used as dwellings,

(e) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves, and

(f) for the construction and maintenance of boundary fences.

Maintenance of dependents.

67. (1) Where the Minister is satisfied that a male Indian

(a) has deserted his wife or family without sufficient cause,

(b) has conducted himself in such a manner as to justify the refusal of his wife or family to live with him, or

(c) has been separated by imprisonment from his wife and family,

he may order that payments of any annuity or interest money to which that Indian is entitled shall be applied to the support of the wife or family or both the wife and family of that Indian.

See explanatory note opposite section 61.

See explanatory note opposite section 61.

See *Section 95 (d).*

See *Sections 69 (b) and 95 (e).*

Section 95. (a. b. and c.)

Maintenance of illegitimate child.

(2) Where the Minister is satisfied that a female Indian has deserted her husband or family, he may order that payments of any annuity or interest money to which that Indian is entitled shall be applied to the support of her family.

Illegitimate children.

(3) Where the Minister is satisfied that one or both of the parents of an illegitimate child is an Indian, he may stop payments out of any annuity or interest moneys to which either or both of the parents would otherwise be entitled and apply the moneys to the support of the child, but not so as to prejudice the welfare of any legitimate child of either Indian.

Management of revenue moneys by band.

68. (1) The Governor in Council may by order permit a band to control, manage and expend in whole or in part its revenue moneys and may amend or revoke any such order.

Regulations.

(2) The Governor in Council may make regulations to give effect to subsection one and may declare therein the extent to which this Act and *The Consolidated Revenue and Audit Act, 1931*, shall not apply to a band to which an order made under subsection one applies.

1931, c. 27.

Loans to Indians.

Loans to Indians.

69. (1) The Minister of Finance may from time to time advance to the Minister out of the Consolidated Revenue Fund such sums of money as the Minister may require to enable him

(a) to make loans to bands, groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, materials to be used in native handicrafts, any other equipment, and gasoline and other petroleum products, or for the making of repairs or the payment of wages, or

(b) to expend or to lend money for the carrying out of co-operative projects on behalf of Indians.

Regulations.

(2) The Governor in Council may make regulations to give effect to subsection one.

Accounting.

(3) Expenditures that are made under subsection one shall be accounted for in the same manner as public moneys.

Repayment.

(4) The Minister shall pay to the Minister of Finance all moneys that he receives from bands, groups of Indians or individual Indians by way of repayments of loans made under subsection one.

Limitation.

(5) The total amount of outstanding advances to the Minister under this section shall not at any one time exceed three hundred and fifty thousand dollars.

New.

Section 94B amended by adding the following new purposes: motor vehicles; fencing materials and other equipment; gas and oil; repairs and wages.

Report to Parliament.

(6) The Minister shall within fifteen days after the termination of each fiscal year or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof, lay before Parliament a report setting out the total number and amount of loans made under subsection one during that year.

Farms.

Minister may operate farms.

70. (1) The Minister may operate farms on reserves and may employ such persons as he considers necessary to instruct Indians in farming and may purchase and distribute without charge, pure seed to Indian farmers.

Application of profits.

(2) The Minister may apply any profits that result from the operation of farms on reserves to extend farming operations on the reserves or to make loans to Indians to enable them to engage in farming or other agricultural operations or he may apply such profits in any way that he considers to be desirable to promote the progress and development of Indians.

Treaty Money.

Treaty money payable out of C.R.F.

71. Moneys that are payable to Indians or to Indian bands under a treaty between His Majesty and the band and for the payment of which the Government of Canada is responsible, may be paid out of the Consolidated Revenue Fund.

Regulations.

Regulations.

72. (1) The Governor in Council may make regulations

(a) for the protection and preservation of fur-bearing animals, fish and other game on reserves,

(b) for the destruction of noxious weeds and the prevention of the spreading or prevalence of insects, pests or diseases that may destroy or injure vegetation on Indian reserves,

(c) for the control of the speed, operation and parking of vehicles on roads within reserves,

(d) for the taxation, control and destruction of dogs and for the protection of sheep on reserves,

(e) for the operation, supervision and control of pool rooms, dance halls and other places of amusement on reserves,

(f) to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable,

(g) to provide medical treatment and health services for Indians,

Section 94A.

Section 162.

Sections 69 and 95.

(h) to provide compulsory hospitalization and treatment for infectious diseases among Indians,

(i) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof,

(j) to prevent overcrowding of premises on reserves used as dwellings,

(k) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves, and

(l) for the construction and maintenance of boundary fences.

Penalty.

(2) The Governor in Council may prescribe the penalty, not exceeding a fine of one hundred dollars or imprisonment for a term not exceeding three months or both fine and imprisonment, that may be imposed on summary conviction for violation of a regulation made under subsection one.

Orders and regulations.

(3) The Governor in Council may make orders and regulations to carry out the purposes and provisions of this Act.

Elections of Chiefs and Band Councils.

G. in C. may declare chiefs and councillors to be elected.

73. (1) Whenever he deems it advisable for the good government of a band, the Governor in Council may declare by order that after a day to be named therein the council of the band, consisting of a chief and councillors, shall be selected by elections to be held in accordance with this Act.

Composition of council.

(2) The council of a band in respect of which an order has been made under subsection one shall consist of one chief, and one councillor for every one hundred members of the band, but the number of councillors shall not be less than two nor more than twelve and no band shall have more than one chief.

Regulations.

(3) The Governor in Council may, for the purposes of giving effect to subsection one, make orders or regulations to provide

(a) that the chief of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the elected councillors of the band from among themselves, but the chief so elected shall remain a councillor,

(b) that the councillors of a band shall be elected by

(i) a majority of the votes of the electors of the band, or

(ii) a majority of the votes of the electors of the band in the electoral section in which the candidate resides and that he proposes to represent on the council of the band,

Sections 73 to 79 comprise an amalgamation of the Sections of the *Indian Act* both in Part I and Part II on the subject, and propose a workable procedure for band elections. The corresponding sections of the Act are *96 to 99A* inclusive of Part I, and *Sections 168 to 184* inclusive of Part II. Sections 75, 76 and 79 are new. Section 75—The procedure in nominating candidates, the appointment of duties of electoral officers, voting and election appeals are by regulation by the Governor in Council. Section 76 extends the franchise to all members of the band who are of the full age of 21 years and who are ordinarily resident on the reserve. Section 79—Procedure of band and council meetings is to be by regulation of the Governor in Council.

(c) that a reserve shall for voting purposes be divided into not more than six electoral sections containing as nearly as may be an equal number of Indians eligible to vote, and

(d) for the manner in which electoral sections established under paragraph *(c)* shall be distinguished or identified.

Single electoral section.

(4) Where the Minister is satisfied that a majority of the electors of a band do not desire to have the reserve divided into electoral sections and reports to the Governor in Council accordingly, the Governor in Council may order that the reserve shall for voting purposes consist of one electoral section.

Eligibility.

74. (1) No person other than an elector who resides in a section may be nominated for the office of councillor to represent that section on the council of the band.

Nomination.

(2) No person may be a candidate for election as chief or councillor unless his nomination is moved and seconded by persons who are themselves eligible to be nominated.

Regulations governing elections.

75. (1) The Governor in Council may make orders and regulations with respect to band elections and, without restricting the generality of the foregoing, may make regulations with respect to

(a) meetings to nominate candidates,

(b) the appointment and duties of electoral officers,

(c) the manner in which voting shall be carried out,

(d) election appeals, and

(e) the definition of residence for the purpose of determining the eligibility of voters.

Secrecy of voting.

(2) The regulations made under paragraph *(c)* of subsection one shall make provision for secrecy of voting.

Eligibility of voters for chief.

76. (1) A member of a band who is of the full age of twenty-one years and is ordinarily resident on the reserve is qualified to vote for a person nominated to be chief of the band, and where the reserve for voting purposes consists of one section, to vote for persons nominated as councillors.

Councillor.

(2) A member of a band who is of the full age of twenty-one years and is ordinarily resident in a section that has been established for voting purposes is qualified to vote for a person nominated to be councillor to represent that section.

Tenure of office.

77. (1) Subject to this section, chiefs and councillors shall hold office for two years.

Vacancy.

(2) The office of chief or councillor becomes vacant when

(a) the person who holds that office

(i) is convicted of an indictable offence,

(ii) dies or resigns his office, or

(iii) is or becomes ineligible to hold office by virtue of this Act, or

(b) the Minister declares that in his opinion the person who holds that office

(i) is unfit to continue in office by reason of his having been convicted of an offence,

(ii) has been absent from meetings of the council for three consecutive months without being authorized to do so, or

(iii) was guilty, in connection with an election, of corrupt practice, accepting a bribe, dishonesty or malfeasance.

Disqualification.

(3) The Minister may declare a person who ceases to hold office by virtue of subparagraph (iii) of paragraph *(b)* of subsection two to be ineligible to be a candidate for chief or councillor for a period not exceeding six years.

Special election

(4) Where the office of chief or councillor becomes vacant more than three months before the date when another election would ordinarily be held, a special election may be held in accordance with this Act to fill the vacancy.

Minister may set aside election.

78. The Minister may set aside the election of a chief or a councillor on the report of the superintendent that he is satisfied that

(a) there was corrupt practice in connection with the election,

(b) there was a violation of this Act that might have affected the result of the election, or

(c) a person nominated to be a candidate in the election was ineligible to be a candidate.

Regulations respecting band and council meetings.

79. The Governor in Council may make regulations with respect to band meetings and council meetings and, without restricting the generality of the foregoing, may make regulations with respect to

(a) presiding officers at such meetings,

(b) notice of such meetings,

(c) the duties of the representative of the Minister at such meetings, and

(d) the number of persons required at the meeting to constitute a quorum.

Powers of the Council.

By-laws.

80. The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely,

(a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases,

Sections 80 to 85 comprise an amalgamation of *Sections 101 and 185* of the present Act, and the powers of the Council are broadened to conform to those ordinarily exercised by municipal authorities.

(b) the regulation of traffic,
(c) the observance of law and order,
(d) the prevention of disorderly conduct and nuisances,
(e) the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services,
(f) the construction and maintenance of water courses, roads, bridges, ditches, fences and other local works,
(g) the dividing the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any such zone,
(h) the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band,
(i) the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to allotments and the setting apart of reserve lands for common use, if authority therefor has been granted under section sixty,
(j) the destruction and control of noxious weeds,
(k) the regulation of beekeeping and poultry raising,
(l) the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies,
(m) the control and prohibition of public games, sports, races, athletic contests and other amusements,
(n) the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise,
(o) the preservation, protection and management of fur-bearing animals, fish and other game on the reserve,
(p) the removal and punishment of persons trespassing upon the reserve or frequenting the reserve for prescribed purposes,
(q) with respect to any matter arising out of or ancillary to the exercise of powers under this section, and
(r) the imposition on summary conviction of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment for violation of a by-law made under this section.

Copies of by-laws to be sent to Minister.

81. (1) A copy of every by-law made under the authority of section eighty shall be forwarded by mail by the chief or a member of the council of the band to the Minister within four days after it is made.

Effective date of by-law.

(2) A by-law made under section eighty shall come into force forty days after it is made unless it is disallowed by the Minister within that period, but the Minister may declare the by-law to be in force at any time before the expiration of that period.

Money by-laws.

82. (1) Without prejudice to the powers conferred by section eighty, where the Governor in Council declares that a band has reached an advanced stage of development, the council of the band may, subject to the approval of the Minister, make by-laws for any or all of the following purposes, namely,

(a) the raising of money by

(i) the assessment and taxation of interests in land in the reserve of persons lawfully in possession thereof, and

(ii) the licencing of businesses, callings, trades and occupations,

(b) the appropriation and expenditure of moneys of the band to defray band expenses,

(c) the appointment of officials to conduct the business of the council, prescribing their duties and providing for their remuneration out of any moneys raised pursuant to paragraph *(a)*,

(d) the payment of remuneration, in such amount as may be approved by the Minister, to chiefs and councillors, out of any moneys raised pursuant to paragraph *(a)*,

(e) the imposition of a penalty for non-payment of taxes imposed pursuant to this section, recoverable on summary conviction, not exceeding the amount of the tax or the amount remaining unpaid, and

(f) with respect to any matter arising out of or ancillary to the exercise of powers under this section.

Restriction on expenditures.

(2) No expenditures shall be made out of moneys raised pursuant to paragraph *(a)* of subsection one except under the authority of a by-law of the council of the band.

Recovery of taxes.

83. Where a tax that is imposed upon an Indian by or under the authority of a by-law made under section eighty-two is not paid in accordance with the by-law, the Minister may pay the amount owing together with an amount equal to one-half of one per cent thereof out of moneys payable out of the funds of the band to the Indian.

G. in C. may revoke authority to make money by-laws.

84. The Governor in Council may revoke a declaration made under section eighty-two whereupon that section shall no longer apply to the band to which it formerly applied, but any by-law made under the authority of that section

New.

New; *See 166 (2)*.

and in force at the time the declaration is revoked shall be deemed to continue in force until it is revoked by the Governor in Council.

Evidence.

85. A copy of a by-law made by the council of a band under this Act, if it is certified to be a true copy by the superintendent, is *prima facie* evidence that the by-law was duly made by the council and approved by the Minister, without proof of the signature or official character of the superintendent, and no such by-law is invalid by reason of any defect in form.

Taxation.

Property exempt from taxation.

86. (1) Notwithstanding any other Act of the Parliament of Canada or any Act of the legislature of a province, but subject to subsection two of this section and to section eighty-two, the following property is exempt from taxation, namely,

(a) the interest of an Indian or a band in reserve or surrendered lands, and

(b) the personal property of an Indian or band situated on a reserve,

and no Indian or band is subject to taxation in respect of the ownership, occupation, possession or use of any property mentioned in paragraph *(a)* or *(b)* or is otherwise subject to taxation in respect of any such property; and no succession duty, inheritance tax or estate duty is payable on the death of any Indian in respect of any such property or the succession thereto if the property passes to an Indian.

Tax exemption not applicable. 1938, c. 46.

(2) Subsection one does not apply to or in respect of the personal property of an Indian who has executed a waiver under the provisions of paragraph *(f)* of subsection two of section fourteen of *The Dominion Elections Act, 1938.*

Legal Rights.

General provincial laws applicable to Indians.

87. Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act.

Property on reserve not subject to alienation.

88. (1) Subject to this Act, the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy,

Section 186.

Section 102.

New.

Section 105.

seizure, distress or execution in favour or at the instance of any person other than an Indian.

Conditional sales.

(2) A person who sells to a band or a member of a band a chattel under an agreement whereby the right of property or right of possession thereto remains wholly or in part in the seller, may exercise his rights under the agreement notwithstanding that the chattel is situated on a reserve.

Property deemed situated on reserve.

89. (1) For the purposes of sections eighty-six and eighty-eight, personal property that was

(a) purchased by His Majesty with Indian moneys or moneys appropriated by Parliament for the use and benefit of Indians or bands, or

(b) given to Indians or to a band under a treaty or agreement between a band and His Majesty,

shall be deemed always to be situated on a reserve.

Restriction on transfer.

(2) Every transaction purporting to pass title to any property that is by this section deemed to be situated on a reserve, or any interest in such property, is void unless the transaction is entered into with the consent of the Minister or is entered into between members of a band or between the band and a member thereof.

Destruction of property.

(3) Every person who enters into any transaction that is void by virtue of subsection two is guilty of an offence, and every person who, without the written consent of the Minister, destroys personal property that is by this section deemed to be situated on a reserve, is guilty of an offence.

Trading with Indians.

Certain property on a reserve may not be acquired.

90. (1) No person may, without the written consent of the Minister, acquire title to any of the following property situated on a reserve, namely,

(a) an Indian grave house,

(b) a carved grave pole,

(c) a totem pole,

(d) a carved house post, or

(e) a rock embellished with paintings or carvings.

Articles manufactured for sale.

(2) Subsection one does not apply to chattels referred to therein that are manufactured for sale by Indians.

Removal, destruction, etc.

(3) No person shall remove, take away, mutilate, disfigure, deface or destroy any chattel referred to in subsection one without the written consent of the Minister.

Penalty.

(4) A person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

Departmental employees, etc., prohibited from trading without a licence.

91. (1) No person who is

(a) an officer or employee in the Department,

(b) a missionary engaged in mission work among Indians,

or

Section 108.

Section 109.

Section 44.

(c) a school teacher on a reserve,

shall, without a licence from the Minister or his duly authorized representative, trade for profit with an Indian or sell to him directly or indirectly goods or chattels.

Cancellation of licence.

(2) The Minister or his duly authorized representative may at any time cancel a licence given under this section.

Penalty.

(3) A person who violates subsection one is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

Dismissal.

(4) Without prejudice to subsection three, an officer or employee in the Department who contravenes subsection one may be dismissed from office.

PENALTIES.

Removal of material from reserve.

92. A person who, without the written permission of the Minister or his duly authorized representative,

(a) removes from a reserve

(i) minerals, stone, sand, gravel, clay or soil, or

(ii) trees, saplings, shrubs, underbrush, timber, cordwood or hay, or

(b) has in his possession anything removed from a reserve contrary to this section,

Offence and penalty.

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Sale of intoxicants.

93. A person who directly or indirectly by himself or by any other person on his behalf knowingly

(a) sells, barters, supplies or gives an intoxicant to

(i) any person on a reserve, or

(ii) an Indian outside a reserve,

(b) opens or keeps or causes to be opened or kept on a reserve a dwelling house, building, tent, or place in which intoxicants are sold, supplied or given to any person, or

(c) makes or manufactures intoxicants on a reserve,

is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars and not more than three hundred dollars or to imprisonment for a term of not less than one month and not more than six months, with or without hard labour, or to both fine and imprisonment.

Possession of intoxicants off a reserve.

94. An Indian who

(a) has intoxicants in his possession,

(b) is intoxicated, or

Section 118.

Sections 93 to 98 inclusive are a rearrangement of *Sections 126 to 137* inclusive of the present Act. Section 95 of the Bill is new. This section will under certain circumstances permit Indians to consume intoxicants in licensed premises such as taverns and cocktail lounges in accordance with provincial law, but the sale, manufacture and possession of intoxicants on reserves is still prohibited and Indians would not be allowed to have packaged goods whether on or off reserves.

Section 128.

(c) makes or manufactures intoxicants

off a reserve, is guilty of an offence and is liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Exception re sale of intoxicants.

95. (1) No offence is committed against subparagraph (ii) of paragraph *(a)* of section ninety-three or paragraph *(a)* of section ninety-four if intoxicants are sold to an Indian for consumption in a public place in accordance with a law of the province where the sale takes place authorizing the sale of intoxicants to a person for consumption in a public place.

Coming into force.

(2) This section shall not come into force in any province until a proclamation bringing it into force in the province is issued by the Governor in Council at the request of the Lieutenant-Governor in Council of the province.

Possession of intoxicants on a reserve.

96. A person who is found

(a) with intoxicants in his possession, or

(b) intoxicated

on a reserve, is guilty of an offence and is liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Exception where intoxicant used for sickness.

97. The provisions of this Act relating to intoxicants do not apply where the intoxicant is used or is intended to be used in cases of sickness or accident.

Onus of proof.

98. In any prosecution under this Act the burden of proof that an intoxicant was used or was intended to be used in a case of sickness or accident is upon the accused.

Certificate of analysis is evidence.

99. In every prosecution under this Act a certificate of analysis furnished by an analyst employed by the Government of Canada or by a province shall be accepted as *prima facie* evidence of the facts stated therein and of the authority of the person giving or issuing the certificate, without proof of the signature of the person appearing to have signed the certificate or his official character, and without further proof thereof.

Penalty where no other provided.

100. Every person who is guilty of an offence against any provision of this Act or any regulation made by the Governor in Council or the Minister for which a penalty is not provided elsewhere in this Act or the regulations, is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

New.

Section 130.

Section 129.

Section 137 (2).

New.

Seizure of goods.

101. (1) Whenever a peace officer or a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section thirty-three, eighty-nine, ninety-three, ninety-four or ninety-six has been committed, he may seize all goods and chattels by means of or in relation to which he reasonably believes the offence was committed.

Detention.

(2) All goods and chattels seized pursuant to subsection one may be detained for a period of three months following the day of seizure unless during that period proceedings under this Act in respect of such offence are undertaken, in which case the goods and chattels may be further detained until such proceedings are finally concluded.

Forfeiture.

(3) Where a person is convicted of an offence against the sections mentioned in subsection one, the convicting court or judge may order that the goods and chattels by means of or in relation to which the offence was committed, in addition to any penalty imposed, are forfeited to His Majesty.

Disposition of fines.

102. Every fine, penalty or forfeiture imposed under this Act belongs to His Majesty for the benefit of the band with respect to which or to one or more members of which the offence was committed or to which the offender, if an Indian, belongs, but the Governor in Council may from time to time direct that the fine, penalty or forfeiture shall be paid to a provincial, municipal or local authority that bears in whole or in part the expense of administering the law under which the fine, penalty or forfeiture is imposed, or that the fine, penalty or forfeiture shall be applied in the manner that he considers will best promote the purposes of the law under which the fine, penalty or forfeiture is imposed, or the administration of that law.

Description of Indians in writs, etc.

103. In any order, writ, warrant, summons or proceeding issued under this Act it shall be sufficient if the name of the person or Indian referred to therein is the name given to, or the name by which the person or Indian is known by, the person who issues the order, writ, warrant, summons or proceedings, and if no part of the name of the person is given to or known by the person issuing the order, writ, warrant, summons or proceedings, it is sufficient if the person or Indian is described in any manner by which he may be identified.

New.

Section 142.

Section 147.

Jurisdiction of magistrates.

104. A police magistrate or a stipendiary magistrate shall have and may exercise, with respect to matters arising under this Act, jurisdiction over the whole county, union of counties or judicial district in which the city, town or other place for which he is appointed or in which he has jurisdiction under provincial laws is situated.

Appointment of justices.

105. The Governor in Council may appoint persons to be, for the purposes of this Act, justices of the peace and those persons shall have and may exercise the powers and authority of two justices of the peace with regard to

(a) offences under this Act,

R.S., c. 36.

(b) offences under the *Criminal Code* with respect to inciting Indians on reserves to commit riotous acts, the prostitution of Indian women and robbing of Indian graves, and

(c) any offence against the provisions of the *Criminal Code* relating to cruelty to animals, common assault, breaking and entering and vagrancy, where the offence is committed by an Indian or relates to the person or property of an Indian.

Indian agent *ex officio* a J.P.

106. Where, immediately prior to the coming into force of this Act, an Indian agent was *ex officio* a justice of the peace under the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, he shall be deemed, for the purposes of this Act. to have been appointed under section one hundred and five, and he may exercise the powers and authority conferred by that section until his appointment is revoked by the Minister.

Commissioners for taking oaths.

107. For the purposes of this Act or any matter relating to Indian affairs

(a) persons appointed by the Minister for the purpose,

(b) superintendents, and

(c) the Minister, Deputy Minister and the chief officer in charge of the branch of the Department relating to Indian affairs

are *ex officio* commissioners for the taking of oaths.

Enfranchisement

Enfranchisement of Indian and wife and minor children.

108. (1) On the report of the Minister that an Indian has applied for enfranchisement and that in his opinion the Indian

(a) is of the full age of twenty-one years,

(b) is capable of assuming the duties and responsibilities of citizenship, and

Section 151.

Section 152.

New.

Section 160.

Sections 108 to 112 replace *sections 110 to 114* and are the same in principle, any changes being in matters of procedure to conform with the general procedure in related matters elsewhere in the Act. Section 109 (3) is new and provides for the enfranchisement of a man living apart from his wife.

(c) when enfranchised, will be capable of supporting himself and his dependants,

the Governor in Council may by order declare that the Indian and his wife and minor unmarried children are enfranchised.

Enfranchisement of married women.

(2) On the report of the Minister that an Indian woman married a person who is not an Indian, the Governor in Council may by order declare that the woman is enfranchised as of the date of her marriage.

Where wife living apart.

(3) Where, in the opinion of the Minister, the wife of an Indian is living apart from her husband, the names of his wife and his minor children who are living with the wife shall not be included in an order under subsection one that enfranchises the Indian unless the wife has applied for enfranchisement, but where the Governor in Council is satisfied that such wife is no longer living apart from her husband, the Governor in Council may by order declare that the wife and the minor children are enfranchised.

Order of enfranchisement.

(4) A person is not enfranchised unless his name appears in an order of enfranchisement made by the Governor in Council.

Enfranchised person ceases to be Indian.

109. A person with respect to whom an order for enfranchisement is made under section one hundred and eight shall, from the date thereof, be deemed not to be an Indian within the meaning of this Act or any other statute or law.

Sale of lands of enfranchised Indian.

110. (1) Upon the issue of an order of enfranchisement, any interest in land and improvements on an Indian reserve of which the enfranchised Indian had formerly been in lawful possession or over which he exercised rights of ownership may be disposed of by him by gift or private sale, but if not so disposed of within thirty days after the date of the order of enfranchisement such land and improvements shall be offered for sale by tender by the superintendent and sold to the highest bidder and the proceeds of such sale paid to him; and if no bid is received and the property remains unsold after six months from the date of such offering, the land, together with improvements, shall revert to the band free from any interest of the enfranchised person therein, subject to the payment, at the discretion of the Minister, to the enfranchised Indian, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

Grant to enfranchised Indian.

(2) When an order of enfranchisement issues or has issued, the Governor in Council may, with the consent of the council of the band, by order declare that any lands within a reserve of which the enfranchised Indian had formerly been in lawful possession shall cease to be Indian reserve lands.

(3) When an order has been made under subsection two, the enfranchised Indian is entitled to occupy such lands for a period of ten years from the date of his enfranchisement, and the enfranchised Indian shall pay to the funds of the band, or there shall, out of any money payable to the enfranchised Indian under this Act, be transferred to the funds of the band, such amount per acre for the lands as the Minister considers to be the value of the common interest of the band in the lands.

(4) At the end of the ten-year period referred to in subsection three the Minister shall cause a grant of the lands to be made to the enfranchised Indian or to his legal representatives.

Enfranchisement of band.

111. (1) Where the Minister reports that a band has applied for enfranchisement, and has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, and in his opinion the band is capable of managing its own affairs as a municipality or part of a municipality, the Governor in Council may by order approve the plan, declare that all the members of the band are enfranchised, either as of the date of the order or such later date as may be fixed in the order, and may make regulations for carrying the plan and the provisions of this section into effect.

Majority vote required.

(2) An order for enfranchisement may not be made under subsection one unless more than fifty per cent of the electors of the band signify, at a meeting of the band called for the purpose, their willingness to become enfranchised under this section, and their approval of the plan.

Agreements with provinces or municipalities.

(3) The Governor in Council may, for the purpose of giving effect to this section, authorize the Minister to enter into an agreement with a province or a municipality, or both, upon such terms as may be agreed upon by the Minister and the province or municipality, or both.

Financial assistance.

(4) Without restricting the generality of subsection three, an agreement made thereunder may provide for financial assistance to be given to the province or the municipality or both to assist in the support of indigent, infirm or aged persons to whom the agreement applies, and such financial assistance, or any part thereof, shall, if the Minister so directs, be paid out of moneys of the band, and any such financial assistance not paid out of moneys of the band shall be paid out of moneys appropriated by Parliament.

Committee of inquiry.

112. (1) The Minister may appoint a committee to inquire into and report upon the desirability of enfranchising within the meaning of this Act an Indian or a band ,whether or not the Indian or the band has applied for enfranchisement.

Composition.

(2) A committee appointed under subsection one shall consist of

(a) a judge or retired judge of a superior, surrogate, district or county court,

(b) an officer of the Department, and

(c) a member of the band to be appointed by the council of the band, but if no appointment is made by the council of the band within thirty days after a request therefor is sent by the Minister to the band, a member of the band appointed by the Minister.

Report of committee.

(3) Where the committee or a majority thereof reports

(*a*) in the case of an Indian, that in its opinion the Indian is qualified under paragraphs (*a*), (*b*) and (*c*) of subsection one of section one hundred and eight to be enfranchised,

(*b*) in the case of a band, that the band has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, and, in its opinion the band is capable of managing its own affairs as a municipality or part of a municipality, and

(*c*) that it is desirable that the Indian or the band, as the case may be, should be enfranchised,

the report, if approved by the Minister, shall be deemed to be an application for enfranchisement by the Indian or by the band and shall be dealt with as such in accordance with this Act.

Treaty to be observed.

(4) An Indian or the members of a band shall not be enfranchised under this section contrary to the terms of any treaty, agreement or undertaking between a band and His Majesty that is applicable.

Schools.

Schools.

113. The Governor in Council may authorize the Minister, in accordance with this Act,

(a) to establish, operate and maintain schools for Indian children,

(b) to enter into agreements on behalf of His Majesty for the education in accordance with this Act of Indian children, with

(i) the government of a province,

(ii) the council of the Northwest Territories,

(iii) the council of the Yukon Territory,

(iv) a public or separate school board, and

(v) a religious or charitable organization.

Regulations.

114. The Minister may make regulations to

(a) provide standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,

(*a*) This is similar to *Section 9(a) and (b)* of the Act with the exception that provision is made for establishing schools off Indian reserves. This is necessary because Indians often move off reserves and establish themselves at logging camps, mining camps, fish canneries, etc.

(*b*) This provides for the education of Indian children in association with other children by providing for agreements with provinces, the Northwest Territories, the Yukon Territory, and private organizations for the education of Indian children.

(*a*) Equivalent to *Section 9(4)* of the Act.
(*b*) Equivalent to *Section 9(3)* of the Act.
(*c*) Equivalent to *Section 9(2)* of the Act.
(*d*) Equivalent to *Section 9(6)* of the Act.

(*b*) provide for the transportation of children to and from school,

(*c*) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and

(*d*) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.

Attendance.

115. (1) Subject to section one hundred and sixteen, every Indian child who has attained the age of seven years shall attend school.

Idem.

(2) The Minister may

(*a*) permit an Indian who has attained the age of six years to attend school,

(*b*) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and

(*c*) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.

When attendance not required.

116. An Indian child is not required to attend school if the child

(*a*) is, by reason of sickness or other unavoidable cause that is reported promptly to the principal, unable to attend school,

(*b*) has passed entrance examinations for high school,

(*c*) is, with the permission in writing of the superintendent, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties,

(*d*) is under efficient instruction at home or elsewhere, within one year after the written approval by the Minister of such instruction, or

(*e*) is unable to attend school because there is insufficient accommodation in the school that the child is entitled or directed to attend.

School to be attended.

117. Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child whose parent is a Protestant shall be assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by written direction of the parent.

Equivalent to *Section 10(1)* of the Act, except that school admission age has been lowered from 7 to 6, thus providing an additional year of education.

Equivalent to *Section 10(5)* of the Act, with some clarification.

Corresponds to *Section 10(2)* of the Act.

Truant officers.

118. (1) The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer shall have the powers of a peace officer.

Powers.

(2) Without restricting the generality of subsection one, a truant officer may

(a) enter any place where he believes, on reasonable grounds, that there are Indian children who are between the ages of seven and sixteen years of age, or who are required by the Minister to attend school,

(b) investigate any case of truancy, and

(c) serve written notice upon the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.

Notice to attend school.

(3) Where a notice has been served in accordance with paragraph *(c)* of subsection two with respect to a child who is required by this Act to attend school, and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person upon whom the notice was served is guilty of an offence and is liable on summary conviction to a fine of not more than five dollars or to imprisonment for a term not exceeding ten days or to both fine and imprisonment.

No further notices required within one year of previous notice.

(4) Where a person has been served with a notice in accordance with paragraph *(c)* of subsection two, it is not necessary within a period of twelve months thereafter to serve that person with any other notice in respect of further non-compliance with the provisions of this Act, and whenever such person within the period of twelve months fails to cause the child with respect to whom the notice was served or any other child of whom he has charge or control to attend school and continue in regular attendance as required by this Act, such person is guilty of an offence and liable to the penalties imposed by subsection three as if he had been served with the notice.

Tardiness.

(5) A child who is habitually late for school shall be deemed to be absent from school.

Take into custody.

(6) A truant officer may take into custody a child whom he believes on reasonable grounds to be absent from school contrary to this Act and may convey the child to school, using as much force as the circumstances require.

Child who is expelled or fails to attend deemed juvenile delinquent.

119. An Indian child who

(a) is expelled or suspended from school, or

Comparable to *Sections 10(3) to (6)* of the Act, and are drafted to conform to provincial legislation.

A new section in accordance with recent provincial School Acts.

(b) refuses or fails to attend school regularly,

shall be deemed to be a juvenile delinquent within the meaning of *The Juvenile Delinquents Act, 1929.*

1929, c. 46.

Denomination of teacher.

120. (1) Where the majority of the members of a band belongs to one religious denomination the school established on the reserve that has been set apart for the use and benefit of that band shall be taught by a teacher of that denomination.

Idem.

(2) Where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of those electors of the band who were present at a meeting called for the purpose requests that day schools on the reserve should be taught by a teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination.

Minority religious denominations.

121. A Protestant or Roman Catholic minority of any band may, with the approval of and under regulations to be made by the Minister, have a separate day school or day school classroom established on the reserve unless, in the opinion of the Governor in Council, the number of children of school age does not so warrant.

Definitions.

122. In sections one hundred and thirteen to one hundred and twenty-one

"child"

(a) "child" means an Indian who has attained the age of six years but has not attained the age of sixteen years, and a person who is required by the Minister to attend school,

"school"

(b) "school" includes a day school, technical school, high school and residential school, and

"truant officer."

(c) "truant officer" includes

(i) a member of the Royal Canadian Mounted Police,

(ii) a special constable appointed for police duty on a reserve, and

(iii) a school teacher and a chief of the band, when authorized by the superintendent.

REPEAL.

Repeal.

123. (1) Section one of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Short title.

"**1.** This Act may be cited as the *Indian (Soldier Settlement) Act.*"

This clause is equivalent to *Section 100(2)* of the Act.

(2) This is a new clause clarifying *Section 100(2)* of the Act and provides for a majority vote of the electors for a teacher belonging to a particular religious denomination.

Equivalent to *Section 100(3)* of the Act.

Definitions of Child, School and Truant Officer. (New).

Repeal.

(2) Sections two to one hundred and eighty-six of the said Act are repealed.

References.

(3) Where in sections one hundred and eighty-seven to one hundred and ninety of the said Act

(a) reference is made to the *Indian Act*, it shall be deemed to be a reference to this Act, and

(b) reference is made to the Superintendent General or Deputy Superintendent General of Indian Affairs, it shall be deemed to be a reference to the Minister.

Coming into Force.

Coming into force.

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

147.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 147.

An Act to amend The Foreign Exchange Control Act.

First reading, March 12, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

80694

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 147.

1946, c. 53; 1947-48, c. 51; 1949 (1st Sess.), c. 4; 1950, c. 50.

An Act to amend The Foreign Exchange Control Act.

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

1. Section seventy-three of *The Foreign Exchange Control Act*, chapter fifty-three of the statutes of 1946, as enacted by section one of chapter four of the statutes of 1949 (First Session), is repealed and the following substituted therefor:

Continuance.

"**73.** This Act shall continue in force and have effect until sixty days after the commencement of the first session of Parliament commencing in the year one thousand nine hundred and fifty-three."

Explanatory Notes.

The purpose of this amendment is to extend the Act for a further period of two years.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 169.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1952.

AS PASSED BY THE HOUSE OF COMMONS, 19th MARCH, 1951.

(Note:- No first reading of Supply Bills is usually printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

82385

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 169.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1952.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 1, 1951.*

$413,758,902.33 granted for 1951-52.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole four hundred and thirteen million, seven hundred and fifty-eight thousand, nine hundred and two dollars and thirty-three cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being one-sixth of the amount of each of the items to be voted set forth in the Main Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty-two, as laid before the House of Commons at the present session of Parliament.

$1,644,656.25 granted for 1951-52.

3. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole one million, six hundred and forty-four thousand, six hundred and fifty-six dollars and twenty-five cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being three-quarters of the amount of the several items to be voted set forth in Schedule A to this Act.

$4,040,634.67 granted for 1951-52.

4. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole four million, forty thousand, six hundred and thirty-four dollars and sixty-seven cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being one-third of the amount of each of the several items to be voted set forth in Schedule B to this Act.

$536,759.17 granted for 1951-52.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole five hundred and thirty-six thousand, seven hundred and fifty-nine dollars and seventeen cents, towards defraying the several charges and expenses of the public service from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being one-sixth of the amount of the several items to be voted set forth in Schedule C to this Act.

$1,322,403.33 granted for 1951-52.

6. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole one million, three hundred and twenty-two thousand, four hundred and three dollars and thirty-three cents, towards defraying the several charges and expenses of the public service from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being one-twelfth of the amount of the several items to be voted set forth in Schedule D to this Act.

Power to raise sums required for redeeming loans or obligations. 1931, c. 27.

7. (1) The Governor in Council may, in addition to the sums now remaining unborrowed, and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loans, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, as may be required for paying or redeeming loans or obligations of Canada maturing or callable in the fiscal year ending March 31, 1952.

Chargeable to C.R. Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon, and payable out of the Consolidated Revenue Fund.

Account to be rendered in detail.

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

SCHEDULE A

Based on the Main Estimates, 1951-52. The amount hereby granted is $1,644,656.25, being three-quarters of the amount of the several items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1952, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
	IMMIGRATION BRANCH		
62	To provide for payments to Trans-Canada Airlines of the difference in cost between air transportation and minimum tourist class ocean transportation for immigrants transported from the United Kingdom by Trans-Canada Airlines during the months of April and May, 1951	231,125	
	FINANCE		
	ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS		
121	The Wartime Prices and Trade Board— Administration	186,750	
	LABOUR		
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
204	To provide for the payment of unemployment assistance to certain residents of Newfoundland to give effect to the Terms of Union of Newfoundland with Canada, in accordance with regulations of the Governor in Council and such assistance shall be deemed to be a benefit or payment within the meaning of Sections 33 and 67 of the Unemployment Insurance Act, 1940	500,000	
	TRADE AND COMMERCE		
	SPECIAL		
470	To provide for payments by the Government of Canada under agreement dated July 10, 1950, between the Government of Canada and the Government of Manitoba, establishing the Greater Winnipeg Dyking Board	1,275,000	
			*2,192,875

* Net total $1,644,656.25

SCHEDULE B

Based on the Main Estimates, 1951-52. The amount hereby granted is $4,040,634.67, being one-third of the amount of the several items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1952, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
39	Freight Assistance on Western Feed Grains	4,500,000	
	TRADE AND COMMERCE		
	EXHIBITIONS		
456	Canadian International Trade Fair, 1951	606,053	
	DOMINION BUREAU OF STATISTICS		
463	Census of Population and Agriculture and the 1951 Census of Distribution	7,015,851	
			*12,121,904

* Net total $4,040,634.67

SCHEDULE C

Based on the Main Estimates, 1951-52. The amount hereby granted is $536,759.17, being one-sixth of the amount of the several items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1952, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
	DEPARTMENT AND MISSIONS ABROAD		
88	Representation Abroad—To authorize the construction, acquisition, improvements and furnishing of properties for Canadian Government offices and residences abroad, payment therefor to be made in foreign currencies that are not convertible into Canadian or United States dollars and that may be used only for governmental or other limited purposes and that have been acquired in respect of reparations or pursuant to the settlement of claims arising out of military operations or war expenditures, or in exchange for other such currencies so acquired	1,042,500	
	LOANS, INVESTMENTS AND ADVANCES		
566	To authorize and provide for working capital advances in the current and subsequent fiscal years to maintain cash and bank balances at Department of External Affairs posts abroad, subject to regulations of the Treasury Board, the amount of advances hereby authorized outstanding at any time not to exceed	300,000	
	LEGISLATION		
	THE SENATE		
206	General Administration	362,185	
	THE HOUSE OF COMMONS		
209	General Administration—Estimates of the Clerk	967,046	
210	Estimates of the Sergeant-at-Arms	548,824	
			*3,220,555

* Net total $536,759.17

SCHEDULE D

Based on the Main Estimates, 1951-52. The amount hereby granted is $1,322,403.33, being one-twelfth of the amount of the several items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1952, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS		
86	Representation Abroad—Operational—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor General in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments	4,492,816	
	RESOURCES AND DEVELOPMENT		
	NATIONAL PARKS BRANCH		
386	National Parks and Historic Sites Services— Construction or Acquisition of Buildings and Works, Land and New Equipment	4,186,704	
	ENGINEERING AND WATER RESOURCES BRANCH		
	Water Resources Division—		
395	To provide for studies and surveys of the Red River Basin in Canada	182,000	
	Engineering and Architectural Division—		
398	Administration, Operation and Maintenance	368,020	
	Projects Division—		
401	To provide for a contribution to the cost of constructing a dam on the Upper Thames River near Fanshawe, Ontario, for the purposes of flood control and conservation, in accordance with the terms of an agreement to be entered into between Canada, the Province of Ontario and the Upper Thames River Conservation Authority	580,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
	Northern Administration Division—		
	Northwest Territories, including Wood Buffalo Park and Eskimo Affairs—		
411	Construction or Acquisition of Buildings, Works, Land and New Equipment	237,215	
	Forest Conservation and Wildlife Management, including Wood Buffalo Park—		
412	Operation and Maintenance	276,633	
	Yukon Territory, including Forest Conservation—		
415	Construction or Acquisition of Buildings, Works, Land and New Equipment	190,450	
	FORESTRY BRANCH		
	Forest Research Division—		
417	Operation and Maintenance	842,803	
	Forest Products Division—		
420	Operation and Maintenance	500,034	

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
451	Trade Commissioner Service, including payment of compensation to Trade Commissioners for damage to and loss of furniture and effects, under regulations approved by the Governor in Council	1,963,751	
	STANDARDS DIVISION		
458	Electricity and Gas Inspection Service, including administration of the Electricity and Fluid Exportation Act—Operation and Maintenance	565,429	
460	Weights and Measures Inspection Services—Operation and Maintenance	637,985	
	TRANSPORT		
	RAILWAY AND STEAMSHIP SERVICES		
495	Canadian National (West Indies) Steamships Limited—To provide for the payment from time to time to the Canadian National (West Indies) Steamships, Limited (hereinafter called "the Company") of the amount of the deficit occurring during the year ending December 31, 1951 in the operations of the Company and the vessels under the control of the Company, as certified by the Auditors of the Company, and upon applications made by the Company to the Minister of Finance, and approved by the Minister of Transport, not exceeding	845,000	
			*15,868,840

* Net total $1,322,403.33.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 173.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1951.

AS PASSED BY THE HOUSE OF COMMONS, 21st MARCH, 1951.

(Note:- No first reading of Supply Bills is usually printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

82395

4th Session, 21st Parlement, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 173.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1951.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 2, 1951.*

$201,556,559 granted for 1950-51.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two hundred and one million, five hundred and fifty-six thousand, five hundred and fifty-nine dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty, to the thirty-first day of March, one thousand nine hundred and fifty-one, not otherwise provided for, and being the amount of each of the items voted, set forth in the Schedule to this Act for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty-one, as laid before the House of Commons at the present session of Parliament.

Account to be rendered in detail.

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

SCHEDULE

Based on the Further Supplementary Estimates(2), 1950-51. The amount hereby granted is $201,556,559, being the amount of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1951, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	SCIENCE SERVICE		
572	Animal and Poultry Pathology—Further amount required—..	15,000	
	PRODUCTION SERVICE		
	Health of Animals—		
573	Compensation for animals Slaughtered, including compensation for eggs destroyed from infected premises in accordance with regulations of the Governor in Council —Further amount required.....	450,000	
574	Grants to Agricultural Organizations, as detailed in the Estimates—Further amount required.....	15,000	
	MARKETING SERVICE		
575	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates— Further amount required.....	313,309	
	SPECIAL		
576	To authorize and provide for a payment to the Canadian Wheat Board which shall be dealt with by the Board in all respects as though it was money received from the sale of wheat produced in the designated area, sold and delivered to the Board by producers during the pool period commencing on the first day of August, 1945, and ending on the thirty-first day of July, 1950, and to authorize the Board, notwithstanding the provisions of sub-sections 2 and 3 of Section 22 of the Canadian Wheat Board Act, to distribute such amount together with all other moneys received by the Board from the sale of such wheat, after making the deductions provided for in the said Section 22, among holders of certificates issued by the Board pursuant to Part III of the said Act during the pool period aforesaid, by paying to the person named in such certificate the same sum for each bushel of wheat referred to therein.....	65,000,000	
			65,793,309

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
	Immigration Service		
377	Expenditures necessary to Canada's citizens of the different races arriving as immigrants and settlers and assisting their movement and transportation to their destination in the Dominion, including transportation by railway, steamboat, boat or otherwise of immigrants' effects, and the Canadian Immigration Service in the United Kingdom during the period November 28, 1930, to March 31, 1931	350,000	
	Indian Affairs Branch		
	Supervision and Trade—		
378	Administration—Further amount required	23,000	
379	Grants to Provincial Schools—Further amount required	80,000	103,000
	EXTERNAL AFFAIRS		
	Department		
380	The Canadian Government's Assessment for Membership in the Food and Agriculture Organization of the United Nations—Further amount required	100,000	
	Treasury Branch		
381	Commission to the United States Right and Water Agreement—Further amount required	100,000	
382	Contribution for the United Nations Relief and Rehabilitation Administration	7,200,000	7,400,000
	FINANCE		
	Consolidated and Miscellaneous		
383	Salary of Clerks at Ottawa for all Departments—Further amount required	100,000	
384	To authorize the Governor in Council to make Orders to give effect to the Agreement between Canada and the United States of America respecting Deferred Payments, signed at Washington, D.C., on the 19th day of December, 1930 (30-31 Geo. V, c. 1)	1	
	Interest and Exchange		
385	Interest on Provincial Loans	5,000,000	
386	Interest on Provincial Subsidies	85,000	
387	To provide for the payment to the United States Government of the amount of Canada's contribution to the Reserve Fund established by the Agreement between Canada and the United States of America respecting Deferred Payments, signed at Washington, D.C., on the 19th day of December, 1930	75,000,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION		
	IMMIGRATION BRANCH		
577	To provide for payments to Trans-Canada Airlines of the difference in cost between air transportation and minimum tourist class ocean transportation for immigrants transported from the United Kingdom by Trans-Canada Airlines during the period November 29, 1950, to March 31, 1951	380,000	
	INDIAN AFFAIRS BRANCH		
	Reserves and Trusts—		
578	Administration—Further amount required	22,082	
	Education—		
579	Grants to Residential Schools—Further amount required	60,668	462,750
	EXTERNAL AFFAIRS		
	B—GENERAL		
580	The Canadian Government's Assessment for Membership in the Food and Agriculture Organization of the United Nations—Further amount required	109,000	
	TERMINABLE SERVICES		
581	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East—Further amount required	750,000	
582	Contribution for the United Nations Relief and Rehabilitation Programme for Korea	7,250,000	8,109,000
	FINANCE		
	CONTINGENCIES AND MISCELLANEOUS		
583	Cost of Telephone Service at Ottawa for all Departments—Further amount required	100,000	
584	To authorize the write-off from Non-Active Assets to the Consolidated Deficit account of the net trading loss in the Securities Investment Account incurred between April, 1940, and November, 1949 ($8,299,183.77)	1	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
585	To provide, subject to the approval of the Treasury Board, for supplementing other votes for the payment of salaries, wages and other paylist charges—Further amount required	2,000,000	
586	To provide for the Government's contribution as an Employer to the Unemployment Insurance Fund in respect of Government Employees paid through the Central Pay Office—Further amount required	80,000	
587	To provide for the transfer to the Civil Service Superannuation Account of a special Government contribution of a portion of the amount by which the estimated liabilities exceed the balance in the Account	75,000,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE—*Concluded*		
	SPECIAL		
588	Notwithstanding Section 32 of the Consolidated Revenue and Audit Act, to authorize payment under Votes 678 and 679 of the Appropriation Act No 4, 1950, of the Federal Government's share of the claims received after March 31, 1951, in respect of costs incurred as a result of the large fires in Rimouski and Cabano in May, 1950, where such claims are certified for payment by the Commission named for that purpose by the Government of the Province of Quebec....	1	
			77,180,002
	FISHERIES		
589	To provide for acquisition of lands required by the International Pacific Salmon Fisheries Commission, as required by Article VIII of Treaty dated May 26, 1930, between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries of the Fraser River System.....	1,277	
590	To provide for transportation, dressing and dyeing and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to Provisional Fur Seal Agreement between Canada and the United States by exchange of notes dated December 26, 1947—Further amount required.....	50,000	
			51,277
	INSURANCE		
591	Departmental Administration—Further amount required.....	10,000	
592	Expenses of work in the interest of Fire Prevention—Further amount required.....	3,000	
			13,000
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
593	Labour Gazette and other publications authorized by Labour Department Act—Further amount required.....	48,000	
	Annuities Act—		
594	Notwithstanding the Government Annuities Act, to authorize the Minister of Labour, in consequence of the transfer of employees from the original employers to the new employers specified in the Details of the Estimates to enter into contracts with the original employers and the new employers, to provide that the new employers shall, effective on the dates respectively specified in the Details become parties to Group Annuity Contracts specified in the said Details respectively in the place of the original employers with respect to employees to whom those contracts applied and who were transferred to the new employers and for the application of the contracts in respect of service with the original employers and the new employers and for such other terms as the Minister deems necessary for the maintenance and continuity of pension rights of the employees under those contracts, and to provide for payments in the current and subsequent fiscal years in accordance with the contracts so entered into out of the Government Annuities Account.....	1	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Concluded*		
	SPECIAL		
595	To authorize and provide for Federal contributions to reimburse the Province of Quebec for one half the expenditure for the reconstruction of buildings of Technical and Marine Schools, Rimouski, Quebec, and one half the cost of re-equipping the Technical School and to authorize the Minister of Labour to enter into an agreement with the Province of Quebec for such expenditures	330,000	
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
596	Government's contribution to the Unemployment Insurance Fund—Further amount required	3,350,000	
597	To reimburse the Unemployment Insurance Fund under Section 87F(1) of the Unemployment Insurance Act, 1940, as amended by Statute of 1950	1,780,000	
			5,508,001
	LEGISLATION		
	THE SENATE		
598	General Administration—Further amount required	4,000	
	HOUSE OF COMMONS		
599	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or Order of the House, or on account of death during the first session of 1950—notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, an Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct—Further amount required	3,300	
600	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the House of Commons who attended the first part of the first Session of 1950, which commenced on February 16, 1950, and ended on April 5, 1950, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on April 5, 1950, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during the session—Further amount required	1,200	
			8,500
	NATIONAL DEFENCE		
	DEFENCE FORCES		
601	To provide for the Defence Forces of the Navy, Army and Air Services and to authorize total additional commitments, including authority notwithstanding Section 29 of the Consolidated Revenue and Audit Act, for the current year for this purpose of $47,810,000 against which commitments it is estimated that the total additional expenditure in 1950-51 will not exceed a further amount of	19,410,000	
602	Defence Research and Development, subject to allocation by the Treasury Board—Further amount required	990,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL DEFENCE—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
	Militia Pensions Act		
603	Government's contribution to the Permanent Forces Pension Fund—Further amount required	1,175,166	21,575,166
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
	Health Services		
604	Food and Drugs—Further amount required	10,000	
605	Industrial Health—Further amount required	10,000	20,000
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
606	General Administration—Further amount required	.....	5,000
	POST OFFICE		
607	Railway Mail Service—Further amount required	.....	5,000,000
	PRIVY COUNCIL OFFICE		
	FEDERAL DISTRICT COMMISSION		
608	Maintenance and improvement of grounds adjoining Government Buildings, Ottawa, and improvements to the Parkway System under the control of the Federal District Commission—Further amount required	.....	16,500
	PUBLIC PRINTING AND STATIONERY		
609	Distribution of Official Documents—Further amount required	.....	1,300
	PUBLIC WORKS		
	ARCHITECTURAL BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	Construction, acquisition, repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
610	Quebec ($81,000 less the amount of $80,999 available from savings in other listed projects detailed in previous Estimates for 1950-51 for this province)..	1	
611	Ontario ($755,000 less the amount of $754,999 available from savings in other listed projects detailed in previous Estimates for 1950-51 for this province)..	1	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	ENGINEERING BRANCH		
	Maintenance and Operation of Graving Docks, Locks and Dams, etc		
612	Prince Rupert Dry Dock—To provide for operating losses and essential repairs in the fiscal year 1950–51, in accordance with the terms of Order in Council, P C 29/4700 of September 30, 1950	157,000	
	Construction, Repairs and Improvements—Harbours and Rivers		
	Construction, acquisition, repairs and improvements of, and plans and sites for, harbour and river works, listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amount required—		
613	Quebec ($393,000 less the amount of $392,999 available from savings in other listed projects detailed in previous Estimates for 1950–51 for this province)	1	
	GENERAL		
614	National Gallery of Canada—Further amount required	55,000	
			212,003
	RESOURCES AND DEVELOPMENT		
	ENGINEERING AND WATER RESOURCES BRANCH		
615	Notwithstanding the Trans-Canada Highway Act, to authorize and provide for a payment to the Provinces of Prince Edward Island, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and Newfoundland, which have entered into an Agreement with Canada for construction of a part of the Trans-Canada Highway, in respect of construction of the Highway carried out between December 10, 1949 and the day on which these Provinces respectively signed the Agreement with Canada, in accordance with the regulations of the Governor in Council; the amount paid to each Province, however, not to exceed fifty per centum of the cost to the Province of the said construction as determined by the Governor in Council; the maximum amount authorized to be expended by Section 7 of the Trans-Canada Highway Act to be decreased to the extent of any amount paid pursuant to this Vote—Further amount required	1,100,000	
616	To provide for Studies and Surveys of the Red River Basin in Canada	145,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
	Yukon Division—		
617	Operation and Maintenance of Services, including Forest Conservation—Further amount required	100,000	
			1,345,000

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	SECRETARY OF STATE		
	PATENT AND COPYRIGHT OFFICE		
618	Patent Division—Further amount required.....	.....	169,356
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
619	Commodities Branch, including assistance in the development of markets and the procurement of supplies, and contributions as detailed in the Estimates — Further amount required.....	75,250	
	CANADA GRAIN ACT		
620	Operation and Maintenance, including inspection, weighing, registration, etc.—Further amount required.....	15,000	
	SPECIAL		
621	To reimburse the Canadian Commercial Corporation for expenses incurred in purchasing materials, supplies and equipment, etc., on behalf of the Department of National Defence under Chapter 51, Statutes of 1947—Further amount required.....	506,000	
622	To reimburse the Canadian Wheat Board for final balance of the deficit incurred from the operation of the 1948 crop Flax account for the period August 1, 1948 to July 31, 1950, authority P.C. 3376 dated July 28, 1948.....	2,536,775	
623	To approve transfer by the Canadian Wheat Board of residual amounts totalling $720,590.96, shown in the 1940, 1941, 1942, 1943 and 1944 crop accounts of the Board, in respect of interest that accrued pending presentation of cheques issued in distribution of the amounts in those accounts, to the crop accounts of the Board for the pool period commencing August 1, 1945, and ending July 31, 1950, such amount to be deemed to be moneys received by the Board from the sale of wheat produced in the designated area and sold and delivered to the Board by producers during that pool period.....	1	
624	To provide for costs to be incurred in the planning and construction of emergency works to safeguard against the dangers of floods in the Red River Valley and the Winnipeg area generally, under an agreement or agreements with the province of Manitoba which shall provide that Canada shall meet 75% of the costs of such works, excluding the costs of land, and that Manitoba, or its municipalities or residents, shall meet the remaining cost, including the cost of land—Further amount required.....	1,353,000	
625	To reimburse Defence Construction Limited for expenses incurred in procuring the construction of defence projects on behalf of the Department of National Defence.....	500,000	
			4,986,026
	TRANSPORT		
626	Departmental Administration—Further amount required.....	20,000	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	MARINE SERVICE		
627	Administration of Floating Equipment—Further amount required	2,500	
628	Administration of Pilotage—Further amount required	19,373	
629	Miscellaneous Services relating to Navigation and Shipping—Further amount required	23,883	
630	River St Lawrence Ship Channel—Contract Dredging in the St Lawrence River and Montreal Harbour—Capital—Further amount required	491,020	
631	To provide towards the construction of a service vessel for the Eastern Artic Patrol (Estimated cost $3,000,000)—Capital—Further amount required	100,000	
632	To provide towards the reconditioning and refitting of vessels for Pacific Ocean Weather Station "P" (Estimated cost $1,835,000)—Capital—Further amount required	660,000	
	GENERAL		
633	To provide for reimbursement of the Department of Transport Stores Account of the value of stores destroyed or damaged beyond repair in 1950	31,764	
	RAILWAY SERVICE		
634	Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department—Further amount required	20,000	
	Maritime Freight Rates Act—		
635	Additional amount in excess of the sum of $5,869,000 already appropriated to authorize and provide for the payment from time to time during the fiscal year 1950–51 to the Canadian National Railway Company of the difference (estimated by the Canadian National Railway Company and certified by the Auditors of the said Company to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in Section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the calendar year 1950 under the tariffs approved on the Eastern Lines (as referred to in Section 2 of the said Act) of the Canadian National Railways—Further amount required	1,236,323	
636	Additional amount in excess of the sum of $1,450,000 already appropriated to authorize and provide for the payment from time to time during the fiscal year 1950–51, of the difference (estimated by the Board of Transport Commissioners for Canada and certified by the said Board to the Minister of Transport, as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in Section 9 of the said Act) on all traffic moved during the calendar year 1950 under the tariffs approved by the following companies: Canada and Gulf Terminal Railway; Canadian Pacific Railway, including: Fredericton and Grand Lake Coal and Railway Company, and New Brunswick Coal and Railway Company; Cumberland Railway and Coal Company; Dominion Atlantic Railway; Maritime Coal, Railway and Power Company; Sydney and Louisburg Railway—Further amount required	30,000	
637	To provide for payment to the Canadian National Railway Company for expenditures incurred in a survey of properties of the former Temiscouata Railway	11,758	

SCHEDULE—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	AIR SERVICE		
	Administrative Division		
638	Air Service Administration—Further amount required.....	1,000	
	Radio Division		
639	Administration of the Radio Act and Regulations—Further amount required.....	27,000	
	General		
640	To provide for expenses of the Board of Enquiry *re* investigation of the "Canadian Pilgrim" Aircraft Accident.....	5,000	
			2,679,621
	VETERANS AFFAIRS		
	PAYMENTS TO OR FOR VETERANS AND DEPENDENTS		
641	To authorize payment to David Bruce Steele, under the Pension Act of such benefits as would be awarded under the said Act if the disabling condition had been incurred by him during service in World War II.....	1,050	
642	To authorize payment to Clarence M Christie, under the Pension Act of such benefits as would be awarded under the said Act if the disabling condition had been incurred by him during service in World War II.....	1,550	
	SOLDIER SETTLEMENT AND VETERANS LAND ACT		
643	To authorize and provide for the purchase of the remaining financial interest of the United Kingdom Government in the 3,000 British Family Settlement Scheme and the New Brunswick 500 British Family Settlement Scheme.....	115,000	
			117,600
	GOVERNMENT OWNED ENTERPRISES		
	DEFICITS		
	TRADE AND COMMERCE		
644	To hereby authorize and provide for payment during the fiscal year 1950-51 to Trans-Canada Air Lines to be applied by Trans-Canada Air Lines in payment of the net deficit (certified by the Auditors of Trans-Canada Air Lines) resulting from the operations of Trans-Canada Air Lines and its subsidiary, Trans-Canada (Atlantic) Limited, during the calendar year 1950; this amount to be applied in the repayment of accountable advances made to the Company from the Consolidated Revenue Fund—		
	Trans-Canada Air Lines (Surplus).....$ 201,206		
	Trans-Canada (Atlantic) Limited (Deficit)..... 1,526,412		
	Net Deficit.....$1,325,206	1,325,206	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
	GOVERNMENT OWNED ENTERPRISES—*Concluded*	$	$
	DEFICIT—*Concluded*		
	TRANSPORT		
645	Amount required to provide for the payment during the fiscal year 1950-51 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made from time to time by the National Company, to the Minister of Finance and to be applied by the National Company in payment of the net deficit (certified by the Auditors of the National Company) arising in the calendar year 1950, this amount to be applied in the repayment of accountable advances made to the National Company from the Consolidated Revenue Fund—		
	Canadian National Railways, exclusive of Eastern Lines (Surplus) ..... $ 9,540,961		
	Eastern Lines (Deficit) 12,802,196		
	Net Deficit ..... $ 3,261,235	3,261,235	
646	Additional amount in excess of the sum of $720,000 already appropriated to provide for the payment during the fiscal year 1950-51 to the Canadian National (West Indies) Steamships, Limited (hereinafter called the Company) of the amount of the deficit occurring during the year ending December 31, 1950, in the operations of the Company and the vessels under the control of the Company, as certified by the Auditors of the Company, and upon applications made by the Company to the Minister of Finance and approved by the Minister of Transport—Further amount required	308,767	
647	Additional amount in excess of the sum of $1,159,000 already appropriated, to provide for the payment during the fiscal year 1950-51 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made from time to to time by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the deficit (certified by the Auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1950—Further amount required	107,940	5,003,148
	LOANS, INVESTMENTS AND ADVANCES		
	CITIZENSHIP AND IMMIGRATION		
648	To authorize and provide for a special account in the Consolidated Revenue Fund from which interest-free loans may be made to heads of families or single persons, whose services are urgently required in Canada, towards the cost of ocean transportation to Canada and rail transportation in Canada from port of entry to destination—including cost of meals en route—under conditions fixed from time to time by the Governor in Council; and to authorize the crediting to such special account of repayments by immigrants and the readvancing of such repayments	3,000,000	
	TRANSPORT		
649	Advance to Canadian National (West Indies) Steamships, Limited, upon such terms and conditions as the Governor in Council may determine, to provide for working capital requirements	300,000	3,300,000
	Total	.....	201,556,559

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Yukon Act.

AS PASSED BY THE HOUSE OF COMMONS
4th APRIL, 1951.

(Note:- No first reading printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

80993

10/11

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Yukon Act.

R.S., c. 215; 1929, cc. 44, 62; 1940, c. 45; 1940-41, c. 30; 1947-48, c. 75.

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 nine of the *Yukon Act*, chapter two hundred and fifteen of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

"Elective Council".

"**9.** (1) There shall be a Council of the Yukon Territory, which shall be composed of five members elected to represent the electoral districts to be named and described by the Commissioner in Council."

2. Section one hundred and twenty-nine of the said Act, as enacted by chapter seventy-five of the statutes of 1947-48, is repealed and the following substituted therefor:

"Manufacture or importation of intoxicants".

"**129.** Except by permission of the Commissioner, no intoxicating liquor or other intoxicant shall be,

(a) manufactured, compounded, or made in the Territory, or

(b) imported or brought into the Territory from any province in Canada or elsewhere".

Coming into force.

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

Explanatory Notes.

This Bill has two purposes:

(1) To increase the number of members of the Yukon Territorial Council from three to five;

(2) To authorize, by permission of the Commissioner of Yukon Territory, the manufacture of intoxicating liquor in Yukon Territory.

Section 1. Subsection one of section nine presently reads:

"**9.** (1) There shall be a council of the Yukon Territory which shall be composed of three members elected to represent the electoral districts to be named and described by the Commissioner in Council".

The size of the Yukon Territorial Council has been changed several times to conform with changes in population. Originally established in 1898 with six members, it was increased in size to eight in 1899, and to eleven in 1902. In 1908 it was reduced to ten; and in 1919 when the population had declined to less than 5,000 it was further reduced to three members. The number has remained at three since 1919 although during the recent war the population rapidly increased and is now estimated to be more than 8,600. The recent increase has been confined almost entirely to the Whitehorse district and the proposed increase in size of the Council will permit the rearrangement of electoral districts more in accordance with the present distribution of population.

Section 2. Section one hundred and twenty-nine presently reads:

"**129.** No intoxicating liquor or other intoxicant shall be manufactured, compounded, or made in the Territory; and no intoxicating liquor or other intoxicant shall be imported or brought into the Territory from any province or territory in Canada or elsewhere, except by permission of the Commissioner".

The *Yukon Act* prior to 1899, did not prohibit the manufacture and import of intoxicating liquor into the Territory. An amendment made in 1899 prohibited the manufacture of liquor in the Territory and provided for the import of liquor by permission of the Governor in Council. In 1948 this authority was given to the Commissioner. At the present time the manufacture of liquor is permitted in all other provinces and territories of Canada; it is considered that Yukon Territory should be placed on the same footing as the provinces and other territories, and that the manufacture of intoxicating liquor, by permission of the Commissioner of Yukon Territory should be permitted.

Section 3. In the ordinary course, the term of the present Yukon Territorial Council will expire in July 1952. It is proposed to proclaim section 1 upon the dissolution of the present Council.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 189.

An Act to amend the Northwest Territories Act.

First reading, April 2, 1951.

THE MINISTER OF RESOURCES AND DEVELOPMENT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

81693

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA

BILL 189.

An Act to amend the Northwest Territories Act.

R.S., c. 142; 1938, c. 38; 1940, c. 46; 1947-48, c. 20.

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

1. (1) Paragraph *(d)* of section two of the *Northwest Territories Act*, chapter one hundred and forty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"Council." "*(d)* 'Council' means the Council of the Northwest Territories;"

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

"Minister". "*(h)* 'Minister' means the Minister of Resources and Development;"

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

"Territories". "*(k)* 'Territories' means the Northwest Territories, which comprise

(i) all that part of Canada north of the Sixtieth Parallel of North Latitude, except the portions thereof within the Yukon Territory and the Provinces of Quebec and Newfoundland, and

(ii) the islands in Hudson Bay, James Bay and Ungava Bay, except those islands within the Provinces of Manitoba, Ontario and Quebec."

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

Instructions. "(2) The Commissioner shall administer the government of the Territories under instructions from time to time given by the Governor in Council or the Minister."

Explanatory Notes.

The main purpose of this Bill is to give the population of the Northwest Territories elected representation in the Territorial Government by providing for the election of three members in a Council of eight; the other five members are to be appointed by the Governor in Council. The present territorial Council consists of six members, all of whom are appointed. There is a number of provisions incidental to this purpose. In addition, it is proposed to give to the Governor in Council power to appoint judicial officers for the Territories.

Section 1. Subsection one. Paragraph *(d)* of section two now reads:

"*(d)* 'Council' means the Council *appointed to aid the Commissioner in the administration of the Territories.*"

Subsection two. Paragraph *(h)* of section two now reads

"*(h)* 'Minister' means the Minister of *the Interior.*

Subsection three. Paragraph *(k)* of section two now reads:

"*(k)* "Territories" means the Northwest Territories which comprise the territories formerly known as Rupert's Land and the Northwestern Territory, except such portions thereof as form the provinces of Manitoba, Saskatchewan and Alberta and the Yukon Territory, together with all British territories and possessions in North America and all islands adjacent thereto not included within any province, except the colony of Newfoundland and its dependencies."

The entry of Newfoundland into Canada has made it necessary to redefine the Territories. There is however no change in the area comprised by the definition.

Section 2. Subsection two of section four now reads:

"(2) The Commissioner shall administer the government of the Territories under instructions from time to time given by the Governor in Council or the Minister *of the Interior.*"

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

Council.

"**8.** (1) There shall be a Council of the Northwest Territories consisting of eight members, three of whom shall be elected to represent electoral districts, and five of whom shall be appointed by the Governor in Council.

Electoral districts.

(2) The Commissioner in Council may for the purposes of this section establish three electoral districts.

Tenure of appointed members.

(3) Appointed members of the Council shall hold office during pleasure.

Tenure of elected members.

(4) Subject to subsections five and six, elected members of the Council shall hold office for three years from the date of the return of the writs after their election.

Removal of elected member for incapacity, etc.

(5) Where, in the opinion of the Governor in Council, an elected member is unable to perform his duties by reason of incapacity or absence, the Governor in Council may remove him from office and may appoint a member in his stead for the balance of his term of office.

Death of elected member.

(6) Where an elected member dies while in office, the Governor in Council may appoint a member in his stead for the balance of his term of office.

Commissioner in Council may prescribe qualifications of electors.

"**8A.** (1) Subject to subsection two, the Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council.

Minimum qualifications.

(2) A person is not entitled to vote at an election unless he is a Canadian citizen, has attained the age of twenty-one years and has been ordinarily resident in the Territories for a period of at least twelve months immediately prior to the date of the election.

Eligibility of candidate.

(3) A person who is entitled to vote at an election is eligible for election as a member of the Council.

Oaths of Office.

"**8B.** Each member of the Council shall, before entering the duties of his office, take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe.

Sessions of Council.

"**8C.** (1) The Commissioner shall convene at least two sessions of the Council in every calendar year so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Where sessions held.

(2) In each year one of the sessions of the Council convened in that year shall be held at a place in the Territories designated by the Governor in Council and all other sessions of the Council convened in that year shall be held at the seat of government of the Territories.

Quorum.

(3) Four members of the Council constitute a quorum.

Section 3. Section eight of the Act now reads:

"8. The Governor in Council may, from time to time, constitute and appoint such and so many persons, not exceeding six in number, as are deemed desirable, to be a Council to aid the Commissioner in the administration of the Territories.

(2) A majority of the Council, including the Commissioner, shall form a quorum.

(3) One of the members of the Council may be appointed Deputy Commissioner.

(4) The Deputy Commissioner in the absence of the Commissioner shall have, and may perform and exercise all the functions and powers conferred upon the Commissioner by this Act."

The new section eight provides for a Council of eight members, three of whom will be elected and five appointed. Members of the present Council are, with one exception, senior government officials. If the Bill is passed it is proposed to follow the practice of appointing senior government officials to sit on the Council. The functions of the Council which are set out in Sections 9 and 10 of the Northwest Territories Act are primarily legislative; however, the Commissioner may refer to the Council for advice on matters of policy.

Section 8A authorizes the Commissioner in Council to prescribe the qualifications of those entitled to vote and to be elected at an election.

Section 8B provides that members of the Council must take and subscribe oaths of allegiance and oaths of office.

Section 8C requires that at least two sessions of the Council be held each year and that one meeting of the Council shall be held in the Territories at a place designated by the Governor in Council. All other sessions of the Council will be held at the seat of Government which is Ottawa. The quorum is fixed at four members and the Commissioner may cast a deciding vote. As in the present Act, one of the members of the Council may be appointed a Deputy Commissioner who, in the absence of the Commissioner, will have all the powers and functions of the Commissioner.

Voting.

(4) Each member has one vote in the transaction of the business of the Council and, if the number of votes is equal, the Commissioner may cast a deciding vote.

Deputy Commissioner.

(5) The Governor in Council may appoint a member of the Council to be Deputy Commissioner of the Territories.

Powers of Deputy Commissioner.

(6) The Deputy Commissioner has and may perform and exercise, in the absence of the Commissioner, all the powers and functions conferred on the Commissioner by this Act.

Sessional indemnity to elected members.

"8D. (1) Each elected member of the Council may be paid an amount not exceeding fifty dollars for each day he is in attendance at a session of the Council, but the total amount payable under this subsection to a member in any one calendar year shall not exceed one thousand dollars.

Expenses of councillors.

(2) In addition to the payments under subsection one, each member of the Council, whether elected or appointed, may be paid,

(a) the actual travelling expenses incurred by him in travelling from his place of residence to the place where the Council holds its session and return, but no payment shall be made to a member in respect of more than one return trip for each session of the Council, and

(b) an allowance for living expenses, not exceeding fifteen dollars for each day in which the Council is in session, but the amount that is paid to a member of the Council pursuant to this paragraph shall not exceed two hundred dollars in respect of any one session.

Living expense allowance not subject to income tax. 1947-48, c. 52.

(3) An allowance for living expenses that is paid to a member of the Council under paragraph *(b)* of subsection two is not income for that member for the purposes of *The Income Tax Act.*"

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

Appointment of other officers.

"(3) The Governor in Council may appoint such officers for the due administration of justice in the Territories as are deemed necessary and may define and specify their duties and fix their remuneration."

Coming into force.

5. Section three of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Section 8D provides for sessional indemnities to elected members only. Travelling and living expenses may be paid to all members of the Council. Allowances for living expenses are not to be income for the purposes of the *Income Tax Act.*

Section 4. The Northwest Territories Act does not now make any provision for the appointment of judicial officers, e.g., sheriffs. It is proposed to give this power to the Governor in Council.

Section 5. This section provides that the Bill shall come into force on proclamation; this is necessary to allow the Commissioner in Council time to pass the necessary Ordinance fixing the qualifications of voters and the boundaries of electoral districts.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 191.

An Act to amend the Prisons and Reformatories Act.

First reading, April 4, 1951.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83062

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 191.

An Act to amend the Prisons and Reformatories Act.

R.S.C., c. 163; 1928, c. 41; 1931, c. 46; 1947, c. 68; 1947-48, c. 26; 1950, cc. 49, 11.

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

1. Section eighteen of the *Prisons and Reformatories Act*, chapter one hundred and sixty-three of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Conditions on which sections 19, 20 and 21 may be declared in force.

"**18.** The Governor in Council may, by proclamation published in the *Canada Gazette*, declare sections nineteen, twenty and twenty-one in force in a province from and after a day and with respect to a prison named in such proclamation, where

(a) the prison is, in his opinion, of such a character as to render practicable the application of the said sections to it, and

(b) rules for keeping a correct record of the daily conduct of every prisoner in such prison, noting his behaviour, industry, diligence and faithfulness and the strictness with which he observes the prison regulations, have in the case of a prison in a province, other than the Northwest Territories or the Yukon Territory, been made by the Lieutenant Governor of such province and declared adequate by the Governor in Council or have, in the case of a prison in the Northwest Territories or the Yukon Territory, been made by the Governor in Council."

Explanatory Notes.

1. The present section eighteen reads as follows:

"**18.** If, in any province, there is at any time a prison of such a character as to render practicable the application of the three sections next following to such province, and if the lieutenant-governor makes rules for keeping a correct record of the daily conduct of every prisoner in such prison, noting his behaviour, industry, diligence and faithfulness, and the strictness with which he observes the prison regulations, and if such prison, and the rules so made, are, by the Governor in Council, declared adequate, the Governor in Council may, by proclamation published in the *Canada Gazette*, reciting the premises, and describing the prison, declare such sections in force within such province from and after a day named in such proclamation."

2. The said Act is further amended by adding thereto the following Part:

"PART X.

"ALBERTA.

"Application of Part.

Application.

"161. This Part applies only to the Province of Alberta.

"Interpretation

"certified institution" defined.

"162. In this Part, unless the context otherwise requires, "certified institution" means any industrial school or other institution in the province of Alberta certified under The *Gaols and Prisons Act* of the province of Alberta as a gaol, reformatory or other institution.

"The Bowden Institution.

Imprisonment in Bowden Institution.

"163. (1) Every person confined in any one of the common gaols of the province under sentence of imprisonment for any offence against the laws of Canada or of the province may, by warrant signed by the Inspector of Gaols or by such other officer as is authorized by the Lieutenant-Governor in Council in that behalf, be transferred from such common gaol to the Bowden Institution or to a certified institution, there to be imprisoned for the unexpired portion of the term of imprisonment to which such person was originally sentenced.

Custody there.

(2) Such person shall thereupon be imprisoned in the Bowden Institution or other certified institution for the residue of such term unless in the meantime he is lawfully discharged or removed, and shall be subject to all the rules and regulations of the Bowden Institution or other certified institution, as the case mad be.

Offender to be received.

"164. The superintendent or warden of the Bowden Institution or other certified institution, as the case may be, shall receive every offender so transferred and every offender legally certified to him as sentenced to imprisonment therein, and shall detain him subject to all the rules and regulations and discipline of their respective institutions until the term for which he has been sentenced is completed or until he is otherwise paroled or discharged according to law.

2. This Part is being added at the request of the Province of Alberta. The provisions are similar to sections 44 to 50, which relate to the Ontario Reformatory.

Employment of offenders.

"**165.** The Lieutenant-Governor in Council may, from time to time, authorize, direct or sanction the employment upon any specific work or duty without or beyond the limits of the Bowden Institution or other certified institution of any of the prisoners confined or sentenced to be imprisoned therein or transferred thereto, as herein provided.

Transfer of offenders.

"**166.** The Inspector of Gaols, the superintendent or warden of the Bowden Institution or other certified institution, or such other officer as is authorized by the Lieutenant-Governor in Council, as the case may be, may from time to time, by warrant, direct the removal of any offender from the Bowden Institution or other certified institution to any of the common gaols of the province or to any other certified institution within the province."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 192.

An Act to amend the Petition of Right Act.

First reading, April 6, 1951.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

81606

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA

BILL 192.

An Act to amend the Petition of Right Act.

R.S., c. 158.

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

1. Sections four and five of the *Petition of Right Act*, chapter one hundred and fifty-eight of the Revised Statutes of Canada, 1927, are repealed and the following substituted therefor:

Filing of petition.

"**4.** (1) The original and two copies of the petition, with an endorsement thereon to the effect of form B in the Schedule to this Act, shall be filed in the Exchequer Court of Canada, which Court has exclusive original cognizance of petitions of right.

Fee.

(2) The sum of two dollars shall be paid to the Registrar of the Court as a fee on the filing of the petition.

Mailing.

(3) The original and two copies of the petition may be filed as required by subsection one by being forwarded, together with a remittance for the filing fee, by registered and prepaid mail addressed to 'The Registrar, The Exchequer Court of Canada, Ottawa, Ontario'.

Service.

"**5.** (1) When the original and two copies of a petition have been filed and the filing fee has been paid, as required by section four, the Registrar of the Court shall, after verifying the accuracy of the copies, forthwith, on behalf of the suppliant, serve the petition on His Majesty by transmitting the copies to the office of the Deputy Attorney General of Canada.

Certificate of filing and service.

(2) When the copies have been transmitted to the office of the Deputy Attorney General of Canada under subsection one, a certificate signed by or on behalf of the Registrar as to the date of filing and the date of transmission of the copies shall be delivered, or forwarded by registered and prepaid mail, to the suppliant or the suppliant's counsel or solicitor at the address appearing on the petition of right or such other address as may have been communicated to the Registrar for the purpose.

Explanatory Notes.

1. Sections four and five at present read as follows:

"**4.** The petition shall be left with the Secretary of State of Canada, for submission to the Governor General, so that he may consider it and, if he thinks fit, grant his fiat that right be done; and nothing shall be payable by the suppliant on leaving the petition."

"**5.** Upon the Governor General's fiat being obtained, the suppliant shall pay to the Secretary of State the sum of two dollars, the amount of the court fee on filing the petition, and thereupon the Secretary of State shall cause the petition and fiat to be filed in the Exchequer Court of Canada, which Court shall have exclusive original cognizance of such petitions, and thereafter a copy of the petition and fiat shall be left at the office of the Attorney General of Canada, with an endorsement thereon to the effect of the form B in the schedule to this Act."

The amendments provide for the abolition of the fiat and include provision for service by mail of petitions and other documents.

Certificate *prima facie* evidence.

(3) A certificate under subsection two is *prima facie* proof of the date of filing and the date of service of the petition of right referred to in the certificate.

Rules.

(4) A suppliant shall not be required to have an address for service in Ottawa and the judges of the Exchequer Court shall make such general rules and orders as they consider advisable to permit service of pleadings, notices and other documents in petition of right proceedings by registered mail in lieu of personal service."

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

Service on other persons.

"**7.** (1) If the petition is presented for the recovery of real or personal property or an interest in real or personal property and the property has been granted away or otherwise disposed of by or on behalf of His Majesty, a copy of the petition, endorsed with a notice to the effect of form C in the Schedule to this Act, shall be served upon or left at the last or usual or last known place of abode of the person in the possession or occupation of such property or right."

Repeal.

3. Sections thirteen and fourteen of the said Act are repealed.

Repaal.

4. Form D in the Schedule to the said Act is repealed.

Coming into force.

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

2. The subsection to be repealed at present reads as follows:

"**7.** (1) If the petition is presented for the recovery of any real or personal property, *or any right in or to the same*, which has been granted away or disposed of by or on behalf of His Majesty, *or his predecessors*, a copy of the petition *and fiat*, endorsed with a notice to the effect of the form C in the schedule to this Act, shall be served upon or left at the last or usual or last known place of abode of the person in the possession or occupation of such property or right."

3. The sections to be repealed at present read as follows:

"**13.** Whenever, on a petition of right, judgment is given that the suppliant is entitled to relief and there is no appeal, and whenever, upon appeal, judgment is affirmed or given that the suppliant is entitled to relief, and whenever any rule or order is made, entitling the suppliant to costs, the judge shall, upon application after the lapse of fourteen days from the making, giving or affirming of such judgment, rule or order, certify to the Minister of Finance the tenor and purport of the same, to the effect of the form D in the schedule to this Act.

2. Such certificate may be sent to, or left at the Department of Finance.'

"**14.** In the case of any petition of right as to which the Governor General has heretofore granted or may hereafter grant his fiat that right be done, and whether or not the petition has been or is filed in the Exchequer Court of Canada, and at any stage of the proceedings in the said Court, the Governor General in Council may upon the report of the Minister of Justice withdraw and revoke his fiat, if the Minister reports that the granting of the fiat was induced by misrepresentation, concealment or non-disclosure on the part of the petitioner of any material fact which, in the Minister's opinion, should have been truly stated or disclosed for the Minister's information in the consideration of the petition.

2. A copy of any Order in Council revoking or withdrawing the Governor General's fiat upon any petition of right as aforesaid, certified by the Clerk of the Privy Council, may be filed in the Exchequer Court, and thereupon the petition shall abate, and all further proceedings in the action shall be and be deemed to have been, by the revocation or withdrawal of the fiat, perpetually stayed."

Section 13 is being repealed because there is general provision in the Rules of Court for all judgments, and a special provision for judgments on petitions of right is unnecessary.

The repeal of section 14 and form D is consequential.

4. The repealed Form reads:

"FORM D.

To the Honourable the Minister of Finance and Receiver General:

Petition of right of A. B. in His Majesty's Exchequer Court of Canada, at

I hereby certify, that on the day of ,

A.D. , it was, by the said court adjudged (*or* ordered), that the above named suppliant was entitled to, etc.

(Judge's signature.)"

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 193.

An Act respecting Weights and Measures.

First reading, April 6, 1951.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83464

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 193.

An Act respecting Weights and Measures.

R. S., c. 212; 1935, c. 48; 1937, c. 18; 1950, c. 50.

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 Weights and Measures Act.*

Interpretation.

Definitions.

2. In this Act,

"inspector"

(a) "inspector" means an inspector of weights and measures appointed under this Act, and includes any person authorized by the Minister to perform the duties of an inspector;

"manufacturer"

(b) "manufacturer" includes a person who assembles component parts whether manufactured by him or not;

"measure"

(c) "measure", with respect to a linear or volume measuring device, means a static measure having no moving parts incorporated therein, but includes a roller tape-measure of any material;

"measuring machine"

(d) "measuring machine" means a measuring device having any moving part incorporated therein or associated therewith, and includes a tank or other receptacle having a tap or other mechanical means of discharge;

"Minister"

(e) "Minister" means the Minister of Trade and Commerce;

"pound"

(f) "pound" means the Canadian standard pound;

"pre-packaged goods"

(g) "pre-packaged goods" means goods packaged in a wrapper or container ready for retail sale; and, if goods packaged in a wrapper or container are found in premises where such goods are packaged or kept for sale, they shall *prima facie* be deemed to be packaged ready for retail sale;

Explanatory Notes.

The present Act has had no general revision since it was passed in 1873. The general purposes of the Bill are to modernize and clarify its provisions so as to bring them more into accord with modern merchandising conditions by

(a) providing clear authority for classifying weighing and measuring devices into

(i) those which are approved for use in trade and will be subject to original and annual inspection for accuracy, and

(ii) those which are inherently unfit for use in trade, will be excluded from use in trade and will not require inspection;

(b) clearly distinguishing the respective duties and responsibilities of

(i) manufacturers and importers of weighing and measuring devices,

(ii) dealers in those devices, and

(iii) traders using those devices;

(c) providing more practicable means of ensuring against short weight or short measure of pre-packaged goods;

(d) providing practicable means of ensuring accuracy of static linear and volume measuring devices, such as rulers and many types of measuring vessels which, by reason of their production in great volume, cannot be inspected individually; they will be required to conform to an approved prototype;

(e) confining the statutory requirements regarding static measures to true measures, omitting directions respecting mere containers such as bottles, cans, casks and barrels;

(f) providing for the continuance of certain weights and measures long-established in Newfoundland and not authorized for use elsewhere in Canada;

(g) clarifying the duties of inspectors and, in so doing, eliminating the use of cumbersome and expensive adhesive stamps as evidence of payment of inspection fees;

"trade" *(h)* "trade" means dealing in goods, wares or merchandise sold by weight or measure, or performing the service of weighing or measuring, or performing a service for which payment is determined by weight or measure;

"trader" *(i)* "trader" means any person engaged in trade; and

"yard" *(j)* "yard" means the Canadian standard yard.

STANDARDS OF WEIGHTS AND MEASURES.

Uniformity. **3.** Except as otherwise provided in this Act, the weights and measures used throughout Canada shall be uniform.

Canadian standards. **4.** (1) The bronze bar and the platinum-iridium weights, more particularly described in Part I of Schedule I, that were placed in the custody of the Minister of Inland Revenue as provided in *An Act respecting Weights and Measures*, chapter forty-seven of the statutes of 1873, and at the coming into force of this Act were in the custody of the Minister, shall continue to be the primary standards of measure and weight and shall be known as Canadian standards.

Yard. (2) The bronze bar referred to in subsection one shall continue to be the Canadian standard for determining the standard yard for Canada.

Pound. (3) The platinum-iridium weights referred to in subsection one shall respectively continue to be the Canadian standards for determining the standard pound and the standard troy ounce for Canada.

Parliamentary copies. **5.** The set of standards, more particularly described in Part II of Schedule I, that was placed in the custody of the Speaker of the Senate as provided in *An Act respecting Weights and Measures*, chapter forty-seven of the statutes of 1873, and at the coming into force of this Act was in the custody of the Speaker of the Senate, shall be known as the Parliamentary copies of the Canadian standards.

Comparison of copies. **6.** The Minister shall cause the Parliamentary copies to be compared once in every five years with the Canadian standards.

Renewal of Canadian standard. **7.** Where a Canadian standard is lost, or in any manner destroyed, defaced or otherwise injured, the Minister may cause the standard to be restored, by reference to the Parliamentary copy of that standard.

Renewal of Parliamentary copy. **8.** Where the Parliamentary copy of a Canadian standard is lost, or in any manner destroyed, defaced or otherwise injured, the Minister may cause the copy to be restored, by reference to the corresponding Canadian standard.

(h) revising the penalty provisions by

(i) collecting in one section the penalties presently scattered through the Act;

(ii) making the penalties more adequate and uniform and, in so doing, eliminating minimum penalties so that all penalties will be in the discretion of the court;

(iii) eliminating unused provisions which provide for voluntary payment of penalties to an inspector without prosecution and which provide for civil suits by any person to recover penalties and for division of the proceeds with the Crown if that person is not an inspector, so that all penalties will be those imposed in prosecutions;

(iv) revising the provisions respecting forfeiture of condemned weighing and measuring devices, so that forfeiture must be declared by a court; and

(i) generally clarifying the statutory requirements.

Departmental standards.

9. Except as otherwise provided in this Act, the standards of measure and weight, more particularly described in Schedule II, that were derived from the Canadian standards and at the coming into force of this Act were in the custody of the Minister, and no others, shall continue to be the secondary standards of measure and weight, and shall be called departmental standards.

Comparison of departmental standards.

10. Once at least in every five years the Minister shall cause the departmental standards to be compared with the Canadian standards or with the Parliamentary copies, and with each other, and shall adjust or renew the departmental standards as required.

Renewal of departmental standard.

11. Where a departmental standard is lost, or in any manner destroyed, defaced or otherwise injured, the Minister may cause the standard to be restored, by reference either to the Canadian standard or to the Parliamentary copy.

New denominations.

12. The Minister shall, from time to time, cause to be made and duly verified such new denominations of standards, being either equivalent to or multiples or aliquot parts of the Canadian standards of weights and measures, as are required in addition to those mentioned in Schedule II, and such new denominations of standards, when approved by the Governor in Council, shall be departmental standards.

Cancellation of departmental standard.

13. The Governor in Council may declare that a departmental standard of any denomination shall cease to be a departmental standard.

Local standards.

14. The standards of measure and weight that, under the authority of the Minister, are in use by inspectors for the purpose of verification or inspection of weights and measures, and all copies of departmental standards that have been compared and verified with those standards under the direction of the Minister and are authorized by the Minister for use by inspectors as standards for the verification or inspection of weights and measures, shall be called local standards.

Metric standards.

15. The basic units of the metric system shall be the International Metre and the International Kilogramme confirmed in the year eighteen hundred and eighty-nine by the firts International Conference of Weights and Measures and deposited at the International Bureau of Weights and Measures.

Copies authorized as legal standards.

16. The copies of the metre and the kilogramme certified by the International Bureau of Weights and Measures and obtained by the Minister of Inland Revenue pursuant to *An Act to amend the Weights and Measures Act*, chapter four of the statutes of 1914, and in the custody of the Minister at the coming into force of this Act, shall be the primary standards of the metre and kilogramme in Canada.

Secondary standards.

17. (1) The Minister shall cause to be prepared two sets of secondary standards of the metre and kilogramme and of the requisite multiples and proportions thereof; and the Governor in Council, upon the report of the Minister that the same have been duly verified and authenticated by comparison with the primary standards of the metre and kilogramme, may declare such standards to be the secondary standards of the metre and kilogramme.

To be departmental standards.

(2) The standards declared under subsection one to be secondary standards shall be called departmental standards and the provisions of sections ten to fourteen are *mutatis mutandis* applicable thereto.

Canadian Measures of Length.

Standard yard.

18. The straight line or distance between the centres of the two gold plugs or pins, as mentioned in Schedule I, in the bronze bar by this Act declared to be the Canadian standard for determining the Canadian standard yard, measured when the bar is at a temperature of sixty-one degrees and ninety-one hundredths of Fahrenheit's thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar and to facilitate its free expansion and contraction from varying temperature, shall be the legal standard measure of length and shall be called the Canadian standard yard, and shall be the only unit or standard measure of extension from which all other Canadian measures of extension, whether linear, superficial or solid, shall be ascertained.

Foot.

19. (1) One-third of the Canadian standard yard shall be a foot, and the twelfth part of a foot shall be an inch.

Rod.

(2) The rod, pole or perch, in length, shall contain five yards and a half.

Chain.

(3) The chain shall contain twenty-two yards, and the link shall be the one-hundredth part of the chain.

Furlong.

(4) The furlong shall contain two hundred and twenty yards.

Mile.

(5) The mile shall contain one thousand seven hundred and sixty yards.

Rood.

20. (1) The rood of land shall contain one thousand two hundred and ten square yards.

Acre.

(2) The acre of land shall contain four thousand eight hundred and forty square yards.

Cord.

(3) The cord shall contain one hundred and twenty-eight cubic feet.

Measures for seigniorial lands in Quebec.

21. (1) In the province of Quebec, the measures of length and superficies for all lands comprised in those parts of the province originally granted under the seigniorial tenure, shall be French measure, the ratio and proportion of which shall be to the Canadian standard measures as follows, that is to say:

French foot.

(a) the foot, French measure or Paris foot, shall contain twelve inches and seven hundred and eighty-nine thousandths of an inch;

Arpent.

(b) the arpent, when used as a measure of length, shall be one hundred and eighty French feet, and when used as a measure of superficies, shall contain thirty-two thousand four hundred square French feet;

Perch.

(c) the perch, as a measure of length, shall contain eighteen French feet; and as a measure of superficies, shall contain three hundred and twenty-four square French feet.

(2) The provisions of this section apply only to territorial measurement.

Toise and aune.

(3) The French measures toise and aune shall not be used.

Canadian Measures of Weight and Capacity.

Standard pound.

22. The Imperial pound, as established by the *Weights and Measures Act, 1878*, of the United Kingdom, and represented by the platinum-iridium weight mentioned in Schedule I, shall be the legal standard measure of weight and of measure, having reference to weight, and shall be called the Canadian standard pound, and shall be the only unit or standard measure of weight from which all other Canadian weights, and all Canadian measures having reference to weight, shall be ascertained.

Ounce.

23. (1) One-sixteenth part of the Canadian standard pound shall be an ounce.

Dram.

(2) One-sixteenth part of an ounce shall be a dram.

Grain.

(3) One seven-thousandth part of a pound shall be a grain.

Cental or cwt.

(4) One hundred pounds shall be a cental or hundredweight.

Ton.

(5) Twenty centals or two thousand pounds shall be a ton.

Ounce Troy.

(6) Four hundred and eighty grains shall be an ounce troy.

Avoirdupois weights.

(7) All weights mentioned in this section, except the ounce troy, shall be deemed to be avoirdupois weights.

Standard gallon.

24. (1) The unit or standard measure of capacity, from which shall be derived all other measures of capacity, as well for liquids as for dry goods, shall be the gallon containing ten Canadian standard pounds weight of distilled water weighed in air against brass weights with the water and the air at a temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches.

Quart.

(2) The quart shall be one-fourth of the gallon.

Pint.

(3) The pint shall be one-eighth part of the gallon.

Peck.

(4) Two gallons shall be a peck.

Bushel.

(5) Eight gallons shall be a bushel.

Fluid ounce.

(6) The one hundred and sixtieth part of the gallon by volume shall be the fluid ounce.

Metric equivalents of Canadian weights and measures.

25. (1) The tables in Schedule III shall be deemed to set forth the equivalents in Canadian weights and measures of the weights and measures therein expressed in terms of the metric system.

(2) The tables in Schedule III may be used for computing and expressing weights and measures in the terms of the metric system of weights and measures.

Newfoundland.

26. Such weights and measures as the Governor in Council may designate may be used in the province of Newfoundland for such period as the Governor in Council may prescribe.

ADMINISTRATION.

Custody of standards.

27. The Minister shall have the custody of the Canadian standards of measure and weight, the primary standards of the metre and kilogramme, and the departmental standards, and of all balances, apparatus, books, documents and things used in connection therewith or relating thereto.

Director of Standards.

28. (1) A Director of Standards, hereinafter called the Director, may be appointed in the manner authorized by law, who shall, under the direction of the Minister, conduct or authorize an inspector to conduct all comparisons, verifications and other operations with reference to local standards of measure and weight, and shall have the general supervision and direction of the work of inspection throughout Canada.

Certificate of comparison.

(2) A certificate of such comparison and verification purporting to be signed by the Director or an inspector is *prima facie* evidence of the facts stated therein and that the comparison and verification have been performed as described therein.

Record of verification.

29. A record shall be kept by or under direction of the Minister of all standards verified or reverified, showing full particulars of the results of such verification.

MARKING OF WEIGHTS AND MEASURES.

Marking of weights.

30. (1) Every weight used in trade or held in possession for use in trade, except when the small size of the weight renders it impracticable, shall have the denomination thereof marked on the top or side thereof in legible figures and letters by stamping or engraving.

Marking of measures.

(2) Every measure of capacity used in trade or held in possession for use in trade shall have the denomination thereof marked on the outside of such measure in legible figures and letters by stamping or engraving.

Weighing machines and measuring machines.

(3) Every weighing machine and measuring machine used in trade or held in possession for use in trade, and the weights or poises or other things used therewith, shall be marked in such place and in such manner as may be prescribed by regulation.

Non-conforming weights, measures, etc.

(4) A weight, measure, weighing machine or measuring machine not marked in conformity with this section shall not be stamped with a stamp of verification under this Act.

USE OF WEIGHTS AND MEASURES.

Contracts to be by standard weights and measures.

31. (1) Every transaction, that is to say, every contract, sale, dealing, service rendered or act performed in Canada, in respect of any work, goods, wares or merchandise in terms of weight or measure, shall be made or performed in terms of Canadian standard weight or measure or the metric equivalent thereof, and every such transaction that is not so made or performed is void.

Certificate of weight or measure.

(2) Every person who certifies or designates the weight or measure of anything weighed or measured by him shall express such weight or measure in terms of Canadian standard weights or measures or the metric equivalent thereof.

Required weight.

(3) Every such transaction by weight, except transactions in precious metals or precious stones and such other transactions as may be designated by regulation, shall be by avoirdupois weight or the metric equivalent thereof.

Tolls and duties.

32. All tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the Canadian weights or measures or the metric equivalent thereof, or to some multiple or fraction thereof.

Regional weights and measures not to be used.

33. Regional or customary standards of weights or measures shall not be used.

Use of static measure of capacity.

34. When a static measure of capacity is used in trade to measure a commodity, it shall be completely filled and stricken with a straight, round stick or roller of the same diameter from end to end, or, if the commodity cannot be stricken by reason of its shape or size, the measure shall be filled in all parts as nearly to the level of the brim as possible.

Pre-packaged goods.

35. (1) Except as may be provided by regulation, where pre-packaged goods are sold or displayed for sale by weight or measure, the net quantity in the wrapper or container shall be correctly indicated on the wrapper or container or on a ticket, card or label displayed or associated therewith.

Evidence.

(2) For the purpose of subsection one, goods that were packaged by weight or measure shall, if sold or displayed for sale, be deemed to have been sold or displayed for sale by weight or measure.

INSPECTORS AND INSPECTION.

Inspectors.

36. (1) Inspectors of weights and measures and such other officers as are required for the enforcement and administration of this Act may be appointed in the manner authorized by law.

Disqualification.

(2) No person appointed or employed in the administration or enforcement of this Act shall make or sell weights, measures, weighing machines, measuring machines or parts thereof but, under special instructions from the Minister in that behalf, an inspector may adjust or alter any weight verified by him or submitted to him for verification, and collect therefor such fee as is authorized by the Governor in Council.

Oath of office.

37. Each inspector shall, on appointment, take an oath for the faithful discharge of his duties, and shall be bonded, in a sum fixed by the Governor in Council, for the safe custody and preservation of the standard weights and measures and other apparatus entrusted to him, for their delivery over to his successor in case of his resignation or removal from office, and for duly accounting for all moneys collected by him.

Use of standards.

38. The standards and other apparatus in the custody of an inspector shall be used solely for the purpose of comparing and verifying weights, measures, weighing machines and measuring machines, or otherwise in the administration and enforcement of this Act.

Time for verification

39. Unless otherwise provided by regulation, all weights, measures, weighing machines and measuring machines authorized by or under this Act for use in trade shall be inspected, verified and stamped at least once every year.

Examination of weights, etc.

40. (1) Within his division, the inspector shall, at all proper times, carefully examine and compare all weights, measures, weighing machines and measuring machines authorized by or under this Act for use in trade.

Verification at owner's request.

(2) An inspector may also, at any time, inspect, verify, stamp and certify any weights, measures, weighing machines and measuring machines at any place in his division.

Stamping.

(3) When an inspector finds a weight, measure, weighing machine or measuring machine to be correct and just, he shall stamp the same in such manner as is, from time to time, directed by the Minister, who shall furnish such stamps, brands and implements as he thinks proper for that purpose.

Power of entry to inspect.

41. An inspector may, at all reasonable times, without notice, enter any shop, store, warehouse, stall, yard or place whatsoever, within his division, where any commodity is bought, sold, exposed or kept for sale, or where a charge is made for the service of weighing or measuring or for the carriage or conveyance of any thing by weight or measure, and

(a) there examine all weights, measures, weighing machines and measuring machines, and compare them and try them with the local standards of weight and measure in his possession; and

(b) inspect and check any pre-packaged goods for the purpose of ascertaining the weight or measure thereof or whether the contents thereof correctly correspond to the weight or measure indicated on the container or otherwise.

Minute book.

42. (1) An inspector shall keep a book in which he shall enter a record of all inspections and verifications made by him.

Certificate of verification.

(2) At the time of inspection of any weight, measure, weighing machine or measuring machine, an inspector shall deliver to the owner thereof, or to the person apparently in charge of it, a certificate under his hand setting forth the fact and date of such inspection and specifying every weight, measure, weighing machine or measuring machine that was verified or inspected.

Certificate to be evidence.

(3) A certificate issued under subsection two is *prima facie* evidence that the inspection and verification have been performed as described in such certificate.

Stamped weight, etc., used in another division.

43. No weight, measure, weighing machine or measuring machine duly stamped by any inspector is required to be re-stamped by reason only that it is used beyond the limits of the inspection division within which it was originally stamped.

Regulations.

Powers of Governor in Council.

44. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations respecting

(a) the duties of inspectors and their assistants;

(b) the replacement and use of standards of weights and measure;

(c) the methods of inspecting, verifying and stamping weights, measures, weighing machines, measuring machines and local standards and of certifying such verification;

(d) the amount of error that may be tolerated in weights, measures, weighing machines and measuring machines;

(e) the shapes, dimensions and proportions to be required in weights, measures, weighing machines and measuring machines and the materials of which they are made;

(f) the marking of denominations on weights, measures, weighing machines and measuring machines;

(g) the weights, measures, weighing machines or measuring machines that shall or shall not be legal for use in trade and how they shall be marked to so indicate;

(h) the frequency with which weights, measures, weighing machines and measuring machines shall be inspected, verified or stamped;

(i) the requirements to be observed, the facilities, apparatus and assistance to be provided and the proper storage of testing equipment to be furnished by owners of weights, measures, weighing machines and measuring machines for the purpose of the inspection and verification thereof;

(j) the form of receipts, certificates or other documents to be given by inspectors upon inspection and verification and their production at the request of an inspector;

(k) the fees to be paid to inspectors for inspecting and verifying weights, measures, weighing machines and measuring machines or for weighing or measuring goods under this Act and the time, manner and evidence of payment thereof; and, in such cases as he deems proper, prescribing the fees that may be paid during a specified period, not exceeding one year, instead of upon each inspection and verification, and the time, manner and evidence of payment thereof;

(*l*) the measurement of wood;

(*m*) the weight of wrappers or containers of commodities sold by weight;

(*n*) the marking of wrappers or containers of pre-packaged goods sold by weight or measure, or on tickets, cards or labels displayed or associated therewith, to indicate the contents of the wrapper or container;

(*o*) the amount of error that may be tolerated in pre-packaged goods; and

(*p*) the exemption of any pre-packaged goods from the operation of any provision of this Act.

Inspection divisions.

(2) For the purposes of this Act the Governor in Council may divide the whole or any part of Canada into inspection divisions or districts and fix the boundaries thereof.

Inspection Fees.

Payment of inspection fees.

45. All fees collected under this Act shall form part of the Consolidated Revenue Fund, and, unless otherwise provided by regulation, all fees prescribed for any services performed under this Act shall be paid at the time the service is performed.

Cases of dispute.

46. In case of dispute between a trader and another person as to the correctness of a weight, measure, weighing machine or measuring machine that an inspector is requested to inspect, the fees for such inspection shall be paid by the trader if the weight, measure or machine is found to be incorrect and by the other person if it is found to be correct.

Refusal to pay fees.

47. When any person refuses to pay the inspection fees payable by him, on demand of an inspector, the inspector may seize sufficient of the weights, measures, weighing machines or measuring machines for the inspection of which the fees are due, and retain them until the fees and all expenses incurred are paid.

Fees recoverable as debt due to Crown.

(2) All fees payable under this Act are recoverable in any court of competent jurisdiction as a debt due to the Crown.

Accounts.

Accounts.

48. Separate accounts shall be kept of all expenditures incurred and of all fees and other moneys collected or received under this Act and a statement of such accounts shall be included in the annual report of the Minister under the *Department of Trade and Commerce Act*.

Offences and Penalties.

Using other than Dominion weight or measure.

49. Every person who violates subsection one, subsection two or subsection three of section thirty-one is guilty of an offence.

Weighing beyond capacity.

50. Every trader who uses a weighing machine to weigh beyond its capacity certified under this Act is guilty of an offence.

Stamping without verifying.

51. Any inspector who stamps any weight, measure, weighing machine or measuring machine without having duly compared and verified it with the standard or other instrument provided for the purpose is guilty of an offence.

Short weight or measure.

52. (1) Except as provided in subsection two, every person who sells, delivers or causes to be sold or delivered anything by weight, measure or number short of the quantity ordered or purchased is guilty of an offence.

Weight of wrapper.

(2) When goods that are not pre-packaged goods are sold by weight and wrapped, the weight of the wrapper may be included in the weight purported to be sold if it does not exceed the tolerance that may be prescribed by regulation.

Sale in container.

53. When goods that are not pre-packaged goods are sold by measure in a container, the container shall not be used as a measure unless it has been approved as a measure and is marked in accordance with this Act.

False or unjust weight, etc.

54. (1) Every trader who uses in trade or who has in his possession for use in trade any weight, measure, weighing machine or measuring machine that is false or unjust is guilty of an offence.

Evidence.

(2) For the purposes of this Act possession of any weight, measure, weighing machine or measuring machine by a trader shall be deemed *prima facie* to be possession by him for use in trade.

Use of weights, etc. not marked or stamped.

(3) Every trader who uses in trade or has in his possession, and every dealer in weights, measures, weighing machines or measuring machines not manufactured by him who has in his possession,

(a) any weight or measure not marked as required by section thirty and the regulations, or

(b) any weighing machine or measuring machine not marked as required by section thirty and the regulations and not stamped by an inspector pursuant to section forty and the regulations,

is guilty of an offence.

Seizure and confiscation.

(4) An inspector may seize and confiscate every weight or measure that is not marked as required by section thirty and the regulations and is in the possession of a trader or dealer described in subsection three, and every weight and measure so seized and confiscated may be disposed of as the Minister may direct.

Fraud in use of weight, etc.

55. When any fraud is wilfully committed in the use of any weight, measure, weighing machine or measuring machine, the person who committed the fraud and every person who was a party to the fraud is guilty of an offence.

Failure to adjust or mark as directed.

56. (1) Every manufacturer or importer who, in accordance with the regulations, submits a weight, measure, weighing machine or measuring machine for inspection prior to its use and sells or otherwise disposes of it without having marked it as required by section thirty and the regulations is guilty of an offence.

Non-conforming static measuring device.

(2) Every manufacturer or importer who has the prototype of a measure approved under the regulations and sells or otherwise disposes of to a trader or dealer a measure that does not conform to such approved prototype is guilty of an offence.

Selling unstamped weight, etc.

57. (1) Every manufacturer or importer of any weight, weighing machine or measuring machine who disposes of it before it has been inspected under this Act, marked as required by section thirty and the regulations and stamped by an inspector pursuant to section forty and the regulations, is guilty of an offence.

(2) Subsection one does not apply to dormant scales that cannot be properly verified until they have been set upon a fixed foundation.

Selling unstamped static measuring device.

(3) Every manufacturer or importer of any measure required by this Act or the regulations to be marked or stamped who disposes of it before it is so marked or stamped is guilty of an offence.

Repaired weight, etc. to be held for inspection.

(4) Every person to whom a weight, measure, weighing machine or measuring machine has been delivered by a trader for the purpose of repair who, after repairing it, releases possession of it before it has been inspected and stamped by an inspector under this Act, is guilty of an offence.

Forging or counterfeiting stamps.

58. Every person who forges or counterfeits any mark or stamp used for marking or stamping under this Act or who wilfully alters any weight, measure, weighing machine or measuring machine so that it weighs or measures unjustly is guilty of an offence.

Using or selling falsified weight, etc., or breaking seal.

59. Every person who knowingly uses, sells, utters or offers for sale any weight, measure, weighing machine or measuring machine that has been altered so that it weighs or measures unjustly or who wilfully breaks or removes the official seal or mark of rejection from any such weight, measure or machine sealed against use, except for the purpose of repairing or adjusting it for presentation for inspection and stamping, is guilty of an offence.

Obstructing inspector.

60. Every person who wilfully obstructs or impedes an inspector in the performance of his duty under this Act or the regulations and every person who aids or assists him in so doing, is guilty of an offence.

Refusing to produce weights, etc.

61. Every manufacturer, importer or trader who, upon the demand of the inspector, refuses or fails to produce for inspection all weights, measures, weighing machines and measuring machines in his possession and to permit such inspection, is guilty of an offence.

Offences and penalties under certain sections.

62. (1) Every person who is guilty of an offence under section fifty-two, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty or sixty-one is liable, for the first offence, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and, in the case of every subsequent offence, to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Idem.

(2) Every person who is guilty of an offence under section forty-nine, fifty or fifty-one is liable on summary conviction to a fine not exceeding one hundred dollars.

Penalty in absence of other penalty.

(3) Every person who violates any provision of this Act or any regulation for which no penalty is elsewhere provided in this Act, is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

FORFEITURE.

Seizure of weights, measures, etc.

63. (1) Whenever an inspector believes on reasonable grounds that an offence under this Act has been committed he may seize all weights, measures, weighing machines and measuring machines by means of or in relation to which he reasonably believes the offence was committed.

Detention.

(2) All things seized pursuant to subsection one may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Act in respect of those things are undertaken, in which case those things may be further detained until such proceedings are finally concluded.

Forfeiture.

(3) Where a person is convicted of an offence under this Act, the court or judge may order that any weights, measures, weighing machines or measuring machines by means of or in relation to which the offence was committed shall be forfeited to His Majesty, and anything so forfeited may be disposed of as the Minister may direct.

Repeal.

Repeal.

64. The *Weights and Measures Act*, chapter two hundred and twelve of the Revised Statutes of Canada, 1927, is repealed.

Coming into Force.

Coming into force.

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

SCHEDULE I.

PART I.

Canadian Standards.

The following standards were constructed under the direction of the Commissioner of Inland Revenue:—

The Canadian standard for determining the length of the Canadian standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin are cut a fine line transverse to the axis of the bar and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar; the measure of length of the Canadian standard yard is given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins, and such bar is marked, "Mr. Baily's metal", "Standard Yard", "A", "Troughton and Simms, London". There are also, on the upper side of the bar, two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The Canadian standard for determining the weight of the Canadian standard pound is of platinum-iridium, the form being that of a cylinder nearly 1·35 inch in height and 1·15 inch in diameter, with a groove or channel round it, the middle of which is about 0·34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked "A". The weight of this standard in terms of the Imperial standard is 6999·97694 grains when both are weighed in vacuo and 6999·98387 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, and for which due allowance is to be made when comparing other standards.

The Canadian standard for determining the weight of the Canadian standard Troy ounce is of platinum-iridium, the form being that of a truncated cone, with a knob, nearly 12/10 of an inch in height, including the knob, the knob being nearly one-quarter of an inch and the base of the cone half

an inch in diameter respectively and such standard Troy ounce is marked "A". The weight of this standard in terms of the Imperial standard is 479·99197 grains when both are weighed in vacuo, and 480·03648 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, for which due allowance is to be made when comparing with other standards.

PART II.

Parliamentary Copies of Canadian Standards.

The following copies of the Canadian standards were constructed at the same time as the standards. They are of the same construction and form as the standards, and they are respectively marked and deposited as follows: *(a)* A copy of the Canadian standard for determining the Canadian standard yard, being a bronze bar marked "Mr. Baily's metal", "Standard Yard", "B", "Troughton and Simms, London", *(b)* A copy of the Canadian standard for determining the standard pound, marked "B" and *(c)* A copy of the Canadian standard for determining the Canadian standard Troy ounce marked "B", have been deposited with the Speaker of the Senate. Such copy of the standard yard is standard at a temperature of 62·16° of Fahrenheit's thermometer, and the weight of the copy of the standard pound, in terms of the Imperial standard, when both are weighed in vacuo, is 6999·98312 grains.

SCHEDULE II

Departmental Standards

Measures of Length		Measures of capacity
Number of each	Denomination of Standard	Denomination of Standard
		Set marked 'a'
1	100 feet	Bushel
1	66 feet or chain of 100 links	Half-bushel
2	10 feet end measures, with bed	Peck
1	6 feet end measure, with bed	Gallon
1	3 feet end measure, with bed	Half-gallon
1	1 inch divided into 10 decimal parts, one of which is again divided into ten subdivisions of one-hundredth of an nch each	Quart Pint Half-pint Gill Half-gill
		Set marked 'b'
		Bushel Half-bushel Peck Gallon Half-gallon Quart Pint Half-pint Gill Half-gill

Weights

Denomination of Standard		
Avoirdupois Weights	Troy Bullion Weights	Decimal Grain Weights
Set marked 'c'	Set marked 'C'	Set marked 'a'
50 pounds	500 ounces	1,000 grains
30 "	300 "	600 "
20 "	200 "	300 "
10 "	100 "	200 "
5 "	50 "	100 "
3 "	30 "	60 "
2 "	20 "	30 "
1 pound	10 "	20 "
8 ounces	5 "	10 "
4 "	3 "	6 "
2 "	2 "	3 "
1 ounce	1 "	2 "
8 drams	·5 "	1 "
4 "	·3 "	·6 "
2 "	·2 "	·3 "
1 dram	·1 "	·2 "
½ "	·05 "	·1 "
	·03 "	·06 "
	·02 "	·03 "
	·01 "	·02 "
	·005 "	·01 "
	·003 "	
	·002 "	
	·001 "	

SCHEDULE II—*Concluded*

WEIGHTS

Denomination of Standard.		
Avoirdupois Weights.	Troy Bullion Weights.	Decimal Grain Weights.
Set marked 'b'	Set marked 'b'	Set marked 'b'
	500 ounces	1,000 grains
	300 "	600 "
	200 "	300 "
	100 "	200 "
	50 "	100 "
	30 "	60 "
	20 "	30 "
	10 "	20 "
	5 "	10 "
	3 "	6 "
	2 "	3 "
	1 "	2 "
	·5 "	1 "
	·3 "	·6 "
	·2 "	·3 "
	·1 "	·2 "
·5 pounds	·05 "	·1 "
·3 "	·03 "	·06 "
·2 "	·02 "	·03 "
·1 "	·01 "	·02 "
·05 "	·005 "	·01 "
·03 "	·003 "	
·02 "	·002 "	
·01 "	·001 "	
·005 "		
·003 "		
·002 "		
·001 "		

SCHEDULE III

Tables of the Values of the principal denominations of Measures and Weights of the Metric System, expressed in terms of the Standard Measures and Weights of Canada.

(1) Measures of Length

Metric denominations and values.	Metres	Equivalents Expressed in Terms of the Standard of Canada.		
		In Standard yards and decimal parts of a yard.	In feet and decimal parts of a foot.	In links and decimal parts of a link.
Myriametre	10000	10936·143000	32808·430000	49709·74000
Kilometre	1000	1093·614300	3280·843000	4970·97400
Hectometre	100	109·361430	328·084300	497·09740
Decametre	10	10·936143	32·808430	49·70974
Metre	1	1·093614	3·280843	4·97097
Decimetre	1/10	·109361	·328084	·49710
Centimetre	1/00	·010936	·032808	·04971
Millimetre	1/000	·001094	·003281	·00497

(2) Measures of Surface

Metric denominations and values.	Equivalents Expressed in Terms of the Standard of Canada.		
	Square metres	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.
Hectare	100 ares 10000	11959·9224	247105·8250
Decare	10 1000	1195·9922	24710·5825
Are	1 100	119·5992	2471·0582
Centiare	1/100 1	1·1960	24·7106

(3) Weights

Metric denominations and values.	Equivalents Expressed in Terms of the Standard of Canada.		
	Grammes.	In pounds Avoirdupois and decimal parts of a pound.	In grains and decimal parts of a grain Troy.
Millier	1000000	2204·62234	
Quintal	100000	220·46223	
Myriagramme	10000	22·046223	
Kilogramme	1000	2·204622	
Hectogramme	100	·220462	
Decagramme	10	·022046	
Gramme	1	·002204	15·4323564
Decigramme	1/10	·0002204	1·5432356
Centrigramme	1/100	·0000220	·1543236
Milligramme	1/1000	·0000022	·0154324

SCHEDULE III—*Concluded*

(4) Measures of Capacity

Metric denominations and values.	Equivalents Expressed in Terms of the Standard of Canada.		
	Cubic metres.	Litres.	In Imperial gallons and parts of a gallon.
Kilolitre	1	1000	219·9753
Hectolitre	1/10	100	21·9975
Decalitre	1/100	10	2·1998
Litre	1/1000	1	·2200
Decilitre	1/10000	1/10	·0220
Centilitre	1/100000	1/100	·0022

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 194.

An Act to amend The Emergency Gold Mining Assistance Act.

First reading, April 6, 1951.

THE MINISTER OF MINES AND TECHNICAL SURVEYS.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83058

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA

BILL 194.

An Act to amend The Emergency Gold Mining Assistance Act.

1947-48, c. 15; 1949 (2nd Sess.), c. 20; 1950, c. 50.

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

1. (1) Subsection five of section three of *The Emergency Gold Mining Assistance Act*, chapter fifteen of the statutes of 1947-48, as enacted by subsection two of section one of chapter twenty of the statutes of 1949 (Second Session), is repealed and the following substituted therefor:

Calculation for 1950.

"(5) Notwithstanding anything in this section, the sum that may be paid in respect of

(a) gold produced from a mine and sold during the first nine months of the designated year nineteen hundred and fifty, and

(b) gold produced from a mine during the first nine months of the designated year nineteen hundred and fifty and sold after that period of nine months, if in the opinion of the Minister the gold could have been sold during those nine months,

shall be the amount calculated as prescribed in subsection two, two a, three or four, as the case may be, less the amount obtained by multiplying the number of ounces to which the rate of assistance is applied by three dollars and fifty cents."

Coming into force.

(2) This section shall be deemed to have come into force on the fifteenth day of June, nineteen hundred and forty-eight.

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

Explanatory Notes.

The purposes of this Bill are to amend and extend *The Emergency Gold Mining Assistance Act.* It is proposed to modify its application with reference to the last quarter of the year 1950, to extend its application in a modified form to the year 1951.

The present subsection five of section three reads as follows:—

"(5) Notwithstanding anything in this section, the sum that may be paid in respect of gold produced from a mine and sold in the designated year nineteen hundred and fifty, shall be the amount calculated as prescribed in subsections two, two a, three or four, as the case may be, less the amount obtained by multiplying the number of ounces to which the rate of assistance applies by three dollars and fifty cents."

Application of Act to 1951.

"**3A.** This Act applies in respect of gold produced from a mine and sold in the calendar year nineteen hundred and fifty-one, subject to the following modifications:

(a) the expression "designated year" includes the calendar year nineteen hundred and fifty-one;

(b) the expression "base year"

(i) in the case of a mine in which the first year of production commenced on or before the thirty-first day of December, nineteen hundred and forty-eight, means the calendar year nineteen hundred and forty-nine, but where the production of gold from any such mine was suspended throughout at least the first six consecutive months of the calendar year nineteen hundred and forty-nine, the expression "base year" means the period of twelve months commencing with the day on which the production of gold from such mine was resumed after the thirtieth day of June, nineteen hundred and forty-nine, and

(ii) in the case of any other mine, means the first year of production;

(c) where the first year of production had not, at the coming into force of this section, been established by or pursuant to paragraph *(e)* of subsection one of section two of this Act, the expression "first year of production" means the period of twelve months immediately following the day on which the mine came into production for the purposes of section seventy-four of *The Income Tax Act* or, in the case of a mine to which that section did not or does not apply, the day the Minister determines would have been the day on which the mine came into production for the purposes of that section if it had applied to it;

(d) the expression "rate of assistance" means the amount that is fifty per centum of the amount by which the average cost of production of gold from the mine during the calendar year nineteen hundred and fifty-one exceeds twenty-two dollars, but not in any event exceeding eleven dollars and fifty cents;

(e) the expression "one-half" shall be substituted for the expressions "one-third" and "two-thirds" wherever they occur in subsections two, two a, three and four of section three."

3A. New.

The purpose of this new section is to provide for continuation of assistance payments, in modified form, in respect of gold produced and sold in the designated year nineteen hundred and fifty-one.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 195.

An Act to amend The Consumer Credit (Temporary Provisions) Act.

First reading, April 11, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83688

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 195.

An Act to amend The Consumer Credit (Temporary Provisions) Act.

1950-51, c. 3.

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

1. Paragraph *(c)* of section two of *The Consumer Credit (Temporary Provisions) Act*, chapter three of the statutes of 1950-51, is amended by repealing all the words before subparagraph (i) thereof and substituting therefor the following:

"Conditional sale contract."

"*(c)* 'conditional sale contract' means any agreement other than a charge account, under the terms of which a buyer is to obtain possession of any goods without paying the price thereof in full at or before the time of delivery, whether or not the seller retains any property, interest or lien in respect of the goods, and includes".

2. (1) Subsection one of section three of the said Act is amended by adding thereto, immediately after paragraph *(c)* thereof, the following paragraphs:

"*(d)* payment under a contract for the hire of consumer goods,

(e) payment under a contract for work and labour where consumer goods are supplied by the person who contracts to furnish the work and labour,"

(2) Paragraph *(b)* of subsection two of section three of the said Act is repealed and the following substituted therefor:

"*(b)* requiring any person who

(i) sells goods at retail on credit,

(ii) engages in the business or makes a practice of lending money,

Explanatory Notes.

1. The purpose of this amendment is to make it clear that a conditional sale contract, as defined, includes a contract of sale under which the seller retains no interest in the goods as well as a contract of sale under which an interest is retained.

2. (1) This amendment extends the regulation-making power to contracts for the hire of consumer goods and to certain contracts for work and labour.

(2) This amendment extends the power of the Governor in Council to require the keeping of books and records and the furnishing of information by the persons mentioned.

(iii) has an interest in a conditional sale contract, or

(iv) enters into any of the contracts mentioned in paragraphs *(d)* and *(e)* of subsection one,

to keep such records and books and to furnish such information as the Governor in Council may prescribe."

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

Seizure of goods, books, etc.

"**3A.** Where any person who is authorized by the regulations to examine goods, books or records, as a result of his examination of any goods, books or records, reasonably believes that an offence has been committed against the regulations, he may seize and take away any of such goods, books or records and retain them until they are produced in any court proceedings, but if such proceedings are not instituted within ninety days after the goods, books or records were taken away, they shall be returned to the person from whom or the premises from which they were taken."

3. The purpose of this amendment is to permit persons who are authorized to examine goods, books or records to take away any of the goods, books or records for use in court proceedings.

196.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 196.

An Act respecting The Hamilton Harbour Commissioners.

First reading, April 11, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83634

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 196.

An Act respecting The Hamilton Harbour Commissioners.

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

Short title.

1. This Act may be cited as *The Hamilton Harbour Commissioners Act, 1951.*

Powers to conduct amusements, recreation grounds, etc., on their lands.

2. The Hamilton Harbour Commissioners, hereinafter called "the Corporation", in addition to all other powers vested in them, may conduct, on the lands of the Corporation in the City of Hamilton and in the Township of Saltfleet, amusements, recreation grounds, playgrounds and public bathing beaches, or arrange with others to conduct the same, and may charge or receive compensation for the use of and admission to such grounds and beaches and enjoyment of such amusements, and may permit others to conduct and operate such amusements, recreation grounds, playgrounds and public bathing beaches, and to make charges therefor either wholly for themselves or partly for themselves and partly for the Corporation, or wholly for the Corporation, as the Corporation may think proper.

Powers to spend, borrow and make by-laws.

3. (1) The Corporation may expend money for erecting, building, developing and maintaining such amusements, recreation grounds, playgrounds and public bathing beaches and the purchase of buildings, equipment and apparatus therefor, borrow money for defraying the expenses thereof and make by-laws for the control and regulation of such amusements, grounds and beaches.

Provisions of c. 98 of 1912 to apply.

(2) The provisions of *The Hamilton Harbour Commissioners' Act,* chapter ninety-eight of the statutes of 1912, relating to the jurisdiction of the Corporation and the exercise of powers thereby extend and apply, *mutatis mutandis,* to the powers granted to the Corporation under this Act.

Explanatory Note.

The purpose of the Bill is to authorize the Hamilton Harbour Commissioners to conduct amusements, recreation grounds, playgrounds and public bathing beaches on their lands in the City of Hamilton and Township of Saltfleet, and to expend and borrow money for these purposes.

The Commissioners propose to establish a public bathing beach on lands fronting on Lake Ontario.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 197.

An Act to amend the Aeronautics Act.

First reading, April 12, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

82196

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 197.

An Act to amend the Aeronautics Act.

R.S., c. 3; 1944-45, c. 28; 1945 (2nd Sess.), c. 9; 1950, cc. 23, 50.

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

Powers of Minister to make regulations with approval of Governor in Council.

1. Subsection one of section four of the *Aeronautics Act*, chapter three of the Revised Statutes of Canada, 1927, is amended by adding thereto the following paragraph:—

"*(j)* the height, use and location of buildings, structures and objects, including objects of natural growth, situated on lands adjacent to or in the vicinity of airports, for purposes relating to navigation of aircraft and use and operation of airports, and including, for such purposes, regulations restricting, regulating or prohibiting the doing of anything or the suffering of anything to be done on any such lands, or the construction or use of any such building, structure or object."

Explanatory Note.

1. The purpose of the amendment is to provide for the zoning of airports.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 198.

An Act to amend the Customs Act.

First reading, April 16, 1951.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83161

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 198.

An Act to amend the Customs Act.

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

1. Section two of the *Customs Act*, chapter forty-two of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after subsection three thereof, the following subsection:

Government vessels to report.

"(4) All the provisions of this Act that relate to

(a) the reporting inwards and outwards of vessels, vehicles or persons, or

(b) the reporting to a collector of Customs of goods imported or of goods acquired after importation by any person, including goods derelict, flotsam, jetsam or wreck,

are binding upon His Majesty in right of Canada or a province."

2. Section twenty-two of the said Act is amended by adding thereto the following subsection:

Detention.

"(2) Notwithstanding subsection one, goods of which the export or import is prohibited, controlled or regulated by or under any Act of Parliament, may be detained by the collector and shall be dealt with as provided by any law in that behalf."

3. Section one hundred and fifteen of the said Act is repealed and the following substituted therefor:

Goods otherwise exempt, dutiable in certain cases.

"**115.** (1) Where goods have been imported free of duty or at a rate of duty lower than that to which they would otherwise be liable, either

(i) as being for the use of a person who is by law entitled to import goods for his own use free or at a reduced rate of duty, or

(ii) as being intended for a specific use,

Explanatory Notes.

1. The proposed subsection is new and is designed to make it clear that federal and provincial governments and their officers must comply with such parts of the Act as are designed to give that control of import and export which is essential to the proper administration of the Act.

2. The proposed subsection is new. A number of Acts not administered by the Department of National Revenue nevertheless contain clauses prohibiting under certain conditions import and, in some cases, export of goods of various classes. A Customs officer while often directed by the Act concerned to give effect to these prohibitions is under the section as it stands directed to release the goods immediately on payment of duty. The amendment will provide statutory authority for existing practice.

3. The section to be repealed reads as follows:

> "**115.** All goods exempt from duty as being imported or taken out of warehouse for the use of His Majesty's troops, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes".

The purpose of the amendment is to widen the law to cover all types of exempt or favoured importation and to place the responsibility for the payment of duty or additional duty, in case such goods are diverted to uses not exempt or into the possession of the general public, upon the person who comes into possession of the goods. It has been the practice to hold the importer responsible in such cases, but there is an increasing class of case in which the importer cannot be held responsible, *e.g.*, goods imported by foreign governments for the use of their military personnel and goods imported under privilege by members of the diplomatic corps.

and such goods are sold or otherwise disposed of to a person not entitled to any exemption, or are diverted to a use other than that for which they were imported, they become liable to and are charged with the duties or the additional duties payable upon like goods on their importation, and if such duties or additional duties are not paid, such goods are liable to forfeiture and may be seized and dealt with accordingly.

Report to collector.

(2) A person who purchases or otherwise acquires any goods coming within paragraph (i) of subsection one and is not entitled to any exemption, and a person who diverts any goods coming within paragraph (ii) of subsection one to a use other than that for which they were imported, shall report to the nearest collector and pay the duties or the additional duties exigible."

4. Section one hundred and twenty-five of the said Act is repealed and the following substituted therefor:

Overpaid duties not returnable after six months.

"**125.** Although any duty of Customs has been overpaid or although, after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of six months from the date of such payment, unless application for payment has been previously made."

5. Section one hundred and twenty-nine of the said Act is amended by adding thereto, immediately after subsection five thereof, the following subsection:

Penalty for practising without a licence.

"(6) Every person who, without a licence granted in accordance with subsection one, transacts or attempts to transact business as a Custom-house broker, or holds himself out as a Custom-house broker, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding three months and not less than one month."

6. Section one hundred and thirty-four A of the said Act, as enacted by section two of chapter fourteen of the statutes of 1949 (Second Session), is repealed and the following substituted therefor:

Power to conduct inquiry.

"**134A.** (1) Any person designated by the Minister may conduct any inquiry or investigation in matters relating to the Customs, and any person so authorized has all the powers and authority of a commissioner appointed under Part I of the *Inquiries Act*.

R.S., c. 99.

Witnesses and evidence.

(2) Any person designated to conduct an inquiry or investigation under subsection one may for the purpose thereof issue a summons to any person in any part of

4. The section to be repealed reads as follows:

"**125.** Although any duty of Customs has been overpaid, or although, after any duty of Customs has been charged and paid, it appears or is judicially established that the same was charged under an erroneous construction of the law, no such overcharge shall be returned after the expiration of *three years* from the date of such payment, unless application for payment has been previously made".

The amendment consists in substituting six months for three years as the period within which refunds of duty overpaid or charged under an erroneous construction of the law may be claimed. The object is to prevent demands for the refund of duty paid within three years when, for example, the Tariff Board has rendered a decision which has the effect of reducing a rate of duty that has applied generally to a considerable volume of importations. In the opposite case, where a decision of the Board or of a Court, or some discovered error has the effect of raising the rate of duty, the Department does not ordinarily require amending entries with respect to importations more than one month old, and seldom if ever seeks to go back more than three months.

5. The proposed subsection is new, its object to provide an appropriate penalty.

6. The section to be repealed reads as follows:

"**134A.** The Deputy Minister or any other officer designated by the Minister may conduct any inquiry or investigation in matters relating to the Customs and, for the purpose of such inquiry or investigation, any such officer shall have all the powers and authority of a commissioner appointed under Part I of the *Inquiries Act*".

The purpose of the amendment is to provide procedure by way of summary conviction to compel the attendance of witnesses. (Compare the *Excise Act*, section 67)

Canada requiring him to appear at the time and place mentioned therein, and to testify to all matters within his knowledge relative to the subject-matter of the inquiry or investigation, and to bring with him and produce any document, book, or paper that he has in his possession or under his control relative to the subject-matter of the inquiry or investigation.

Travelling expenses.

(3) Reasonable travelling expenses shall be paid to any person summoned under subsection two at the time of the service of the summons.

Penalties.

(4) Every person who

(a) fails, without valid excuse, to attend an inquiry or investigation as required under this section,

(b) fails to produce any document, book or paper in his possession or under his control, as required under this section, or

(c) at any inquiry or investigation under this section

(i) refuses to be sworn or to affirm, or to declare, as the case may be, or

(ii) refuses to answer any proper question put to him by the person conducting the inquiry or investigation,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding four hundred dollars and not less than twenty dollars."

7. Sections two hundred and thirty-three and two hundred and thirty-four of the said Act are repealed and the following substituted therefor:

Travellers' goods exempted from duty by regulation forfeit if disposed of in Canada.

"**234.** Every animal or vehicle and goods of any kind brought into Canada by any traveller, and which have been exempted from duty under regulation of the Minister or otherwise, if sold or offered for sale in Canada, or otherwise disposed of in Canada, without payment of the duties thereon, are liable to forfeiture, together with the harness or tackle employed therewith or in the conveyance thereof."

8. Subsection one of section two hundred and forty-five of the said Act is repealed and the following substituted therefor:

Contravention generally.

"**245.** (1) All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to this Act or to any regulation, and all goods or vehicles, and all vessels, with regard to which the requirements of this Act or any regulation have not been complied with, or with respect to

Forfeiture.

which any attempt has been made to violate the provisions of this Act or any regulation, are liable to forfeiture."

7. The sections to be repealed read as follows:

"**233.** If any goods imported or taken out of warehouse for the use of His Majesty's troops, or for any purpose for which such goods may be imported free of duty, are sold after importation, and if the duties to which such goods are consequently liable and charged thereon are not paid, such goods shall be forfeited, and may be seized and dealt with accordingly".

"**234.** Every animal or vehicle and goods of any kind brought into Canada by any traveller, and which have been exempted from duty under regulation of the Minister or otherwise, may, if sold or offered for sale in Canada without payment of the duties thereon, be seized and forfeited, together with the harness or tackle employed therewith or in the conveyance thereof."

Section 233 is incorporated in section 115 as amended by clause 3 of the Bill.

The object of the amendment is to cover cases in which goods imported under privilege find their way into the possession of persons not entitled to privilege, but actual sale or offering for sale cannot be proved. (See note to clause 3 above.)

8. The subsection to be repealed reads as follows:

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

It is necessary for proper enforcement to make the attempt to import or export illegally carry the same consequences as the actual import or export. Other Acts which are intended to control the movement of goods, the *Foreign Exchange Control Act*, the *Import-Export Act*, etc., contain comparable provisions.

9. Section two hundred and forty-six of the said Act is repealed and the following substituted therefor:

Contravention of Act in other respects.

"**246.** Every person who violates or attempts to violate any of the provisions of this Act or who neglects any duty imposed on him by this Act, for which violation, attempted violation or neglect no penalty is herein specially provided, shall be liable on summary conviction before two justices of the peace to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding one year and not less than one month, or to both fine and imprisonment."

Penalty.

10. Section two hundred and eighty-four of the said Act is amended by adding thereto, immediately after paragraph *(s)* thereof, the following paragraph:

"*(ss)* Dispensing in any case or class of cases with any reporting required by virtue of subsection four of section two."

11. (1) Subsection two of section two hundred and eighty-nine of the said Act is repealed and the following substituted therefor:

Or by railway, highway or air transport.

"(2) The Governor in Council may make regulations for the appointment of sufferance warehouses in which goods arriving by railway, highway or air transport may be stored before entry, when such goods have been duly reported."

(2) Section two hundred and eighty-nine of the said Act is further amended by adding thereto the following subsections:

Keeper of sufferance warehouse to be liable for duty on goods stored.

"(4) A person who operates a sufferance warehouse is responsible for the safekeeping of all goods stored therein pending the due entry or lawful removal of the goods, and is liable to His Majesty for all duties payable on the importation of the goods unless he can show to the satisfaction of the collector that the goods have been duly entered or lawfully removed.

Application.

(5) Subsection four applies to and is binding upon any board, commission, railway, public utility or authority that is an agent or servant of His Majesty in right of Canada or a province.

Storing of goods before entry.

(6) No goods shall be stored before entry in any place other than a sufferance warehouse appointed under this section."

9. The amendment consists in inserting the words underlined. (See note to clause 8.)

10. New. See clause 1. It is proposed to make all government-owned vessels, vehicles and personnel amenable to Customs control, but there may be cases in which it is inexpedient to enforce all the requirements of the Act.

11. The subsection to be repealed reads as follows:

"289. (2) The Governor in Council may make similar regulations for the appointment of sufferance warehouses in which goods arriving by railway may be stored before entry, when such goods have been duly reported to the collector or proper officer".

In view of modern developments, it is thought necessary to extend the power to cover specifically goods arriving by highway or by air transport.

Subsections 4 to 6 are new. The object is to protect the Crown from possible loss of revenue, in the case of goods stolen or destroyed in sufferance warehouses.

199.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 199.

An Act to amend The Income Tax Act.

First reading, April 20, 1951.

MR. KNOWLES.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84313

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 199.

An Act to amend The Income Tax Act.

1947-48, c. 52, 1949 (2nd. Sess.) c. 25; 1950, c. 40; 1950-51, c. 9.

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

1. Section one hundred and twenty-one of *The Income Tax Act*, chapter fifty-two of the statutes of 1947-48, is repealed and the following substituted therefor:

Communication of information.

"**121.** Every person who, while employed in the service of His Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding $200: Provided that nothing in this section shall operate to prevent a Minister of the Crown from communicating to the Senate or to the House of Commons any information with respect to corporations obtained under the provisions of this Act if such information is asked for by a member of Parliament."

Proviso.

Explanatory Notes.

The only change in this section consists in the addition of the proviso underlined on the opposite page.

The purpose of this amendment is to remove in part the restrictions as to secrecy imposed by section 121, which as it stands at present can have the effect of preventing a Minister of the Crown from giving the Senate or the House such information as it might be perfectly legitimate to ask for and obtain.

No change is made in the matter of information obtained from personal income tax returns. Such information must still be kept secret. On the other hand, this amendment would make it possible to make public any information respecting corporations obtained by the Income Tax Division of the Department of National Revenue if such information is asked for by a member of Parliament.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 284.

An Act to amend The Canadian Commercial Corporation Act.

First reading, May 14, 1951.

THE MINISTER OF DEFENCE PRODUCTION.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

85783

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 284.

An Act to amend The Canadian Commercial Corporation Act.

1946, c. 40; 1947, c. 51; 1949 (1st Sess.), c. 2; 1950, c. 51.

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

"Minister".

1. Paragraph *(e)* of section two of *The Canadian Commercial Corporation Act*, chapter forty of the statutes of 1946, is repealed and the following substituted therefor:

"*(e)* "Minister" means the Minister of Defence Production; and"

Repeal.

2. Subsections two and four of section three of the said Act are repealed.

Purpose of the Corporation.

3. Subsection one of section four of the said Act is amended by adding thereto the following paragraphs:

"*(c)* to exercise on behalf and under the direction of the Minister any powers or functions vested in the Minister by any other Act that authorizes the Minister to employ the Corporation to exercise them; and

(d) to exercise any other powers or functions conferred upon it by any other Act or for the exercise of which it may be employed under any other Act."

Grants and advances to Corporation.

4. (1) The portion of subsection one of section eight of the said Act that precedes paragraph *(a)* thereof is repealed and the following substituted therefor:

"**8.** (1) The Minister of Finance shall, on the request of the Minister, from time to time deposit to the credit of the Corporation in the Bank of Canada or in a chartered bank designated by the Minister:"

(2) Section eight of the said Act is further amended by adding thereto the following subsection:

Explanatory Notes.

1. The present paragraph defines the Minister as Minister of Trade and Commerce.

2. The subsections being repealed are spent. Subsection (2) names the first President of the Corporation and subsection (4) names the first directors. The subsections to be repealed read as follows:

"(2) The first President of the Corporation is Maxwell Weir Mackenzie, Deputy Minister, Department of Trade and Commerce."

"(4) The first directors of the Corporation are Hector Brown McKinnon, President Commodity Prices Stabilization Corporation, David Sim, Deputy Minister (Customs and Excise), Department of National Revenue, Vincent William Scully, Deputy Minister, Department of Reconstruction and Supply, Donovan Bartley Finn, Deputy Minister, Department of Fisheries, Leo Paul Saint-Amour, Assistant Deputy Governor Bank of Canada, and William Davidson Low, Assistant to General Purchasing Agent, Canadian National Railways."

3. These added paragraphs, conferring on the Corporation the powers therein mentioned are inserted for two reasons: first, to replace Part II of the present Act being repealed by Clause 7; and second, to resolve the legal doubt raised as to whether the Corporation may exercise a power not included among its specified purposes.

4. In sub-clause (1), the only change is to say "the Minister" in the second line instead of "the Minister of Trade and Commerce" appearing in the present subsection 8(1) which specifies the amounts or advances to be made to the Corporation.

Return of excess moneys.

"(7) The Minister of Finance shall, on the request of the Minister, from time to time deposit to the credit of the Corporation in the Bank of Canada or in a chartered bank designated by the Minister, out of the Consolidated Revenue Fund, all or any part of the moneys paid to the Receiver General of Canada under subsection six, if in the opinion of the Minister such moneys are again required for the purposes of this Act."

5. Subsection three of section twelve of the said Act is repealed and the following substituted therefor:

Quorum.

"(3) Three members of the Board are a quorum."

6. (1) Subsections one and two of section fourteen of the said Act are repealed and the following substituted therefor:

R.S., c. 24.

"**14.** (1) The *Civil Service Superannuation Act* applies to any officer or employee of the Corporation who is designated by the Governor in Council to be a civil servant for the purposes of the *Civil Service Superannuation Act.*

Contributor under *Civil Service Superannuation Act.*

(2) A person who immediately prior to his employment under this Act, was a contributor under the *Civil Service Superannuation Act,* shall, notwithstanding that he has not been designated under subsection one, continue while employed under this Act to be a contributor under the *Civil Service Superannuation Act,* and, for the purposes of the *Civil Service Superannuation Act,* his service under this Act shall be counted as service in the civil service and he, his widow, children or other dependents, if any, or his legal representatives, may be granted the respective allowances or gratuities provided by the *Civil Service Superannuation Act.*"

Repeal.

(2) Subsection five of section fourteen of the said Act is repealed.

Repeal.

7. Part II of the said Act is repealed.

New subsection 8 (7) being added by sub-clause (2) is necessary to enable a re-payment into the Consolidated Revenue Fund to be safely made under subsection (6) which reads as follows:

"(6) Notwithstanding the other provisions of this section, the Corporation shall, if the Minister so directs, pay to the Receiver General of Canada any part of the moneys administered by it that the Minister considers to be in excess of the amount required for the purposes of this Act."

5. Present subsection 12 (3) reads as follows:

"(3) *Five* members of the Board are a quorum if not less than three of them are directors who are not executive officers of the Corporation."

6. In regard to sub-clause (1), subsections (1) and (2) of present section 14 read as follows:

"14. (1) *The Civil Service Superannuation Act is not applicable to officers and servants employed under this Act but the Corporation may, with the approval of the Governor in Council, establish and support a pension fund or make other pension or superannuation arrangements for the benefit of officers and servants employed under this Act and their dependents.*

(2) *Notwithstanding subsection one of this section or any other statute or law,* a person who, immediately prior to his employment under this Act, was a contributor under the *Civil Service Superannuation Act* continues while employed under this Act to be a contributor under the said *Superannuation Act;* and, for the purposes of the said *Superannuation Act,* his service under this Act shall be counted as service in the civil service and he, his widow, children or other dependents, if any, or his legal representatives, may be granted the respective allowances or gratuities provided by the said *Superannuation Act.*"

This was due to the fact that when this Act was passed in 1946, former section 17 provided for its expiry in 1949. That section was subsequently repealed, so that the Corporation is now a permanent organization and designated employees should have the benefit of the *Civil Service Superannuation Act* now possessed by employees of the Crown companies listed in the schedule to that Act and Crown companies to which the *Government Companies Operation Act* applies.

In regard to sub-clause (2), present subsection 14 (5) which will not be needed henceforth reads as follows:

"(5) The *Government Companies Corporation Act* applies to officers and servants employed under this Act and for the purposes of the said *Government Companies Compensation Act* such officers and servants shall be deemed to be employees in the service of His Majesty."

7. Present Part II of the Act comprises the following sections:

"17. The Corporation may, as directed by the Minister, exercise and perform on behalf of the Minister, the power, duty and function vested in the Minister to buy or otherwise acquire and manufacture or otherwise produce munitions of war or supplies for, and to construct or carry out projects required by, the Department of National Defence.

18. The provisions of Part I, except sections nine and ten thereof, are applicable *mutatis mutandis* in the exercise of the powers conferred by this Part."

These provisions are replaced by the powers added by Clause 3.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 285.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

First reading, May 14, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

86058

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 285.

An Act to amend The Canadian and British Insurance Companies Act, 1932.

1932, c. 46; 1932-33, c. 32 1934, cc. 27, 45; 1936, c. 18; 1937, c. 5; 1938, c. 21; 1939, c. 10; 1944-45, c. 32; 1945 (2nd sess.), c. 13; 1947, c. 27; 1947-48, c. 36; 1949, c. 6; 1950, c. 28; 1950, c. 50.

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

1. Section twenty-six of *The Canadian and British Insurance Companies Act, 1932*, chapter forty-six of the statutes of 1932, as enacted by section four of chapter twenty-seven of the statutes of 1934, is repealed and the following substituted therefor:

Application.

"**26.** (1) This section extends and applies to every mutual company and to every company having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, notwithstanding anything to the contrary in any special Act relating to any such company or in any by-law thereof.

Voting by proxy.

(2) At any meeting at which holders of shares in the capital stock or guarantee fund, policyholders or members are entitled to vote, they may vote by proxy, if the proxy of the shareholder, policyholder or member is, respectively, a shareholder, policyholder or member and entitled to vote.

Validity of proxies.

(3) An instrument of proxy shall not be valid at a meeting unless it is filed with the secretary of the company at least ten days before the date of the meeting and it may be revoked at any time.

Life insurance companies to inform participating policyholders of rights.

(4) A life insurance company having participating policyholders who are entitled to vote at meetings of the company shall advise each such policyholder at least once in each year, by means of a statement printed in prominent type on a premium notice, premium receipt or dividend notice

Explanatory Notes.

1. Present section 26 reads as follows:—

"**26.** The provisions of this section shall extend and apply to every mutual company and to every company, other than a company authorized to transact life insurance, having a capital stock, whether called by the name of capital stock, guarantee fund, or any other name, notwithstanding anything to the contrary in any special Act relating to any such company or in any by-law or by-laws thereof.

(2) At all meetings at which holders of shares in the capital stock or guarantee capital, policyholders, or members are entitled to vote, they may respectively vote by proxy and every proxy must be himself a shareholder, policyholder or member and entitled to vote."

This section applies to every kind of Canadian insurance company, except life insurance companies having a capital stock, and provides that where shareholders, policyholders or members are entitled to vote at meetings of the company they may do so by proxy. Under other provisions of the Act the participating policyholders of life insurance companies having a capital stock have the right to vote at all general meetings but they must attend personally in order to do so. The proposed revision would extend the privilege of voting by proxy to these participating policyholders, thus putting them in the same position as the participating policyholders of mutual life companies and making the section apply generally.

Proposed subsection (3) is self-explanatory, and proposed subsection (4) is added to establish a procedure whereby the participating policyholders of all life insurance companies will be advised regularly of their rights to attend meetings and to vote in person or by proxy.

or otherwise, of his rights to attend and to vote in person or by proxy at such meetings and that he may obtain a blank form of proxy on request therefor in writing to the secretary of the company."

2. Section eighty of the said Act, as renumbered by section twenty-one of chapter twenty-seven of the statutes of 1934, is repealed and the following substituted therefor:

Distribution of part of profits as dividends or bonuses.

"**80.** (1) The directors of a company that has a capital stock may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof that has been derived from participating policies and distinguishing such part from the profits derived from other sources.

Amount of share of participating policyholders.

(2) Notwithstanding anything to the contrary in any special Act or elsewhere, the holders of participating policies shall be entitled to share in that portion of the profits set apart that has been distinguished as having been derived from participating policies (including a share of the profits arising from the sale of securities in the proportion of the mean participating fund to the mean total funds) to the extent of,

(a) at least ninety per centum thereof in any year in which the mean participating fund does not exceed two hundred and fifty million dollars;

(b) at least ninety-two and one-half per centum thereof in any year in which the mean participating fund exceeds two hundred and fifty million dollars but does not exceed five hundred million dollars;

(c) at least ninety-five per centum thereof in any year in which the mean participating fund exceeds five hundred million dollars but does not exceed one thousand million dollars; and

(d) at least ninety-seven and one-half per centum thereof in any year in which the mean participating fund exceeds one thousand million dollars.

Interest on unimpaired paid-up capital stock.

(3) Before fixing or arriving at the amount of divisible profits, interest on the amount of the unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be

2. Present section 80 reads as follows:—

"**80.** In the case of companies which have a capital stock, the directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which have been distinguished as having been derived from participating policies (including a share of the profits arising from the sale of securities in the proportion of the mean participating fund to the mean total funds), to the extent of not less than ninety per cent thereof; and before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof, which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year, or other period under consideration, upon the mean invested funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character in proportion of the mean shareholders' fund to the mean total funds.

(2) The provisions of subsection one of this section shall not interfere with the right of the participating policyholders of any such company to share in the profits realized from the non-participating branch of its business in any case in which such policyholders are so entitled under the Acts relating to such company in force on the fourth day of May, one thousand nine hundred and ten."

This section was originally enacted in 1910 to safeguard the interests of participating policyholders of Canadian life insurance companies having a capital stock. It requires that, of the profits set aside for distribution to shareholders and participating policyholders, at least ninety per cent of the portion derived from a company's participating business shall be allotted to participating policyholders. This was a reasonable minimum in 1910 when all companies were relatively small. It is still appropriate for the smaller companies but becomes more and more inappropriate as a company grows. The proposed revision will guarantee an increasing proportion to the participating policyholders as a company increases in size.

allowed or credited to such shareholders at the average net rate of interest earned in the preceding year or other period under consideration upon the mean total funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character in the proportion of the mean shareholders' fund to the mean total funds.

Right of certain participating policyholders.

(4) This section shall not interfere with the right of the participating policyholders of any such company to share in the profits realized from the non-participating branch of its business in any case in which such policyholders are so entitled under the Acts relating to such company in force on the fourth day of May, one thousand nine hundred and ten."

Coming into force.

3. Subsection four of section twenty-six of the said Act, as enacted by section one of this Act, shall come into force on the first day of January, nineteen hundred and fifty-two.

3. The purpose of this clause is to give life insurance companies an opportunity to establish a procedure for advising participating policyholders of their rights to attend and to vote at all general meetings of the company.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 286.

An Act to amend The Veterans' Business and Professional Loans Act.

First reading, May 14, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84014

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 286.

An Act to amend The Veterans' Business and Professional Loans Act.

1946, c. 69; 1947, c. 76; 1949 (1st Sess.), c. 6; 1950, c. 50.

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

1. Paragraph *(k)* of section two of *The Veterans' Business and Professional Loans Act*, chapter sixty-nine of the statutes of 1946, is repealed and the following substituted therefor:

"veteran".

"*(k)* "veteran" means a person resident and domiciled in Canada who has received or is entitled to a gratuity under *The War Service Grants Act, 1944*, and who

1944-45, c. 51.

1942-43, c. 33

(i) has not elected to take benefits under *The Veterans' Land Act, 1942*, or

(ii) having so elected, has either received no such benefit or has repaid to The Director, The Veterans' Land Act, the amount of any such benefit received by him, as determined under section ten of *The War Service Grants Act, 1944*".

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

"*(l)* the loan was made within a period of ten years from the first day of January, nineteen hundred and forty-five, or the date that is the date of his discharge within the meaning of subsection one of section nine of *The War Service Grants Act, 1944*, whichever date is the later;"

3. Subsection one of section nine of the said Act is repealed and the following substituted therefor:

False statements, conviction and fines.

"**9.** (1) Every person who

(a) makes in an application a statement that is false in any material respect,

Explanatory Notes.

1. The purpose of this amendment is to include in the definition of veteran certain veterans who at the moment are not eligible to receive the benefits of the Act.

2. The purpose of this amendment is to enlarge the period within which guaranteed loans may be made under the Act. The period as enlarged corresponds to the period during which benefits are available to veterans under other veterans' legislation.

3. This amendment creates a new offence and also provides that offences under the Act may be prosecuted by way of indictment.

(b) uses the proceeds of a guaranteed loan for a purpose other than that stated in his application, or

(c) while indebted to a bank under a guaranteed loan, encumbers or disposes of any property purchased with the proceeds of the loan without the consent in writing of the bank,

is guilty of an offence and is liable on summary conviction or on conviction under indictment to a fine not exceeding five hundred dollars."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 287.

An Act respecting Benefits for Members of the Canadian Forces.

First reading, May 14, 1951.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

80863

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 287.

An Act respecting Benefits for Members of the Canadian Forces.

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 Veterans Benefit Act, 1951.*

Definitions. "special force".

2. In this Act,

(a) "special force" means the Royal Canadian Navy Special Force, Canadian Army Special Force and the Royal Canadian Air Force Special Force, as constituted from time to time by the Minister of National Defence; and

"service in a theatre of operations".

(b) "service in a theatre of operations" means such service as the Governor in Council may designate from time to time.

Extension of veterans' legislation.

3. (1) The Governor in Council may by regulation provide that all or any of the enactments set out in Part I of the Schedule to this Act shall, in such manner as the Governor in Council may prescribe, apply to

(a) any or all persons who, subsequent to the fifth day of July, nineteen hundred and fifty, were appointed, transferred or posted to, or enlisted, enrolled or serving in the special force, and

(b) the service of any such persons in the special force.

Existing rights preserved.

(2) Nothing in any regulation made under subsection one shall prejudice any rights, benefits or privileges that any person had, under any of the enactments set out in Part I of the Schedule to this Act, prior to the coming into force of *The Canadian Forces Act, 1950.*

1950-51, c. 2.

Explanatory Notes.

1. Section 7 of *The Canadian Forces Act, 1950* (which section expires on the last day of the present Session of Parliament), authorizes the designation by the Governor in Council of certain forces as a special force and the extension to the members of such a force in such manner as the Governor in Council may prescribe, the benefits of certain legislation relating to veterans. Pursuant to such authority, Order in Council. P.C. 5412 of the 8th of November, 1950, was enacted designating a special force and providing suitably for the application to the members of such force of *The Reinstatement in Civil Employment Act, 1946;* the *Pension Act;* the *Civil Service Superannuation Act* and *The Unemployment Insurance Act, 1940.*

The present Bill is intended not only to give statutory effect to the provisions of such Order in Council but to extend until the last day of the first Session of Parliament in 1952 the authority of the Governor in Council to deal with the remaining subjects contemplated by section 7 aforesaid. For the latter purpose it is proposed to re-enact (see clause 3) the provisions of section 7 aforesaid. This new Act will take effect on the expiration of section 7 of *The Canadian Forces Act, 1950.*

Application of 1946, c. 63.

4. (1) *The Reinstatement in Civil Employment Act, 1946,* applies to and in respect of every person who was enrolled for the purpose of serving in the special force, and every officer and man of the reserve forces who served on the strength of the special force, as though his service on the strength of the special force were "service in His Majesty's forces" as defined in paragraph (*i*) of section two of that Act; and for the purposes of the said Act the expressions "discharge" and "termination of service" mean

(*a*) in the case of a person who was enrolled for the purpose of serving in the special force, termination, whether by way of re-engagement or otherwise, of his service in the Canadian Army under the terms of such special enrolment, and

(*b*) in the case of an officer or man of the reserve forces who served on the strength of the special force, termination, whether by way of return to reserve status or otherwise, of his service with the regular forces within one year from the date on which he ceased to serve on the strength of the special force.

Idem.

(2) *The Reinstatement in Civil Employment Act, 1946,* applies to and in respect of

(*a*) every person who since the fifth day of July, nineteen hundred and fifty, was enrolled, or being a member of the special force re-engages, for service in one of the regular components of the Canadian Forces for one term only of not more than three years, and

(*b*) every officer and man of the reserve forces who since the fifth day of July, nineteen hundred and fifty, was called out for service with one of the regular components of the Canadian Forces for one term only of not more than three years,

as though his service under the terms of such enrolment or re-engagement or pursuant to such calling out was "service in His Majesty's forces" as defined in paragraph (*i*) of section two of that Act; and for the purposes of the said Act the expressions "discharge" and "termination of service" mean termination, whether by way of re-engagement, return to reserve status or otherwise, of his service in the Canadian Forces under the terms of such enrolment or re-engagement or pursuant to such calling out.

Application of R.S., c. 157.

5. (1) Subject to subsection two of this section, the *Pension Act* applies to and in respect of

(*a*) every person who was enrolled for the purpose of serving in the special force, while serving in the Canadian Army under the terms of such special enrolment, and

4. Subclause (2) of Clause 4 is intended to provide the benefits of *The Reinstatement in Civil Employment Act* to persons enrolled for service and to officers and men of the reserve forces and members of the special force, as the case may be, who, since the 5th day of July, 1950, became members of the Canadian forces for a single term not exceeding three years.

(b) every officer and man of the regular forces or reserve forces, while on service in a theatre of operations on the strength of the special force,

as though such service were military service rendered during World War II within the meaning of that Act and as though the service described in paragraph *(o)* of subsection one of section two of that Act included service in a theatre of operations on the strength of the special force.

(2) Subsection two of section eleven of the *Pension Act* does not apply to or in respect of any death or disability for which a pension is payable by virtue of subsection one of this section.

Application of section 7A of R.S., c. 24.

6. Subsections four and seven of section seven A of the *Civil Service Superannuation Act* apply to and in respect of every person who is enrolled for the purpose of serving in the special force, and every officer and man of the reserve forces serving on the strength of the special force, as though his service on the strength of the special force were service in the forces during World War II within the meaning of that Act.

Application of 1940, c. 44.

7. (1) Part IV of *The Unemployment Insurance Act, 1940,* applies to members of the special force as prescribed in this section.

"veteran" defined.

(2) The expression "veteran" as defined in section ninety-two of the said Act includes

(a) every person who was enrolled for the purpose of serving in the special force and whose service with the regular forces has been terminated within one year from the date upon which he ceased to serve on the strength of the special force, and for the purposes of the said Act, such termination, whether by way of re-engagement or otherwise, shall be deemed to be a discharge;

(b) every officer or man in the reserve forces who has served on the strength of the special force and whose service with the regular forces has been terminated within one year from the date upon which he ceased to serve on the strength of the special force, and for the purposes of the said Act such termination, whether by way of return to reserve status or otherwise, shall be deemed to be a discharge; and

(c) every member of the regular forces who has served on the strength of the special force and who has been discharged from the regular forces on medical grounds while on the strength of the special force.

"period of service".

(3) The expression "period of service" as defined in section ninety-two of the said Act,

(a) in the case of a veteran described in paragraph *(a)* of subsection two of this section, means his period of service in the Canadian Army under the terms of such special enrolment;

(b) in the case of a veteran described in paragraph *(b)* or *(c)* of subsection two of this section, means his period of service in a theatre of operations on the strength of the special force,

but does not include any period of absence without leave or leave of absence without pay, or time served while undergoing sentence of penal servitude, imprisonment or detention, or period of service in respect of which pay is forfeited.

Contributions.

(4) Upon discharge of any such veteran, there shall be credited to the Fund out of moneys appropriated by Parliament for the purpose, the amount of the combined contributions of the employer and employed person under the said Act at the combined weekly rate of ninety-six cents for a period equal to the period of service of such veteran up to a maximum period of service of five years, and for the purposes of the said Act such veteran shall be deemed to have been bona fide employed in insurable employment, except for the purposes of section ninety-three of the said Act, during the said period of service and all contributions shall be deemed to have been paid under the said Act in respect of such veteran during the said period of service; but where the period of service of such veteran exceeds ninety-one days and such combined contributions, when added to any contribution made with respect to him prior to such period of service, do not provide entitlement to benefit for at least ninety days, there shall be credited to the Fund for such purpose, contributions in an amount sufficient to provide ninety days' benefit for such veteran on his discharge.

Provisions not applicable.

(5) Sections ninety-three, ninety-four, ninety-six and ninety-six A of the said Act do not apply to any of the veterans described in subsection two of this section.

Unemployment Insurance Act, 1940, c. 44.

(6) The Governor in Council may by regulation provide that Part IV of *The Unemployment Insurance Act, 1940*, shall, in such manner as the Governor in Council may prescribe, apply to any or all of the persons described in subsection two of section four and their service in the Canadian Forces."

Extension of other Acts.

8. (1) The Governor in Council may by regulation provide that all or any of the enactments set out in Parts I and II of the Schedule to this Act shall, in such manner as the Governor in Council may prescribe, apply to

(a) any or all persons who, subsequent to the fifth day of July, nineteen hundred and fifty, were on service in a theatre of operations in the Canadian Forces, and

(b) the service of any such persons in the Canadian Forces.

Subclause (6) of Clause 7 is intended to empower the Governor in Council to extend the benefits of Part IV of *The Unemployment Insurance Act* to persons described in subclause two of clause four of this Bill.

8. Clause 8 is intended to empower the Governor in Council to extend benefits of existing veterans legislation, as may be deemed advisable, to all members of the regular forces who have service in a theatre of operations.

Existing rights preserved.

(2) Nothing in any regulation made under subsection one shall prejudice any rights, benefits or privileges that any person had, under any of the enactments set out in the Schedule to this Act, prior to the coming into force of this Act.

Coming into force and expiration.

9. This Act shall come into force upon the expiration of section seven of *The Canadian Forces Act, 1950*, and shall expire on the last day of the first session of Parliament in nineteen hundred and fifty-two.

SCHEDULE.

Part I.

Sections 28, 29 and 30 of the *Civil Service Act.*
The Veterans' Land Act, 1942.
The Veterans Insurance Act.
The War Service Grants Act, 1944.
The Department of Veterans Affairs Act.
The Veterans Rehabilitation Act.
The Veterans' Business and Professional Loans Act.
The War Veterans Allowance Act, 1946.

Part II.

Subsection (2) of section 2, section 5A and subsections (4) and (7) of section 7A of the *Civil Service Superannuation Act.*
The *Pension Act.*
Part IV of *The Unemployment Insurance Act, 1940.*
The Reinstatement in Civil Employment Act, 1946.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 288.

An Act to amend the Pension Act and change the Title thereof.

First reading, May 14, 1951.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84010

THE HOUSE OF COMMONS OF CANADA.

R.S., c. 157;
1928, c. 38;
1930, c. 35;
1931, c. 44;
1932-33, c. 45;
1934, c. 58;
1935, cc. 8, 45;
1936, c. 44;
1939 (1st sess.) c. 32;
1940-41, c. 23;
1946, c. 62;
1947-48, c. 23;
1949 (1st. sess.) c. 6.

BILL 288.

An Act to amend the Pension Act and change the Title thereof.

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

Title changed.

1. The title of chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, "An Act to provide Pensions to or in respect of Members of the Canadian Naval, Military and Air Forces", is repealed and the following substituted therefor:

"An Act to provide Pensions to or in respect of Members of the Canadian Naval, Army and Air Forces."

2. (1) Paragraph *(i)* of subsection one of section two of the said Act, as enacted by section one of chapter twenty-three of the statutes of 1940-41 and amended by section five of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

"member of the forces"

"*(i)* 'member of the forces' means any person who has served in the naval, army or air forces of Canada since the commencement of World War I;"

(2) Paragraph *(j)* of subsection one of section two of the said Act, as enacted by section one of chapter twenty-three of the statutes of 1940-41 and amended by section five of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

"military service" "service"

"*(j)* 'military service' or 'service' means service in the naval, army or air forces of Canada since the commencement of World War I;"

Explanatory Notes.

The purpose of the present Bill is to change the title of the *Pension Act;* to make more adequate provision for children whose mothers are pensioned as widows; to advance the marriage date line for World War I pensioners; and to increase the payment in respect to burial grants and provide for a standard headstone in cases where a funeral grant has been made.

The Bill also provides for the removal of the means test where the children of a pensioner are continuing their education beyond the statutory age limit, and other amendments of an administrative nature for which explanations are given in the notes opposite the relevant clauses.

1. The title of chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, to be repealed, at present reads as follows:—

"An Act to provide Pensions to or in respect of Members of the Canadian Naval, *Military* and Air Forces."

The only change from the present title is indicated by the word underlined on the opposite page. An amendment to the *Interpretation Act* will give to the word "military" a tri-service meaning. To conform to this change the word "army" will be substituted for the word "military" in certain contexts.

2. (1) The paragraph to be repealed at present reads as follows:—

"*(i)* 'member of the forces' means any person who has served in the naval, *military* or air forces of Canada since the commencement of World War I;"

The only change from the present paragraph is indicated by the word underlined on the opposite page.

(2) The paragraph to be repealed at present reads as follows:—

"*(j)* 'military service' or 'service' *includes naval or air service and* means service in the naval, *military* or air forces of Canada since the commencement of World War I;"

The only changes from the present paragraph are the deletion of the words "includes naval or air service and" following "military service" or "service", and the word underlined on the opposite page.

(3) Subparagraph (i) of paragraph *(o)* of subsection one of section two of the said Act, as enacted by section three of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

"(i) in the case of the army or air forces during World War I, service in the zone of the allied armies on the continents of Europe, Asia or Africa or in any other place at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;"

(4) Subparagraph (iii) of paragraph *(o)* of subsection one of section two of the said Act, as enacted by section three of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

"(iii) in the case of the naval, army or air forces during World War II, service on the sea, in the field or in the air, in any place outside of Canada; or service in any place in Canada at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;"

3. Subsection four of section three of the said Act, as enacted by section two of chapter forty-four of the statutes of 1936, is repealed and the following substituted therefor:

Tenure of office.

"(4) Each Commissioner, except an *ad hoc* Commissioner, shall hold office during good behaviour for a period of ten years from the date of his appointment, or for such lesser period as may be specified by the Governor in Council in the instrument of his appointment or re-appointment, but any Commissioner, including an *ad hoc* Commissioner, shall be removable at any time for cause by the Governor in Council."

4. Subsection seven of section three of the said Act, as enacted by section four of chapter twenty-three of the statutes of 1947-48, is repealed and the following substituted therefor:

Salaries.

"(7) The Chairman shall be paid a salary of twelve thousand dollars per annum, the Deputy Chairman shall be paid a salary of ten thousand dollars per annum, and

(3) The subparagraph to be repealed at present reads as follows:—

"(i) in the case of the *military* or air forces during World War I, service in the zone of the allied armies on the continents of Europe, Asia or Africa or in any other place at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;"

The only change from the present subparagraph is indicated by the word underlined on the opposite page.

(4) The subparagraph to be repealed at present reads as follows:—

"(iii) in the case of the naval, *military* or air forces during World War II, service on the sea, in the field or in the air, in any place outside of Canada; or service in any place in Canada at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;"

The only change from the present subparagraph is indicated by the word underlined on the opposite page.

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

"**3.** (4) Each Commissioner, except an *ad hoc* Commissioner, shall hold office during good behaviour for a period of *seven* years from the date of his appointment, or for such lesser period as may be specified by the Governor in Council in the instrument of his appointment or re-appointment, *provided* that any Commissioner, including an *ad hoc* Commissioner, shall be removable at any time for cause by the Governor in Council."

The only changes from the present subsection are indicated by the words underlined on the opposite page. When the *Pension Act* was first enacted in 1919, the Commissioners were appointed for a term of ten years.

When the Act was amended in 1933 some of the Commissioners appointed to the Commission had served as Commissioners for three years, and the term of office of the Commissioners was changed to seven years to complete the ten year period. This change will bring the term of office of the Commissioners into line with other similar government boards and commissions. The change will conform to the provisions of section 9 of the Act.

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

"**3.** (7) The Chairman shall be paid a salary of *ten* thousand dollars per annum, the Deputy Chairman shall be paid a salary of *eight* thousand dollars per annum, and each of the other Commissioners, including *ad hoc* Commissioners, shall be paid a salary at the rate of *eight* thousand dollars per annum; such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada."

each of the other Commissioners, including *ad hoc* Commissioners, shall be paid a salary at the rate of nine thousand dollars per annum; such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada."

5. Section nine A of the said Act, as enacted by section six of chapter forty-five of the statutes of 1932-33 and renumbered by section twenty-nine of chapter thirty-two of the statutes of 1939, is amended by adding thereto the following subsection:

Former civil servants retain benefits under *Civil Service Act*. R.S., c. 22.

"(3) A member of the Commission or the Court who at the time of his appointment as such held a position in the civil service or was an employee within the meaning of the *Civil Service Act*, retains and is eligible to receive all the benefits, except salary as a civil servant, that he would have been eligible to receive had he remained under that Act."

6. (1) Subsection one of section twenty-two of the said Act, as enacted by section twelve of chapter thirty-eight of the statutes of 1928, is repealed and the following substituted therefor:

No pension to children over age limit.

"**22.** (1) No pension shall be paid to or in respect of a child who, if a boy, is over the age of sixteen years or, if a girl, is over the age of seventeen years, except

Exception when child has infirmity.

(a) when such child and those responsible for its maintenance are without adequate resources, and such child is unable owing to physical or mental infirmity to provide for its own maintenance, in which case the pension may be paid while such child is incapacitated by physical or mental infirmity from earning a livelihood: Provided that no pension shall be awarded unless such infirmity occurred before the child attained the age of twenty-one years; and that if such child is an orphan the Commission shall have discretion to increase such child's pension up to an amount not exceeding orphan's rates; or

Proviso.

Exception when child is continuing education.

(b) when such child is following and is making satisfactory progress in a course of instruction approved by the

The only increase in salary is that of the Deputy Chairman from nine to ten thousand for the reason that by authority of the *Appropriation Act No. 4, 1950,* the salary of the Chairman was increased to $12,000 per annum effective the first day of April, 1950, and the salary of each Commissioner was similarly increased to $9,000 per annum.

The amendment in respect to the Chairman's and the Commissioners' salaries is necessary to conform with the salary voted under the *Appropriation Act.*

5. This is a new subsection to section nine A.

The purpose of this amendment is to clarify the position of members of the Commission who were civil servants prior to their appointment to the Commission, and to continue to them the same benefits which they earned under the *Civil Service Act* prior to their appointment as Commissioners.

6. (1) The subsection to be repealed at present reads as follows:—

"**22.** (1) No pension shall be paid to or in respect of a child who, if a boy, is over the age of sixteen years or, if a girl, is over the age of seventeen years, except when such child and those responsible for its maintenance are without adequate resources, and

(a) such child is unable owing to physical or mental infirmity to provide for its own maintenance, in which case the pension may be paid while such child is incapacitated by physical or mental infirmity from earning a livelihood: Provided that no pension shall be awarded unless such infirmity occurred before the child attained the age of twenty-one years; and that if such child is an orphan the Commission shall have discretion to increase such child's pension up to an amount not exceeding orphan's rates; or

(b) such child is following and is making satisfactory progress in a course of instruction approved by the Commission, in which case the pension may be paid until such child has attained the age of twenty-one years."

The purpose of the amendment is to permit pension to be continued until the child reaches twenty-one years of age, provided the child is making satisfactory progress in a course of education approved by the Commission.

Under the subsection as presently constituted, in addition to the present requirement, it must be established that those responsible for its maintenance are without adequate resources. In the amendment the means test is abolished.

Commission, in which case the pension may be paid until such child has attained the age of twenty-one years."

(2) Section twenty-two of the said Act is further amended by adding thereto the following subsection:

Widow and children.

"(12) When pension is awardable under the provisions of this Act in respect of the death of a member of the forces who died leaving a widow and child or children, such child or children shall be entitled to a pension in accordance with the rate payable for orphan children in Schedule B to this Act."

7. Subsection five of section thirty of the said Act, as enacted by section seventeen of chapter forty-four of the statutes of 1936, is repealed and the following substituted therefor:

Pension in discretion of Commission in certain cases.

"(5) If a member of the forces, in receipt of a disability pension, was, before the first day of May, 1950, living with a woman to whom he was not legally married and since that date such woman has continuously been maintained by him and represented by him as his wife, the Commission may, in its discretion, if the said member of the forces has married or hereafter marries the said woman, award additional pension for a married member of the forces."

8. Section thirty-one of the said Act, as enacted by section twenty-three of chapter thirty-eight of the statutes of 1928, is repealed and the following substituted therefor:

Sickness and burial expenses.

"**31.** (1) Subject to subsection two, when a pensioner pensioned on account of a disability has died and his estate is not sufficient to pay the expenses of his last sickness and burial, the Commission may direct the payment of such expenses, or a portion thereof.

Maximum amount.

(2) The payment under subsection one, in the case of any pensioner, shall not exceed a total of one hundred and eighty-five dollars and shall not exceed

(a) one hundred and ten dollars in respect of funeral services,

(b) twenty-five dollars for cemetery charges, and

(c) fifty dollars for the expenses of the pensioner's last sickness,

and where payment of a burial grant is made, the Department may furnish and erect a standard headstone if the burial is carried out in Canada."

(2) This is a new subsection to section twenty-two.

The purpose of this amendment is to make more adequate provision for the children of pensioned widows and to increase their awards to correspond to orphan rates which are double the ordinary rates for children.

7. The subsection to be repealed at present reads as follows:—

"**30.** (5) If a member of the forces, in receipt of a disability pension, was, before the first day of May, *1933*, living with a women to whom he was not legally married and since that date such woman has continuously been maintained by him and represented by him as his wife, the Commission may, in its discretion, *notwithstanding the provisions of paragraph (b) of section thirty of the amending Act of 1936*, if the said member of the forces has married or hereafter marries the said woman, award additional pension for a married member of the forces *from the date of marriage or from the first day of August, 1936, whichever is the later date.*"

The change made in this subsection is indicated by the date underlined.

The purpose of the amendment is to extend the date line for this kind of dependent from the first day of May, 1933, to the first day of May, 1950.

This restrictive date was first introduced in 1933 to conform to the dead line of that year for marriage of World War I disability pensioners. The dead line is being advanced to the first day of May, 1950, and it is considered that the provision for additional pension will encourage pensioners in this position to legalize their domestic relationship.

8. The section to be repealed at present reads as follows:—

"**31.** When a pensioner pensioned on account of a disability has died and his estate is not sufficient to pay the expenses of his last sickness and burial, the Commission may direct the payment of such expenses, or a portion thereof, but the payment in any such case shall not exceed one hundred and fifty dollars; provided that the payment in respect of burial shall not exceed one hundred dollars."

The only change from the present section is indicated by the words underlined on the opposite page.

The purpose of the amendment is to permit the payment in respect to burial to be increased from $100 to $110 for the funeral services, and an additional amount not exceeding $25 towards the cemetery charges. There is, in addition, provision for the erection of a standard headstone in cases where an award of a funeral grant is made under this section.

9. Paragraph *(a)*, and the proviso thereto, of subsection two of section thirty-two of the said Act, as enacted by section twenty of chapter sixty-two of the statutes of 1946 and amended by section ten of chapter twenty-three of the statutes of 1947-48, are repealed and the following substituted therefor:

"*(a)* in the case of service during World War I, if she was married to him prior to the first day of May, 1950; or if the marriage was contracted on or after that date additional pension on her behalf was awarded him under the provisions of subsection five of section thirty; and

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or

(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had at the date of such marriage a reasonable expectation of surviving for at least one year thereafter;

Proviso. Provided that if the marriage took place between the thirtieth day of April, 1948, and the first day of May, 1950, no payment shall be made for any period prior to the first day of May, 1950;"

10. Paragraph *(b)* of subsection four of section thirty-two of the said Act, as enacted by section twenty-one of chapter sixty-two of the statutes of 1946, is repealed and the following substituted therefor:

"*(b)* Notwithstanding anything contained in paragraph *(a)* of this subsection, when a woman has been divorced or legally separated from a member of the forces, and such woman is in a dependent condition, the Commission may, in its discretion, award such pension not exceeding the rates set out in Schedule B to this Act, as it deems fit in the circumstances, although such woman has not been awarded alimony or an alimentary allowance, if in the opinion of the Commission, she would have been entitled to an award of alimony or of alimentary allowance had she made application therefor under due process of law."

11. Paragraph *(a)*, and the proviso thereto, of subsection one of section thirty-two A of the said Act, as enacted by section seventeen of chapter twenty-three of the statutes of 1940-41, as amended by section twenty-two of

9. The paragraph and proviso to be repealed at present read as follows:—

"*(a)* in the case of service during World War I, if she was married to him prior to the first day of May, *1948;* and

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or

(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had at the date of such marriage a reasonable expectation of surviving for at least one year thereafter;

provided that in awards made to widows married on or after the first day of January, 1930, no payment shall be made hereunder for any period prior to the first day of May, 1944; and provided further that if the marriage took place between the thirtieth day of April, 1944, and the first day of May, 1948, no payment shall be made for any period prior to the first day of May, 1948;"

The changes from the present paragraph and proviso thereto are indicated by the words underlined on the opposite page.

The purpose of the amendment is to extend the benefits of this section to widows who were married subsequent to May 1, 1948, and prior to May 1, 1950. This amendment will also remove this statutory bar against a widow whose marriage was contracted on or after May 1, 1950, and on whose behalf additional pension had been awarded the pensioner during his lifetime under the provisions of section 30 (5).

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

"*(b)* Notwithstanding anything contained in paragraph *(a)* of this subsection, when a woman has been divorced from a member of the forces, and such woman is in a dependent condition, the Commission may, in its discretion, award such pension not exceeding the rates set out in Schedule B to this Act, as it deems fit in the circumstances, although such woman has not been awarded alimony, if in the opinion of the Commission, she would have been entitled to an award of alimony had she made application therefor under due process of law."

Some people are barred by religion or otherwise from obtaining divorce and can only obtain a legal separation. The amendment will permit the Commission to extend the same discretion to women legally separated as is already extended to the divorced woman and conforms to the provisions of the preceding paragraph in the Act.

11. The paragraph and proviso thereto to be repealed at present read as follows:—

"*(a)* in the case of service during World War I, if she was married to such member of the forces either before he was granted a pension for the injury or disease which has resulted in his death or, if the marriage took place subsequent to the grant of such pension, she shall be entitled to a pension if she was married to him prior to the first day of May, *1948*, and

chapter sixty-two of the statutes of 1946 and section eleven of chapter twenty-three of the statutes of 1947-48, are repealed and the following substituted therefor:

"*(a)* in the case of service during World War I, if she was married to such member of the forces either before he was granted a pension for the injury or disease which has resulted in his death or, if the marriage took place subsequent to the grant of such pension, she shall be entitled to a pension if she was married to him prior to the first day of May, 1950, and

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or

(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;

Proviso. Provided that if the marriage took place between the thirtieth day of April, 1948, and the first day of May, 1950, no payment shall be made for any period prior to the first day of May, 1950;"

12. (1) Section forty-five of the said Act, as enacted by section twenty-five of chapter sixty-two of the statutes of 1946, is amended by striking out the word "military" therein and substituting the word "army" therefor.

(2) The proviso to the said section forty-five is repealed and the following substituted therefor:

Proviso. "Provided that payments may be made under the provisions of this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein; and further provided that no payments may be made under these provisions in respect of any period prior to June first, one thousand nine hundred and forty-six."

13. (1) Section forty-six of the said Act, as enacted by section twenty of chapter twenty-three of the statutes of 1940-41 and re-numbered by section twenty-five of chapter sixty-two of the statutes of 1946, is amended by striking out the word "military" therein and substituting the word "army" therefor.

(2) The proviso to the said section forty-six is repealed and the following substituted therefor:

Proviso. "Provided that payments may be made under the provisions of this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein."

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or

(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;

provided that in awards made to widows married on or after the first day of January, 1930, no payment shall be made for any period prior to the first day of May, 1944; and provided further that if the marriage took place between the thirtieth day of April, 1944, and the first day of May, 1948, no payment shall be made for any period prior to the first day of May, 1948."

The only changes from the present paragraph and proviso thereto are the underlined date and the paragraph underlined on the opposite page.

These changes are necessary following upon an extension of the marriage date line to the first day of May, 1950, for World War I pensioners.

12. The section presently reads as follows:—

"**45.** The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of members of the British Commonwealth of Nations, other than the Dominion of Canada, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, *military* or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependents of such persons shall be entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries; Provided that payments may be made under the provisions of this section only to such persons as are residents of Canada and during the continuance of their residence therein; and further provided that no payments may be made under these provisions in respect of any period prior to June first, one thousand nine hundred and forty-six."

The only change from the present section is that the word "army" is substituted for "military" as explained in the note to subsection one, and the phrase "or in respect of" has been inserted after the words "provided that payments may be made under the provisions of this section only", for the purposes of clarification and to conform to the practice of the Commission.

13. The section presently reads as follows:—

"**46.** The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom of Great Britain and Northern Ireland, shall be conferred upon all persons domiciled in Canada at any time during the four years next preceding the date of commencement of World War II, who, subsequent to the first day of September one thousand nine hundred and thirty-nine have served in the naval, *military* or air forces of the said United Kingdom, and who, while so serving during the said war have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of the said United Kingdom, and the widows, children and other dependents of such persons shall be entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of the said United Kingdom; provided that payments may be made under the provisions of this section only to such persons as are residents of Canada and during the continuance of their residence therein."

The only change from the present section is the substitution of the word "army" for "military", as explained in the note to subsection one, and the phrase "or in respect

14. (1) Section forty-six A of the said Act, as enacted by section twenty-six of chapter sixty-two of the statutes of 1946, is amended by striking out the word "military" therein and substituting the word "army" therefor.

(2) The proviso to the said section forty-six A is repealed and the following substituted therefor:

Proviso.

"Provided that payments may be made under the provisions of this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein."

15. The proviso to section forty-seven of the said Act, as enacted by section thirteen of chapter twenty-three of the statutes of 1947-48, is repealed and the following substituted therefor:

Proviso.

"Provided that payments may be made under this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein."

16. Section forty-nine of the said Act is amended by striking out the word "military" in line two thereof, and substituting the word "army" therefor.

of" has been inserted after the words "provided that payments may be made under the provisions of this section only", for the purposes of clarification and to conform to the practice of the Commission.

14. The section presently reads as follows:—

"46A. The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws and regulations of members of the British Commonwealth of Nations, other than the Dominion of Canada and the United Kingdom of Great Britain and Northern Ireland, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who subsequent to that date have served in the naval, *military* or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependents of such persons shall be entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries: Provided that payments may be made under the provisions of this section only to such persons as are residents of Canada and during the continuance of their residence therein."

This section extends benefits of the *Pension Act* to persons who served in the Allied forces and were domiciled in Canada at the commencement of World War II. The effect of this section is to supplement the pension of this group up to Canadian rates only to such persons as are residents of Canada, and during the continuance of their residence therein. The only change in the section is by the addition of the words underlined which are added for purposes of clarification, and to conform to the practice of the Commission.

15. The proviso to be repealed at present reads as follows:—

"provided that payments may be made under this section only to such persons as are residents of Canada and during the continuance of their residence therein."

This section provides that South African War pensions, while recipients reside in Canada, are to be brought up to Canadian rates. The only change is by the addition of the words underlined on the opposite page, and which are necessary for purposes of clarification and to conform to the practice of the Commission.

16. The section presently reads as follows:—

"49. The pensions which are now being paid to or in respect of members of Canadian naval or *military* forces who were killed, had died or were disabled on active service, during drill or training or on other military duty previous to the outbreak of World War I, shall, during the continuance of the residence in Canada of the recipients of such pensions, hereafter be increased to the rates set forth in schedules A and B of this Act."

The only change in this section is the substitution of the word "army" for the word "military" in line two thereof.

17. Paragraph *(b)* of section sixty-two of the said Act, as enacted by section twenty-seven of chapter thirty-two of the statutes of 1939, is repealed and the following substituted therefor:

"*(b)* such medical advisers and other persons, including duly authorized representatives of veterans' organizations incorporated under *The Companies Act, 1934* as may be consulted by or on behalf of the person whom the records or material directly concerns, in the preparation and presentation of an application for pension, and"

1934. c. 33.

18. (1) Paragraph *(a)* of section sixty-seven of the said Act, as enacted by section seventeen of chapter twenty-three of the statutes of 1947-48, is repealed and the following substituted therefor:

When certain pensions not payable in respect of children.

"*(a)* in respect of service during World War I, under Schedule A or Schedule B to this Act, to or in respect of any child of a member of the forces or pensioner if such child was born on or after the first day of May, 1950, of a marriage contracted on or after that date;"

(2) The said section sixty-seven is further amended by adding thereto the following subsection:

Limitation.

"(2) The limitations contained in this section do not apply in any case where additional pension is awarded under subsection five of section thirty of this Act."

Coming into force.

(3) This section shall come into force on the first day of May, 1951.

19. Schedules A and B to the said Act, as enacted by section eighteen of chapter twenty-three of the statutes of 1947-48, are amended by striking out the word "Military" wherever it appears therein and substituting the word "Army" therefor in each case.

17. The paragraph to be repealed at present reads as follows:—

"*(b)* such medical advisers and other persons, including representatives of soldiers' *service organizations*, as may be consulted by or on behalf of the person whom the records or material directly concerns, in the preparation and presentation of an application for pension, and"

The changes from the present paragraph are indicated by the words underlined. The paragraph provides for representatives of soldiers' service organizations to inspect the records of the department when acting as the duly authorized representative of the applicant for pension. The amendment removes the restrictive reference to soldiers and clearly defines the access to the records is on behalf of former members of the forces by duly authorized persons.

18. (1) The paragraph to be repealed at present reads as follows:—

"*(a)* in respect of service during World War I, under Schedule A or Schedule B to this Act to or in respect of any child of a member of the forces or pensioner if such child *shall have been* born on or after the first day of May, *1948*, of a marriage contracted on or after that date;"

The purpose of the amendment is to extend the marriage date line in respect to service during World War I from the 1st day of May, 1948, to the 1st day of May, 1950, and of children born of such unions.

This section will now conform to Section **32** (2), as amended.

(2) The limitations contained in this section shall not apply when a pensioner has been living with a woman prior to the 1st day of May, 1950 and subsequently married her and additional pension has been awarded under Section **30** (5).

19. The only change is the substitution of the word "army" for the word "military" for reasons outlined in item (1) of the proposed bill.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 289.

An Act respecting Laurier House.

First reading, May 15, 1951.

THE PRIME MINISTER.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

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4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 289.

An Act respecting Laurier House.

Preamble.

WHEREAS, pursuant to the Will of the late the Right Honourable William Lyon Mackenzie King, P.C., O.M., there has been vested in His Majesty in right of Canada certain property in the City of Ottawa known as Laurier House and the contents thereof;

AND WHEREAS the late Mr. King, by his Will, gave the sum of two hundred and twenty-five thousand dollars to the Government of Canada to be used for certain specified purposes;

AND WHEREAS it is advisable to make provision for the administration of that property and money in accordance with the terms of the Will;

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

Short title.

1. This Act may be cited as *The Laurier House Act.*

Dominion Archivist to control Laurier House

2. (1) The Dominion Archivist, subject to subsection two, has the care, custody and control of Laurier House (more particularly described in the First Schedule) and the contents thereof and shall administer the house and its contents in accordance with the desires and purposes expressed in the late Mr. King's Will (the relevant portion of which is set out in the Second Schedule).

Heating and repair.

(2) The Minister of Public Works shall maintain, heat and keep in repair the buildings on the Laurier House property and the Federal District Commission shall maintain the grounds thereof.

Curator of Laurier House.

(3) An officer to be known as the Curator of Laurier House, and to be responsible, under the Dominion Archivist, for the administration of Laurier House, may be appointed in accordance with the provisions of the *Civil Service Act*

after the termination of the employment of the first such officer who shall be appointed and whose salary shall be fixed by the Governor in Council.

C.R.F.

3. (1) The sum of two hundred and twenty-five thousand dollars given by the Will to the Government of Canada shall be deposited to the credit of the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.

Trust Account.

(2) There shall be set up in the Consolidated Revenue Fund an account to be known as the Mackenzie King Trust Account to which there shall be credited the sum of two hundred and twenty-five thousand dollars.

Interest.

(3) Interest on the sum of two hundred and twenty-five thousand dollars shall be credited to the Mackenzie King Trust Account at the end of each fiscal year

(a) in the case of the fiscal year during which the said sum was deposited to the credit of the Receiver General of Canada, for the period in the year after the day on which the deposit was made, and

(b) in the case of each subsequent fiscal year, for the whole year,

computed at a rate that, in the opinion of the Minister of Finance, is equal to the average rate at which interest is payable on long term Government of Canada bonds for that year.

Expenditures.

(4) Subject to the approval of the Governor in Council, the Dominion Archivist may, at any time, expend out of the Consolidated Revenue Fund, for the purpose of carrying out the desires and purposes expressed in the Will, an amount not exceeding the aggregate of the amounts theretofore credited to the Mackenzie King Trust Account as interest less the aggregate of all amounts theretofore expended under this subsection, and any amount so expended shall be debited to the Account.

Historic Sites and Monuments Board.

4. The Dominion Archivist may consult the Historic Sites and Monuments Board with reference to the performance of his duties under this Act.

G. in C. may give directions.

5. Notwithstanding any other provision in this Act, the Minister of Public Works, the Federal District Commission and the Dominion Archivist shall comply with any general or special direction of the Governor in Council as to the manner in which Laurier House shall be administered or as to the manner in which the desires or purposes expressed in the Will shall be realized.

FIRST SCHEDULE.

Description of Laurier House.

"All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in the County of Carleton, and Province of Ontario, being composed of Lot number Thirty-one (31) and the west half of Lot number Thirty-two (32) on the north side of Theodore Street, now called Laurier Avenue, in the City of Ottawa, as shown on a plan made by James D. Slater, P.L.S. for Louis P. Besserer, and registered in the Registry Office for the City of Ottawa on the 17th day of June, 1859."

SECOND SCHEDULE.

Portions of Mr. King's Will.

"**13.** For many years it has been my intention to bequeath Laurier House to the Government and people of Canada, in the belief that as the years pass, the citizens of Canada will take an increasing interest and pride in the preservation of a house occupied through many years by two of Canada's Prime Ministers and reminiscent of an environment that was a part of their daily lives.

14. It has been my hope that such a bequest might serve also to remind my fellow Canadians of the close association I enjoyed with Sir Wilfrid and Lady Laurier, and what I owed to their personal friendship; also to emphasize the unity of heart and mind among the Canadian people which Sir Wilfrid and I, throughout our years of office, sought to preserve in the administration of Canada's national affairs.

15. The maintenance of the residence as a place of historic interest and contemporary record of days that are gone would also serve the interests of the Canadian people in other ways. The residence might appropriately, I think, be given an immediate association with the Public Archives of Canada. Responsibility for its continued preservation, supervision and use might be placed upon the Dominion Archivist. Accommodation for scholars engaged on work of research in Ottawa is, at present, most inadequate both at the Archives and at the Library of Parliament. In the years of my occupancy of Laurier House, I have done most of my work in the library and adjoining rooms on the top floor. I should particularly welcome the continued use of

this portion of the house for purposes of study and research. A direct association with the Archives would not only serve to emphasize the historic significance of the residence, but would help to ensure the interior being maintained much as it is, and would lead naturally to a more appropriate display of important documents and other objects of special interest. I should hope that the dining room and its furnishings, paintings, etc., would be retained much as they are.

16. I therefore give, devise and bequeath to the Government of Canada in trust for the people of Canada the house situated at 335 Laurier Avenue East in the City of Ottawa, and all the contents of the said house except such papers, books, furnishings and other things for the disposal of which I have made provision otherwise in this my Will.

17. I also give, devise and bequeath to the Government of Canada in trust for the people of Canada the sum of Two Hundred and Twenty-Five Thousand Dollars ($225,000), the interest thereon to be used to assist in the maintenance and care of the said house. The said sum of Two Hundred and Twenty-Five Thousand Dollars ($225,000), represents monies which the Honourable Peter C. Larkin and other friends contributed, after the reconstruction and refurnishing of the residence was completed, to assist me in its upkeep throughout my life, and in meeting, to the end of my life, other personal and public needs, especially such needs as would arise in years of retirement."

Fourth Session, Twenty-First Parliament, 15 George VI, 1950.

THE HOUSE OF COMMONS OF CANADA.

BILL 290.

An Act respecting Kingsmere Park.

First reading, May 15, 1951.

THE PRIME MINISTER.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
83621 1951

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 290.

An Act respecting Kingsmere Park.

Preamble.

WHEREAS, pursuant to the Will of the late the Right Honourable William Lyon Mackenzie King, P.C., O.M., there has been vested in His Majesty in right of Canada certain property at Kingsmere in the Province of Quebec hereinafter referred to as "Kingsmere Park";

AND WHEREAS it is advisable to make provision for the administration of that property in accordance with the terms of the Will;

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

Short title.

1. This Act may be cited as *The Kingsmere Park Act.*

Federal District Commission to administer Kingsmere Park.

2. (1) Subject to subsection two, the Federal District Commission shall administer Kingsmere Park in accordance with the desires and purposes expressed in the late Mr. King's Will (the relevant portion of which is set out in the Schedule to this Act).

Buildings, orchards, etc.

(2) The Minister of Public Works shall manage and control the buildings in Kingsmere Park and the yards, orchards and gardens appurtenant thereto in such manner as, in his opinion, will realize the desires and purposes expressed in the Will.

G. in C. may lease.

(3) The Governor in Council may authorize the lease or licence of any of the buildings in Kingsmere Park, with the yards, orchards and gardens appurtenant thereto, for the better conservation thereof or for the purpose of realizing the desires and purposes expressed in the Will.

Demolition of buildings.

(4) The Minister of Public Works may, with the approval of the Governor in Council, demolish any building in Kingsmere Park if he considers it advisable for the purpose of realizing the desires and purposes expressed in the Will.

G. in C. may describe limits.

(5) The Governor in Council may describe the limits of Kingsmere Park for the purposes of this Act, and, in case of doubt, the Governor in Council may determine the limits of the yards, orchards and gardens appurtenant to the buildings in Kingsmere Park.

Country home for Prime Minister.

3. (1) The Governor in Council may, by order, set aside any part of Kingsmere Park to be used, as suggested in the Will, as a country home for the holder of the office of Prime Minister of Canada and may revoke any order that has been so made.

(2) Where any part of Kingsmere Park has been set aside by order made under subsection one, the property so set aside shall, until the order is revoked, be deemed to be included in the properties described in the Schedule to *The Prime Minister's Residence Act*.

1950, c. 48.

G. in C. may give directions.

4. Notwithstanding any other provision in this Act, the Minister of Public Works and the Federal District Commission shall comply with any general or special direction of the Governor in Council as to the manner in which Kingsmere Park shall be administered or as to the manner in which the desires or purposes expressed in the Will shall be realized.

SCHEDULE.

Portions of Mr. King's Will.

"**24.** The cherished objective of being able to present my Kingsmere properties as a thank-offering for what has come to me in the way of opportunities of public service, I believe I have been able to realize, and I hereby bequeath to the Government of Canada as a public park in trust for the citizens of Canada, subject to certain reservations hereinafter referred to, my several properties at Kingsmere, in the Province of Quebec, amounting in all to nearly Five Hundred (500) acres, and the houses and other buildings erected thereon. The precise boundaries are set forth in the several deeds attached hereto.

25. In making this bequest, I express the wish that the lands at Kingsmere may be maintained as nearly as possible in their present state; that they will be developed as park-land, and that they will form a wild life sanctuary and will continue to have the character of a natural forest reserve.

26. Believing that my successors in the office of Prime Minister may find, as I have found, a renewal of strength in this quiet place, as well as exceptional opportunities for conference on national and international affairs, I hope that the Government of Canada will consider the possibility of setting aside a part of the Kingsmere property as a country home for the holder of the office of Prime Minister of Canada.

27. Inasmuch as relatives and friends of mine have spent their summers, or part of them, at Kingsmere as my guests or tenants, I hope they may continue to enjoy the summer homes to which they have become accustomed; and that other appropriate use may be made of them. I would therefore ask that the Government should authorize my Trustees to provide that, for a period of three years after my death, the cottages and such of their contents as are mine and are not otherwise disposed of in accordance with this my Will shall be available, rent-free, for use by my sister and the members of her family, by the members of my late brother's family, and by such other persons as may be designated by my Trustees.

28. My Trustees are hereby authorized to dispose of all my possessions in the cottages and other buildings or on the property as they believe will be most in accord with my own wishes; and to meet such expenses as may be necessarily incurred for the maintenance of these cottages for a period of three years."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 291.

An Act to amend The Government Employees Compensation Act, 1947.

First reading, May 15, 1951.

THE MINISTER OF LABOUR.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84856

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 291.

An Act to amend The Government Employees Compensation Act, 1947.

1947, c. 18; 1949 (Second Sess.), c. 24; 1950, c. 50.

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

1. (1) Paragraphs *(e)* and *(f)* of subsection one of section two of *The Government Employees Compensation Act, 1947*, chapter eighteen of the statutes of 1947, are repealed and the following substituted therefor:

"Minister". "*(e)* 'Minister' means the Minister of Labour;

"province". *(f)* 'province' includes the Yukon Territory and the Northwest Territories."

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

Persons excluded. "(2) This Act does not apply to any person who is a member of any component of the Canadian Forces that is referred to in *The National Defence Act* as the regular forces, or of the Royal Canadian Mounted Police."

1950, c. 43.

2. Subsection four of section three of the said Act is repealed and the following substituted therefor:

General administration expenses. "(4) In any province where the general administration expenses of maintaining such board, officers, authority or court are paid by the province or by contributions from employers, or by both, the Minister of Finance may out of any unappropriated moneys in the Consolidated Revenue Fund of Canada

(a) pay such portion of such expenses as is fair and reasonable and is authorized by the Governor in Council, and

(b) make an accountable advance to any such board in respect of the expenses that may be paid by the Minister of Finance under paragraph *(a)*."

Explanatory Notes.

1. (1) The present paragraph *(e)* of subsection one of section two of the Act reads as follows:

"*(e)* 'Minister' means the Minister of *Transport*".

The powers, duties and functions of the Minister of Transport under the Act were transferred to the Minister of Labour by Order in Council P.C. 6470 of December 22, 1949, passed under the authority of the *Public Service Rearrangement and Transfer of Duties Act*, c. 165, R.S.C., 1927. The amendment to paragraph *(e)* brings this provision into conformity with the transfer so effected.

The present paragraph *(f)* of subsection one of section two of the Act reads as follows:

"*(f)* 'province' includes the Yukon Territory, *but not* the Northwest Territories."

The amendment to paragraph *(f)* is necessary in view of amendments to subsequent sections of the Act contained in the Bill governing the application of the Act to employees in the Northwest Territories.

(2) The present subsection two of section two of the Act reads as follows:

"(2) This Act does not apply to any person who is a member of *the Royal Canadian Navy, the Active Force of the Canadian Army, the Royal Canadian Air Force (Regular)* or of the Royal Canadian Mounted Police."

The change in wording of this subsection is to bring it into conformity with changes in terminology in *The National Defence Act*.

2. Subsection four of section three of the Act is amended by the addition of a new paragraph *(b)* thereto. The amendment provides authority to make accountable advances to provincial workmen's compensation boards on account of expenses incurred by such boards in the investigation and adjudication of claims under the Act undertaken by arrangement with the Federal Government.

3. Sections five, six, seven and eight of the said Act are repealed and the following substituted therefor:

Yukon Territory and Northwest Territories.

"**5.** Where an employee ordinarily resident in the Yukon Territory or the Northwest Territories is caused personal injury or is killed by accident arising out of and in the course of his employment, or is disabled or his death is caused by an industrial disease due to the nature of his employment, while employed in the Yukon Territory or the Northwest Territories, such accident or industrial disease shall for the purposes of this Act be deemed to have occurred or been contracted in the province of Alberta.

Resident of a province while employed in Yukon Territory or Northwest Territories.

"**6.** Where an employee ordinarily resident in a province, other than the Yukon Territory or the Northwest Territories, is caused personal injury or is killed by accident arising out of and in the course of his employment, or is disabled or his death is caused by an industrial disease due to the nature of his employment, while employed in the Yukon Territory or the Northwest Territories, such accident or industrial disease shall for the purposes of this Act be deemed to have occurred or been contracted in the province in which the employee was ordinarily resident.

Person employed outside Canada.

"**7.** Where an employee, other than a person engaged locally outside of Canada, is caused personal injury or is killed by accident arising out of and in the course of his employment, or is disabled or his death is caused by an industrial disease due to the nature of his employment, while employed outside of Canada, such accident or industrial disease shall for the purposes of this Act be deemed to have occurred or been contracted in the province in which the employee was ordinarily resident immediately prior to his entering upon such employment.

Disability or death from pulmonary tuberculosis contracted in Government operated hospital or sanatorium.

Employee a nurse in the field.

"**8.** The Governor in Council may make regulations prescribing conditions under which compensation shall be payable, the amount of compensation payable and the manner in which such compensation shall be determined, where an employee is disabled or his death caused by pulmonary tuberculosis due to the nature of his employment and contracted while employed in a hospital or sanatorium operated by the Government of Canada wherein tuberculosis patients are treated, or while employed as a nurse in the field and exposed to this disease, and such disease is not an industrial disease for which compensation is authorized in similar circumstances in the case of an employee other than of His Majesty under the law of the province in which such tuberculosis was contracted, and compensation shall be payable in accordance with such regulations."

3. The present section five of the Act reads as follows:

"**5.** Where an employee ordinarily resident in the Northwest Territories is caused personal injury or is killed by accident arising out of and in the course of his employment, while employed in the Northwest Territories, such accident or industrial disease shall for the purposes of this Act be deemed to have occurred or been contracted in the Yukon Territory."

The effect of the new section five of the Act is that claims of employees to whom the Act applies ordinarily resident in the Northwest Territories or the Yukon Territory will be dealt with in accordance with the provision for compensation contained in the workmen's compensation laws of the Province of Alberta.

The amendments to sections six, seven and eight of the Act are merely consequential upon the amendments to paragraph *(f)* of subsection one of section two and to section five of the Act, contained in the Bill.

292.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 292.

An Act to amend The North Fraser Harbour Commissioners Act.

First reading, May 16, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., P.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

85805

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 292.

An Act to amend The North Fraser Harbour Commissioners Act.

1913, c. 162; 1931, c. 41; 1947-48, c. 19.

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, as enacted by section one of chapter nineteen of the statutes of 1947-48, is repealed and the following substituted therefor:

Commissioners.

"**6.** (1) The Corporation shall consist of five commissioners four 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."

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

Remuneration of commissioners.

"**10A.** The chairman and other commissioners may be paid, out of the revenue of the Corporation, such remuneration for their services as the Governor in Council from time to time determines."

Explanatory Notes.

1. The purpose of this amendment is to provide for the appointment by the Governor in Council of two additional commissioners. Present subsection one of section six reads as follows:

"**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."

2. The amendment provides for payment of remuneration to the commissioners out of harbour revenues.

293.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 293.

An Act respecting Units of Length and Mass.

First reading, May 18 , 1951.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

86248

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 293.

An Act respecting Units of Length and Mass.

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 Length and Mass Units Act.*

Units of Length and Mass.

Units of length and mass.

2. (1) The units of length and mass for Canada are based upon the international metre and the international kilogramme established in the year 1889 by the first International Conference of Weights and Measures and deposited at the International Bureau of Weights and Measures.

Length.

(2) The standard unit of length for Canada is the yard, which is nine thousand, one hundred and forty-four ten-thousandths of the international metre.

Mass.

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

Standards.

N.R.C. to maintain standards.

3. (1) The National Research Council shall maintain standards of length and mass calibrated in terms of the units defined in this Act.

Reference standards R.S., c. 212.

(2) Reference standards for the purposes of the *Weights and Measures Act* shall be certified by the National Research Council as having been calibrated in terms of the units defined in this Act.

Explanatory Note.

Under the *Research Council Act* the National Research Council is authorized, among other things, to determine standards of length and mass. Since the enactment of the *Weights and Measures Act* in 1873 the Canadian standard yard has been a specific bronze bar and the Canadian standard pound has been a specific platinum-iridium weight. In the present advanced stage of scientific metrology the use of these specific metal standards is no longer satisfactory.

The purpose of this Bill is to define the Canadian standard yard and the Canadian standard pound as fractions of the international metre and the international kilogramme as established by the International Conference of Weights and Measures of which Canada is a member.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 294.

An Act to amend the Excise Tax Act.

First reading, May 18, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84220

1928., c. 179;
1928, c. 50;
1929, c. 57;
1930, c. 43;
1931, c. 54;
1932, c. 54;
1932-33, c. 50;
1934, c. 42;
1935, c. 33;
1936, c. 45;
1937, c. 41;
1938, c. 52;
1939, c. 52;
1939 (2nd Sess.), c. 8;
1940, c. 41;
1940-41, cc. 1, 27;
1942-43, c. 32;
1943-44, c. 11;
1944-45, c. 48;
1945 (2nd Sess.) c. 30;
1946, c. 65;
1947, c. 60;
1947-48, cc. 8, 50;
1949 (2nd Sess.), c. 21;
1950, c. 15;
1950-51, c. 8.

Fourth Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 294.

An Act to amend the Excise Tax Act.

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

Repeal.

1. Part X of the *Excise Tax Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, is repealed.

2. Section seventy-nine of the said Act is repealed and the following substituted therefor:—

"duty paid value".

"**79.** In this Part, the expression

(a) "duty paid value" means the value of the article as it would be determined for the purpose of calculating an *ad valorem* duty upon the importation of such article into Canada under the laws relating to the Customs and the Customs Tariff whether such article is in fact subject to *ad valorem* or other duty or not, plus the amount of the customs duties, if any, payable thereon; and

"sale price".

(b) "sale price", for the purpose of determining the excise tax payable under this Part, means the aggregate of

(i) the amount charged as price before any amount payable in respect of any other tax under this Act is added thereto,

(ii) any amount that the purchaser is liable to pay to the vendor by reason of or in respect of the sale in addition to the amount charged as price (whether payable at the same or some other time) including, without limiting the generality of the foregoing, any amount charged for, or to make provision for, advertising, financing, servicing, warranty, commission or any other matter, and

(iii) the amount of excise duties payable under the *Excise Act* whether the goods are sold in bond or not".

Explanatory Notes.

1. Part X provides for the excise tax on cigarette papers and cigarette paper tubes, which is now being repealed to give effect to the Budget Resolution.

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

"**79.** *For the purpose of this Part*, the "duty paid value" of any article means the value of the article as it would be determined for the purpose of calculating an *ad valorem* duty upon the importation of such article into Canada under the laws relating to the Customs and the Customs Tariff whether such article *be* in fact subject to *ad valorem* or other duty or not, and *in addition* the amount of the customs duties, if any, payable thereon."

The purpose of this amendment is to clarify the definition of "duty paid value" and to incorporate in this section, a definition of "sale price".

Excise taxes are applied in the same manner and on the same values as the sales tax, but hitherto the absence of a definition of "sale price" to cover the excise tax has left the basis of application of the tax uncertain.

3. Subsection one of section eighty A of the said Act, as enacted by section two of chapter eight of the statutes of 1950-51, is repealed and the following substituted therefor:—

Furs.

"**80A.** (1) There shall be imposed, levied and collected, an excise tax equal to twenty-five per cent. of the current market value of all dressed furs, dyed furs and dressed and dyed furs,

(i) imported into Canada, payable by the importer or transferee of such goods before they are removed from the custody of the proper customs officer; or

(ii) dressed, dyed, or dressed and dyed in Canada, payable by the dresser or dyer at the time of delivery by him."

4. Section eighty B of the said Act, as enacted by section three of chapter eight of the statutes of 1950-51, is repealed and the following substituted therefor:—

Fur content of garments, etc.

"**80B.** There shall be imposed, levied and collected an excise tax equal to twenty-five per cent. of the current market value of the fur contained in any garment, robe, or other article imported into Canada, payable by the importer or transferee of such goods before they are removed from the custody of the proper customs officer."

5. Paragraphs *(a)* and *(b)* of subsection one of section eighty-five of the said Act, as enacted by section three of chapter fifteen of the statutes of 1950, are repealed and the following substituted therefor:—

"duty paid value".

(a) "duty paid value" means the value of the article as it would be determined for the purpose of calculating an *ad valorem* duty upon the importation of such article into Canada under the laws relating to the Customs and the Customs Tariff whether such article is in fact subject to *ad valorem* or other duty or not, plus the amount of the customs duties, if any, payable thereon; and

"sale price".

(b) "sale price" for the purpose of determining the consumption or sales tax, means the aggregate of

(i) the amount charged as price before any amount payable in respect of any other tax under this Act is added thereto,

(ii) any amount that the purchaser is liable to pay to the vendor by reason of or in respect of the sale in addition to the amount charged as price (whether payable at the same or some other time) including, without limiting the generality of the

3. The proposed amendment is to increase the tax from fifteen per cent. to twenty-five per cent. to give effect to the Budget Resolution.

4. The proposed amendment is to increase the tax from fifteen per cent. to twenty-five per cent. to give effect to the Budget Resolution.

5. The paragraphs to be repealed are as follows:—

"*(a)* "duty paid value" shall mean the value of the article as it would be determined for the purpose of calculating an *ad valorem* duty upon the importation of such article into Canada under the laws relating to the Customs and the Customs Tariff whether such article be in fact subject to *ad valorem* or other duty or not, and in addition the amount of the customs duties, if any, payable thereon: *Provided that in computing the "duty paid value" of tea purchased in bond in Great Britain the amount of the customs duty payable on tea for consumption in Great Britain shall not be included in the value of such tea for purposes of this Part;"*

"*(b)* "sale price" for the purpose of calculating the amount of the consumption or sales tax shall mean the price before any amount payable in respect of the consumption or sales tax is added thereto and shall include any charges for advertising, financing, servicing, warranty or any other charges of a similar nature contracted for at the time of sale whether these items be charged for separately or not and shall also include the amount of other excise duties when the goods are sold in bond; in the case of imported goods, the sale price shall be deemed to be the duty paid value thereof;"

foregoing, any amount charged for, or to make provision for, advertising, financing, servicing, warranty, commission or any other matter, and

(iii) the amount of excise duties payable under the *Excise Act* whether the goods are sold in bond or not,

and, in the case of imported goods, the sale price shall be deemed to be the duty paid value thereof."

6. That portion of subsection one of section eighty-six of the said Act before paragraph *(a)* thereof is repealed and the following substituted therefor:—

Consumption or sales tax of ten per cent.

"**86.** (1) There shall be imposed, levied and collected a consumption or sales tax of ten per cent. on the sale price of all goods"

7. Subsection two of section one hundred and fifteen of the said Act is repealed and the following substituted therefor:—

Hearing by Tariff Board.

"(2) Before making a declaration under subsection one the Tariff Board shall provide for a hearing and shall publish a notice thereof in the *Canada Gazette* at least twenty-one days prior to the day of the hearing; and any person who, on or before that day, enters an appearance with the Secretary of the Tariff Board may be heard at the hearing.

Declaration final.

(3) A declaration by the Tariff Board under this section is final and conclusive, subject to appeal as provided in section one hundred and sixteen.

Refunds under s. 105.

(4) No refund or deduction shall be made under section one hundred and five as the result of any declaration of the Tariff Board under this section or an order or judgment under section one hundred and sixteen in respect of taxes paid more than six months before the date of the application to the Tariff Board for a declaration under this section."

8. Section one hundred and sixteen of the said Act is repealed and the following substituted therefor:—

Appeal to Exchequer Court.

"**116.** (1) Any of the parties to proceedings under section one hundred and fifteen, namely,

(a) the person who applied to the Tariff Board for a declaration,

(b) the Deputy Minister of National Revenue for Customs and Excise, or

(c) any person who entered an appearance with the Secretary of the Tariff Board in accordance with subsection two of section one hundred and fifteen,

The purpose of this amendment is to provide clearer definitions of "duty paid value" and "sale price", for purposes of Part XIII of the Act under which the consumption or sales tax is imposed. At the same time, the amendment makes it clear that the sales tax, where applicable, will apply on the excise duty paid value, regardless of whether or not the goods are sold in bond.

The proviso (in *italics*) to the present paragraph *(a)* of this subsection is obsolete and is being removed.

6. The proposed amendment is to increase the consumption or sales tax from eight per cent. to ten per cent. to give effect to the Budget Resolution.

7. The subsection to be repealed is as follows:—

"**115.** (2) *A declaration by the Tariff Board under this section shall have the same force and effect as if it had been sanctioned by statute.*"

The proposed amendment requires the publication of notice in the *Canada Gazette* of Tariff Board hearings and provides the procedure to be followed by anyone wishing to be heard.

A declaration by the Tariff Board under this section is final and conclusive, subject to appeal to the Exchequer Court under the proposed section 116 and limits refunds resulting from such a declaration to taxes paid within the six months' period preceding the application to the Board for a declaration.

The proposed amendment is modeled on similar provisions for appeal to the Tariff Board under the *Customs Act*.

8. This section is new and introduces into the Act the procedure to be followed in appealing to the Exchequer Court from a decision of the Tariff Board made under section 115.

The present section 116 is being amended and renumbered by this Bill and will appear as section 117.

may, upon leave being obtained from the Exchequer Court of Canada or a judge thereof, upon application made within thirty days from the making of the declaration sought to be appealed, or within such further time as the Court or judge may allow, appeal to the Exchequer Court upon any question that in the opinion of the Court or judge is a question of law.

Notices of application.

(2) The appellant under subsection one shall give to the Tariff Board, and to the other parties to the proceedings under section one hundred and fifteen, seven clear days' notice of his application for leave to appeal, and the Tariff Board and such other parties have the right to be heard by counsel or otherwise upon the application or upon the appeal, or both.

Security for costs.

(3) Where leave to appeal under this section is granted, the appellant shall, within sixty days from the granting of the leave, deposit with the Registrar of the Exchequer Court the sum of one hundred and fifty dollars as security for costs, and thereupon the Registrar shall set the appeal down for hearing at such time and place as the Court may direct, and shall notify the Tariff Board, the appellant and the other parties to the proceedings under section one hundred and fifteen accordingly.

Disposition of appeal.

(4) The Exchequer Court may dispose of an appeal under this section by dismissing it, by making such order as the Court may deem expedient or by referring the matter back to the Tariff Board for re-hearing.

Rules.

(5) The judges of the Exchequer Court may make rules and orders for regulating the practice and procedure in applications for leave to appeal and in appeals under this section.

Appeal to Supreme Court.

(6) Any order or judgment of the Exchequer Court made under this section may be appealed to the Supreme Court of Canada in like manner as any other judgment of the Exchequer Court, and the provisions of the *Exchequer Court Act* as to appeals shall apply to any appeal taken under this subsection."

R.S., c. 34.

9. The following section is added to the said Act as section one hundred and seventeen:—

Inquiries.

"**117.** (1) Any person designated by the Minister may conduct any inquiry or investigation in matters relating to this Act, and any person so authorized has all the powers and authority of a commissioner appointed under Part I of the *Inquiries Act*.

R.S., c. 99.

(2) A person designated to conduct an inquiry or investigation under subsection one may for the purpose thereof issue a summons to any person in any part of Canada requiring him to appear at the time and place mentioned therein and to testify to all matters within his knowledge

9. This section of the Bill amends the former section 116 which reads as follows:—

"**116.** *The Deputy Minister of National Revenue for Customs and Excise, the Assistant Deputy Minister of National Revenue for Excise, a legal officer of the Department of National Revenue or any other officer authorized* by the Minister *from time to time in that behalf, may make such inquiry as he may deem necessary for ascertaining the liability of any person for any of the taxes imposed by this Act, and for the purpose of assessing or collecting the amount of any such tax and for the purpose of such inquiry, any such officer* shall have all the powers and authority of a Commissioner appointed under Part I of the *Inquiries Act*."

relative to the subject-matter of the inquiry or investigation and to bring with him and produce any document, book, or paper that he has in his possession or under his control relative to the subject-matter of the inquiry or investigation.

Travelling expenses.

(3) Reasonable travelling expenses shall be paid to any person summoned under subsection two at the time of the service of the summons.

Penalties.

(4) Every person who

(a) fails, without valid excuse, to attend an inquiry or investigation as required under this section,

(b) fails to produce any document, book or paper in his possession or under his control, as required under this section, or

(c) at any inquiry or investigation under this section

(i) refuses to be sworn, or to affirm, or to declare, as the case may be, or

(ii) refuses to answer any proper question put to him by the person conducting the inquiry or investigation,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding four hundred dollars and not less than twenty dollars."

Schedule I repealed and re-enacted.

10. Schedule I to the said Act, as enacted by section four of chapter eight of the statutes of 1950-51, is repealed and the First Schedule to this Act is substituted therefor.

Schedule II repealed and re-enacted.

11. Schedule II to the said Act, as enacted by section five of chapter eight of the statutes of 1950-51, is repealed and the Second Schedule to this Act is substituted therefor.

Schedule III amended.

12. Schedule III to the said Act, as enacted by section fourteen of chapter fifty of the statutes of 1947-48, is amended by adding thereto, immediately under the heading "RELIGIOUS, CHARITABLE, HEALTH, ETC.", the following words:—

"Adrenocorticotrophin (ACTH); Cortisone;"

Coming into force.

13. Sections one, three, four, six, ten, eleven and twelve of this Act shall be deemed to have come into force on the eleventh day of April, nineteen hundred and fifty-one and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

The purpose of the amendment is to provide procedure by way of summary conviction to compel the attendance of witnesses. It also restricts the conducting of an inquiry or investigation to persons designated by the Minister.

10. and **11.** The proposed amendments are to re-enact Schedules I and II to give effect to the Budget Resolution.

12. This amendment adds to the list of tax exempt goods in Schedule III of the Act, ACTH and cortisone to give effect to the Budget Resolution.

FIRST SCHEDULE.

"SCHEDULE I.

1. Automobiles adapted or adaptable for passenger use, with seating capacity for not more than ten persons each.....twenty-five per cent; Provided that the tax on automobiles shall apply on the total price charged for such automobiles, which price shall include all charges for accessories, optional equipment, advertising, financing, servicing, warranty, or any other charges contracted for at the time of sale, whether charged for separately or not; Provided, further, that the tax shall not apply to automobiles imported under Customs Tariff items 702, 704, 705a, 706, 707 and 708.

2. Articles, materials or preparations of whatever composition or in whatever form, commonly or commercially known as toilet articles, preparations or cosmetics, which are intended for use or application for toilet purposes, or for use in connection with the care of the human body, including the hair, nails, eyes, teeth, or any other part or parts thereof, whether for cleansing, deodorizing, beautifying, preserving or restoring, and to include shaving soaps and shaving creams, antiseptics, bleaches, depilatories, perfumes, scents and similar preparations.....twenty-five per cent.

3. *(a)* Electrical appliances adapted to household or apartment use, viz. blankets; chafing dishes; coffee makers; curling irons or tongs; dish washers; food or drink mixers; food choppers and grinders; floor waxers and polishers; garbage disposal units; hair dryers; irons and ironers; juice extractors; kettles; portable humidifiers; razors and shavers; toasters of all kinds; vacuum cleaners and attachments therefor; waffle irons.....twenty-five per cent;

(b) Appliances adapted to household or apartment use, viz. stoves, hot plates, grills and other appliances when adapted wholly or in part for cooking and when designed for using other than solid fuels; washing machines operated by electric or other power; electric, gas or kerosene refrigerators and freezing equipment and complete parts thereof including coils, condensing or compressor units, motors, cabinets, boxes, evaporators and expansion valves.....fifteen per cent;

Provided, however, that on stoves and other cooking appliances capable of using both solid and other fuels, the tax shall only apply to that portion of the appliance designed for other than solid fuels, as determined by the Minister, who shall be the sole judge as to the sale price or duty paid value of such portion.

(c) Firearms and complete parts thereof and ammunition except for military or police purposes.....twenty-five per cent;

(d) Motor cycles and all other two- or three-wheeled motor-driven vehicles including motors for attachment to bicycles but not including vehicles specially designed for carrying goods or for use by invalids....twenty-five per cent;

(e) Golf clubs and golf balls.....twenty-five per cent;

(f) Fishing rods and fishing reels.....twenty-five per cent.

4. Devices, commonly or commercially known as lighters, which produce sparks, flame or heat whether or not in combination with other articles on the separate or combined value, as the case may be.....twenty-five per cent.

5. Cameras and unexposed photographic films and plates, except those sold for industrial or professional photographers' use; projectors for pictures except those sold for commercial, religious, or educational purposes.....twenty-five per cent.

6. Phonographs, record playing devices, radio broadcast or telecast receiving sets and tubes therefor.....twenty-five per cent.

7. Coin, disc or token operated slot machines and vending machines; coin, disc or token operated games or amusement devices of all kinds.....twenty-five per cent;

Provided that the tax hereby imposed shall not apply to coin collectors used on pay telephones, turnstiles for collecting tolls or charges, coin operated locking devices, nor gas, electric or parking meters.

8. Trunks; suitcases; bags and luggage of all kinds; purses; wallets; billfolds; key and card cases; handbags; jewel cases; dressing and toilet cases; shopping bags, except paper bags; golf and other sports bags; all the foregoing whether fitted or not.....twenty-five per cent;

Provided that the tax hereby imposed shall not apply to the goods mentioned herein when manufactured expressly for a customer for his use in the operation of his business or profession.

9. Ash trays; tobacco pipes; cigar and cigarette holders; cigarette rolling devices and other smokers' accessories, not to include lighters, matches or tobacco.....twenty-five per cent.

10. Fountain pens; ball-point pens; ink pencils; propelling pencils; desk sets and all other desk accessories.....twenty-five per cent.

11. Cigars.....twenty-five per cent;

12. Matches.....twenty-five per cent.

13. Tires and Tubes:—

(a) Tires in whole or in part of rubber for automotive vehicles of all kinds, including trailers or other wheeled attachments used in connection with any of the said vehicles.....twenty-five per cent;

(b) Inner tubes for use in any such tires....twenty-five per cent;

Provided that the tax hereby imposed shall not apply to the goods mentioned herein when used exclusively for the original equipment of such automotive vehicles.

14. *(a)* Clocks and watches adapted to household or personal use, except railway men's watches, and those specially designed for the use of the blind, and alarm clocks where the sale price by the Canadian manufacturer or the duty paid value of those imported does not exceed ten dollars.....twenty-five per cent;

(b) Articles of all kinds made in whole or in part of ivory, jet, amber, coral, mother of pearl, natural shells, tortoise shell, jade, onyx, lapis lazuli, or other semi-precious stones.twenty-five per cent;

Provided that the tax on the articles enumerated in subsections *(a)* and *(b)* of this section shall not apply to the goods mentioned where the sale price by the Canadian manufacturer, or the duty paid value of the goods imported, does not exceed one dollar;

(c) Articles commonly or commercially known as jewellery, whether real or imitation, including diamonds and other precious or semi-precious stones for personal use or for adornment of the person; goldsmiths' and silversmiths' products except plated table knives, forks and spoons; pewter ware;

Articles of cut glassware, crystal glassware, cut or not, etched glassware, or metal decorated glassware;

Articles of china, porcelain, earthenware, marble, stoneware, or other pottery ware, except articles for use in the preparation or serving of food or drink.....twenty-five per cent;

Provided that the tax on the articles enumerated in subsection *(c)* of this section shall not apply to the goods mentioned where the sale price by the Canadian manufacturer, or the duty paid value of the goods imported, does not exceed fifty cents.

15. Carbonated beverages, aerated waters, unfermented fruit juice beverages (not including beverages at least ninety-five per cent of which consists of pure juice of the fruit) and imitations thereof and all other compounded or mixed soft drinks where the beverages, waters or drinks are put up in bottles or other containers for sale.....thirty per cent.

16. Candy, chocolate, chewing gum and confectionery that may be classed as candy or a substitute for candy.....fifteen per cent."

SECOND SCHEDULE.

"SCHEDULE II.

1. Carbonic acid gas and similar preparations to be used for aerating non-alcoholic beverages.....fifty cents per pound.

2. Cigarettes, manufactured tobacco and Canadian raw leaf tobacco:—

(a) For each five cigarettes or fraction of five cigarettes contained in any package..... two and three quarter cents;

(b) For each ounce or fraction of an ounce of manufactured tobacco, including snuff but not including cigars and cigarettes, contained in any package.....five cents;

Provided, however, that the tax on manufactured tobacco in packages to which excise duty stamps had been affixed and which were in the possession of licensed tobacco manufacturers on April 10th, 1951, shall be calculated at the rate of.....eighty cents per lb.

(c) For each ounce or fraction of an ounce of Canadian raw leaf tobacco when sold for consumption in Canada.....one and one quarter cents."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 295.

An Act to amend the Customs Tariff.

First reading, May 18, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

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R.S. c. 44; 1928, c. 17; 1929, c. 39; 1930 (1st Sess.), c. 13; 1930 (2nd Sess.), c. 3; 1931, c. 30; 1932, c. 41; 1932-33, cc. 6, 37; 1934, cc. 32, 49; 1935, c. 28; 1936, c. 31; 1937, cc. 25, 26; 1939 (1st Sess.), c. 41; 1939 (2nd Sess.), c. 2; 1940, c. 29; 1940-41, c. 13; 1942-43, c. 23; 1943-44, c. 7; 1944-45, c. 36; 1946, c. 45; 1947-48, cc. 6, 42; 1949 (2nd Sess.), c. 15; 1950, cc. 14, 50; 1950-51, c. 4.

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 295.

An Act to amend the Customs Tariff.

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

Schedule A amended.

1. Schedule A to the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, as amended, is further amended by striking thereout tariff items 216f, 296e, 386(p), 403(e), 409f, 410g, 410h, 410i, 410j, 410l, 410o(i), 410p, 410q, 410r, 410s, 410t, 410u, 410v, 410w, 410x, 410z, 435, 440k, 475, 523g, 682, 705, and 708, the several enumerations of goods respectively, and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in such Schedule A to the said Act the items, enumerations and rates of duty that are specified in Schedule A to this Act.

Schedule B amended.

2. Schedule B to the said Act, as amended, is further amended by striking thereout tariff item 1052, the enumeration of goods and the rate of drawback of customs duties set opposite to the said item, and by inserting in the said Schedule B the items, enumerations and rates of drawback of customs duties that are specified in Schedule B to this Act.

Date of coming into force.

3. This Act shall be deemed to have come into force on the eleventh day of April, one thousand nine hundred and fifty-one, and to have applied to all goods mentioned in the preceding sections and in the Schedules hereto, imported or taken out of warehouse for consumption on or after that date, and to have applied to goods previously imported for which no entry for consumption was made before that date.

SCHEDULE A

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
216f	Materials of a kind not produced in Canada when imported for use only in the manufacture of the goods specified in tariff items 237*(a)*, *(b)*, *(c)* and *(d)*, 238, 238a, 238b, 238c, 238d, 238e, 238f and 238g	Free	Free	Free
238	Synthetic resin sheets, film or sheeting, not less than 6 inches in width, n.o.p.; synthetic resin lay-flat tubing, not less than 6 inches in circumference, n.o.p.:—			
	(1) Phenol-aldehyde type, not further manufactured than cast	Free	Free	Free
	(2) Acrylic type, not further manufactured than moulded or cast	Free	Free	Free
	(3) Polyethylene type			
	(i) Plain, uncoated, undecorated	10 p.c.	10 p.c.	10 p.c.
	(ii) Other	15 p.c.	15 p.c.	15 p.c.
	(4) Vinyl type, except vinylidene			
	(i) Plain, uncoated, undecorated	15 p.c.	15 p.c.	15 p.c.
	(ii) Other	15 p.c.	20 p.c.	25 p.c.
	(5) Vinyl type, vinylidene			
	(i) Plain, uncoated, undecorated	Free	Free	Free
	(ii) Other	Free	Free	Free
	(6) Other type			
	(i) Plain, uncoated, undecorated	Free	Free	Free
	(ii) Other	10 p.c.	10 p.c.	10 p.c.
	Provided that, for the purposes of this Item, synthetic resin shall be deemed not to include cellulose derivatives.			
277	Oils, hydrogenated, blown, dehydrated or sulphonated, not including blown or hydrogenated fish, seal or whale oils	15 p.c.	20 p.c.	25 p.c.
296e	Magnesium oxide and magnesium carbonate, not further manufactured than ground, when imported by manufacturers of insulating materials for use exclusively in the manufacture of such insulating materials, in their own factories	Free	Free	Free
386	*(p)* Sheets or strip, of iron or steel, hot or cold rolled, with silicon content of ·075 per centum or more, when imported by manufacturers of electrical apparatus or of parts therefor, for use in the manufacture of electrical apparatus or of parts therefor, in their own factories	Free	12½p.c.	12½ p.c.
403	*(e)* Steel wire, coated or not, when imported by manufacturers of machine card clothing for use exclusively in the manufacture of machine card clothing, in their own factories	Free	Free	Free
409f	Grain crushers; grain or hay grinders; grain or hay dryers; milk coolers; steel stanchions for confining livestock either in pens or individually, including complete equipment for milking parlors; automatic stock watering bowls; barn litter carriers and track; sprinkler irrigation systems; barn hay forks, carriage, pulleys and track; all the foregoing for use on the farm for farm purposes only; hay loaders, hay tedders, potato planters, potato diggers, fodder or feed cutters, ensilage cutters, post hole diggers, snaths, stumping machines, grain loaders or elevators with a capacity not exceeding 40 bushels per minute and all other agricultural implements or agricultural machinery, n.o.p., and complete parts of all the foregoing	Free	Free	Free

SCHEDULE A—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
410a	(iv) Mine car loaders, self-propelled, single-bucket type, the bucket of which loads at the front and moves over the loader to discharge at the rear, n.o.p., and parts thereof, for use exclusively in mining operations.....	Free	12½ p.c.	35 p.c.
410g	Articles for use exclusively in the metallurgy or smelting of iron, viz.: machinery and apparatus for sintering or nodulizing iron ore, concentrated or not, or flue dust; machinery and apparatus for use exclusively in the construction, equipment and repairs of blast furnaces for smelting iron ore, such machinery and apparatus to include hot blast stoves and burners, blast piping and valves connecting the blowing engines with the furnace, scale cars, charging and hoisting apparatus, blast furnace gas piping, cleaners and washers; and parts of all the foregoing, but not to include wrought iron pipe or valves 10½ inches and under in diameter, nor structural iron work.....	Free	5 p.c.	5 p.c.
410h	Equipment and parts thereof for distributing stone dust in mines.....	Free	Free	10 p.c.
410i	(1) Miners' rescue appliances, designed for emergency use in mines, where artificial breathing is necessary in the presence of poisonous gases, including high pressure oxygen pumps for use exclusively in connection with such appliances, and automatic resuscitation apparatus for artificial breathing to aid in the saving of human life, and parts of all the foregoing.....	Free	Free	Free
	(2) Combustible gas indicators, for detecting explosive gases or vapors; methane detectors; carbon monoxide detectors and continuous indicators and recorders; carbon monoxide alarms; pyrotannic detectors for determining the presence and quantity of carbon monoxide in the blood; inhalators for use in reviving victims of carbon monoxide poisoning; pocket gas respirators, dust respirators, paint and lacquer spray respirators, fume and smoke masks, and hose mask outfits complete with face piece, harness, air line and air pump or blower, designed for the protection of firemen and industrial workers; special safety goggles, designed for eye protection of miners, welders, foundrymen and other industrial workers employed in hazardous work; parts of all the foregoing....	Free	Free	Free
410j	Miners' acetylene lamps and parts thereof; miners' safety lamps and parts thereof; accessories for cleaning, filling, charging, opening and testing miners' lamps; battery renewal preparations for miners' electric safety lamps; all for use exclusively in mines.....	Free	Free	Free
410l	Coal crushers, ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and parts of all the foregoing, for use exclusively in mining, metallurgical or quarrying operations.....	5 p.c.	15 p.c.	25 p.c.

SCHEDULE A—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
410o	(i) Coal heading machines; electric or magnetic machines for concentrating or separating iron ores; automatic scales for use with conveyors; and parts of all the foregoing, for use exclusively in mining or metallurgical operations	Free	Free	Free
410p	Sundry articles of metal as follows, for use exclusively in mining and metallurgical operations, viz.: furnaces for the smelting of ores; converting apparatus for metallurgical processes in metals; machinery for the extraction of precious metals by the chlorination or cyanide processes, not to include pumps, vacuum pumps or compressors; blast furnace blowing engines for the production of pig iron; and parts of all the foregoing	Free	Free	Free
410q	Pumps and vacuum pumps, and parts thereof, for use exclusively in the extraction of precious metals by the chlorination or cyanide processes	15 p.c.	15 p.c.	20 p.c.
410r	Power driven reciprocating pumps and parts thereof, designed for normal working heads of 400 feet and over, for use exclusively underground in mines	15 p.c.	25 p.c.	27½ p.c.
410s	Amalgam safes; automatic ore samplers; automatic feeders; retorts; mercury pumps; non-metallic heating elements; pyrometers; bullion furnaces; amalgam cleaners; and parts of all the foregoing, for use exclusively in mining or metallurgical operations	Free	Free	Free
410t	Blowers, of iron or steel, of a class or kind not made in Canada, for use in the smelting of ores, or in reduction, separation or refining of metals, ores or minerals; rotary kilns, revolving roasters and furnaces of metal, of a class or kind not made in Canada, designed for roasting ore, mineral, rock or clay; furnace slag trucks and slag pots, of a class or kind not made in Canada; and parts of all the foregoing	Free	Free	Free
410u	Blowers, of iron or steel, n.o.p., for use in the smelting of ores, or in reduction, separation or refining of metals, ores or minerals; rotary kilns, revolving roasters and furnaces of metal, n.o.p., for use in the roasting of ore, mineral, rock or clay; furnace slag trucks and slag pots, n.o.p.; and parts of all the foregoing	12½ p.c.	17½ p.c.	20 p.c.
410v	Buddles, vanners, slime or concentrating tables and parts thereof, for use in mining and metallurgical operations	Free	Free	Free
410w	Machinery, n.o.p., for the concentration or separation of ores, metals or minerals, viz.: flotation machines, flotation cells, oil feeders and reagent feeders for flotation machines and flotation cells, pumps, vibrating and impact screens, jigs, magnetic separators, magnetic pulleys and filters, for use in the concentration or separation of ores, metals or minerals, and parts of all the foregoing	5 p.c.	7½ p.c.	20 p.c.

SCHEDULE A—*Continued*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
410x	Machinery, furnaces and appliances, of a class or kind not made in Canada, and parts thereof, for use in the refining of metals, and for the production of anodes, cathodes, blocks, slabs, pigs or ingots, in such refining processes	Free	Free	Free
410z	Machinery and apparatus, n.o.p., and parts thereof, for the recovery of solid or liquid particles from flue or other waste gases at metallurgical or industrial plants, not to include motive power, tanks for gas, nor pipes and valves 10½ inches or less in diameter	5 p.c.	10 p.c.	12½ p.c.
435	*(a)* Locomotives and motor cars for railways, of a class or kind not made in Canada, and parts thereof (including motive power and parts thereof, of a class or kind not made in Canada), for use exclusively in mining, metallurgical or sawmill operations	Free	Free	20 p.c.
	(b) Diesel switching locomotives, including motive power, and parts of the foregoing, of a class or kind not made in Canada	Free	10 p.c.	20 p.c.
440k	(1) Engines and complete parts thereof, n.o.p., to be used exclusively in the propulsion of boats or in hoisting nets and lines used in such boats *bona fide* owned by individual fishermen for their own use in the fisheries, under such regulations as the Minister may prescribe	Free	12½ p.c.	15 p.c.
	(2) Diesel engines and complete parts thereof, to be used exclusively in the propulsion of boats or in hoisting nets and lines used in such boats for use exclusively in *bona fide* commercial fishing operations, under such regulations as the Minister may prescribe	Free	Free	15 p.c.
475	Stereotypes, electrotypes, rubber plates and celluloids for books, and bases and matrices and copper shells for such printing plates; positive and negative films of periodical publications regularly issued at stated intervals as frequently as, at least, four times a year, not including catalogues	Free	Free	Free
523g	Woven fabrics, whether coated or not coated with rubber, when imported by manufacturers of card clothing for textile machinery, for use in the manufacture of such card clothing in their own factories	Free	Free	Free
682	(1) Fish hooks, for deep-sea or lake fishing, not smaller in size than number 2·0; fishing nets and nettings of all kinds; threads, twines, marlines, fishing lines, rope and cordage, not exceeding one and one-half inches in circumference, to be used for fishing purposes or for the construction or repair of fishing nets; the foregoing not to include such articles used for sportsmen's purposes, and to be subject to such regulations as the Minister may prescribe	Free	Free	Free

SCHEDULE A—*Concluded*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
682	(2) Materials for use in the manufacture of the goods specified in tariff item 682(1).....	Free	Free	Free
705	Settlers' effects, viz.:—Wearing apparel, books, usual and reasonable household furniture and other household effects; instruments and tools of trade, occupation or employment, guns, musical instruments, domestic sewing machines, typewriters, bicycles, carts, wagons and other highway vehicles, agricultural implements and livestock for the farm, not to include live stock or articles for sale, or for use as a contractor's outfit, nor vehicles nor implements moved by mechanical power, nor machinery for use in any manufacturing establishment; all the foregoing if actually owned abroad by the settler for at least six months before his removal to Canada, and subject to regulations prescribed by the Minister..... Provided: (1) That, subject to the exceptions stated hereunder, any dutiable article entered as settlers' effects may not be so entered unless brought by the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Canada; (2) That the six months' ownership requirement as specified in this Item shall not apply in the case of bona fide brides' trousseaux and wedding presents; and (3) That with respect to bona fide settlers' effects imported from countries named by the Minister that are applying restrictions on the transfer of emigrants' capital to Canada, the six months' ownership requirement specified in this Item shall not apply and notwithstanding the first arrival requirements specified in this Item a reasonable amount of the effects of a settler may be entered from such countries under this Item *(a)* during a period of three years from the date of the settler's first arrival, or *(b)* where the settler's first arrival occured between April 10, 1945, and April 11, 1949, during the period ending April 10, 1952, subject to such regulations as the Minister may prescribe.	Free	Free	Free
708	Arms, military stores, munitions of war and other goods the property of and to remain the property of a British Commonwealth country designated by the Governor in Council or of a foreign country that is a party to the North Atlantic Treaty and is designated by the Governor in Council; goods consigned to military service agencies and institutions designated by the Governor in Council where the goods are for the personal use of or consumption by nationals of countries designated under this Item who are employed in defence establishments of those countries in Canada..... Provided that the Governor in Council may prescribe regulations for all the foregoing and may order that any of the privileges granted under this Item be withdrawn in any case where a country does not grant corresponding privileges to Canada.	Free	Free	Free

SCHEDULE B

Item No.	Goods	When Subject to Drawback	Portion of Duty (not including Special Duty or Dumping Duty) Payable as Drawback
1052	Machinery, new or used, and all parts thereof, not including consumable tools, of a class or kind not made in Canada	When for use in the plants of manufacturers of automobiles and motor vehicles or of automobile or motor vehicle parts for the manufacture of automobiles and motor vehicles or of automobile and motor vehicle parts.....	99 p.c.
1053	Machinery, new or used, and all parts thereof, not including consumable tools, of a class or kind not made in Canada.	When for use in the plants of manufacturers of aircraft, aircraft engines, aircraft equipment, or of parts of the foregoing for the manufacture of aircraft, aircraft engines, aircraft equipment, or of parts of the foregoing.....	99 p.c.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 296.

An Act to amend The Income Tax Act.

First reading, May 18, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

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4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA

BILL 296.

An Act to amend The Income Tax Act.

1947-48, c. 52; 1949 (2nd. Sess.), c. 25; 1950, c. 40; 1950-51, c. 9.

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

Income from office or employment.

1. (1) Subparagraph (i) of paragraph *(b)* of section five of *The Income Tax Act*, chapter fifty-two of the statutes of 1947-48, is repealed and the following substituted therefor:

"(i) travelling or personal or living expense allowances expressly fixed in an Act of the Parliament of Canada,".

(2) The said paragraph *(b)* is further amended by adding thereto, immediately after subparagraph (iii) thereof, the following subparagraph:

"(iii*a*) representation or other special allowances received by an agent-general of a province in respect of a period while he was in Ottawa as the agent-general of the province,".

(3) The said paragraph *(b)*, as amended by section one of chapter twenty-five of the statutes of 1949 (second session), is further amended by deleting the word "or" at the end of subparagraph (iv) thereof, by inserting the word "or" at the end of subparagraph (v) thereof and by inserting the following subparagraph immediately after subparagraph (v) thereof:

"(vi) allowances (not in excess of reasonable amounts) for travelling expenses received by an officer or employee (other than an employee employed in connection with the selling of property or negotiating of contracts for his employer) from his employer if they were computed by reference to time actually spent by the officer or employee travelling away from

(A) the municipality where the employer's establishment at which the officer or employee ordinarily worked or to which he ordinarily made his reports was located, and

Explanatory Notes.

Clause 1. (1) This amendment is to clarify the wording of the provision which exempts certain allowances where the amount is fixed by statute.

The present paragraph reads as follows:—

"(i) travelling or other allowances expressly fixed in an Act of the Parliament of Canada,"

(2) New. This sub-clause exempts certain allowances received by an agent-general of a province while in Ottawa.

(3) New. This sub-clause exempts travelling allowances paid to an employee on a per diem basis or other basis if reasonable in amount.

(B) the metropolitan area, if there is one, where that establishment was located,

in the performance of the duties of his office or employment,".

(4) The said section five is further amended by repealing all that portion thereof following paragraph *(b)* thereof and substituting the following therefor:

"minus the deductions permitted by paragraphs *(g)*, *(j)* and *(o)* of subsection (1) of section 11 and by subsections (5) to (11), inclusive, of section 11 but without any other deductions whatsoever."

Application.

(5) This section is applicable to the 1951 and subsequent taxation years.

2. (1) The said Act is further amended by adding thereto, immediately after section eight thereof, the following section:

Certain reserves included in computing income.

"**9.** There shall be included, in computing the income for a taxation year of a bank to which *The Bank Act* or the *Quebec Savings Banks Act* applies, the amount by which the aggregate of the amounts that, at the end of the year, are set aside or reserved by way of write-down of the value of assets or appropriation to contingency reserves or contingent accounts 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 the opinion of the Minister of Finance, having regard to all the circumstances, in excess of the reasonable requirements of the bank."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

3. (1) Subsection one of section eleven of the said Act, as amended by section four of chapter twenty-five of the statutes of 1949 (second session) and by section five of chapter forty of the statutes of 1950, is further amended by adding thereto, immediately after paragraph *(c)* thereof, the following paragraph:

Deductions allowed.

"*(ca)* such part of a payment

(i) repaying borrowed money used for the purpose of earning income from a business or property (other than property the income from which would be exempt), or

(ii) for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business (other than property the income from which would be exempt),

made by the taxpayer in the year as is by section 7 required to be included in computing the recipient's income for a taxation year,".

(4) This amendment is consequential on clause 3. The present wording is as follows:—

"minus the deductions permitted by paragraphs *(g)*, *(j)* and *(o)* of subsection (1) of section 11 and by subsections (5), (6) and (7) of section 11 but without any other deductions whatsoever."

Clause 2. New. Subsection (4) of section 11 of the Act allows banks a reserve against losses on loans, bad and doubtful debts, etc. The new section 9 requires that such reserves, to the extent shown by experience not to have been necessary, be brought back into income.

Clause 3. (1) New. This amendment will authorize a taxpayer making a payment, part of which has been treated under section 7 as a receipt of interest in the hands of another taxpayer, and therefore taxable, to deduct the same part as an expense of doing business. Section 7 reads as follows:

"**7.** Where a payment under a contract or other arrangement can reasonably be regarded as being in part a payment of interest or other payment of an income nature and in part a payment of a capital nature, the part of the payment that can reasonably be regarded as a payment of interest or other payment of an income nature shall, irrespective of when the contract or arrangement was made or the form or legal effect thereof, be included in computing the recipient's income."

(2) Paragraph *(f)* of the said subsection one is repealed and the following substituted therefor:

Employer's contribution to pension funds.

"*(f)* an amount not exceeding $900 paid by the taxpayer in the year or within 60 days from the end of the year to or under an approved superannuation fund or plan in respect of services rendered by each employee, officer or director of the taxpayer in the year plus such amount as may be deducted as a special contribution under section 69,".

(3) The said section eleven is further amended by adding the following subsections thereto:

Travelling expenses.

"(9) Where an officer or employee, in a taxation year,

(a) was ordinarily required to carry on the duties of his employment away from his employer's place of business or in different places,

(b) under the contract of employment was required to pay the travelling expenses incurred by him in the performance of the duties of his office or employment, and

(c) was not in receipt of an allowance for travelling expenses that was, by virtue of subparagraph (iv) or (vi) of paragraph *(b)* of section 5, not included in computing his income and did not claim any deduction for the year under subsection (5), (6) or (7),

there may be deducted, in computing his income from the office or employment for the year, notwithstanding paragraphs *(a)* and *(h)* of subsection (1) of section 12, amounts expended by him in the year for travelling in the course of his employment.

Payments by employee in performance of duties.

"(10) Notwithstanding paragraphs *(a)* and *(h)* of subsection (1) of section 12, the following amounts may, if paid by a taxpayer in a taxation year, be deducted in computing his income from an office or employment for the year

(a) annual professional membership dues the payment of which was necessary to maintain a professional status recognized by statute that he was required by his contract of employment to maintain,

(b) office rent, or salary to an assistant or substitute, the payment of which by the officer or employee was required by the contract of employment,

(c) the cost of supplies that were consumed directly in the performance of the duties of his office or employment and that the officer or employee was required by the contract of employment to supply and pay for, and

(d) annual dues to maintain membership in a trade union as defined

1947-48, c. 54.

(i) by paragraph *(r)* of subsection (1) of section 2 of *The Industrial Relations and Disputes Investigation Act*, or

(2) The amendment extends the deduction for payments made by an employer into a pension fund to include such a payment made within 60 days after the end of the year. The present paragraph reads as follows:

"*(f)* an amount not exceeding $900 paid by the taxpayer to or under an approved superannuation fund or plan in respect of services rendered by each employee, officer or director of the taxpayer in the year plus such amount as may be deducted as a special contribution under section 69,"

(3) New. The new sections 9, 10, 11 and 12 allow a deduction against salary and wages income for certain expenses incurred or payments made by an employee in the performance of his duties. They implement paragraph 3 of the Income Tax Resolution which reads as follows:

"**3.** That, for the purpose of computing income from an office or employment for the 1951 or a subsequent taxation year, there may be deducted certain amounts paid in respect of

(a) travelling expenses that the officer or employee was required by the contract of employment to incur,

(b) professional membership dues where the officer or employee was required by the contract of employment to maintain his professional status,

(c) office rent or salary to an assistant or substitute required by the contract of employment to be paid by the officer or employee,

(d) supplies consumed directly in the course of the employment for which the officer or employee was required by the contract of employment to pay, or

(e) Union dues."

(ii) in any provincial statute providing for the investigation, conciliation or settlement of industrial disputes,

or to maintain membership in an association of public servants the primary object of which is to promote the improvement of the members' conditions of employment or work,

to the extent that he has not been reimbursed, and is not entitled to be reimbursed in respect thereof.

Automobile used in performance of duties.

"(11) Where a deduction may be made under subsection (6) or (9) in computing a taxpayer's income from an office or employment for a taxation year, notwithstanding paragraph *(b)* of subsection (1) of section 12, there may be deducted, in computing his income from the office or employment for the year, such part, if any, of the capital cost to the taxpayer of an automobile used in the performance of the duties of his office or employment as is allowed by regulation.

Annual dues for superannuation fund not deductible.

"(12) Notwithstanding paragraphs *(a)* and *(d)* of subsection (10), annual dues are not deductible thereunder in computing a taxpayer's income from his office or employment to the extent that they are, in effect, levied

(a) for or under a superannuation fund or plan,

(b) for or under a fund or plan for annuities, insurance or similar benefits, or

(c) for any other purpose not directly related to the ordinary operating expenses of the association or trade union to which they were paid.

One-half fees paid to investment counsel.

"(13) Notwithstanding paragraphs *(a)* and *(b)* of subsection (1) of section 12, there may be deducted, in computing a taxpayer's income from shares or securities for a taxation year, one-half the fees paid by him in the year to an investment counsel for advice as to the advisability of purchasing or selling specific shares or securities.

Investment counsel defined.

"(14) For the purpose of subsection (13), 'investment counsel' means a person whose principal business is advising others as to the advisability of purchasing or selling specific shares or securities."

Application.

(4) Subsections thirteen and fourteen of section eleven of the said Act, as enacted by subsection three of this section, are applicable to the 1949 and subsequent taxation years and, subject thereto, this section is applicable to the 1951 and subsequent taxation years.

The new sections 13 and 14 allow a deduction for one half the fees paid by a taxpayer to an investment counsel.

If chief source of income not farming, etc.

4. (1) Section thirteen of the said Act is amended by adding the following subsections thereto:

"(3) Where a taxpayer's chief source of income for a taxation year is neither farming nor a combination of farming and some other source of income, his income for the year shall be deemed to be not less than his income from all sources other than farming (after application of the rule in subsection one) minus the lesser of

(a) one-half his farming loss for the year, or

(b) $5,000.00.

"(4) For the purpose of subsection (3), a 'farming loss' is a loss from farming computed by applying the provisions of this Act respecting computation of income from a business *mutatis mutandis* except that no deduction may be made under paragraph *(a)* of subsection (1) of section 11."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

When ss. (1) not applicable.

5. (1) Section nineteen of the said Act is amended by adding thereto the following subsection:

"(3) Subsection (1) does not apply if the loan was made to a subsidiary controlled corporation and it is established that the money that was loaned was used in the subsidiary corporation's business for the purpose of gaining or producing income."

Application.

(2) This section is applicable to the 1951 and subsequent taxation years.

6. (1) Paragraph *(b)* of subsection one of section twenty-six of the said Act, as amended by section eleven of chapter twenty-five of the statutes of 1949 (second session), is further amended by deleting the word "or" at the end of subparagraph (v) thereof, by inserting the word "or" at the end of subparagraph (vi) thereof and by adding thereto, immediately after subparagraph (vi) thereof, the following subparagraph:

Medical expenses.

"(vi*a*) for insulin, cortisone, adrenocorticotrophin (ACTH), liver extract injectible for pernicious anaemia or vitamin B12 for pernicious anaemia, purchased for use by the taxpayer, his spouse or any such dependent as prescribed by such a medical practitioner,".

Application.

(2) This section is applicable to the 1951 and subsequent taxation years.

Dividends received by a corporation.

7. (1) Paragraph *(d)* of subsection one of section twenty-seven of the said Act, as enacted by section twelve of chapter twenty-five of the statutes of 1949 (second session), is repealed and the following substituted therefor:

Clause 4. New. The new subsection allows a deduction for one half the loss incurred in farming, but not to exceed $5,000, where farming is not the chief source of the taxpayer's income.

Clause 5. New. The new subsection (3) suspends the operation of section 19 under the conditions described. subsection (1) of section 19 reads as follows:

"**19.** (1) Where a corporation resident in Canada has loaned money to a non-resident person and the loan has remained outstanding for one year or longer without interest at a reasonable rate having been included in computing the lender's income, interest thereon, computed at 5% per annum for the taxation year or part of the year during which the loan was outstanding, shall, for the purpose of computing the lender's income, be deemed to have been received by the lender on the last day of each taxation year during all or part of which the loan has been outstanding."

Clause 6. Implements paragraph 7 of the Income Tax Resolution, which reads as follows:

"**7.** That for the 1951 and subsequent taxation years, payments made for insulin, cortisone, adrenocorticotrophin (ACTH), liver extract injectible for pernicious anaemia and vitamin B12 for pernicious anaemia purchased under a physician's prescription may be included in the medical expenses for which a deduction from income may be made for the purpose of computing taxable income."

Clause 7. Under the present law dividends received by a Canadian company from a foreign company may be deducted from taxable income only if the shares of the foreign company are owned to the extent of more than 50 per cent. by the Canadian company. Under the amendment they may be deducted if 25 per cent. or more of the issued shares are owned.

"*(d)* was a non-resident corporation more than 25% of the issued share capital of which (having full voting rights under all circumstances) belonged to the receiving corporation,".

(2) Subsection one F of the said section twenty-seven, as enacted by section eleven of chapter forty of the statutes of 1950, is repealed and the following substituted therefor:

Determination of earnings on winding-up.

"(1F) For the purpose of subsection (1A), the receiving corporation's portion of the payer corporation's earnings for the control period that were available for payment of dividends at a particular time is the amount that would have been payable to the receiving corporation on the winding-up of the payer corporation at that time if the subscribed capital of the corporation being wound up had been repaid and what remained to be distributed on the winding-up were the amount of the earnings that were so available for payment of dividends."

Application.

(3) Subsection one is applicable to the 1951 and subsequent taxation years.

Coming into force.

(4) Subsection two shall be deemed to have come into force on June 30, 1950.

Earned income.

8. (1) Paragraph *(a)* of subsection five of section thirty-one of the said Act is repealed and the following substituted therefor:

"*(a)* salary or wages, superannuation or pension benefits, retiring allowances, death benefits, royalties in respect of a work or invention of which the taxpayer was the author or inventor, and amounts allocated to the taxpayer by a trustee under an employees profit sharing plan, and".

(2) The said section thirty-one, as amended by section fifteen of chapter twenty-five of the statutes of 1949 (second session), is further amended by adding thereto, immediately after subsection seven thereof, the following subsection:

Defence surtax.

"(7A) There shall be added to the tax of each individual computed under the other provisions of this section for each year a defence surtax equal to 20% of the tax computed under the other provisions of this section for the year."

Application.

(3) Subsection one is applicable to the 1950 and subsequent taxation years.

Application.

(4) Subsection two is applicable to the 1951 and subsequent taxation years except that, for the 1951 taxation year, the rate of 20% set out in subsection seven A of the said section thirty-one as enacted by subsection two of this section shall be read as 10%.

9. (1) Section thirty-four of the said Act is repealed and the following sections are substituted therefor:

(2) This is a technical amendment to clarify the provision under which a corporation receiving dividends from another corporation which it controls may deduct such dividends in computing taxable income.

The present subsection reads as follows:

"(1F) For the purpose of subsection (1A), the receiving corporation's portion of the payer corporation's earnings for the control period that were available for payment of dividends at a particular time is the amount that would have been payable to the receiving corporation on the winding-up of the payer corporation at that time if the amount to be distributed on the winding-up were the amount of the earnings that were so available for payment of dividends."

Clause 8 (1). The amendment brings death benefits and profit sharing plan allocations into the definition of earned income. The present paragraph reads as follows:

"*(a)* salary or wages, superannuation or pension benefits, retiring allowances, and royalties in respect of a work or invention of which the taxpayer was the author or inventor, and"

(2) (3) and (4). These sub-clauses implement paragraph 2 of the Income Tax Resolution, which reads as follows:

"**2.** That an individual shall pay a defence surtax equal to
(a) for the 1951 taxation year, 10 per cent. and
(b) for each subsequent taxation year, 20 per cent. of his ordinary income tax (including investment surtax) for the year before allowance is made for tax credits."

Clause 9. The new section 33A will allow a taxpayer receiving payments under certain forms of savings contracts (and any other payments falling within the definition)

Part payments.

"**33A.** (1) Where a part of a payment is required, by section 7, to be included in computing the income of a taxpayer resident in Canada for a taxation year and it may reasonably be regarded as a payment of interest in respect of a period of not less than three years, the amount thereof may, at the option of the taxpayer, be deemed not to be income of the taxpayer for the purposes of this Part, in which case the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount thereof equal to the portion thereof that

(a) the aggregate of the taxes otherwise payable by the taxpayer under this Part for the taxation year and the two years immediately preceding the taxation year (before making any deduction under section 32, 33, 35 or 38),

is of

(b) the aggregate of the taxpayer's incomes for those three years.

Idem.

"(2) Where a taxpayer who has elected under subsection (1) that an amount shall be deemed not to be income for the purpose of this Part was not resident in Canada throughout the whole of the taxation year and the two immediately preceding taxation years, the tax payable under this section is the portion of the amount on which the tax is payable that

(a) the aggregate of the taxes that would have been payable by the taxpayer under this Part for the taxation year and the two immediately preceding taxation years (before making any deduction under section 32, 33, 35 or 38) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,

is of

(b) the aggregate of the taxpayer's incomes for those three years;

and, in such a case, the election is not valid unless the taxpayer has filed, with his election, a return of his incomes for the two immediately preceding taxation years in the same form and containing the same information as the returns that he would have been required to file under this Part if he had been resident in Canada in those years.

"**34.** (1) In the case of

(a) a single payment

Winding-up of pension fund, etc.

(i) out of or pursuant to a superannuation or pension fund or plan upon the death, withdrawal or retirement from employment of an employee or former employee or upon the winding-up of the fund or plan in full satisfaction of all rights of the payee in or under the fund or plan, or

Recognition of long service.

(ii) upon retirement of an employee in recognition of long service and not made out of or under a superannuation fund or plan,

to have the payment taxed at his average tax rate for the year of receipt and the two preceding years instead of taking it into income in the year of receipt. The amended section 34 will permit a taxpayer to pay a tax on certain other forms of receipts at the effective rate of a three year period in place of the effective rate of one year in the present section 34. The present section 34, subsection (1), reads as follows:

"**34.** In the case of

(a) a single payment

(i) out of or pursuant to a superannuation or pension fund or plan upon the death, withdrawal or retirement from employment of an employee or former employee or upon the winding-up of the fund or plan in full satisfaction of all rights of the payee in or under the fund or plan, or

(ii) upon retirement of an employee in recognition of long service and not made out of or under a superannuation fund or plan,

(b) a payment or payments made by an employer to an employee or former employee upon or after retirement in respect of loss of office or employment, or

(c) a payment or payments made as a death benefit,

the payment or payments made in a taxation year may, at the option of the taxpayer by whom it is or they are received, be deemed not to be income of the taxpayer for the purpose of this Part, in which case the taxpayer shall pay, in addition to any other tax payable for the year, a tax on the payment or aggregate of the payments equal to the proportion thereof that the tax payable under this Part for the last complete taxation year in the employment is of the employee's income for that year."

Retirement.

(b) a payment or payments made by an employer to an employee or former employee upon or after retirement in respect of loss of office or employment, or

Payment as a death benefit.

(c) a payment or payments made as a death benefit,

the payment or payments made in a taxation year may, at the option of the taxpayer by whom it is or they are received, be deemed not to be income of the taxpayer for the purpose of this Part, in which case the taxpayer shall pay, in addition to any other tax payable for the year, a tax on the payment or aggregate of the payments equal to the proportion thereof that

(i) the aggregate of the taxes otherwise payable by the employee under this Part for the last year (preceding the taxation year) for which the employee had an income from the office or employment and the two years immediately preceding that year (before making any deduction under section 32, 33, 35 or 38),

is of

(ii) the aggregate of the employee's incomes for those three years.

Employee not resident during year and two immediately preceding years.

"(2) Where a taxpayer has elected that a payment or payments of one of the classes described in paragraphs *(a)*, *(b)* and *(c)* of subsection (1) in respect of an employee or former employee who was not resident in Canada throughout the whole of the three years referred to in paragraph (ii) of subsection (1) shall be deemed not to be income of the taxpayer for the purpose of this Part, the tax payable under this section is that portion of the amount on which the tax is payable that

(a) the aggregate of the taxes that would have been payable by the employee under this Part for the three years referred to in paragraph (ii) of subsection (1) (before making any deduction under section 32, 33, 35 or 38) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,

is of

(b) the aggregate of the employee's incomes for those three years;

and, in such a case, the election is not valid unless the taxpayer has filed with his election, a return of the employee's incomes for each of the three years in the same form and containing the same information as the return that the employee, or his legal representative, would have been required to file under this Part if he had been resident in Canada in those years."

Application.

(2) This section is applicable to the 1951 and subsequent taxation years.

Dividend deduction.

10. (1) Subparagraph (i) of paragraph *(a)* of subsection one of section thirty-five of the said Act, as enacted by section thirteen of chapter forty of the statutes of 1950, is repealed and the following substituted therefor:

"(i) the aggregate of all dividends received by him in the year from taxable corporations in respect of shares of the capital stock of the corporations from which they were received and of all dividends that he is, by sections 8 and 73 deemed to have received from such a corporation in the year, to the extent that the dividends so received or so deemed to have been received, as the case may be, were included in computing his income for the year,".

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

Rate.

11. (1) Paragraphs *(a)* and *(b)* of subsection four of section thirty-six of the said Act, as enacted by section fifteen of chapter forty of the statutes of 1950, are repealed and the following substituted therefor:

"*(a)* one of them owned directly or indirectly 70% or more of all the issued common shares of the capital stock of the other, or

"*(b)* 70% or more of all the issued common shares of the capital stock of each of them is owned directly or indirectly by

(i) one person,

(ii) two or more persons jointly, or

(iii) persons not dealing with each other at arms length one of whom owned directly or indirectly one or more of the shares of the capital stock of each of the corporations."

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

12. (1) The said Act is further amended by adding thereto, immediately after section thirty-six thereof, the following section:

Defence surtax.

"**37.** (1) There shall be added to the tax of each corporation otherwise payable under this Part for each taxation year a defence surtax equal to 20% of

(a) in the case of a corporation to which subsection (2) of section 36 applies, the tax otherwise payable by the corporation under this Part for the year, and

(b) in any other case, an amount equal to the tax otherwise payable by the corporation under this Part for the year minus the tax that would be otherwise payable by the corporation under this Part for the year if

Clause 10. The underlined words are added to ensure that the 10% tax credit is available only in respect of dividends from a taxable corporation.

Clause 11. The underlined words are added. Under the amendment to paragraph *(b)* companies owned by persons not dealing at arms length will not be regarded as related companies if none of the persons owns shares in more than one corporation. The amendment gives effect to paragraph 6 of the Income Tax Resolution, which reads as follows:

> "**6.** That for the 1951 and subsequent taxation years the provision under which the 15 per cent tax rate on the first $10,000 of income of a corporation applies to only one of several related corporations be amended so as not to include in the class of related corporations those controlled by persons not dealing at arms length unless such persons own shares in the capital stock of both corporations."

Clause 12. This clause implements paragraph 1 of the Income Tax Resolution, which reads as follows:

> "**1.** That, in respect of income earned after the commencement of the 1951 calender year, a corporation shall pay a defence surtax for the year equal to 20 per cent of that portion of its ordinary income tax for the year that is computed at the 38 per cent rate, or the 33 per cent rate if applicable, (before allowance is made for tax credits) subject to a right to a refund of such tax to the extent that it would reduce the corporation's taxable income after payment of ordinary income tax to an amount less than 5 per cent of its capital employed."

its taxable income for the year or taxable income earned in Canada for the year, as the case may be, were $10,000.

Repayment.

"(2) Where a corporation is taxable under subsection (1) of section 2 for a taxation year and its income after payment of normal tax for the year is equal to or less than 5% of its capital employed for the year, the Minister shall, upon application made in such manner and at such time as has been prescribed, repay to the corporation the defence surtax paid under subsection (1).

Idem.

"(3) Where a corporation is taxable under subsection (1) of section 2 for a taxation year and its defence surtax under subsection (1) for the year is greater than the amount by which its income after payment of normal tax for the year exceeds 5% of its capital employed for the year, the Minister shall, upon application made in such manner and at such time as has been prescribed, repay to the corporation the defence surtax for the year paid under subsection (1) minus the amount by which its income after payment of normal tax for the year exceeds 5% of its capital employed for the year.

Definitions.

"(4) In this section,

'capital employed'.

(a) 'capital employed' for a taxation year means an amount ascertained for the year in accordance with rules prescribed by regulation made on the recommendation of the Minister of Finance for the determination of capital employed or for the determination of an amount to be deemed for the purpose of this section to be the capital employed,

'income after payment of normal tax'.

(b) 'income after payment of normal tax' for a taxation year means the taxable income for the year minus the tax for the year otherwise payable under this Part before payment of the defence surtax under this section, and

'tax otherwise payable'.

(c) 'tax otherwise payable' means the tax otherwise payable before making any deduction under section 38 or any deduction allowed under any other Act from the tax imposed by this Part.

Rate.

"(5) Where the taxation year of a corporation is less than 365 days, the rate of 5% referred to in subsection (2) and subsection (3) shall be read as a rate equal to the proportion of 5 that the number of days in the taxation year is of 365."

Application.

(2) This section is applicable to the 1951 and subsequent taxation years but, where a corporation has a 1951 taxation year commencing before January 1, 1951, the defence surtax for the 1951 taxation year is that proportion of the defence surtax for the year computed under subsection one of section thirty-seven as enacted by this section that the number of days in the portion of the taxation year that is in the 1951 calendar year is of the number of days in the whole taxation year.

Interpretation.

(3) Where a corporation has a 1951 taxation year commencing before January 1, 1951, subsection three of section thirty-seven as enacted by this section shall be read as regards that year

(a) as though the reference therein to the corporation's income after payment of normal tax for the year were a reference to an amount equal to the portion of its income after payment of normal tax for the year that the number of days in the year in the 1951 calendar year is of the number of days in the whole year, and

(b) as though the reference therein to 5% of its capital employed for the year were a reference to an amount equal to the portion of 5% of its capital employed for the year that the number of days in the year in the 1951 calendar year is of the number of days in the whole year.

When ss (2). and (3) of s. 37 not applicable.

(4) Where a return for the 1951 taxation year is required by section seventy-five of *The Income Tax Act* to be filed under that section, subsections two and three of section thirty-seven as enacted by this section are not applicable to the 1951 taxation year.

13. Subsection one of section thirty-nine of the said Act is amended by repealing all that portion thereof preceding paragraph *(a)* thereof and substituting the following therefor:

Averaging for farmers and fishermen.

"**39.** (1) Where a taxpayer's chief source of income has been farming or fishing during a taxation year (in this section referred to as the 'year of averaging') and the four immediately preceding years (in this section referred to as the 'preceding years') and the taxpayer has filed returns of income for the preceding years as required by this Part, if the taxpayer, on or before the day on or before which he was required to file his return of income for the year of averaging, files with the Minister an election in prescribed form, the tax payable under this Part for the year of averaging is an amount determined by the following rules:".

Rules of assessment.

14. (1) Section forty-two of the said Act is amended by inserting the following subsection immediately after subsection four thereof:

"(4A) Where a taxpayer has filed the return of income required by section 40 for a taxation year and, within one year from the day on or before which he was required by section 40 to file the return for that year, has filed an amended return for the year claiming a deduction from income under paragraph *(d)* of subsection (1) of section 26

Clause 13. The underlined words are added to enable a farmer to elect when filing his return rather than before filing his return.

Clause 14. The new subsection gives a statutory right to re-assessment of the return of a prior year for the carry-back of a loss.

in respect of a business loss sustained in the taxation year immediately following that year, the Minister shall re-assess the taxpayer's tax for the year."

Application.

(2) This section is applicable to the 1950 and subsequent taxation years.

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

Withholding.

"**44.** (1) Every person paying

(a) salary or wages or other remuneration to an officer or employee,

(b) a superannuation or pension benefit,

(c) a retiring allowance,

(d) an amount upon or after the death of an officer or employee, in recognition of his service, to his legal representative or widow or to any other person whatsoever,

(e) an annuity payment, or

(f) fees, commissions or other amounts for services,

at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, at such time as may be prescribed, remit that amount to the Receiver General of Canada on account of the payee's tax for the year under this Part."

Special case.

16. (1) Subsection two of section forty-seven of the said Act, as enacted by section twenty-two of chapter twenty-five of the statutes of 1949 (second session), is repealed and the following substituted therefor:

"(2) Where a corporation has held forth the prospect that it will make allocations in proportion to patronage to its customers of a taxation year as described by section 68 and its taxable income for the year is estimated by it to be not more than $10,000, it may, instead of paying the instalments required by subsection (1), pay to the Receiver General of Canada, at the end of the 12 months' period referred to in subsection (1), the whole of the tax as estimated under section 41."

Application.

(2) This section is applicable to the 1951 and subsequent taxation years.

Tax on income from property transferred between husband and wife or to minors.

17. The said Act is further amended by inserting the following section immediately after section forty-nine:

"**49A.** (1) Where a person has, on or after the first day of May, 1951, transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever,

(a) to his spouse or to a person who has since become his spouse, or

(b) to a person who was under nineteen years of age,

the following rules are applicable:

Clause 15. The subsection has been re-arranged and paragraph *(d)* is new. The present wording is as follows:

"**44.** (1) Every person paying salary or wages or other remuneration to an officer or employee, a superannuation or pension benefit, a retiring allowance, an annuity payment, director's fees or fees, commissions or other amounts for services, at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, within one week of the day when he became liable to make the payment or at such other time as may be prescribed, remit that amount to the Receiver General of Canada on account of the payee's tax for th year under this Part."

Clause 16. This amendment revises the exemption from instalment payments of tax now granted certain companies by substituting a limitation based on the amount of income for the present limitation based on the amount of tax liability.

Clause 17. New. Under the new section husband and wife are jointly and severally liable for tax on income from property transferred between them. The same applies also in the case of property transfers to minors.

(i) the transferee and transferor are jointly and severally liable to pay a part of the transferor's tax under this Part for each taxation year equal to the amount by which the tax for the year is greater than it would have been if it were not for the operation of section 21 or section 22, as the case may be, in respect of income from the property so transferred or from property substituted therefor; and

(ii) the transferee and transferor are jointly and severally liable to pay the lesser of

(A) any amount that the transferor was liable to pay under this Act on the day of the transfer, or

(B) a part of any amount that the transferor was so liable to pay equal to the value of the property so transferred;

but nothing in this subsection shall be deemed to limit the liability of the transferor under any other provision of this Act.

Minister may assess transferee.

"(2) The Minister may at any time assess a transferee in respect of any amount payable by virtue of this section and the provisions of this Division are applicable *mutatis mutandis* in respect of an assessment made under this section as though it had been made under section 42.

Rules applicable.

"(3) Where a transferor and transferee have, by virtue of subsection (1), become jointly and severally liable in respect of part or all of a liability of the transferor under this Act, the following rules are applicable:

(a) a payment by the transferee on account of his liability shall to the extent thereof discharge the joint liability; but

(b) a payment by the transferor on account of his liability only discharges the transferee's liability to the extent that the payment operates to reduce the transferor's liability to an amount less than the amount in respect of which the transferee was, by subsection (1), made jointly and severally liable."

18. (1) Subsection three of section fifty of the said Act, as enacted by section twenty-four of chapter twenty-five of the statutes of 1949 (second session), is repealed and the following substituted therefor:

Special case.

"(3) In addition to the interest payable under subsection (1), where a corporation that paid tax under subsection (2) of section 47 had a taxable income for the taxation year of more than $10,000, it shall, forthwith after assessment, pay an amount equal to 3% of the tax payable under this Part for the taxation year."

Clause 18. This amendment is consequential on *Clause 16.*

Application.

(2) This section is applicable to the 1951 and subsequent taxation years.

19. (1) Subsection one of section fifty-two of the said Act is repealed and the following substituted therefor:

Refunds.

"**52.** (1) The Minister shall refund an overpayment made on account of a taxpayer's tax for a taxation year if

(a) the return of the income for the year was made within 2 years from the end of the year, and

(b) application in writing for the refund was made by the taxpayer before the expiration of one year from the day when the overpayment was made or from the day when the notice of assessment for the year was sent."

(2) Subsection three of the said section fifty-two is repealed and the following substituted therefor:

Interest on overpayment.

"(3) Where an amount in respect of an overpayment is refunded, or applied under this section on other liability, interest at the rate of 2% per annum shall be paid or applied thereon for the period commencing with the latest of

(a) the day when the overpayment arose,

(b) the day on or before which the return of the income in respect of which the tax was paid was required to be filed, or

(c) the day when the return of income was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than $1.00, in which event no interest shall be paid or applied under this subsection."

Application.

(3) Subsection one is applicable in respect of applications for refunds made after the first day of May, 1951.

Idem.

(4) Subsection one of section fifty-two of *The Income Tax Act*, as enacted by this section, is applicable *mutatis mutandis* to applications for refunds made under the *Income War Tax Act* after the first day of May, 1951.

R.S. c. 97.

Idem.

(5) Subsection two is applicable in respect of overpayments of tax for the 1950 and subsequent taxation years.

20. (1) Paragraph *(eb)* of subsection one of section fifty-seven, as enacted by section twenty-one of chapter forty of the statutes of 1950, is repealed and the following substituted therefor:

Non-profit corporation.

"*(eb)* a corporation that was constituted in such manner as to be required by law to devote all its resources to charitable purposes, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder

Clause 19 (1) Under the amendment the Minister's authority to make refunds is redefined. The conditions under which he may henceforth make refunds are set out in paragraphs *(a)* and *(b)*. The present subsection reads as follows:

"(1) The Minister may, upon mailing the notice of assessment, refund, without application therefor, any overpayment made on account of the tax and he shall make such a refund after mailing the notice of assessment if application in writing is made therefor by the taxpayer within 12 months from the day the overpayment was made or the day on which the notice of assessment was sent."

(2) Under the amendment interest will be paid at 2 per cent. on the whole amount of an overpayment of tax. At present it is paid at 2 per cent. on the amount up to $5,000, and at 1/2 per cent. on the excess.

Clause 20 (1) and (2). This clause modifies in certain respects the conditions under which so-called "charitable foundations" are exempted from tax. The present paragraphs *(eb)* of subsection (1) and *(b)* of subsection (3) read as follows:

"*(eb)* a corporation no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not, since June 1, 1950, acquired control of any other corporation and that, during the period,

(i) did not carry on any business,

(ii) had not debts incurred since June 1, 1950, other than obligations arising in respect of salaries, rents and other current operating expenses, and

(iii) expended amounts each of which is

(A) an expenditure in respect of charitable activities carried on by the corporation itself,

(B) a gift to an organization in Canada the income of which for the period is exempt from tax under this Part by virtue of paragraph *(ea)*, or

(C) a gift to a corporation resident in Canada the income of which for the period is exempt from tax under this Part by virtue of this paragraph, and

the aggregate of which is not less than 90 per cent of the corporation's income for the period,

(b) there shall be included in computing a corporation's or trust's income all gifts received by the corporation or trust other than gifts received subject to a trust or direction that the property given, or property substituted therefor, is to be held by the corporation or trust for the purpose of gaining or producing income therefrom, and"

thereof, that has not, since June 1, 1950, acquired control of any other corporation and that, during the period,

(i) did not carry on any business,

(ii) had no debts incurred since June 1, 1950, other than obligations arising in respect of salaries, rents and other current operating expenses, and

(iii) except in the case of a corporation that was, before the 1st day of January, 1940, constituted in such manner as to be required by law to devote all its resources to charitable purposes, expended amounts each of which is

(A) an expenditure in respect of charitable activities carried on by the corporation itself,

(B) a gift to an organization in Canada the income of which for the period is exempt from tax under this Part by virtue of paragraph *(ea)*, or

(C) a gift to a corporation resident in Canada the income of which for the period is exempt from tax under this Part by virtue of this paragraph, and

the aggregate of which is not less than 90% of the corporation's income for the period,".

(2) Paragraph *(b)* of subsection three of the said section fifty-seven, as enacted by section twenty-one of chapter forty of the statutes of 1950, is repealed and the following substituted therefor:

Gifts.

"*(b)* there shall be included in computing a corporation's or trust's income all gifts received by the corporation or trust other than

(i) a gift received subject to a trust or direction that the property given, or property substituted therefor, is to be held permanently by the corporation or trust for the purpose of gaining or producing income therefrom, or

(ii) a gift or a portion of a gift in respect of which it is established that the donor has not been allowed a deduction under paragraph *(a)* of subsection (1) of section 26 or a gift made by a person who was not taxable under section 2 for the taxation year in which the gift was made, and".

(3) The said section fifty-seven is further amended by adding thereto the following subsection:

(3) This amendment in effect allows charitable corporations and trusts a reserve equal to one year's income.

Rules.

"(4) In computing the income of a corporation or a trust for the purpose of determining whether it is described by paragraph *(eb)* or paragraph *(ec)* of subsection (1) for a taxation year,

(a) there may be deducted an amount not exceeding its income for the year preceding the taxation year computed without including or deducting any amount under this subsection, and

(b) there shall be included any amount that has been deducted under this subsection for the immediately preceding taxation year."

Application.

(4) This section is applicable to the 1950 and subsequent taxation years.

21. (1) The said Act is further amended by inserting the following heading and section after section sixty thereof:

"Armed Forces.

Rates.

"**60A.** (1) A member shall pay upon his income as a member for a month a tax computed by reference to his taxable income for the month in accordance with a prescribed table prepared on the basis of the rates set out in section 31.

Tax deducted.

(2) The tax payable under subsection (1) for a month shall be paid by being deducted from the income as a member payable to him for the month.

When certain return not required.

(3) Where a member has no income for a taxation year except

(a) income as a member, or

(b) income as a member and income from other sources not exceeding $50,

if he does not fall within such class of exceptions to this subsection as may from time to time be prescribed, he is not required to file a return of his income for the year under section 40 and the tax paid under subsection (1) shall, unless he has elected to file a return of income for the year under section 40, be deemed to have been paid in lieu of all tax for the year payable by him under this Part.

Idem.

(4) Where, in a year when a taxpayer became a member, he had an office or employment outside the naval, army or air forces before he became a member, and amounts were deducted under subsection (1) of section 44 from his income from the office or employment for the year, if the member had no income for the year except

(a) his income from the office or employment,

(b) his income as a member, and

(c) income from other sources not exceeding $50,

and he does not fall within a class of prescribed exceptions to subsection (3), he is not required to file a return of

Clause 21. The new section 60A provides a special tax system for members of the armed forces. A tax calculated at the general rates will be deducted from taxable pay and allowances, taking account of marital status and dependents, and where other income does not exceed $50 it will not be necessary to file an income tax form. The new system will come into force on July 1, 1951. For the first six months of the year tax deducted at the source in the case of service personnel will be deemed to have discharged the tax on service income, except in special circumstances, and for persons enlisting during the year a measure in generally similar terms has been provided.

In any case a member of the services will have the option of filing an income tax return for the year and paying tax on the usual basis if it is to his advantage to do so.

The amendment implements paragraph 4 of the Income Tax Resolution, which reads as follows:

> "4. That the governor in council be authorized to make regulations under which the income tax of members of the armed forces on their service income will be paid in full in respect of the pay and allowances of each pay period by a deduction therefrom in accordance with a special table subject to the right of any member to file a return on an annual basis."

income for the year under section 40 and the amounts so deducted under subsection (1) of section 44 and the tax paid under this section for the year shall, unless he has elected to file a return for the year under section 40, be deemed to have been paid in lieu of all tax for the year under this Part.

Tax deemed to have been paid on account.

(5) Where tax for part or all of a taxation year has been paid by a taxpayer under subsection (1) and the tax so paid, or the tax so paid and other deductions made under this Part, is not, by subsection (3) or (4), deemed to have been paid in lieu of all tax payable by him under this Part for the year, the tax so paid shall be deemed to have been paid on account of the tax otherwise payable by him under this Part for the year.

Return.

(6) Every member shall, from time to time as prescribed, file a return with a prescribed officer of the forces in prescribed form.

Amount deemed received.

(7) Where an amount has been deducted under subsection (2) from a member's income as a member, it shall, for all the purposes of this Act, be deemed to have been received by him at that time.

Definitions.

(8) In this section

'member'.

(a) 'member' means a member of the naval, army or air forces of Canada other than such members as may be prescribed;

'income as a member'.

(b) 'income as a member' for a taxation year means a member's income for the year from his office or employment as a member and 'income as a member' for a month means that portion of a member's income for a year from his office or employment as a member that is payable to him for the month; and

'taxable income for a month'.

(c) 'taxable income for a month' of a member means his income as a member for the month minus the aggregate of

(i) that portion of the deductions from income to which he would be entitled under section 25 (not applying the provisions of subsection (2) of section 25 and assuming that the information contained in the last return filed by him under subsection (6) before the beginning of the month were applicable to the whole year) that one is of 12 or, if he became a member after the end of January in the year and did not for the part of the year before he became a member have an income exceeding $50, that one is of the number of months in the year after the month immediately preceding the month in which he became a member, and

(ii) $4.00 (in lieu of deductions under section 26), or an amount determined in such manner as may be prescribed for an exceptional class of cases."

Application.

(2) This section is applicable to the month of July, 1951 and subsequent months.

Interpretation.

(3) Where amounts have been deducted under subsection one of section forty-four of *The Income Tax Act* from a member's income as a member for some or all of the months of January to June, inclusive, of 1951, if the member has no income for the taxation year 1951 except income as a member or income as a member and income from other sources not exceeding $50 and he does not fall within a class of prescribed exceptions to subsection three of section sixty A of the said Act, he is not required to file a return of his income for the year under section forty and the amounts so deducted under subsection one of section forty-four and the tax paid under subsection one of section sixty A of the said Act for the other months in 1951 shall, unless he has elected to file a return of income for the year under the said section forty, be deemed to have been paid in lieu of all tax for the year under Part I of the said Act.

Foreign business corporations.

22. (1) Paragraph *(b)* of subsection two of section sixty-four of the said Act is repealed and the following substituted therefor:

"*(b)* has,

(i) within 120 days from the end of the year, filed a return for the year in prescribed form and paid an annual fee of $100, or

(ii) within 370 days from the end of the year, filed a return for the year in prescribed form and paid an annual fee of $100 plus a penalty for late filing equal to $10 for each day of delay after the expiration of the one hundred and twentieth day from the end of the year, and"

(2) The said section sixty-four is further amended by adding the following subsection thereto:

"(4) Where a corporation would have complied, during the whole of a taxation year, with the condition contained in subparagraph (i) of paragraph *(c)* of subsection (2) were it not that its business operations during the taxation year were carried on in part in Canada through ownership of shares in or control of one or more subsidiary or affiliated corporations, the corporation shall be deemed to have complied with that condition if, during the whole of the taxation year,

(a) the business operations so carried on in Canada were of a mining nature, and

(b) its main business operations were of an industrial, mining, commercial, public utility or public service nature and were, except for management and the designing, purchasing, and transportation of goods, carried on outside Canada."

Application

(3) This section is applicable to the 1949 and subsequent taxation years.

Clause 22. These amendments modify the terms under which a corporation may qualify as a foreign business corporation. Subsection (4) is new. The present paragraph *(b)* of subsection (2) of section 64 reads as follows:

"*(b)* has filed a return for the year in prescribed form and has paid an annual fee of $100 within 120 days from the end of the year, and"

of the shareholders by whom they were received."

Annuities.

23. (1) Section seventy-one of the said Act is amended by adding thereto the following subsection:

"(7) For the purpose of this section, an annuity shall be deemed to have been enlarged on or after June 25, 1940, if what is payable under the contract has, at any such time, been increased whether by increasing the amount of each periodic payment, by increasing the number of payments or otherwise."

Application.

(2) This section is applicable to the 1951 and subsequent taxation years.

Undistributed income on hand.

24. (1) Subparagraph (ii) of paragraph *(a)* of subsection one of section seventy-three A of the said Act, as enacted by section twenty-eight of chapter forty of the statutes of 1950, is repealed and the following substituted therefor:

"(ii) each expense incurred or disbursement made by the corporation during one of those years that was not allowed as a deduction in computing income for one of those years under this Part except

(A) an expense incurred or disbursement made in respect of the acquisition of property (including goodwill) or the repayment of loans or capital,

(B) an outlay or expense the deduction of which was not allowed by reason of subsection (3) of section 12, or

(C) unless the undistributed income on hand is being determined for the purpose of subsection (1) of section 73, any part of the payment referred to in section 69 that has not been allowed as a deduction in computing income for one of those years,".

(2) Subparagraph (vi) of the said paragraph *(a)* is repealed and the following substituted therefor:

"(vi) dividends paid by the corporation in those years except

(A) a dividend that was paid exclusively out of a surplus or accumulated profits on hand before January 1, 1917, and that was not taxable under the *Income War Tax Act* as income of the recipient other than a dividend or any part of a dividend that is established to have been paid out of income for the 1917 taxation year that was earned before January 1, 1917, or

R.S., c. 97.

(B) a dividend the payment of which was deemed, by subsection (8) of section 9, as enacted by chapter fifty-two of the statutes of 1948, not to have reduced the undistributed income of the corporation,

minus the aggregate of amounts, if any, that were deductible by the shareholders in respect of the

Clause 23. This amendment is to clarify the provision of the Act relating to the exemption of certain government and like annuities.

Clause 24 (1) and (2). These provisions amend the definition of undistributed income on hand principally to restrict certain deductions which might otherwise be taken twice, and to clarify the deductions that may be taken for dividends paid by the corporation. The present wording of the subparagraphs being amended is as follows:

"(ii) each expense incurred or disbursement made by the corporation during one of those years that was not allowed as a deduction in computing income for the year under this Part other than an expense incurred or disbursement made in respect of the acquisition of property (including good will) or the repayment of loans or capital,

(vi) dividends paid by the corporation in those years except dividends that were paid exclusively out of a surplus or accumulated profits on hand prior to January 1, 1917, and that were not taxable under the *Income War Tax Act* as income of the shareholders minus the aggregate of amounts, if any, deductible by the shareholders in respect of the dividends under regulations made under subsection (2) of section 11;"

dividends under regulations made under subsection (2) of section 11 or that would have been so deductible if the shareholders had been taxable under Part I for the year in which the dividends were received;".

(3) Paragraph *(c)* of the said subsection one is repealed and the following substituted therefor:

"*(c)* a shareholder's portion of

(i) a corporation's undistributed income on hand at any time or any portion thereof, or

(ii) a corporation's tax-paid undistributed income as of any time,

means the amount that would have been payable to him on the winding-up of the corporation at that time if the subscribed capital had been repaid and what remained to be distributed on the winding-up were an amount equal to the undistributed income on hand at that time, the portion of it or the tax-paid undistributed income, as the case may be."

Interpretation.

(4) The said section seventy-three A is further amended by adding thereto the following subsections:

"(7) For the purpose of subparagraphs (iii) and (iv) of paragraph *(a)* of subsection (1),

(a) where depreciable property of a taxpayer (as defined by subsection (3) of section 20) has been disposed of in 1949 or a subsequent taxation year, the capital loss arising from the disposition shall be deemed not to be more than the actual capital cost of the property to the taxpayer minus the capital cost thereof as determined for the purpose of section 20, and

(b) where depreciable property of a taxpayer (as defined by subsection (3) of section 20) has been disposed of in 1949 or a subsequent taxation year, the capital profit or gain arising from the disposition shall be deemed not to be more than the proceeds of the disposition (as defined by the said subsection (3)) minus the capital cost of the property to the taxpayer as determined for the purpose of section 20.

Idem.

"(8) For the purpose of subparagraph (vi) of paragraph *(a)* of subsection (1), in the case of a dividend paid by a corporation that, at the time of payment, was a personal corporation, the dividend shall be deemed to have been an amount equal to the lesser of

(a) the dividend, or

(b) the amount by which

(i) the aggregate of the incomes deemed under section 61 to have been distributed to its shareholders while it was a personal corporation prior to that time,

exceeds

(ii) the aggregate of dividends received from the corporation prior to that time and not included, by virtue of section 61, in computing the incomes

(3) The revised paragraph *(c)* provides in effect that a shareholder's portion of either undistributed income on hand or tax paid undistributed income on hand shall be determined as though the capital stock of the corporation had been repaid, the balance that remained being regarded as the undistributed income or tax paid undistributed income on hand. The present paragraph *(c)* reads as follows:

> "*(c)* a shareholder's portion of
> (i) a corporation's undistributed income on hand at any time or any portion thereof, or
> (ii) a corporation's tax paid undistributed income as of any time,
> means the amount that would have been payable to him on the winding-up of the corporation at that time if the amount to be distributed on the winding-up were the undistributed income on hand at that time, the portion of it, or the tax paid undistributed income, as the case may be."

(4) The new subsection 7 limits both deductions from and additions to undistributed income in respect of depreciable assets sold at a loss or gain in 1949 or a later taxation year, thus taking into account the new system of capital cost allowances in effect from 1949; the new subsection 8 modifies the deduction from undistributed income in the case of dividends paid by a company that was in the past a personal corporation.

Coming into force.

(5) This section shall be deemed to have come into force on June 30, 1950.

Mining companies.

25. (1) Paragraph *(b)* of subsection one of section seventy-four of the said Act is repealed and the following substituted therefor:

"*(b)* an industrial mineral mine certified by the Minister of Mines and Technical Surveys to have been operating on mineral deposits (other than bedded deposits such as building stone),".

(2) All that portion of the said subsection one after paragraph *(b)* thereof, as enacted by section thirty-four of chapter twenty-five of the statutes of 1949 (second session), is repealed and the following substituted therefor:

Mine.

"that came into production of ore during the calendar years 1946 to 1954, inclusive, income derived from the operation of the mine during the period of 36 months commencing with the day on which the mine came into production (other than any portion thereof in the year 1946) shall, subject to prescribed conditions, not be included in computing the income of the corporation."

Coming into force.

(3) Subsection one shall be deemed to have come into force on January 18, 1950.

Right to file cosolidated return.

26. (1) Section seventy-five of the said Act is repealed.

(2) Where a loss sustained by a corporation in a taxation year has been included in computing the consolidated taxable income under section seventy-five of the said Act as repealed by this section, the amount thereof shall, for the purposes of paragraph *(d)* of subsection one of section twenty-six of the said Act, be deemed to have been deducted under that paragraph in the year in which it was so included.

Idem.

(3) Where a loss sustained by a corporation in a taxation year has been included in computing the consolidated loss under section seventy-five of the said Act, as repealed by this section, the amount thereof shall, for the purposes of paragraph *(d)* of subsection one of section twenty-six of the said Act be deemed to have been deducted under that paragraph in the year in which it was so included to the extent that it may reasonably be regarded as having operated to reduce the consolidated taxable income for that or another year.

Application.

(4) This section is applicable to

(a) taxation years commencing on or after January 1, 1951, and

(b) each 1951 taxation year commencing before January 1, 1951, in respect of which the corporation by whom the election was made under subsection one of the said section seventy-five has elected before the end of the 1951 calendar year that this section is to apply.

Clause 25 (1). A technical amendment to revise the reference to the particular Minister, which now reads: "the Minister of Mines and Resources."

(2) This amendment will extend the 3 year exemption for new mines to include new mines coming into production up to the end of 1954. At present it applies only to new mines coming into production up to the end of 1952. It implements paragraph 10 of the Income Tax Resolution, which reads as follows:

> "10. That the exemption of the income from a metalliferous or industrial mineral mine for the first three years of production now applicable to mines that came into production during the years 1946 to 1952 be extended to mines coming into production in the years 1953 and 1954."

Clause 26. This amendment withdraws the right to file a consolidated return with respect to fiscal periods commencing on or after January 1, 1951, or, at the election of the taxpayer, for 1951 taxation years commencing before January 1, 1951.

27. Subsection one of section eighty of the said Act is repealed and the following substituted therefor:

How appeal instituted.

"**80.** (1) An appeal to the Board shall be instituted by filing with the Registrar of the Income Tax Appeal Board a notice of appeal in such form as may be determined by the rules and by serving two copies thereof upon the Minister."

28. Subsection one of section eighty-one of the said Act is repealed and the following substituted therefor:

Fee upon filing notice of appeal.

"**81.** (1) An appellant shall pay to the Registrar of the Income Tax Appeal Board a fee of $15 upon the filing of the notice of appeal and if the appeal is allowed, in whole or in part, the fee shall be returned to the appellant forthwith after disposition of the appeal but not otherwise."

29. Subsection one of section eighty-nine of the said Act, as enacted by section thirty of chapter forty of the statutes of 1950, is repealed and the following substituted therefor:

Appeals how instituted.

"**89.** (1) An appeal to the Exchequer Court shall be instituted by serving upon the taxpayer or the Minister, as the case may be, a notice of appeal in duplicate in such form as may be determined by the rules, by filing a copy thereof with the Registrar of the Exchequer Court and, if the appeal is from the Income Tax Appeal Board, by filing a copy thereof with the Registrar of the Income Tax Appeal Board."

30. (1) Subsection one of section ninety-five A of the said Act, as enacted by section thirty-two of chapter forty of the statutes of 1950, is repealed and the following substituted therefor:

Corporation election.

"**95A.** (1) A corporation may elect, in prescribed manner and in prescribed form, to be assessed and to pay a tax of 15% on an amount equal to its undistributed income on hand at the end of the 1949 taxation year minus its tax-paid undistributed income as of that time."

(2) All that portion of subsection two of the said section ninety-five A preceding paragraph *(a)* thereof is repealed and the following substituted therefor:

"(2) A corporation other than a subsidiary controlled corporation".

Repeal.

(3) Subsections three and four of the said section ninety-five A are repealed.

(4) Subsections five to nine, inclusive, of the said section ninety-five A are amended by substituting the word "corporation" for the words "private company" and the word "company" wherever those words or that word appear therein and by substituting the word "corporation's" for the word "company's" wherever that word appears therein.

Coming into force.

(5) This section shall be deemed to have come into force on April 10, 1951.

Clause 27. The amended subsection provides for a change in the method of making an appeal to the Income Tax Appeal Board. The present subsection reads as follows:

"(1) An appeal to the Board shall be instituted by serving upon the Minister a notice of appeal in triplicate in such form as may be determined by the rules and the Minister shall forthwith forward a copy of the notice to the Board."

Clause 28. The amended subsection provides that the $15 fee for entering an appeal before the Income Tax Appeal Board be paid to the Registrar of the Board. The present subsection reads as follows:

"(1) An appellant shall pay to the Receiver General of Canada a fee of $15 upon the serving of the notice of appeal and if the appeal is allowed, in whole or in part, the fee shall be returned to the appellant forthwith after disposition of the appeal but not otherwise."

Clause 29. The amended subsection revises the manner in which an appeal to the Exchequer Court may be instituted. The present subsection reads as follows:

"(1) An appeal to the Exchequer Court shall be instituted by serving upon the taxpayer or the Minister, as the case may be, a notice of appeal in triplicate in such form as may be determined by the rules and, if the appeal is from the Income Tax Appeal Board, by filing a copy thereof with the Registrar of the Income Tax Appeal Board."

Clause 30. This clause implements paragraph 5 of the Income Tax Resolution, which reads as follows:

"5. That the right to elect to pay the 15 per cent tax on its undistributed income now enjoyed by a private company

(a) be extended to all other corporations, and

(b) be withdrawn, effective April 10, 1951, from a corporation that is controlled by another corooration except in respect of its undistributed income on hand at the end of the 1949 taxation year."

Rents, royalties, etc.

31. (1) All that portion of paragraph *(e)* of subsection one of section ninety-six of the said Act after subparagraph (iii) thereof, enacted by section thirty-eight of chapter twenty-five of the statutes of 1949 (second session), is repealed and the following substituted therefor:

"but not including

(A) a royalty or similar payment on or in respect of a copyright, or

(B) a payment in respect of the use by a railway company of railway rolling stock as defined by paragraph (25) of section 2 of the *Railway Act*,".

R.S., c. 170.

Application.

(2) This section is applicable to amounts paid or credited after 1948.

32. (1) Subsection two of section one hundred and one of the said Act is repealed and the following substituted therefor:

"aggregate taxable value".

"(2) For the purpose of this Part, 'aggregate taxable value' is the aggregate value of the gifts made by the donor during the taxation year other than those exempt under subsection (3) or (4) minus

(a) in the case of an individual, either

(i) $4,000, or

(ii) one-half the difference between the taxable income of the donor for the immediately preceding taxation year as determined under Part I and the tax that was payable thereon under Part I,

whichever is greater, and

(b) in the case of a personal corporation, $4,000."

Application.

(2) This section is applicable to gifts made in the 1951 and subsequent taxation years.

Regulation.

33. (1) Subsection one of section one hundred and six of the said Act, as amended by section thirty-nine of chapter forty of the statutes of 1950, is amended by adding thereto, immediately after paragraph *(d)* thereof, the following paragraph:

"*(da)* requiring a person who is, by a regulation made under paragraph *(d)*, required to make an information return to supply a copy of the information return or of a prescribed portion thereof to the person or persons in respect of whose income the information return or portion thereof relates,".

(2) The said subsection one is further amended by adding thereto, immediately after paragraph *(e)* thereof, the following paragraph:

"*(f)* providing for the retention by way of deduction or set off of the amount of a taxpayer's income tax or other indebtedness under this Act out of any amount or amounts that may be or become payable by His Majesty to him in respect of salary or wages,".

Clause 31. The subparagraph is amended to exclude from the 15 per cent. non-resident withholding tax certain payments made to a non-resident company by a Canadian railway company.

Clause 32. A technical amendment to provide that in the case of a personal corporation the limit for making exempt gifts is $4,000, the limit based on income of the previous year not being appropriate to such companies. The present subsection reads as follows:

"(2) For the purpose of this Part, "aggregate taxable value" is the aggregate value of the gifts made by the donor during the taxation year other than those exempt under subsection (3) or (4) minus either

(a) $4,000, or

(b) one-half the difference between the taxable income of the donor for the immediately preceding taxation year as determined under Part I and the tax that was payable thereon under Part I,

whichever is the greater."

Clause 33 (1). This amendment places on the employer or other persons making tax deductions the responsibility of delivering to the employee or other persons concerned an information return in regard to such deductions.

(2) The new subsection *(f)* extends the normal collection procedure under the Act to cover government employees.

34. Subsection one of section one hundred and nine of the said Act is repealed and the following substituted therefor:

Garnishment.

"**109.** (1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that person in whole or in part to the Receiver General of Canada on account of the liability under this Act."

35. Section one hundred and seventeen of the said Act is amended by adding the following subsection thereto:

Penalty.

"(2) Every person who fails to comply with a regulation made under paragraph *(da)* of subsection (1) of section 106 is liable to a penalty of $10 a day for each day of default but not exceeding in all $2,500."

36. Subsection one of section one hundred and twenty-four of the said Act is repealed and the following substituted therefor:

Information or complaint.

"**124.** (1) An information or complaint under this Act may be laid or made by any officer of the Department of National Revenue, by a member of the Royal Canadian Mounted Police or by any person thereunto authorized by the Minister and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Minister and shall not be called in question for lack of authority of the informant or complainant except by the Minister or by some person acting for him or His Majesty."

37. (1) Paragraph *(ao)* of subsection one of section one hundred and twenty-seven of the said Act is repealed and the following substituted therefor:

"subsidiary wholly-owned corporation".

"*(ao)* 'subsidiary wholly-owned corporation' means a corporation all the issued share capital of which (except directors' qualifying shares) belongs to the corporation to which it is subsidiary and 'subsidiary controlled corporation' means a corporation more than 50% of the issued share capital of which (having full voting rights under all circumstances) belongs to the corporation to which it is subsidiary;".

Application.

(2) This section is applicable to the 1949 and subsequent taxation years.

Clause 34. The underlined words are added.

Clause 35. Consequential on clause 33.

Clause 36. The amended provision authorizes an information or complaint to be made by a member of the Royal Canadian Mounted Police. The present subsection reads as follows:

"(1) An information or complaint under this Act may be laid or made by any officer of the Department of National Revenue or by any person thereunto authorized by the Minister and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Minister and shall not be called in question for lack of authority of the informant or complainant except by the Minister or by some person acting for him or His Majesty."

Clause 37. The underlined words are added.

References to *Income War Tax Act*, references to this Act.

38. (1) Section one hundred and twenty-eight of the said Act is amended by adding thereto the following subsections:

"(5) A reference in any other statute or in any rule, order or regulation made under any other statute to the *Income War Tax Act* shall, as regards any transaction, matter or thing in a period to which this Act is applicable, be construed to be a reference to this Act.

"(6) A reference in any other statute or in any rule, order or regulation made under any other statute to any provision in the *Income War Tax Act* shall, as regards any transaction, matter or thing in a period to which this Act is applicable, be construed to be

R.S., c. 97.

(a) if there is a provision in this Act relating to the same subject-matter, a reference to that provision, and

(b) in any other case, a reference to the provision in the *Income War Tax Act* referred to."

Coming into force.

(2) This section shall be deemed to have come into force on June 30, 1948.

39. (1) Subsection two of section forty-eight of chapter twenty-five of the statutes of 1949 (second session) is repealed and the following substituted therefor:

Newfoundland corporation.

"(2) In relation to a corporation that was resident in Newfoundland on the expiration of March 31, 1949, and was not resident in Canada at any time prior to that time, paragraph *(a)* of subsection (1) of section 73A shall be read as though the reference therein to 'the taxation year that ended in 1917' was a reference to 'the taxation year that ended in 1949'."

Coming into force.

(2) This section shall be deemed to have come into force on June 30, 1950.

Application of certain subsections.

40. (1) Subsections one, two and four of section fifty-three of chapter twenty-five of the statutes of 1949 (second session) as amended by section forty-six of chapter forty of the statutes of 1950 are applicable in respect of expenditures incurred in the calendar year 1954.

Idem.

(2) Subsection five of the said section fifty-three is applicable *mutatis mutandis* in respect of expenditures made in connection with

(a) the testing of a significant geological structure by a deep test oil well that was spudded in during, or the deepening of which was commenced in, 1952 and that proved unproductive, or

(b) the testing of a significant stratigraphic trap by a group of test wells that were spudded in during 1952 and drilled to an aggregate depth of twenty-five thousand feet and all of which wells proved unproductive.

Clause 38. A technical amendment concerning references in other statutes to the *Income War Tax Act.*

Clause 39. The amendment excludes, for the purposes of the definition of undistributed income on hand enacted in 1950, the income of any year prior to a 1949 taxation year in the case of a Newfoundland company.

Clause 40 (1) and (2). These measures implement paragraphs 8 and 9 of the Income Tax Resolution, which read as follows:

"8. That special deductions from income to taxpayers whose principal business is the production, refining or marketing of petroleum or petroleum products or the exploring or drilling for oil or natural gas or mining or exploring for minerals, be allowed for expenses incurred in the 1954 operations on the same basis as for expenses incurred in the operations in the years 1951 to 1953.

9. That special deductions from income and taxes to taxpayers whose principal business is production, refining or marketing of petroleum or drilling for petroleum be allowed for expenses incurred in respect of deep-test oil wells in 1952 operations on the same basis as for similar expenses in 1950 and 1951 operations."

(3) All that portion of the said subsection five preceding paragraph *(a)* thereof is repealed and the following substituted therefor:

Expenditures in production, etc., of petroleum or drilling, deductible upon recommendation.

"(5) A corporation, association, syndicate or exploration partnership, whose principal business is production, refining, or marketing of petroleum or drilling for petroleum, may, with the consent of the Governor in Council, upon the recommendation of the Minister of Mines and Technical Surveys,".

Coming into force.

(4) Subsection three shall be deemed to have come into force on January 18, 1950.

(3) A technical change to amend the reference to the Minister concerned, which now reads "the Minister of Mines and Resources".

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 322.

An Act respecting the Canada Post Office.

First reading, May 21, 1951.

THE POSTMASTER GENERAL.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84307

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 322.

An Act respecting the Canada Post Office.

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 Post Office Act.*

Interpretation.

Definitions.

2. (1) In this Act,

"Canada Post Office".

(a) "Canada Post Office" means the activities conducted under the direction and control of the Postmaster General;

"delivery".

(b) "delivery", as applied to mail, means delivery to the addressee thereof, and, for the purposes of this Act,

(i) leaving mail at the residence or place of business of the addressee,

(ii) depositing mail in a post office lock box or rural mail box or any other receptacle provided for the receipt of mail,

(iii) leaving mail with the addressee or his servant or agent or with any other person considered to be authorized to receive mail,

according to the usual manner of delivering that addressee's mail, is deemed to be delivery to the addressee;

"deposit at a post office".

(c) "deposit at a post office" means to leave in a post office or with a person authorized by the Postmaster General to receive mailable matter;

"mail".

(d) "mail" means mailable matter from the time of its deposit at a post office to the time of its delivery;

Explanatory Notes.

The references to sections, subsections, paragraphs and subparagraphs indicate the provision of the present *Post Office Act* that corresponds with the one dealt with in the text of the bill.

New.

Section 2 *(j)*.

Section 2 *(j)*.

New. See Section 2 *(g)*.

"mailable matter". (e) "mailable matter" includes anything that by this Act or any regulation may be sent by post;

"mail bag". (f) "mail bag" includes any bag, sack, or other container or covering in which mail is conveyed, whether it does or does not actually contain mail;

"mail conveyance". (g) "mail conveyance" includes any vehicle, vessel, aircraft, animal or other means used for conveying mail;

"post letter". (h) "post letter" means any letter deposited at a post office, whether such letter is addressed to a real or fictitious person, is unaddressed, and whether intended for transmission by post or not, from the time of deposit at a post office to the time of delivery and includes any packet prepaid or payable at letter rate of postage;

"post office". (i) "post office" includes any building, room, vehicle, letter box or other receptacle or place authorized by the Postmaster General for the deposit, receipt, sortation, handling or despatch of mail;

"postage". (j) "postage" means the charge payable for the handling and conveyance of mail and any charge payable for any service rendered by the Canada Post Office;

"postage stamp". (k) "postage stamp" means any stamp or impression authorized by the Postmaster General for the purpose of paying postage;

"postal employee". (l) "postal employee" means a person employed in any business of the Canada Post Office, but does not include a mail contractor or an employee of a mail contractor;

"postal remittance". (m) "postal remittance" means any instrument authorized or approved by the Postmaster General for remitting money;

"postmaster". (n) "postmaster" means a postal employee in charge of a postal area or postal agency, whether in a temporary or permanent capacity;

"send by post". "transmit by post". (o) "send by post" or "transmit by post" means to send by, through or by means of the Canada Post Office;

"to post". (p) "to post" means to deposit mailable matter at a post office for transmission by post;

"undeliverable mail". (q) "undeliverable mail" means mail that for any cause cannot be delivered to the addressee and includes any mail the delivery of which is prohibited by law or is refused by the addressee or on which postage due is not paid by the sender on demand.

In course of post. (2) An article shall be deemed to be in the course of post from the time it is deposited at a post office until it is delivered.

Section 2 *(h)*.

Section 2 *(k)*.

New.

Section 2 *(j)*.

Section 2 *(l)*.

Section 2 *(i)*. Clarification.

New.

Section 2 *(c)*.

New. Clarification only—no change in practice.

New. Clarification only—no change in practice.

New. Clarification only—no change in practice.

New. Clarification only—no change in practice.

New. Clarification only—no change in practice.

New.

Organization of Department.

Department established.

3. There shall be a department of the Government of Canada which shall be called the Post Office Department, with headquarters at Ottawa, over which the Postmaster General for the time being appointed by commission under the Great Seal of Canada shall preside.

Deputy Postmaster General.

4. (1) The Governor in Council may appoint an officer who shall be called the Deputy Postmaster General who shall be the deputy head of the Department and shall hold office during pleasure.

Employees.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Department shall be appointed or employed in the manner authorized by law.

Powers, Duties and Functions of Postmaster General.

Powers, etc., of P.M.G.

5. (1) Subject to this Act, the Postmaster General shall administer, superintend and manage the Canada Post Office, and, without restricting the generality of the foregoing, may

Establishment of post offices, etc.

(a) establish, manage, operate, maintain and close post offices, postal stations, postal agencies, sub-post offices and postal routes;

Appointment of postmasters.

(b) appoint postmasters and assistants when such appointments are not otherwise provided for by law;

Establishment of systems.

(c) establish and operate a system

Registration.

(i) for the registration of mail, and may fix fees therefor and out of postal revenue pay indemnity;

Special delivery.

(ii) of special delivery of mail, and may fix fees therefor and out of postal revenue pay messengers notwithstanding the *Civil Service Act;*

Parcel post.

(iii) of parcel post, and may fix postage rates therefor and determine the method of prepayment thereof;

Insurance.

(iv) of insurance of mail, and may out of postal revenue pay indemnity in case of loss or damage, fix fees therefor and determine the amount of indemnity payable;

C.O.D.

(v) of cash on delivery of mail, and may fix fees therefor and determine the method of payment thereof, collect charges due and out of postal revenue pay indemnity in case of loss or damage;

Remittances.

(vi) of transmitting money by postal remittances, and may fix the fees therefor, provide for the manufacture or printing of any instrument or document required for the system, and arrange

Sections 4 and 5.

Section 6 (1).

Section 6 (2).

New disposition—Administrative powers of Postmaster General to distinguish from his powers to make regulations.

Section 7 *(a)* *(n)* and *(w)*.

New. Re-establishes authority deleted in 1927 Revision, latterly done by Order in Council.

Section 7 *(j)*.

Section 7 *(s)*.

Section 41.

Section 7 *(u)*.

New.

Section 7 *(i)*. Former section changed in order to empower the Postmaster General to operate a system of transmitting moneys without specific reference to form of remittance used.

for the exchange of postal remittances with any country or independent postal administration; and

Savings bank. (vii) of a post office savings bank;

and such other services and systems as he deems necessary or advisable for the efficient operation of the Canada Post Office;

Door-to-door delivery. *(d)* with the consent of the Governor in Council provide for the door-to-door delivery of mail;

Removal, etc., of postal employees. *(e)* remove or suspend or impose lesser penalties on any postal employee for misconduct in office;

Letter boxes. *(f)* provide and arrange for the erection of letter boxes or other receptacles at such locations as he deems appropriate, in which mail or mailable matter may be deposited or stored;

Postage stamps. *(g)* cause to be manufactured and distributed for sale postage stamps, post cards, envelopes, letter forms, post bands, wrappers and any other forms with postage printed thereon;

Sale of stamps. *(h)* authorize agents to sell to the public postage stamps and stamped forms and envelopes and allow to such agents a commission not exceeding two per cent. of the amount of their sales;

Stamp machines. *(i)* install or permit to be installed or erected stamp vending machines and machines for the making or printing of postage impressions;

International arrangements. *(j)* make and give effect to any postal agreement or arrangement with the government or postal authorities of any country or independent postal administration and pay out of postal revenue any remuneration or indemnity thereby provided;

Security. *(k)* require any person to give security to His Majesty for the due performance of duties in any matter relative to the Canada Post Office by any postal employee or by any one performing any business of the Canada Post Office;

Guarantee fund. *(l)* establish and maintain a fund derived from moneys received from postal employees and pay out of the fund losses sustained by reason of the default or neglect of any postal employee or mail contractor in carrying out his duties in any matter relating to the Canada Post Office;

Undeliverable mail. *(m)* establish a section of the Department for the receipt and disposition, in accordance with this Act and the regulations, of non-mailable matter and undeliverable mail;

Postal areas. *(n)* establish and alter the limits of postal areas;

Mail contracts. *(o)* enter into and enforce contracts relating to the conveyance of mail or to any other business of the Canada Post Office;

Determination of what is letter, etc. *(p)* decide in any particular case what is a letter, mailable matter or non-mailable matter;

New. Previously provided for in Savings Bank Act, Chapter 15, R.S.C. 1927, Sections 4 and 5.

Section 40 *(1)*.
Sections 7 *(b)* and 18.

Section 7 *(m)*.

Section 7 *(f)*.

Section 7 *(o)*.

Section 7 *(m)*.

Sections 7 *(g)*, 27, 32 and 41.

Sections 7 *(q)* and 9.

Section 7 *(q)*.

Section 51.

New.
Section 7 *(c)*.

Section 7 *(d)*.

Determination of class of mail.

(q) determine the classification of any piece of mail or mailable matter and the rate of postage applicable thereto;

Determination of whether mailing conditions complied with.

(r) determine in any particular case whether the conditions under which mailable matter may be sent by post have been complied with, and for such purpose may open any mail other than post letters; and

Losses.

(s) pay out of postal revenue losses resulting from fire, theft or forgery.

No liability.

(2) Nothing in paragraphs *(l)* and *(s)* of subsection one creates any liability on the part of His Majesty to indemnify any person for any losses or to pay any damages in respect thereof.

Regulations.

Regulations.

6. The Postmaster General may make regulations for the efficient operation of the Canada Post Office and for carrying the purposes and provisions of this Act into effect, and, without restricting the generality of the foregoing, may make regulations:

Letter, etc.

(a) prescribing, for the purposes of this Act, what is a letter and what is mailable matter and non-mailable matter;

Classification.

(b) for the classification of mailable matter;

Rates on International mail.

(c) fixing the rate of postage on mailable matter posted in Canada for delivery outside Canada;

Other rates.

(d) establishing rates of postage on any class of mailable matter for which a rate is not established by this Act;

Special services.

(e) establishing a surcharge on any mailable matter for special services;

Conditions.

(f) prescribing the conditions under which mailable matter may be sent by post;

Non-mailable matter.

(g) for excluding non-mailable matter from the mails and providing for the return to the sender or other disposition of non-mailable matter;

Operation of post offices.

(h) for the operation of post offices, postal agencies and post routes;

Deficient postage.

(i) for the payment and collection of deficient postage on mail and providing for the return to the sender of any mail on which deficient postage is not paid;

Operation of systems.

(j) for the operation of any system established pursuant to section five;

Administration of Guarantee Fund.

(k) for the administration of the fund referred to in paragraph *(l)* of subsection one of section five;

Books for the blind.

(l) providing for the transmission by post, free of postage, of books for the use of the blind;

Free postage for postal supplies.

(m) prescribing the conditions and circumstances under which letters, accounts, papers and supplies relating

Section 7 *(k)*.

Sections 7 *(e)*, 23 *(d)* and 25.

New.

Section 106 (2) in part.

New. Powers to make regulations distinguished from administrative powers.

Section 7 *(d)* and *(k)*.

Sections 7 *(e)* and *(k)* and 25.
Section 27.
Section 7 *(e)* and *(k)*.

Section 7 *(s)*, *(t)* and *(u)*.

Sections 7 *(d)* and *(e)* and 23 *(d)*.

Section 7 *(d)*.

Section 7 *(a)* and *(n)* and part of Section 39.

Sections 7 *(l)* and *(r)*, and 28, 29, 30 and 31.

Section 7 *(w)* and *(x)*.

Section 7 *(q)*.

Section 4 *(f)*.

Section 48.

solely to the business of the Canada Post Office and addressed to or sent by a postal employee may be sent free of postage;

Oaths.

(n) requiring postal employees to take the oath of allegiance, an oath of secrecy and an oath of office, and requiring mail contractors and their employees to take an oath of office;

Examinations.

(o) providing for the taking of examinations by postal employees and for the reduction of the salary or rank of any employee who is inefficient or whose services or conduct is unsatisfactory;

Postage due.

(p) fixing the amount payable in respect of mail, other than post letters, on which postage has not been prepaid or sufficiently prepaid;

Undeliverable mail.

(q) providing for the return to the sender of undeliverable mail and the disposition of any such mail where the sender cannot be found;

International mail.

(r) for carrying out any postal agreement or arrangement referred to in paragraph *(j)* of subsection one of section five; and

Exemptions from exclusive privilege.

(s) exempting from his exclusive privilege under section eight letters carried by any of the naval, army or air forces of any country other than Canada that with the consent of the Government of Canada are lawfully present in Canada.

Use of Mails for Unlawful Purposes.

Unlawful use of mails.

7. (1) Whenever the Postmaster General believes on reasonable grounds that any person

(a) is, by means of the mails,

(i) committing or attempting to commit an offence, or

(ii) aiding, counselling or procuring any person to commit an offence, or

(b) with intent to commit an offence, is using the mails for the purpose of accomplishing his object,

Prohibitory order.

the Postmaster General may make an interim order (in this section called an "interim prohibitory order") prohibiting the delivery of all mail directed to that person (in this section called the "person affected") or deposited by that person in a post office.

Notice.

(2) Within five days after the making of an interim prohibitory order the Postmaster General shall send to the person affected a registered letter at his last known address informing him of the order and the reasons therefor and notifying him that he may within ten days of the date the registered letter was sent, or such longer period as the Postmaster General may specify in the letter, request that

Section 16.

Sections 17 and 18.

New. No change in practice.

Sections 7 *(e)*, 32 and 51.

Sections 7 *(g)*, 27, 32 and 41.

New.

New. The purpose of this Section is to give an opportunity to persons against whom prohibitory action is taken to present any evidence or material in justification or explanation of their action. It also authorizes the Postmaster General to create a Board for the purpose of hearing the representations and to nominate the members thereto.

the order be inquired into, and upon receipt within the said ten days or longer period of a written request by the person affected that the order be inquired into, the Postmaster General shall refer the matter, together with the material and evidence considered by him in making the order, to a Board of Review consisting of three persons nominated by the Postmaster General.

Board of Review.

(3) The Board of Review shall inquire into the facts and circumstances surrounding the interim prohibitory order and shall give the person affected a reasonable opportunity of appearing before the Board of Review, making representation to the Board and presenting evidence.

Powers of Board. R.S., c. 99.

(4) The Board of Review has all the powers of a commissioner under Part I of the *Inquiries Act*, and, in addition to the material and evidence referred to the Board by the Postmaster General, may consider such further evidence, oral or written, as it deems advisable.

Opening of mail by consent.

(5) Any mail detained by the Postmaster General pursuant to subsection eight may be delivered to the Board of Review, and, with the consent of the person affected, may be opened and examined by the Board.

Report of Board.

(6) The Board of Review shall, after considering the matter referred to it, submit a report to the Postmaster General, together with all evidence and other material that was before the Board, and upon receipt of the report of the Board, the Postmaster General shall reconsider the interim prohibitory order and he may revoke it or declare it to be a final prohibitory order, as he sees fit.

Revocation of order.

(7) The Postmaster General may revoke an interim or final prohibitory order when he is satisfied that the person affected will not use the mails for any of the purposes described in subsection one, and the Postmaster General may require an undertaking to that effect from the person affected before revoking the order.

Effect of order.

(8) Upon the making of an interim or final prohibitory order and until it is revoked by the Postmaster General,

(a) no postal employee shall without the permission of the Postmaster General

(i) deliver any mail directed to the person affected, or

(ii) accept any mailable matter offered by the person affected for transmission by post,

(b) the Postmaster General may detain or return to the sender any mail directed to the person affected and anything deposited at a post office by the person affected, and

(c) the Postmaster General may declare any mail detained pursuant to paragraph *(b)* to be undeliverable mail, and any mail so declared to be undeliverable mail shall be dealt with under the regulations relating thereto.

Interim order deemed final order.

(9) Where no request that an interim prohibitory order be inquired into is received by the Postmaster General within the period mentioned in subsection two, the order shall, at the expiration of the said period, be deemed to be a final prohibitory order.

Exclusive Privilege of the Postmaster General.

Exclusive privilege of P.M.G.

8. (1) Except as provided in subsection two, the Postmaster General has the sole and exclusive privilege of collecting, conveying and delivering letters within Canada.

Exceptions.

(2) The exclusive privilege referred to in subsection one does not apply to

(a) letters carried by a friend on his way, journey or travel, if such letters are delivered by such friend to the addressee;

(b) letters concerning the private affairs of the sender or addressee when sent casually by a messenger;

(c) commissions, affidavits, writs, processes or proceedings issued by a court of justice;

(d) letters lawfully brought into Canada and immediately posted at the nearest post office;

(e) letters of merchants, owners of vessels of merchandise, or owners of the cargo or loading therein, when carried by such vessel or by any person employed by such owners and delivered to the respective addressees, without pay, reward, advantage or profit for so doing;

(f) letters concerning goods or merchandise to be delivered with the goods to which such letters relate, carried by common known carriers without reward, profit or advantage for receiving or delivering them.

Collections.

(3) Nothing in subsection two authorizes any person to collect or receive any letters for the purpose of sending, conveying, or delivering them as described in that subsection.

Parcels, etc.

9. Nothing in this Act shall be construed as requiring any person to send any parcel, newspaper, pamphlet, or other printed matter by post.

Rates of Postage.

Letters.

Rates on letters.

10. The rates of postage on letters posted in Canada for delivery in Canada are:

(a) on each letter for delivery within the postal area in which it is posted, three cents for the first ounce or fraction of an ounce, and one cent for each additional ounce or fraction of an ounce, and

Section 35.

Section 36 *(a)* and *(d)*.

Section 36 *(b)*.

Section 36 *(c)*.

Section 36 *(e)*.

Section 36 *(f)*.

Section 36 *(g)*.

Section 37.

Section 37.

Section 21 *(l)*.

The postage rates stipulated do not involve any change in the charges now made to the public.

(b) on each letter posted within one postal area for delivery in another postal area and on each letter posted or delivered on a rural mail route, four cents for the first ounce or fraction of an ounce, and two cents for each additional ounce or fraction of an ounce.

Newspapers and Periodicals.

Newspapers and periodicals.

11. (1) A newspaper or periodical that

(a) is printed and published in Canada;

(b) is known and recognized as a newspaper or periodical and consists wholly or in great part of political or other news or of articles relative thereto or to other current topics;

(c) has the full title, place and date of publication and the distinguishing number of the issue prominently printed on every issue and on any paper, print, lithograph or engraving purporting to be a supplement to such newspaper or periodical;

(d) is posted by the publisher within the postal area in which the place of its office of publication is situated; and

(e) is addressed to a *bona fide* subscriber, or to a known newsdealer in Canada;

may be transmitted by mail at the postage rate specified in this section for such newspaper or periodical.

Rates for newspapers and periodicals.

(2) Subject to subsections three and four and to section twelve, the postage rates for newspapers and periodicals referred to in subsection one are

Daily.

(a) for those published daily

(i) with a circulation of ten thousand or more copies per issue, four cents for each pound weight or fraction thereof, and

(ii) with a circulation of less than ten thousand copies per issue, two and one-half cents for each pound weight or fraction thereof;

Bi-weekly.

(b) for those published less frequently than daily but more frequently than once a week,

(i) with a circulation of ten thousand or more copies per issue, three cents for each pound weight or fraction thereof, and

(ii) with a circulation of less than ten thousand copies per issue, two cents for each pound weight or fraction thereof;

Weekly.

(c) for those published once a week

(i) with a circulation of fifty thousand or more copies per issue, three cents for each pound weight or fraction thereof,

Section 20 (1).

Section 23.

Revised rates for newspapers and periodicals.

Section 23 (3) as amended by 45 Geo. V, 1931 and 46 Geo. V, 1933.

Section 23 (3) as amended by 45 Geo. V, 1931 and 46 Geo. V, 1933.

Section 23 (3) as amended by 45 Geo. V, 1931 and 46 Geo. V, 1933.

Section 23 (3) as amended by 45 Geo. V, 1931 and 46 Geo. V, 1933.

(ii) with a circulation of less than fifty thousand but of ten thousand or more copies per issue, two and one-half cents for each pound weight or fraction thereof, and

(iii) with a circulation of less than ten thousand copies per issue, one and one-half cents for each pound weight or fraction thereof,

subject to the exception that two thousand five hundred copies per issue may be transmitted by mail free of postage within a distance of forty miles from its known place of publication in the case of a newspaper or periodical published in a city, town or village with a population of not more than ten thousand persons;

Monthly.

(d) for those published less frequently than once a week but not less frequently than once a month,

(i) with a circulation of ten thousand or more copies per issue, one and three-quarter cents for each pound weight or fraction thereof, and

(ii) with a circulation of less than ten thousand copies per issue, one and one-half cents for each pound weight or fraction thereof,

subject to the exception that two thousand five hundred copies per issue may be transmitted by mail free of postage within a distance of forty miles from its known place of publication in the case of a newspaper or periodical published in a city, town or village with a population of not more than ten thousand persons;

Quarterly.

(e) for those published less frequently than once a month but not less frequently than quarterly, two cents for each pound weight or fraction thereof; and

Other.

(f) for any other newspaper or periodical, the rates prescribed by the regulations.

Science, religion, agriculture.

(3) Subject to subsection four, any newspaper or periodical referred to in this section, other than one referred to in paragraph *(e)* or *(f)* of subsection two or the copies per issue of those that may be transmitted free of postage under paragraph *(c)* or *(d)* of subsection two, that is devoted to religion, the sciences or agriculture is subject to postage at the rate of one and one-half cents for each pound weight or fraction thereof.

Rate where letter carrier service.

(4) All copies of newspapers and periodicals referred to in this section, other than those referred to in paragraph *(f)* of subsection two, that are addressed for delivery within the postal area of publication where there is letter carrier delivery service, are subject to postage at the rate of two cents for the first four ounces or fraction thereof and one cent for each additional four ounces or fraction thereof to each separate address.

Section 23 (2).

Section 23 (3) as amended by 45 Geo. V, 1931 and 46 Geo. V, 1933.

Section 23 (2).

Section 22.

Section 7 *(e)*.

Section 23 (3) as amended by 45 Geo. V, 1931 and 46 Geo. V, 1933.

New.

Specimens.

12. (1) Specimen copies of newspapers or periodicals referred to in paragraphs *(a)* to *(e)* of subsection two of section eleven, with the exception of those mentioned in subsection four of that section, are liable to postage at the rate of four cents for each pound weight or fraction thereof within the limits prescribed by the Postmaster General.

Mixed packages.

(2) Mixed packages of newspapers or periodicals that are mailed by known newsdealers and consist of either or both newspapers or periodicals referred to in section eleven are subject to postage at the rate of four cents for each pound weight or fraction thereof.

Deficient Postage.

Insufficiently prepaid.

13. Any post letter on which postage has been prepaid but is not sufficiently prepaid by the sender shall be forwarded to its destination charged with double the deficient postage.

Unpaid

14. Subject to any regulations permitting the payment of postage by the addressee, and the provisions of any agreement or arrangement referred to in paragraph *(j)* of subsection one of section five, any post letter on which no postage has been paid by the sender shall be deemed to be and shall be dealt with as undeliverable mail.

Postage due payable before delivery.

15. The postage due on mail shall be paid by the addressee before the mail is delivered to him, and any refusal to pay the postage due on mail shall be deemed to be a refusal to receive such mail.

Postage due recoverable from sender.

16. The postage due on undeliverable mail is recoverable from the sender.

Free Mail.

Governor General and Government departments.

17. (1) Mailable matter addressed to or sent by the Governor General, or sent to or by any department of the Government of Canada at Ottawa, is free of Canada postage under such regulations as are made in that respect by the Governor in Council.

Senate and House of Commons.

(2) Mail shall be transmitted free of postage when sent to or by

(a) the Speaker or Clerk of the Senate or House of Commons at Ottawa, or

(b) a member of the Senate or House of Commons, at Ottawa, during a session of Parliament or during the ten days immediately preceding or following a session of Parliament.

Section 22.

Section 20 (2).

New. To prevent the sending of unpaid items with malicious intent or to cause annoyance and embarrassment to the addressee.

Section 20 (2).

Section 51 (2).

Section 42.

Section 43.

Parliamentary papers.

(3) A member of the Senate or House of Commons may, during a recess of Parliament, send from Ottawa, free of postage, any papers printed by order of either the Senate or the House of Commons.

Exception.

18. Section seventeen applies only to mail addressed to a place in Canada and does not apply to parcel post or mail endorsed for transmission by air or to fees for registration, special delivery, insurance or other special services.

Books from Library of Parliament.

19. (1) During a recess of Parliament books belonging to the Library of Parliament may be sent free of Canada postage between a librarian of Parliament at Ottawa and a member of the Senate or House of Commons at any place in Canada.

Postal supplies and books for the blind.

(2) Material relating solely to the business of the Canada Post Office, when addressed to or sent by postal employees, and books for the use of the blind, may be sent free of postage in accordance with the regulations.

Postal Employees.

Salaries of postal employees. R.S., c. 22.

20. Postal employees whose compensation is not provided for under the *Civil Service Act* or any other law, may be paid out of postal revenue such salaries, commissions and allowances as the Postmaster General may prescribe.

No additional remuneration.

21. No postmaster shall in respect of his office as such be paid or retain or receive any remuneration or emolument in addition to the salary and allowances authorized by law.

Mail Contracts and Contractors.

Invitation of tenders where amount over $1,000.

22. Before entering into a contract for conveying mail involving an annual expenditure of more than one thousand dollars, the Postmaster General shall display public notices inviting tenders in the post offices and other public places within the area to be affected by the contract, for a period of at least three weeks.

P.M.G. may contract where amount $1,000 or less.

23. (1) The Postmaster General may enter into contracts for conveying mail involving an annual expenditure of one thousand dollars or less, if the amount to be paid

Section 46.

New. See section 45.

Section 44.

Section 47.

Section 65.

Section 64.

Section 66. Period of advertising changed from six week to three weeks.

Section 73. Amended to increase from $200 to $1,000 the amount governing contracts which may be entered into by the Postmaster General without the formality of tender and contract.

for the services to be performed under the contract does not exceed the amount ordinarily paid for services of a like nature under contracts made after inviting tenders.

Tenders may be called.

(2) The Postmaster General may, in lieu of entering into a contract under subsection one, invite tenders for a contract involving an annual expenditure of one thousand dollars or less.

Lowest tenderer to be accepted except for cause.

24. Where more than one tender has been received, the contract shall be awarded to the lowest tenderer who has offered sufficient security for the faithful performance of the contract, unless the Postmaster General is satisfied that it is not in the public interest to accept the lowest tender, and where the Postmaster General does not accept the lowest tender, he shall report his reasons therefor to the Governor in Council.

Certain tenders need not be considered.

25. The Postmaster General is not bound to consider the tender of any person who, in the opinion of the Postmaster General,

(a) has wilfully or negligently failed to execute or fulfil a prior contract;

(b) has entered or proposed to enter into any combination to prevent the submission of any tender for a mail contract; or

(c) in order to induce anyone not to tender for a mail contract has made an agreement to do or not to do anything or has given or performed or promised to give or perform anything in respect to such tender or contract.

Where tenders excessive.

26. Where in the opinion of the Postmaster General the lowest tender received after public advertisement is excessive, he may refuse to accept any tender and may give to each tenderer an opportunity to revise his tender, and if a reasonable offer is received he may enter into the contract with the tenderer who has submitted the lowest reasonable offer, but if no reasonable offer is received the Postmaster General may either again invite tenders pursuant to section twenty-two or may invite offers from any person in such manner as he deems expedient, and an offer so received shall for the purposes of sections twenty-four, twenty-five and thirty be deemed to be a tender.

Contracts with postmasters.

27. Subject to the provisions of this Act, the Postmaster General may, when in his opinion the interest of the public service will be promoted thereby, enter into a contract with a postmaster for the conveyance of mail.

Section 67.

Section 68.

Section 74.

Section 69.

Section 70.

Guarantors.

28. (1) Every tender for the conveyance of mail shall be accompanied by a statement, signed by one or more responsible guarantors, to the effect that he or they undertake that the tenderer will, if his tender is accepted and within such time as is prescribed by the Postmaster General, enter into a contract to perform the service and provide sureties.

Failure to enter into contract.

(2) Where a tenderer is notified of the acceptance of his tender and he fails to enter into the contract and to provide sureties, the Postmaster General may enter into a contract with some other person for the performance of the service, and the amount by which the tender of such other person exceeds the amount of the original tender may be recovered from the original tenderer and his guarantors as a debt due to the Crown.

Contracts with railway, etc.

29. The Postmaster General may, without public advertisement, enter into a contract for conveying mail with any person operating a railway, air, steamboat or bus service, but no such contract involving an annual expenditure of more than five thousand dollars may be entered into without the approval of the Governor in Council.

Record of tenders.

30. The Postmaster General shall keep a record of all tenders received for conveying mail, and the record shall show

(a) the service in respect of which the tender was made;

(b) the date each tender was made and received;

(c) the names of the tenderers, the conditions governing the tender, the amount tendered and the term in respect of which the tender was made; and

(d) whether the tender was accepted or rejected;

and the Postmaster General shall preserve the original tenders for a period of not less than twelve years.

Terms of contract.

31. No contract shall be entered into for the conveyance of mail for a term of more than four years, but the Postmaster General may renew a contract with the original contractor for a further term or terms not exceeding four years each, if the service has been satisfactorily performed under an expiring contract and the public interest will be served by a renewal thereof.

Temporary arrangements.

32. The Postmaster General may make temporary arrangements for the conveyance of mail until a regular contract is entered into.

Section 71.

Section 72.

Section 75. Previous section modified to increase the amount of contracts which may be entered into by the Postmaster General without the approval of the Governor in Council from $1,000 to $5,000.

Section 76.

Section 77.

Section 78.

Increase or alteration of service.

33. Where there is a substantial increase or alteration in the service required under a mail contract necessitating additional expenditure by the contractor, the Postmaster General may increase the amount stipulated in the contract, but the increase in payment shall bear a fair relation to the amount payable under the contract.

Transportation of Mails.

Duty of common carriers to carry mail.

34. Every common carrier in Canada, when so required by the Postmaster General, shall carry mail and any duly accredited postal employee, on such terms and conditions and under such regulations as may be prescribed by the Governor in Council.

Tolls.

35. No vehicle conveying mail is exempt from tolls or dues on any road, bridge or ferry in Canada, unless the Act or charter authorizing such road, bridge, or ferry provides such exemption.

Obligations of ferryman.

36. Every ferryman shall upon request and without delay convey over his ferry any mail or mail conveyance and any person in charge thereof; the sum to be paid for such ferry service may be fixed by contract, but in no case shall it exceed what is ordinarily charged the public for comparable service.

Mail not to be delayed.

37. No toll-gate keeper or ferryman may detain or delay any mail or mail conveyance for the purpose of demanding toll or ferriage, but the toll or ferriage, if due and not paid, is recoverable in the usual course of law from the person liable.

Emergency arrangements.

38. The Postmaster General may in emergencies make whatever arrangements for conveying mail are necessary in the interests of the public service.

Property in Mails.

Mail becomes property of addressee.

39. Subject to the provisions of this Act and the regulations respecting undeliverable mail, mailable matter becomes the property of the person to whom it is addressed when it is deposited in a post office.

Section 79.

Section 80.

Section 53.

Section 54.

Section 55.

New.

Section 49.

No liability for loss, etc.

40. Neither His Majesty nor the Postmaster General is liable to any person for any claim arising from the loss, delay or mishandling of anything deposited in a post office, except as provided in this Act or the regulations.

Mails not subject to seizure.

41. Notwithstanding anything in any other Act or law, nothing is liable to demand, seizure or detention while in the course of post, except as provided in this Act or the regulations.

Undeliverable Mail.

Undeliverable mail.

42. All undeliverable mail and all non-mailable matter found in the mails shall be sent to the section of the Department established by the Postmaster General for the receipt thereof and shall be dealt with as provided in the regulations.

Proceeds of sale.

43. (1) The proceeds received from the sale of any matter pursuant to the regulations shall be accounted for as postal revenue.

Money.

(2) Any money found in undeliverable mail that is disposed of under the regulations otherwise than by return to the sender shall be accounted for as postal revenue, but the Postmaster General shall keep a record thereof and may pay the amount thereof to any person who establishes to the satisfaction of the Postmaster General that he was the sender or addressee thereof.

Imported Goods.

Mail to be submitted to customs officer.

44. (1) All mail from a country other than Canada containing or suspected to contain anything subject to customs or other import duties or tolls or anything the importation of which is prohibited shall be submitted to a customs officer for examination.

Opening of mail.

(2) A customs officer may open any mail, other than letters, submitted to him under this section, and may cause letters to be opened in his presence by the addressee thereof; and where the addressee of any letter cannot be found or where he refuses to open the letter, the customs officer shall return the letter to the Canada Post Office and it shall be dealt with as undeliverable mail in accordance with the regulations.

Disposition of goods.

(3) A customs officer shall, in accordance with the laws relating to customs and the importation of goods, deal with all mail submitted to him under this section, and upon compliance with such laws, may deliver such mail to the addressee, subject to the payment of any postage due thereon, or may return it to the Canada Post Office for transmission through the post in the usual way.

Section 49.

Section 50.

Section 51 (1).

New.

Section 51 (3).

Sections 52 (1), and 107 (2).

Section 52 (1)—new in part.

Section 52 (2).

Non-mailable matter.

(4) Any non-mailable matter found by a customs officer in any mail submitted to him under this section shall be transmitted to the Postmaster General to be dealt with in accordance with the regulations.

United States Mail Passing Through Canada.

Transportation of United States mail.

45. (1) The Postmaster General may from time to time make any arrangement he deems expedient for allowing United States mail to be transported through any portion of Canada from a place in the United States to any other place in the United States.

U.S. mail deemed Canada mail.

(2) Any United States mail transported through Canada shall, while in Canada, be deemed to be Canada mail, and all the provisions of this Act respecting mail apply to such United States mail.

Investigations.

Appointment of officer to investigate.

46. (1) The Postmaster General may at any time designate an officer employed in the Canada Post Office to investigate and report upon the state and management of the business, or any part of the business, of the Canada Post Office, and the conduct of any postal employee or mail contractor so far as it relates to his official duties.

Powers.

R.S., c. 99.

(2) An officer designated under subsection one has all the powers of a commissioner under Part II of the *Inquiries Act*, and, if so authorized by the Postmaster General, may suspend any postal employee suspected of misconduct in his office.

Post Office Savings Bank.

Entry in pass-book.

47. (1) A postmaster, or other postal employee, who receives a deposit in the post office savings bank shall immediately enter the amount thereof in the depositor's pass-book and shall attest and date stamp the entry.

Acknowledgment.

(2) Each deposit in the post office savings bank shall be reported to the Postmaster General on the day it is received, and the Postmaster General shall transmit to the depositor an acknowledgment of the deposit.

Evidence of claim.

(3) An acknowledgment under subsection two is conclusive evidence of the claim of the depositor to the amount deposited.

Section 56 (1).

Sections 56 (2) and 57.

Section 10.

Section 13.

Savings Banks Act, Section 7 (1). Since the Post Office Savings Bank operates under the direction of the Postmaster General, it was considered desirable that the statutory authority for its operation be in the *Post Office Act.*

Savings Banks Act, Section 7 (2).

Savings Banks Act, Section 8 (1).

Evidence for limited time.

(4) The entry made in the depositor's pass-book pursuant to subsection one is conclusive evidence of the depositor's claim for such period as may be specified by the Governor in Council.

Non-seizure of money.

48. Money deposited with the post office savings bank is not at any time liable to demand, seizure or detention under legal process against the depositor thereof.

WITHDRAWAL.

Withdrawal on demand.

49. A depositor is entitled to withdraw from the post office savings bank any sum that is due to him, on the demand of the depositor, or person legally authorized to claim on account of the depositor, made in the form and manner prescribed by the regulations.

Payments valid.

50. Every payment made in good faith to any person who, by the production of a declaration in writing and documents in support thereof, made under the provisions of this Act or any regulation, *prima facie* appears to be entitled to any deposit or interest, is valid and discharges the Crown, the postmaster and every other person from all or any claim by any person for such deposit or interest.

Execution of trusts.

51. (1) No postal employee or other officer, servant or employee of His Majesty in right of Canada is bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit in the post office savings bank is subject.

Receipt a discharge.

(2) The receipt of the person in whose name any deposit in the post office savings bank stands, or, where it stands in the name of more than one person, the receipt of any one of such persons, is a sufficient discharge to all persons concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit is then subject, and whether or not the postmaster with whom the deposit was made or any other postal employee is charged with such trust or had knowledge thereof.

Application of money.

(3) No postal employee or other officer, servant or employee of His Majesty in right of Canada is responsible for the disposal or application of the money paid upon such receipt.

Interest rate.

52. (1) Interest shall be paid to depositors in the post office savings bank at such rate, not exceeding four per cent. per annum, as the Governor in Council from time to time prescribes.

Savings Banks Act, Section 8 (2) and (3).

Savings Banks Act, Section 9.

Savings Banks Act, Section 11.

Savings Banks Act, Section 46.

Savings Banks Act, Section 45 (1).

Savings Banks Act, Section 45 (2).

Savings Banks Act, Section 45 (3).

Savings Banks Act, Section 43 (1).

Calculation.

(2) Interest shall not be calculated on any amount less than one dollar or on any amount other than a dollar or some multiple thereof.

When payable.

(3) Interest shall not commence until the first day of the month next following the day of deposit, and shall cease on the first day of the month on any amount withdrawn during that month.

Interest added.

(4) Interest on deposits in the post office savings bank shall be added to and become part of the principal as of the thirty-first day of March in each year.

Secrecy.

No disclosure. 1931, c. 27.

35. Subject to *The Consolidated Revenue and Audit Act, 1931*, postmasters and other postal employees shall not disclose the name of any depositor in the post office savings bank or give any information concerning the amount that he has on deposit or the amount deposited or withdrawn, except to the Postmaster General or duly authorized postal employees.

Returns.

Monthly returns.

54. As soon as possible after the end of each month, the Postmaster General shall make a return to the Minister of Finance of all moneys deposited in and withdrawn from the post office savings bank during the preceding month, indicating the total amount on deposit at the end of each month, and the Postmaster General shall cause such monthly statement to be published in the *Canada Gazette*.

Publication in *Canada Gazette*.

Offences and Penalties.

Opening or secreting mail bag.

55. Every person who unlawfully opens or wilfully keeps, secretes, delays or detains, or procures, or suffers to be unlawfully opened, kept, secreted, or detained, any mail bag, post letter, or other article of mail, or any receptacle authorized by the Postmaster General for the deposit of mail, whether the same came into the possession of the offender by finding or otherwise, is guilty of an indictable offence.

Abandonment of mail.

56. Every person who abandons, obstructs or wilfully delays the passing or progress of any mail or mail conveyance is guilty of an indictable offence.

Savings Banks Act, Section 43 (2).

Savings Banks Act, Section 44.

Savings Banks Act, Section 13.

Savings Banks Act, Section 15.

Sections 82 and 86.

Section 90.

Refusal of toll-gate keeper to allow mail to pass.

57. Every toll-gate keeper who, whether for the purpose of collecting toll or other purpose, refuses or neglects forthwith upon demand to allow any mail or mail conveyance to pass through the toll-gate is guilty of an indictable offence.

Delay by ferryman.

58. Every ferryman who wilfully detains or delays or refuses to convey any mail or mail conveyance by his ferry is guilty of an indictable offence.

Explosives, dangerous substances, etc.

59. Every person who encloses in or with any letter, packet or other mailable matter sent by post, or puts into any post office, any explosive, dangerous or destructive substance or liquid or any matter or thing likely to injure or damage any mail or the person of any postal employee is guilty of an indictable offence.

Removal of stamp.

60. Every person who with fraudulent intent

(a) removes from any mail any postage stamp affixed thereon, or

(b) removes from any previously used postage stamp, any mark or cancellation that has been made thereon at any post office,

is guilty of an indictable offence.

Pledge of stamps.

61. Every postal employee or mail contractor who hypothecates, pledges or subjects to a lien, any postage stamps or postal remittances entrusted to him for safe keeping, sale or issue to the public, or for any other purpose, or who attempts to do so, is guilty of an indictable offence.

Conversion of public moneys.

62. (1) Every postal employee or mail contractor who converts to his own use in any way, or uses by way of investment in any kind of property, or lends with or without interest, or wilfully fails to deposit to the credit of the Receiver General of Canada, public moneys entrusted to him, is deemed to have stolen such moneys and is guilty of an indictable offence.

Evidence

(2) The neglect or refusal of any postal employee or mail contractor to transfer, disburse, or deposit, in accordance with the regulations, any public moneys in his possession is *prima facie* evidence of the conversion to his own use of such public moneys.

Participation.

(3) Every person who advises, or knowingly and willingly participates in, a contravention of subsection one is guilty of an indictable offence.

Destruction of records.

63. Every person who wilfully destroys, mutilates, obliterates, defaces, erases or changes any record or account of any transaction pertaining to the business of the Canada

Section 92.

Section 93.

Section 87.

Section 89.

Section 96.

Section 98 (1).

Section 98 (3).

Section 98 (2).

Section 95.

Post Office, or refuses to produce or to deliver to any inspector or other authorized officer of the Canada Post Office on demand, anything containing or that ought to contain any such record or account is guilty of an indictable offence.

Alteration of documents.

64. Every person who, with fraudulent intent, unlawfully issues or alters any postal remittance or post office savings bank pass-book or acknowledgment is guilty of an indictable offence.

Forging.

65. Every person who, with fraudulent intent, forges, counterfeits or imitates any postal remittance or any signature or writing in or upon any postal remittance, or a post office savings bank pass-book or authority of the Postmaster General for the withdrawal of moneys deposited in the post office savings bank or any signature or writing in or upon any such pass-book or authority, is guilty of an indictable offence.

Improper issue of postal remittances.

66. Every postal employee who issues any postal remittance without having first received and placed with the post office cash the sum payable therefor is guilty of an indictable offence, except in cases where postal remittances are used for the transaction of post office business under the regulations.

Evading payment of postage.

67. Every person who, for the purpose of evading the payment of postage, encloses a letter or any writing intended to serve the purpose of a letter in any article of mail not prepaid at letter rate is guilty of an offence.

Use of postage previously used.

68. Every person who uses or attempts to use in prepayment of postage any previously used postage stamp or who uses or attempts to use for the purpose of transmission by post any stamped post card, stamped envelope, stamped post-band or stamped wrapper that has been previously used is guilty of an offence.

Violation of P.M.G.'s privileges.

69. Every person who, in violation of the prerogatives of the Postmaster General under section eight, collects, conveys or delivers, or undertakes to collect, convey or deliver any letter within Canada, or receives or has in his possession within Canada any letter for the purpose of so conveying or delivering it, is, for each and every letter in respect of which the prerogative of the Postmaster General has been violated, guilty of an offence.

Section 83.

Section 85.

Section 94.

Section 88.

Section 100.

Section 101 (2).

Selling stamps.

70. Every person who, without the written licence of the Postmaster General, engages in the business of selling postage stamps to the public for the purpose of prepayment of postage is guilty of an offence.

Unlawful use of words "post office".

71. (1) Every person who, without the written licence of the Postmaster General, places or permits or causes to be placed or to remain on his house, building or premises the words "post office", or any other word or mark suggesting or indicating that such house, building or premises is a post office or a place for the receipt of letters, is guilty of an offence.

Unlawful use of postal marks.

(2) Every person who, without the written licence of the Postmaster General, places upon any article any word or mark suggesting or indicating that the article

(a) has been authorized or approved by the Postmaster General,

(b) is used in the Canada Post Office, or

(c) is of a kind similar to or the same as an article used in the Canada Post Office,

is guilty of an offence.

Unlawful franking.

72. Every person who unlawfully uses or affixes any mark, signature or initials upon mailable matter with the intent of securing transmission thereof by post free of postage or at a lower rate of postage or of indicating that the postage thereof or any part thereof has been prepaid or ought to be paid by or charged to any other person is guilty of an offence.

Penalty.

73. (1) Every person who is guilty of an indictable offence under this Act is liable, on conviction, to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

Idem.

(2) Every person who is guilty of an offence under this Act, other than an indictable offence, is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months or to both fine and imprisonment.

Stolen property.

74. The Postmaster General may, upon satisfactory evidence, pay over or deliver to such person as he considers to be the rightful owner thereof, any sum of money or other property stolen from the mails and recovered.

Evidence.

75. In any prosecution under this Act evidence that any thing bears the words "Post Office", "Canada Post Office", "Canada Mail" or any similar expression is *prima*

Section 99.

Section 101 (1).

New.

Section 84 *(e)*.

Revised in accordance with the penalty clauses in the *Criminal Code* and other statutes.

Section 19.

New.

facie proof that the thing was established or authorized for use in connection with the Canada Post Office under the authority of this Act.

Application of Other Acts.

Application of *Revenue Acts*.

76. Every Act of Parliament respecting the collection and management of the revenue, the auditing of the public accounts and the liabilities of public accountants, applies to the Canada Post Office, to postal employees and to persons collecting or accounting for postal revenue, except in so far as any provision of such Act is not susceptible of such application or is inconsistent with any provision of this Act.

Postmaster General's Report.

Report to Parliament.

77. (1) The Postmaster General shall submit annually to the Governor General a report of the Canada Post Office for the preceding fiscal year, containing a statement of the gross revenue collected, the amounts paid by the Postmaster General from revenue, the amounts paid into the Consolidated Revenue Fund, the amounts paid from moneys voted by Parliament, post office savings bank transactions, and information concerning such other activities of the Canada Post Office as the Postmaster General deems advisable.

When tabled.

(2) The report referred to in subsection one, if completed when Parliament is in session, shall be laid before Parliament forthwith, and if not so completed, within ten days after the commencement of the next ensuing session of Parliament.

Repeal.

Repeal.

R.S., c. 161.
R.S., c. 15.
1947, c. 60.

78. The *Post Office Act*, the *Savings Banks Act* and Part IX of the *Excise Tax Act* are repealed.

Section 3.

Section 81.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 333.

An Act to Declare the Meat Packing Industry Works for the General Advantage of Canada.

First reading, May 23, 1951.

Mr. STEWART (Winnipeg North).

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

86743

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 333.

An Act to Declare the Meat Packing Industry Works for the General Advantage of Canada.

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

Works and undertakings declared to be for the general advantage of Canada.

1948, c. 54.

1. Pursuant to paragraph *(g)* of section fifty-three of *The Industrial Relations and Disputes Investigation Act* and for the purpose of including them within the provisions of the said section, works, undertakings and businesses operated or carried on for or in connection with the packing or processing of meat or meat products and the sale thereof, exclusively or in conjunction with other works, undertakings or businesses, in two or more provinces, are declared to be for the general advantage of Canada.

Explanatory Note.

The purpose of this Bill is to make that part of the meat packing industry which carries on operations in two or more provinces subject to paragraph *(g)* of section fifty-three of *The Industrial Relations and Disputes Investigation Act.*

In matters of collective bargaining the industry will then be able to negotiate on a national basis and the Government of Canada will have the authority to deal with disputes in an industry whose smooth functioning is essential to the national economy.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 334 .

An Act to provide for the Jurisdiction of the Exchequer Court of Canada in Matters of Divorce.

First reading, May 23, 1951.

Mr. Knowles.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

86310

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 334.

An Act to provide for the Jurisdiction of the Exchequer Court of Canada in Matters of Divorce.

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

Short title.

1. This Act may be cited as *The Exchequer Court Divorce Jurisdiction Act.*

Jurisdiction of Exchequer Court.

2. The Exchequer Court of Canada (hereinafter referred to as "the Court") shall have jurisdiction to entertain an action for dissolution of marriage from a person domiciled in the province of Quebec or Newfoundland and shall have power and authority to grant a divorce *a vinculo matrimoni* to such a person on the ground that the defendant has since the celebration of his or her marriage been guilty of adultery.

Conditions upon which decree be pronounced.

3. If the Court is satisfied by the evidence that the case of the plaintiff has been proved, and does not find that the plaintiff has been in any manner accessory to or has connived at the adultery of the defendant, or that the plaintiff has condoned the adultery complained of, or that the action was commenced and is proceeded with in collusion with the defendant or the co-respondent, then the Court may give judgment declaring such marriage to be dissolved:

Proviso.

Provided always that the Court shall not be bound to give such judgment if it finds that the plaintiff since his marriage to the defendant has been guilty of adultery, or if the plaintiff has, in the opinion of the Court, been guilty of unreasonable delay in commencing or proceeding with the action or has been guilty of mental or physical cruelty to the defendant, or has, without just cause, deserted the defendant or separated *a mensa et thoro* from the defendant, before the adultery complained of or has otherwise conduced to the commission of adultery by the defendant.

Explanatory Note.

There are at present courts for divorce and matrimonial causes in all the provinces except Quebec and Newfoundland. In these provinces, a plaintiff can obtain dissolution of marriage only by a private Act of the Federal Parliament. As the number of divorce cases has considerably increased in the last ten years, this procedure for that and various other reasons is becoming more and more objectionable. The purpose of this Bill is therefore to provide that the Exchequer Court of Canada will in future have jurisdiction in divorce in the case of actions originating from Quebec and Newfoundland. The jurisdiction as to alimony, care of the children and other matrimonial causes will remain in the provincial courts of those two provinces.

This Bill does not change the grounds for divorce. It does not establish divorce courts in Quebec or Newfoundland. It does not make available to persons residing in Quebec or Newfoundland anything not now available to them. It merely transfers the hearing of divorce petitions, in the case of persons residing in these two provinces, from Parliament to the Exchequer Court of Canada and it provides further that the said Court shall hear such divorce cases only at Ottawa.

Jurisdiction to be exercised at Ottawa.

4. The jurisdiction conferred upon the Exchequer Court of Canada by this Act shall be exercised only at the city of Ottawa.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 352.

An Act to amend The Veterans Insurance Act.

First reading, May 29, 1951.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

86304

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 352.

An Act to amend The Veterans Insurance Act.

1944-45, c. 49; 1947-48, c. 72; 1949 (1st. sess.), c. 6.

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

Definition of "child" amended.

1. (1) Subparagraphs (i) and (ii) of paragraph *(c)* of section two of *The Veterans Insurance Act*, chapter forty-nine of the statutes of 1944-45, are repealed and the following substituted therefor:

"(i) a legally adopted child;

(ii) a stepchild who is designated by the insured as a beneficiary and in such designation is described either by name or as a stepchild; and"

(2) Paragraphs *(g)* and *(h)* of section two of the said Act are repealed and the following substituted therefor:

"Minister". "*(g)* 'Minister' means the Minister of Veterans Affairs or such other Minister as the Governor in Council may from time to time determine;

"parent". *(h)* 'parent' includes a father, mother, grandfather, grandmother, stepfather, stepmother, foster-father, foster-mother, of either the insured or the spouse of the insured;"

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

"service". "*(j)* 'service' means,

(i) service in the naval, army or air forces of Canada by any person while in receipt of either active service rates of pay or of Permanent Force rates of pay; or

(ii) active service in the naval, army or air forces of His Majesty by any person domiciled in Canada at the commencement thereof;"

Explanatory Notes.

1. (1) Subparagraph (i) of paragraph *(c)* of section two now reads:

"(i) a child legally adopted *before the coming into force of this Act or not less than five years before the death of the insured;*".

This amendment eliminates the time restrictions found in the present section and allows any legally adopted child to benefit as a "child" under the Act.

Subparagraph (ii) of paragraph *(c)* of section two now reads:

"(ii) a stepchild, *if a member of the veteran's household;*"

This amendment makes it possible without restriction for the insured, if he so wishes, to leave his insurance to a stepchild.

(2) Paragraph *(g)* of section two now reads:

"*(g)* "Minister" means the Minister of *Finance* or such other Minister as the Governor in Council may from time to time determine;"

This amendment places in the Act the provisions of Order in Council P.C. 8051 of the 17th of October, 1944, under which the Minister of Veterans Affairs was named the Minister to administer the Act.

Paragraph *(h)* of section two now reads:

"*(h)* "parent" includes a father, mother, grandfather, grandmother, stepfather, stepmother, of either the *veteran or the wife or husband* of the veteran;"

Under authority of section sixteen (i) of the Act, the classes of foster-father and foster-mother were included in the definition of "parent" by Order in Council P.C. 5604 of the 16th of August, 1945. The words "insured" and "spouse of the insured" are used for clarification purposes and are substituted for the words "veteran or the wife or husband of the veteran".

(3) The word "army" is substituted for the word "military" where the said word appears in subparagraphs (i), (ii) of paragraph *(j)* of section two; the change to conform to the wording of *The Canadian Forces Act.*

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

"war".

"*(l)* 'war' means the war that commenced in September, one thousand nine hundred and thirty-nine, and which, for the purposes of this Act, shall be deemed to have terminated on the thirtieth day of September, one thousand nine hundred and forty-seven."

2. Subsection one of section three of the said Act, as amended by section one of chapter seventy-two of the statutes of 1947-48, and subsection two of section three of the said Act are repealed and the following substituted therefor:

Eligible persons and amount of contract.

"**3.** (1) The Minister may, without requiring medical examination or other evidence of insurability, enter into a contract of insurance that provides for the payment in the event of the death of the insured of five hundred dollars or any multiple thereof not exceeding ten thousand dollars,

(a) with a veteran, at any time on or before the thirty-first day of December, one thousand nine hundred and fifty-four or within ten years after the date of his discharge from service, whichever is the later; or

(b) with any of the following persons, at any time on or before the thirty-first day of December, one thousand nine hundred and fifty-four,

(i) the widow or widower of a veteran, if the Minister has not entered into a contract of insurance with the veteran,

(ii) the widow or widower of a person who died on service during the war,

(iii) a person who is an officer or man in any of the components of the Canadian Forces that are referred to in *The National Defence Act* as the regular forces, who has not been released from such forces and who was engaged in service during the war,

1950, c.43

(iv) a merchant seaman who received or was eligible to receive a bonus pursuant to The Merchant Seamen Special Bonus Order, or a seaman who received or was eligible to receive a War Service Bonus pursuant to The Merchant Seamen War Service Bonus Order, 1944, and

(v) any other person who is, under the *Pension Act*, in receipt of a disability pension relating to the war.

(4) Paragraph *(l)* of section two now reads:

"*(l)* "war" means the war *which* commenced in September, one thousand nine hundred and thirty nine."

This amendment fixes a date for the termination of the war for purposes of the Act. The date so fixed is the date on which by Order in Council P.C. 2327 of June 17th, 1947, the members of the forces were taken off active service.

2. Subsection one of section three. This amendment extends the time for taking out insurance. The Act, as passed in 1944, authorized the Minister to enter into a contract of insurance with a veteran or his widow during a period of three years after discharge or within three years after coming into force of the Act. A pensioner had to apply within three years of receiving a pension or three years after the coming into force of the Act. In 1948 the Act was amended extending the period during which a veteran and certain other persons might apply for a policy of insurance. It is now proposed that all eligible persons, including veterans, have until December 31st, 1954, to make application for insurance. The cut-off date for a person who is a veteran may, however, be ten years after the date of his discharge if that date is later than December 31st, 1954.

Subparagraph (iii) of paragraph *(b)* of subsection one of section three conforms to terminology in *The National Defence Act*.

Limitation where person also insured under *The Returned Soldiers' Insurance Act*, 1920, c.54

(1*a*) Where a contract of insurance is entered into under this Act with a person whose life is insured under *The Returned Soldiers' Insurance Act*, the amount of insurance under such contract shall be limited so that the aggregate amount of insurance in force on his life under *The Returned Soldiers' Insurance Act* and this Act does not exceed ten thousand dollars.

How payable.

(2) Payment under a contract of insurance shall be made on the death of the insured in an amount not exceeding two thousand dollars and the remainder, if any, or the portion thereof to which any beneficiary is entitled, shall, at the option of the insured, be payable as

(a) an annuity certain for five, ten, fifteen or twenty years;

(b) a life annuity; or

(c) an annuity guaranteed for five, ten, fifteen or twenty years and payable thereafter as long as the beneficiary may live."

3. Section five of the said Act is amended by adding thereto the following subsection:

Where deemed to be totally and permanently disabled.

"(2) The insured shall, for the purposes of this section, be deemed to be totally and permanently disabled where his total disability has existed continuously for a period of at least one year."

4. (1) Subsection two of section six of the said Act is repealed and the following substituted therefor:

Future spouse and children as beneficiaries.

"(2) Where the insured is unmarried, or is a widow or a widower or divorced, and without children, the beneficiary shall be the future spouse or future children of the insured, or some one or more of such persons".

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

Where no designated beneficiary.

"(5) Where the insured does not designate a beneficiary, or where all of the beneficiaries designated by him die within his lifetime, the insurance money shall be paid to the spouse and the children of the insured in equal shares, and if the insured survives the spouse and all the children of the insured and there is no contingent beneficiary within the meaning of section seven surviving the insured, the insurance money shall fall into and become part of the estate of the insured."

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

Payment to contingent beneficiaries or to estate.

"(2) Where the insured survives the spouse and all the children of the insured, the insurance money shall be paid to the contingent beneficiary or beneficiaries, if any, but in

(1) *(a)* This is not a change except that the proviso in subsection (1) of section three of the Act is more logically set out as a subsection and numbered (1*a*).

(2) This amendment increases the amount of the insurance proceeds payable on death from one thousand dollars to two thousand dollars.

3. New. This amendment will remove vagueness in certain cases as to what constitutes a permanent disability.

4. (1) Subsection two of section six now reads:

"(2) Where the insured is unmarried, or is a widow or a widower or divorced, and without children, the beneficiary shall be the future spouse, or the future spouse and children, of the insured."

This amendment gives the insured the alternative choice of naming his future spouse or future children or someone or more of such persons.

(2) The words "section seven" are substituted for the words "the next following section" as an improvement in drafting. The other change is the striking out of the reference to section eleven now in subsection five of section six. Section eleven restricted the insurance benefits under a contract to the reserve on the policy. The provisions of section eleven respecting the reserve are being repealed with the result that where the reserve only was paid heretofore to an estate, the face value of the policy will hereafter be paid.

5. By this amendment the words "subject to section eleven of this Act" are struck out. This is necessary for the reason that section eleven is being repealed.

default of the disignation of a contingent beneficiary, or in the event of the death of all the contingent beneficiaries within the lifetime of the insured, the insurance money shall fall into and become part of the estate of the insured."

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

War clauses.

"**11.** (1) A contract of insurance may, in such manner and terms and to such extent as the Governor in Council may prescribe, restrict the benefits payable thereunder where the death of the insured occurs and the cause thereof occurs while he is a member of any naval, army or air forces and the cause of death arose out of or was directly connected with his service as a member of such forces.

Meaning of 'service'.

(2) For the purposes of subsection one, 'service' means any service of the insured, after entering into the contract of insurance, as a member of any naval, army or air forces.

Not applicable to prior contracts.

(3) Subsection one does not apply to contracts of insurance that are entered into before the coming into force of this section."

7. Section fifteen of the said Act is repealed and the following substituted therefor:

Death of applicant before completion of contract.

"**15.** Where an application for insurance is made and the applicant dies before the contract of insurance is entered into, the contract shall be deemed to have been entered into if the initial premium is paid and the application is one that would have been approved if the applicant had not died.

Payment to estate of deceased beneficiary.

15A. Where a beneficiary or contingent beneficiary survives the insured but dies before receiving all of the insurance money to which under the contract of insurance such beneficiary or contingent beneficiary is entitled, the remaining unpaid money shall be paid, as it falls due or otherwise as the Minister may determine, to the estate of the deceased beneficiary or deceased contingent beneficiary.

Insured or beneficiary may be Member of Parliament.

R.S., c. 147.

15B. Notwithstanding the *Senate and House of Commons Act*, or any other law, no person, by reason only of his entering into a contract of insurance or receiving a benefit under this Act, is liable to any forfeiture or penalty imposed by the *Senate and House of Commons Act* or disqualified as a member of the House of Commons or incapable of being elected to, or of sitting or voting in the House of Commons."

6. Section eleven now reads:

"*11.* (1) *Where, under this Act, the insurance money falls into and becomes part of the estate of the insured, such estate shall be entitled to receive only the reserve under the contract at the time of the death of the insured.*

(2) *In this section the word "reserve" means the net premium value of the contract on the basis of the British Offices Life Tables,* $O^{m(5)}$ *with interest at the rate of three and one-half per centum per annum.*"

The new section eleven deals with an entirely new subject, namely, authority for a war clause to be included in contracts of insurance under the Act, the terms and extent of such clause to be prescribed by the Governor in Council. The war clause may only be inserted in those contracts entered into after the coming into force of this section.

7. Section fifteen at present reads:

"*15.* Where an application for insurance is made and the applicant dies before the contract of insurance is entered into, the contract shall be deemed to have been entered into if the *application is approved and the initial premium is accepted by the Minister.*"

Amendment to apply where the death of an applicant for insurance occurred before his application had been approved at Head Office. Certain necessary time elapses between the signing of an application and receipt at Head Office. Heretofore there was no contract of insurance for the reason that the Minister had no authority to enter into a contract with a dead person. This amendment gives the Minister that authority if the initial payment is paid and the application is one that would have been approved if the applicant had not died.

15A. This section is new and confirms the rule that the insurance money is to be paid to the estate of a beneficiary where such beneficiary survives the insured but dies before receiving all the insurance money.

15B. Self-explanatory. Added to set at rest any existing doubt.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 353.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1952.

AS PASSED BY THE HOUSE OF COMMONS, 30th MAY, 1951.

(Note:- No first reading of Supply Bills is usually printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
87067 1951

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 353.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1952.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 3, 1951.*

$206,696,711.58 granted for 1951-52.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole two hundred and six million, six hundred and ninety-six thousand, seven hundred and eleven dollars and fifty-eight cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being one-twelfth of the amount of each of the items (with the exception of items 62, 121, 204 and 470) to be voted set forth in the Main Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty-two, as laid before the House of Commons at the present session of Parliament.

$1,578,279.67 granted for 1951-52.

3. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount granted therefor by section two of this Act, a sum not exceeding in the whole one million, five hundred and seventy-eight thousand, two hundred and seventy-nine dollars and sixty-seven cents, towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being one-twelfth of the amount of the several items to be voted set forth in Schedule A to this Act.

Account to be rendered in detail.

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

SCHEDULE A

Based on the Main Estimates, 1951-52. The amount hereby granted is $1,578,279.67, being one-twelfth of the amount of the several items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1952, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
41	To provide for Quality Premiums on High Grade Hog Carcasses and Administration Costs	5,536,000	
	EXTERNAL AFFAIRS		
86	Representation Abroad—Operational—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor General in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments	4,492,816	
	JUSTICE		
177	Payments of gratuities to the widows or other dependents of judges who die while in office	15,000	
	MINES AND TECHNICAL SURVEYS		
226	Geological Survey of Canada— Administration, Operation and Maintenance	1,414,173	
229	Topographical Surveys, including expenses of the Canadian Board on Geographical Names— Administration, Operation and Maintenance	1,367,946	
231	Canadian Hydrographic Service— Administration, Operation and Maintenance	1,575,902	
233	Geodetic Survey of Canada— Administration, Operation and Maintenance	661,935	
235	Legal Surveys and Aeronautical Charts— Administration, Operation and Maintenance	548,907	
238	Geographical Branch— Administration, Operation and Maintenance	240,711	
239	Dominion Observatory, Ottawa— Administration, Operation and Maintenance	332,148	
	PUBLIC ARCHIVES		
328	General Administration and Technical Services	263,473	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT		
	Water Resources Division—		
394	To provide for studies and surveys of the Columbia River Watershed in Canada	381,095	
426	To assist in promoting the Tourist Business in Canada	1,503,197	
	TRADE AND COMMERCE		
456	Canadian International Trade Fair, 1951, including authority to refund from revenue deposits received for contracts for space	606,053	
			*18,939,356

* Net total $1,578,279.67.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 355.

An Act respecting Weights and Measures.

First reading, May 31, 1951.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87021

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 355.

An Act respecting Weights and Measures.

R.S., c. 212; 1935, c. 48; 1937, c. 18; 1950, c. 50.

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 Weights and Measures Act.*

Interpretation.

Definitions.

2. In this Act,

"inspector".

(a) "inspector" means an inspector of weights and measures appointed under this Act, and includes any person authorized by the Minister to perform the duties of an inspector;

"manufacturer".

(b) "manufacturer" includes a person who assembles component parts whether manufactured by him or not;

"measure".

(c) "measure", with respect to a linear or volume measuring device, means a static measure having no moving parts incorporated therein, but includes a roller tape-measure of any material;

"measuring machine".

(d) "measuring machine" means a measuring device having any moving part incorporated therein or associated therewith, and includes a tank or other receptacle having a tap or other mechanical means of discharge;

"Minister".

(e) "Minister" means the Minister of Trade and Commerce;

"pound".

(f) "pound" means the Canadian standard pound defined in *The Length and Mass Units Act* and set forth in Schedule II;

"pre-packaged goods".

(g) "pre-packaged goods" means goods packaged in a wrapper or container ready for retail sale; and, if

Explanatory Notes.

The present Act has had no general revision since it was passed in 1873. The general purposes of the Bill are:

(1) To modernize and clarify its provisions so as to bring them more into accord with modern merchandising conditions by

(a) providing clear authority for classifying weighing and measuring devices into

(i) those which are approved for use in trade and will be subject to original and annual inspection for accuracy, and

(ii) those which are inherently unfit for use in trade, will be excluded from use in trade and will not require inspection;

(b) clearly distinguishing the respective duties and responsibilities of

(i) manufacturers and importers of weighing and measuring devices,

(ii) dealers in those devices, and

(iii) traders using those devices;

(c) providing more practicable means of ensuring against short weight or short measure of pre-packaged goods;

(d) providing practicable means of ensuring accuracy of static linear and volume measuring devices, such as rulers and many types of measuring vessels which, by reason of their production in great volume, cannot be inspected individually; they will be required to conform to an approved prototype;

(e) confining the statutory requirements regarding static measures to true measures, omitting directions respecting mere containers such as bottles, cans, casks and barrels;

(f) providing for the continuance of certain weights and measures long-established in Newfoundland and not authorized for use elsewhere in Canada;

(g) clarifying the duties of inspectors and, in so doing, eliminating the use of cumbersome and expensive adhesive stamps as evidence of payment of inspection fees;

goods packaged in a wrapper or container are found in premises where such goods are packaged or kept for sale, they shall *prima facie* be deemed to be packaged ready for retail sale;

"trade". *(h)* "trade" means dealing in goods, wares or merchandise sold by weight or measure, or performing the service of weighing or measuring, or performing a service for which payment is determined by weight or measure;

"trader". *(i)* "trader" means any person engaged in trade; and

"yard". *(j)* "yard" means the Canadian standard yard defined in *The Length and Mass Units Act* and set forth in Schedule II.

STANDARDS OF WEIGHTS AND MEASURES.

Uniformity. **3.** Except as otherwise provided in this Act, the weights and measures used throughout Canada shall be uniform.

Reference standards. **4.** The standards of measure and weight, more particularly described in Schedule I, that by the *Weights and Measures Act*, chapter two hundred and twelve of the Revised Statutes of Canada, 1927, were designated as departmental standards and have been calibrated and certified by the National Research Council under *The Length and Mass Units Act*, shall remain in the custody of the Minister and shall be known as reference standards of weight and measure.

Local standards. **5.** Local standards derived from the reference standards and compared and verified under the direction of the Minister in accordance with this Act shall be used by inspectors for the purpose of inspection and verification of weights and measures and for any other purpose prescribed or authorized by this Act.

Former Dominion standards. **6.** The bronze bar and platinum-iridium weights, more particularly described in Schedule IV, that were placed in the custody of the Minister of Inland Revenue as provided in *An Act respecting Weights and Measures*, chapter forty-seven of the statutes of 1873, and at the coming into force of this Act were in the custody of the Minister, and the Parliamentary copies thereof, more particularly described in Schedule IV, that were placed in the custody of the Speaker of the Senate as provided in that Act and at the coming into force of this Act were in the custody of the Speaker of the Senate, shall, subject to any order of the Governor in Council as to the custody thereof, be preserved in the custody of the National Research Council.

(h) revising the penalty provisions by

(i) collecting in one section the penalties presently scattered through the Act;

(ii) making the penalties more adequate and uniform and, in so doing, eliminating minimum penalties so that all penalties will be in the discretion of the court;

(iii) eliminating unused provisions which provide for voluntary payment of penalties to an inspector without prosecution and which provide for civil suits by any person to recover penalties and for division of the proceeds with the Crown if that person is not an inspector, so that all penalties will be those imposed in prosecutions;

(iv) revising the provisions respecting forfeiture of condemned weighing and measuring devices, so that forfeiture must be declared by a court; and

(i) generally clarifying the statutory requirements; and

(2) To revise the provisions referring to standards, so they will harmonize with the proposed *The Length and Mass Units Act.*

New denominations.

7. The Minister shall, from time to time, cause to be made such new denominations of reference standards as are required in addition to those mentioned in Schedule I and shall cause them to be calibrated and certified by the National Research Council, and may cause local standards derived therefrom to be made for use by inspectors.

Cancellation of reference standard.

8. The Governor in Council may declare that a reference standard of any denomination shall cease to be a reference standard.

Canadian Measures of Length.

Standard yard.

9. (1) The yard is the only unit or standard measure of extension from which all other Canadian measures of extension, whether of length, of surface or of volume, are derived.

Foot and inch.

(2) One-third of the yard is a foot and the twelfth part of a foot is an inch.

Rod.

(3) The rod, pole or perch, in length, contains five and one-half yards.

Chain.

(4) The chain contains twenty-two yards, and the link is the one-hundredth part of the chain.

Furlong.

(5) The furlong contains two hundred and twenty yards.

Mile.

(6) The mile contains one thousand seven hundred and sixty yards.

Rood.

10. (1) The rood of land contains one thousand two hundred and ten square yards.

Acre.

(2) The acre of land contains four thousand eight hundred and forty square yards.

Cord.

(3) The cord contains one hundred and twenty-eight cubic feet.

Measures for seigniorial lands in Quebec.

11. (1) In the province of Quebec, the measures of length and superficies for all land comprised in those parts of the province originally granted under the seigniorial tenure, are French measure, the ratio and proportion of which to the Canadian standard measures are as follows, that is to say:—

French foot.

(a) the foot, French measure or Paris foot, contains twelve inches and seven hundred and eighty-nine thousandths of an inch;

Arpent.

(b) the arpent, when used as a measure of length, is one hundred and eighty French feet and, when used as a measure of superficies, is thirty-two thousand four hundred square French feet;

Perch.

(c) the perch, as a measure of length, contains eighteen French feet; and, as a measure of superficies, contains three hundred and twenty-four square French feet.

Application.

(2) The provisions of this section apply only to territorial measurement.

Toise and aune.

(3) The French measure toise and aune shall not be used.

Canadian Measures of Weight and Capacity.

Standard pound.

12. (1) The pound is the only unit or standard measure of weight from which all other Canadian weights and measures having reference to weight are derived.

Ounce.

(2) One-sixteenth part of the pound is an ounce.

Dram.

(3) One-sixteenth part of an ounce is a dram.

Grain.

(4) One seven-thousandth part of a pound is a grain.

Cental or cwt.

(5) A cental or hundred-weight is one hundred pounds.

Ton.

(6) A ton is twenty centals or two thousand pounds.

Ounce troy.

(7) An ounce troy is four hundred and eighty grains.

Avoirdupois weights.

(8) All weights mentioned in this section, except the ounce troy, shall be deemed to be avoirdupois weights.

Standard gallon.

13. (1) The unit or standard measure of capacity from which are derived all other Canadian measures of capacity, whether of liquids or otherwise, is the gallon, which contains ten Canadian standard pounds weight of distilled water weighed in dry air against brass weights of density 0·30346 of a pound per cubic inch with the water and air at sixty-two degrees of Fahrenheit's thermometer and the barometer at thirty inches.

Quart.

(2) The quart contains one-fourth of the gallon.

Pint.

(3) The pint contains one-eighth of the gallon.

Peck.

(4) A peck contains two gallons.

Bushel.

(5) A bushel contains eight gallons.

Fluid ounce.

(6) The one hundred and sixtieth part of the gallon by volume is a fluid ounce.

Metric equivalents of Canadian weights and measures.

14. (1) The tables in Schedule III shall be deemed to set forth the equivalents in Canadian weights and measures of the weights and measures therein expressed in terms of the metric system.

(2) The tables in Schedule III may be used for computing and expressing weights and measures in the terms of the metric system of weights and measures.

Newfoundland.

15. Such weights and measures as the Governor in Council may designate may be used in the province of Newfoundland for such period as the Governor in Council may prescribe.

Administration.

Calibration of reference standards.

16. Once at least in every five years, the Minister shall cause the reference standards to be calibrated and certified by the National Research Council.

Renewal of standard.

17. When a reference standard or a local standard becomes lost or destroyed or defaced or otherwise injured, the Minister shall cause the standard to be restored.

Custody of apparatus and records.

18. The Minister shall have the custody of all balances, apparatus, books, documents and things used by the department in connection with the reference standards or local standards or relating thereto.

Director of Standards.

19. (1) A Director of Standards, hereinafter called the Director, may be appointed in the manner authorized by law, who shall, under direction of the Minister, have the general supervision and direction throughout Canada of the work and inspection necessary to give effect to this Act.

Standards to be calibrated.

(2) From time to time, the Director shall cause the local standards to be calibrated, adjusted if necessary, and certified.

Certificate to be evidence.

(3) A certificate purporting to be signed by the Director or by any person authorized by the Director is *prima facie* evidence of the facts stated therein and that the calibration therein described has been performed.

Record to be kept.

20. A record shall be kept under direction of the Minister showing the particulars of all calibrations of reference standards and local standards.

Marking of Weights and Measures.

Marking of weights.

21. (1) Every weight used in trade or held in possession for use in trade, except when the small size of the weight renders it impracticable, shall have the denomination thereof marked on the top or side thereof in legible figures and letters by stamping or engraving.

Marking of measures.

(2) Every measure of capacity used in trade or held in possession for use in trade shall have the denomination thereof marked on the outside of such measure in legible figures and letters by stamping or engraving.

Weighing machines and measuring machines.

(3) Every weighing machine and measuring machine used in trade or held in possession for use in trade, and the weights or poises or other things used therewith, shall be marked in such place and in such manner as may be prescribed by regulation.

Non-conforming weights, measures, etc.

(4) A weight, measure, weighing machine or measuring machine not marked in conformity with this section shall not be stamped with a stamp of verification under this Act.

USE OF WEIGHTS AND MEASURES.

Contracts to be by standard weights and measures.

22. (1) Every transaction, that is to say, every contract, sale, dealing, service rendered or act performed in Canada, in respect of any work, goods, wares or merchandise in terms of weight or measure, shall be made or performed in terms of Canadian standard weight or measure or the metric equivalent thereof, and every such transaction that is not so made or performed is void.

Certificate of weight or measure.

(2) Every person who certifies or designates the weight or measure of anything weighed or measured by him shall express such weight or measure in terms of Canadian standard weights or measures or the metric equivalent thereof.

Required weight.

(3) Every such transaction by weight, except transactions in precious metals or precious stones and such other transactions as may be designated by regulation, shall be by avoirdupois weight or the metric equivalent thereof.

Tolls and duties.

23. All tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the Canadian weights or measures or the metric equivalent thereof, or to some multiple or fraction thereof.

Regional weights and measures not to be used.

24. Regional or customary standards of weights or measures shall not be used.

Use of static measure of capacity.

25. When a static measure of capacity is used in trade to measure a commodity, it shall be completely filled and stricken with a straight, round stick or roller of the same diameter from end to end, or, if the commodity cannot be stricken by reason of its shape or size, the measure shall be filled in all parts as nearly to the level of the brim as possible.

Pre-packaged goods.

26. (1) Except as may be provided by regulation, where pre-packaged goods are sold or displayed for sale by weight or measure, the net quantity in the wrapper or container shall be correctly indicated on the wrapper or container or on a ticket, card or label displayed or associated therewith.

Evidence.

(2) For the purpose of subsection one, goods that were packaged by weight or measure shall, if sold or displayed for sale, be deemed to have been sold or displayed for sale by weight or measure.

Inspectors and Inspection.

Inspectors.

27. (1) Inspectors of weights and measures and such other officers as are required for the enforcement and administration of this Act may be appointed in the manner authorized by law.

Disqualification.

(2) No person appointed or employed in the administration or enforcement of this Act shall make or sell weights, measures, weighing machines, measuring machines or parts thereof but, under special instructions from the Minister in that behalf, an inspector may adjust or alter any weight verified by him or submitted to him for verification, and collect therefor such fee as is authorized by the Governor in Council.

Oath of Office.

28. Each inspector shall, on appointment, take an oath for the faithful discharge of his duties, and shall be bonded, in a sum fixed by the Governor in Council, for the safe custody and preservation of the standard weights and measures and other apparatus entrusted to him, for their delivery over to his successor in case of his resignation or removal from office, and for duly accounting for all moneys collected by him.

Use of standards.

29. The standards and other apparatus in the custody of an inspector shall be used solely for the purpose of comparing and verifying weights, measures, weighing machines and measuring machines, or otherwise in the administration and enforcement of this Act.

Time for verification.

30. Unless otherwise provided by regulation, all weights, measures, weighing machines and measuring machines authorized by or under this Act for use in trade shall be inspected, verified and stamped at least once every year.

Examination of weights, etc.

31. (1) Within his division, the inspector shall, at all proper times, carefully examine and compare all weights, measures, weighing machines and measuring machines authorized by or under this Act for use in trade.

Verification at owner's request.

(2) An inspector may also, at any time, inspect, verify, stamp and certify any weights, measures, weighing machines and measuring machines at any place in his division.

Stamping.

(3) When an inspector finds a weight, measure, weighing machine or measuring machine to be correct and just, he shall stamp the same in such manner as is, from time to time, directed by the Minister, who shall furnish such stamps, brands and implements as he thinks proper for that purpose.

Power of entry to inspect.

32. An inspector may, at all reasonable times, without notice, enter any shop, store, warehouse, stall, yard or place whatsoever, within his division, where any commodity is bought, sold, exposed or kept for sale, or where a charge is made for the service of weighing or measuring or for the carriage or conveyance of any thing by weight or measure, and

(a) there examine all weights, measures, weighing machines and measuring machines, and compare them and try them with the local standards of weight and measure in his possession; and

(b) inspect and check any pre-packaged goods for the purpose of ascertaining the weight or measure thereof or whether the contents thereof correctly correspond to the weight or measure indicated on the container or otherwise.

Minute book.

33. (1) An inspector shall keep a book in which he shall enter a record of all inspections and verifications made by him.

Certificate of verification.

(2) At the time of inspection of any weight, measure, weighing machine or measuring machine, an inspector shall deliver to the owner thereof, or to the person apparently in charge of it, a certificate under his hand setting forth the fact and date of such inspection and specifying every weight, measure, weighing machine or measuring machine that was verified or inspected.

Certificate to be evidence.

(3) A certificate issued under subsection two is *prima facie* evidence that the inspection and verification have been performed as described in such certificate.

Stamped weight, etc. used in another division.

34. No weight, measure, weighing machine or measuring machine duly stamped by any inspector is required to be re-stamped by reason only that it is used beyond the limits of the inspection division within which it was originally stamped.

Regulations.

Powers of Governor in Council.

35. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations respecting

(a) the duties of inspectors and their assistants;

(b) the replacement and use of standards of weights and measure;

(c) the methods of inspecting, verifying and stamping weights, measures, weighing machines, measuring machines and local standards and of certifying such verification;

(*d*) the amount of error that may be tolerated in weights, measures, weighing machines and measuring machines;

(*e*) the shapes, dimensions and proportions to be required in weights, measures, weighing machines and measuring machines and the materials of which they are made;

(*f*) the marking of denominations on weights, measures, weighing machines and measuring machines;

(*g*) the weights, measures, weighing machines or measuring machines that shall or shall not be legal for use in trade and how they shall be marked to so indicate;

(*h*) the frequency with which weights, measures, weighing machines and measuring machines shall be inspected, verified or stamped;

(*i*) the requirements to be observed, the facilities, apparatus and assistance to be provided and the proper storage of testing equipment to be furnished by owners of weights, measures, weighing machines and measuring machines for the purpose of the inspection and verification thereof;

(*j*) the form of receipts, certificates or other documents to be given by inspectors upon inspection and verification and their production at the request of an inspector;

(*k*) the fees to be paid to inspectors for inspecting and verifying weights, measures, weighing machines and measuring machines or for weighing or measuring goods under this Act and the time, manner and evidence of payment thereof; and, in such cases as he deems proper, prescribing the fees that may be paid during a specified period, not exceeding one year, instead of upon each inspection and verification, and the time, manner and evidence of payment thereof;

(*l*) the measurement of wood;

(*m*) the weight of wrappers or containers of commodities sold by weight;

(*n*) the marking of wrappers or containers of pre-packaged goods sold by weight or measure, or on tickets, cards or labels displayed or associated therewith, to indicate the contents of the wrapper or container;

(*o*) the amount of error that may be tolerated in pre-packaged goods; and

(*p*) the exemption of any pre-packaged goods from the operation of any provision of this Act.

Inspection divisions.

(2) For the purposes of this Act the Governor in Council may divide the whole or any part of Canada into inspection divisions or districts and fix the boundaries thereof

Inspection Fees.

Payment of inspection fees.

36. All fees collected under this Act shall form part of the Consolidated Revenue Fund, and, unless otherwise provided by regulation, all fees prescribed for any services performed under this Act shall be paid at the time the service is performed.

Cases of dispute.

37. In case of dispute between a trader and another person as to the correctness of a weight, measure, weighing machine or measuring machine that an inspector is requested to inspect, the fees for such inspection shall be paid by the trader if the weight, measure or machine is found to be incorrect and by the other person if it is found to be correct.

Refusal to pay fees.

38. (1) When any person refuses to pay the inspection fees payable by him, on demand of an insepctor, the inspector may seize sufficient of the weights, measures, weighing machines or measuring machines for the inspection of which the fees are due, and retain them until the fees and all expenses incurred are paid.

Fees recoverable as debt due to Crown.

(2) All fees payable under this Act are recoverable in any court of competent jurisdiction as a debt due to the Crown.

Accounts.

Accounts.

39. Separate accounts shall be kept of all expenditures incurred and of all fees and other moneys collected or received under this Act and a statement of such accounts shall be included in the annual report of the Minister under the *Department of Trade and Commerce Act.*

R.S. c. 200.

Offences and Penalties.

Using other than Dominion weight or measure.

40. Every person who violates subsection one, subsection two or subsection three of section twenty-two is guilty of an offence.

Weighing beyond capacity.

41. Every trader who uses a weighing machine to weigh beyond its capacity certified under this Act is guilty of an offence.

Stamping without verifying.

42. Any inspector who stamps any weight, measure, weighing machine or measuring machine without having duly compared and verified it with the standard or other instrument provided for the purpose is guilty of an offence.

Short weight or measure.

43. (1) Except as provided in subsection two, every person who sells, delivers or causes to be sold or delivered anything by weight, measure or number short of the quantity purchased is guilty of an offence.

Weight of wrapper.

(2) When goods that are not pre-packaged goods are sold by weight and wrapped, the weight of the wrapper may be included in the weight purported to be sold if it does not exceed the tolerance that may be prescribed by regulation.

Sale in container.

44. When goods that are not pre-packaged goods are sold by measure in a container, the container shall not be used as a measure unless it has been approved as a measure and is marked in accordance with this Act.

False or unjust weight, etc.

45. (1) Every trader who uses in trade or who has in his possession for use in trade any weight, measure, weighing machine or measuring machine that is false or unjust is guilty of an offence.

Evidence.

(2) For the purposes of this Act possession of any weight, measure, weighing machine or measuring machine by a trader shall be deemed *prima facie* to be possession by him for use in trade.

Use of weights, etc., not marked or stamped.

(3) Every trader who uses in trade or has in his possession, and every dealer in weights, measures, weighing machines or measuring machines not manufactured by him who has in his possession,

(a) any weight or measure that is required by section twenty-one or the regulations to be marked and is not so marked, or

(b) any weighing machine or measuring machine that is required by section twenty-one or the regulations to be marked and is not so marked and that is required by section thirty-one or the regulations to be stamped by an inspector and is not so stamped,

is guilty of an offence.

Seizure and confiscation.

(4) An inspector may seize and confiscate every weight or measure that is not marked as required by section twenty-one and the regulations and is in the possession of a trader or dealer described in subsection three, and every weight and measure so seized and confiscated may be disposed of as the Minister may direct.

Fraud in use of weight, etc.

46. When any fraud is wilfully committed in the use of any weight, measure, weighing machine or measuring machine, the person who committed the fraud and every person who was a party to the fraud is guilty of an offence.

Failure to adjust or mark as directed.

47. (1) Every manufacturer or importer who, in accordance with the regulations, submits a weight, measure, weighing machine or measuring machine for inspection

prior to its use and sells or otherwise disposes of it without having marked it as required by section twenty-one and the regulations is guilty of an offence.

Non-conforming static measuring device.

(2) Every manufacturer or importer who has the prototype of a measure approved under the regulations and sells or otherwise disposes of to a trader or dealer a measure that does not conform to such approved prototype is guilty of an offence.

Selling unstamped weight, etc.

48. (1) Every manufacturer or importer of any weight, weighing machine or measuring machine who

(a) disposes of it before it is marked as required by this Act or the regulations, or

(b) if it is required by this Act or the regulations to be inspected and stamped, disposes of it before it has been so inspected and stamped,

is guilty of an offence.

Dormant scales.

(2) Subsection one does not apply to dormant scales that cannot be properly verified until they have been set upon a fixed foundation.

Selling unstamped static measuring device.

(3) Every manufacturer or importer of any measure required by this Act or the regulations to be marked or stamped who disposes of it before it is so marked or stamped is guilty of an offence.

Repaired weight, etc., to be held for inspection.

(4) Every person to whom a weight, measure, weighing machine or measuring machine has been delivered by a trader for the purpose of repair who, after repairing it, releases possession of it before it has been inspected and stamped by an inspector under this Act, is guilty of an offence.

Forging or counterfeiting stamps.

49. Every person who forges or counterfeits any mark or stamp used for marking or stamping under this Act or who wilfully alters any weight, measure, weighing machine or measuring machine so that it weighs or measures unjustly is guilty of an offence.

Using or selling falsified weight, etc., or breaking seal.

50. Every person who knowingly uses, sells, utters or offers for sale any weight, measure, weighing machine or measuring machine that has been altered so that it weighs or measures unjustly or who wilfully breaks or removes the official seal or mark of rejection from any such weight, measure or machine sealed against use, except for the purpose of repairing or adjusting it for presentation for inspection and stamping, is guilty of an offence.

Obstructing inspector.

51. Every person who wilfully obstructs or impedes an inspector in the performance of his duty under this Act or the regulations and every person who aids or assists him in so doing, is guilty of an offence.

Refusing to produce weights, etc.

52. Every manufacturer, importer or trader who, upon the demand of the inspector, refuses or fails to produce for inspection all weights, measures, weighing machines and measuring machines in his possession and to permit such inspection, is guilty of an offence.

Offences and penalties.

53. (1) Every person who is guilty of an offence under section forty-three, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one or fifty-two is liable, for the first offence, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and, in the case of every subsequent offence, to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Idem.

(2) Every person who is guilty of an offence under section forty, forty-one or forty-two is liable on summary conviction to a fine not exceeding one hundred dollars.

Penalty in absence of other penalty.

(3) Every person who violates any provision of this Act or any regulation for which no penalty is elsewhere provided in this Act, is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

FORFEITURE.

Seizure of weights, measures, etc.

54. (1) Whenever an inspector believes on reasonable grounds that an offence under this Act has been committed he may seize all weights, measures, weighing machines and measuring machines by means of or in relation to which he reasonably believes the offence was committed.

Detention.

(2) All things seized pursuant to subsection one may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Act in respect of those things are undertaken, in which case those things may be further detained until such proceedings are finally concluded.

Forfeiture.

(3) Where a person is convicted of an offence under this Act, the court or judge may order that any weights, measures, weighing machines or measuring machines by means of or in relation to which the offence was committed shall be forfeited to His Majesty, and anything so forfeited may be disposed of as the Minister may direct.

REPEAL.

Repeal.

55. The *Weights and Measures Act*, chapter two hundred and twelve of the Revised Statutes of Canada, 1927, is repealed.

COMING INTO FORCE.

Coming into force.

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

SCHEDULE I

Reference Standards

Measures of Length		Measures of capacity
Number of each	Denomination of Standard	Denomination of Standard
	Set marked 'a'	Set marked 'a'
1	100 feet	Bushel
1	66 feet or chain of 100 links	Half-bushel
1	10 feet end measures, with bed	Peck
1	6 feet end measure, with bed	Gallon
1	3 feet or 1 yard	Half-gallon
1	1 inch divided into 10 decimal parts, one of which is again divided into ten subdivisions of one-hundredth of an inch each	Quart Pint Half-pint Gill Half-gill
		Set marked 'b'
		Bushel Half-bushel Peck Gallon Half-gallon Quart Pint Half-pint Gill Half-gill

SCHEDULE I—*Continued*

REFERENCE STANDARDS—*Continued*

Denomination of Standards		
Avoirdupois Weights	Troy Bullion Weights	Decimal Grain Weights
Set marked 'C'	Set marked 'C'	Set marked 'b'
50 pounds	500 ounces	1,000 grains
30 "	300 "	600 "
20 "	200 "	300 "
10 "	100 "	200 "
5 "	50 "	100 "
3 "	30 "	60 "
2 "	20 "	30 "
1 pound	10 "	20 "
8 ounces	5 "	10 "
4 "	3 "	6 "
2 "	2 "	3 "
1 ounce	1 "	2 "
8 drams	·5 "	1 "
4 "	·3 "	·6 "
2 "	·2 "	·3 "
1 dram	·1 "	·2 "
½ "	·05 "	·1 "
¼ "	·03 "	·06 "
	·02 "	·03 "
	·01 "	·02 "
	·005 "	·01 "
	·003 "	
	·002 "	
	·001 "	
Set marked "b"		
·5 pound		
·3 "		
·2 "		
·1 "		
·05 "		
·03 "		
·02 "		
·01 "		
·005 "		
·003 "		
·002 "		
·001 "		

SCHEDULE I—*Concluded*

REFERENCE STANDARDS—*Concluded*

Metric Weights	Metric Volume Measures
Set marked "C"	Set marked "C, F"
20 Kilograms	Double Decalitre
10 "	Decalitre
5 "	Demi Decalitre
2 "	Double Litre
2 "	Litre
1 "	Demi Litre
500 grammes	Double Decilitre
200 "	Decilitre
100 "	Demi Decilitre
100 "	Double Centilitre
50 "	Centilitre
20 "	
10 "	
10 "	
5 "	
2 "	
2 "	
1 "	
·5 "	
·2 "	
·1 "	
·1 "	
·05 "	
·02 "	
·01 "	
·01 "	
·005 "	
·002 "	
·001 "	
·001 "	

Metric Measure of Length	
1 Standard Meter marked No. 2605	

SCHEDULE II

CANADIAN STANDARDS

1. The standard unit of length for Canada is the yard, which is nine thousand, one hundred and forty-four ten-thousandths $\left(\frac{9,144}{10,000}\right)$ of the International metre.

2. The standard unit of weight for Canada is forty-five million, three hundred and fifty-nine thousand, two hundred and forty-three one-hundred-millionths $\left(\frac{45,359,243}{100,000,000}\right)$ of the International kilogramme.

SCHEDULE III

Table of the Values of the principal denominations of Measures of length of the Metric System expressed in terms of the standard measures of Canada.

(1) Measures of Length

Metric denominations and values	In metres	Equivalents expressed in terms of the Standards of Canada		
		In yards and decimal parts of a yard	In feet and decimal parts of a foot	In links and decimal parts of a link
Myriametre	10000	10936·133	32808·399	49709·70
Kilometre	1000	1093·6133	3280·8399	4970·970
Hectometre	100	109·36133	328·08399	497·0970
Decametre	10	10·936133	32·808399	49·70970
Metre	1	1·0936133	3·2808399	4·970970
Decimetre	1/10	0·1093613	0·3280840	0·497097
Centimetre	1/100	0·0109361	0·0328084	0·049710
Millimetre	1/1000	0·0010936	0·0032808	0·004971

Table of Values of the principal denominations of Measures of length of Canada expressed in terms of the standard measures of the Metric System.

Canadian denominations and values	Equivalents expressed in terms of Metric Standards
	In metres and decimal parts of a metre
Mile	1609·344
Furlong	201·1680
Chain	20·11680
Rod, pole or perch	5·029200
Yard	0·9144000
Foot	0·3048000
Link	0·2011680
Inch	0·0254000

Table of the Values of the principal denominations of the measures of surface of the Metric system expressed in terms of the Standard measures of Canada.

(2) MEASURES OF SURFACE

Metric Denominations and Values	Equivalents expressed in terms of the Standards of Canada			
	In Ares	In Square Metres	In square yards and decimal parts of a square yard	In square links and decimal parts of a square link
Hectare	100	10000	11959·900	247105·4
Decare	10	1000	1195·9900	24710·54
Are	1	100	119·59900	2471·054
Centiare	1/100	1	1·1959900	24·71054

Table of the Values of the principal denominations of the measures of surface of Canada expressed in terms of the measures of surface of the Metric system.

Canadian Denominations and Values	Equivalents expressed in terms of the Metric Standards	
	In square metres and decimal parts of a square metre	In ares and decimal parts of an are
Square mile	2589988	25899·88
Square furlong	40468·56	404·6856
Acre	4046·856	40·46856
Rood	1011·7140	10·117140
Square chain	404·6856	4·046856
Square rod, pole or perch	25·29285	0·2529285
Square yard	0·8361274	0·008361274
Square foot	0·09290304	0·0009290304
Square link	0·04046856	0·0004046856
Square inch	0·000645160	0·00000645160

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

(3) Weights

Metric denominations and values	Equivalents expressed in terms of the Standards of Canada		
	In Grammes	In pounds and decimal parts of a pound	In grains and decimal parts of a grain
Millier	1000000	2204·6223	
Quintal	100000	220·46223	
Myriagramme	10000	22·046223	
Kilogramme	1000	2·2046223	15432·356
Hectogramme	100	0·2204622	1543·236
Decagramme	10	0·0220462	154·324
Gramme	1	0·0022046	15·432
Decigramme	1/10	0·0002205	1·543
Centigramme	1/100	0·0000220	0·154
Milligramme	1/1000	0·0000022	0·015

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

Canadian Denominations and Values	Equivalents expressed in terms of the Metric Standards
	In kilogrammes and decimal parts of a kilogramme
Ton	907·1849
Cental or hundredweight	45·359243
Pound	0·45359243
Ounce (Troy)	0·03110348
Ounce	0·02834953
Dram	0·00177185
Grain	0·00006480

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

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

(4) Measures of Capacity

Metric Denominations and Values	Equivalents expressed in terms of the Standards of Canada		
	In Litres	In cubic metre and decimal parts of a cubic metre	In gallons and decimal parts of a gallon
Kilolitre	1000	1·000027	219·974
Hectolitre	100	0·1000027	21·9974
Decalitre	10	0·01000027	2·19974
Litre	1	0·001000027	0·219974
Decalitre	1/10	0·000100003	0·021997
Centilitre	1/100	0·000010000	0·002200
Millilitre	1/1000	0·000001000	0·000220

Table of the values of the principal denominations of the measures of capacity of Canada expressed in terms of the measures of capacity of the Metric system.

Canadian Denominations and Values	Equivalents expressed in terms of the Metric Standards	
	In litres and decimal parts of a litre	In cubic decimetres and decimal parts of a cubic decimetre
Bushel	36·3680	36·3690
Peck	9·09200	9·0922
Gallon	4·54600	4·54612
Quart	1·13650	1·13653
Pint	0·56825	0·56827
Fluid Ounce	0·02841	0·02841

SCHEDULE IV.

PART I.

Former Dominion Standards.

The following standards were constructed under the direction of the Commissioner of Inland Revenue for the purposes of the Act respecting Weights and Measures, chapter 47 of the statutes of 1873:

The standard for determining the length of the Dominion standard yard prior to the Weights and Measures Act of 1951 was a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin is cut a fine line transverse to the axis of the bar and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar; the measure of length of the Dominion standard yard was given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal", "Standard Yard", "A", "Troughton and Simms, London". There are also, on the upper side of the bar, two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The standard for determining the weight of the Dominion standard pound prior to the Weights and Measures Act of 1951 was of platinum-iridium, the form being that of a cylinder nearly 1·35 inches in height and 1·15 inches in diameter, with a groove or channel round it, the middle of which is about 0·34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard is marked "A". The weight of this standard in terms of the Imperial standard is 6999·97694 grains when both are weighed in vacuo and 6999·98387 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, and for which due allowance is required to be made when comparing other standards.

The standard for determining the weight of the Dominion standard Troy ounce prior to the Weights and Measures Act of 1951 was of platinum-iridium, the form being that of a truncated cone, with a knob, nearly 12/10 of an inch in height, including the knob, the knob being nearly one-quarter of an inch and the base of the cone half an inch in diameter respectively, and such standard is marked "A". The weight of this standard in terms of the Imperial standard is 479·99197 grains when both are weighed in vacuo, and 480·03648 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, for which due allowance is required to be made when comparing with other standards.

PART II.

Parliamentary Copies of Canadian Standards.

The following copies of the former standards were constructed at the same time as the standards set forth in Part I. They are of the same construction and form as those standards, and they are respectively marked and deposited as follows:

(a) A copy of the standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal", "Standard Yard", "B", "Troughton and Simms, London",

(b) A copy of the standard for determining the Dominion standard pound, marked "B", and

(c) A copy of the standard for determining the Dominion standard Troy ounce marked "B",

were deposited with the Speaker of the Senate. Such copy of the standard yard is standard at temperature of 62·16° of Fahrenheit's thermometer, and the weight of the copy of the standard pound, in terms of the Imperial standard, when both are weighed in vacuo, is 6999·98312 grains.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 372.

An Act respecting an Income Tax Agreement between Canada and Sweden, signed at Ottawa on the sixth day of April, 1951.

First reading, June 13, 1951.

THE MINISTER OF NATIONAL REVENUE

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87726

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 372.

An Act respecting an Income Tax Agreement between Canada and Sweden, signed at Ottawa on the sixth day of April, 1951.

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 Canada-Sweden Income Tax Agreement Act, 1951.*

Agreement approved.

2. The Agreement entered into between Canada and Sweden, set out in the Schedule to this Act, is approved and declared to have the force of law in Canada.

Inconsistent laws.

3. In the event of any inconsistency between the provisions of this Act or of the said Agreement and the operation of any other law, the provisions of this Act and the Agreement shall, to the extent of such inconsistency, prevail.

Orders and regulations.

4. The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the said Agreement or for giving effect to any of the provisions thereof.

Commencement and duration.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and shall continue in force until a day to be fixed by proclamation of the Governor in Council following the termination of the Agreement, and no longer.

SCHEDULE.

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE ROYAL GOVERNMENT OF SWEDEN FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE ESTABLISHMENT OF RULES FOR RECIPROCAL FISCAL ASSISTANCE IN THE MATTER OF INCOME TAXES

The Government of Canada and the Royal Government of Sweden

Desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income

Agree as follows:

ARTICLE I.

1. The taxes which are subject to this Agreement are:

(a) In Canada:
Income taxes, including surtaxes, which are imposed by the Government of Canada.

(b) In Sweden:
The State income tax, including coupon tax.

2. This Agreement shall also apply to any other taxes of a substantially similar character imposed by Canada subsequent to the signing of this Agreement, and to any other State taxes of a substantially similar character imposed by Sweden subsequent to the signing of this Agreement.

ARTICLE II.

1. In the present Agreement, unless the context otherwise requires:

(a) The terms "one of the territories" and "the other territory" mean Sweden or Canada, as the context requires;

(b) The term "tax" means Swedish tax or Canadian tax, as the context requires;

(c) The term "person" includes any body of persons, corporate or not corporate;

(d) The term "company" includes any body corporate;

(e) The terms "resident of Sweden" and "resident of Canada" mean respectively any person who is resident in Sweden for the purposes of Swedish tax and not resident in Canada for the purposes of Canadian tax and any person who is resident in Canada for the purposes of Canadian tax and not resident in Sweden for the purposes of Swedish tax; a company shall be regarded as resident in Canada if its business is managed and

controlled in Canada and as resident in Sweden if it is incorporated under the laws of Sweden and its business is not managed and controlled in Canada, or if it is not so incorporated but its business is managed and controlled in Sweden;

(f) The terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of Sweden or a person who is a resident of Canada, as the context requires;

(g) The terms "Swedish enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of Sweden and an industrial or commercial enterprise or undertaking carried on by a resident of Canada; and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a Swedish enterprise or a Canadian enterprise, as the context requires;

(h) The term "permanent establishment" when used with respect to an enterprise of one of the territories, means a branch, office, factory, or other fixed place of business, a mine, quarry or any other place of natural resources subject to exploitation. It also includes a place where building construction is carried on by contract for a period of at least one year, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of the enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. In this connexion—

(i) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a *bona fide* broker or general commission agent acting in the ordinary course of his business as such;

(ii) The fact that an enterprise of one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise;

(iii) The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which carries on a trade or business in that other territory (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

2. The term "industrial or commercial profits", as used in the present Agreement, does not include income in the form of dividends, interest, rents or royalties, management charges, or remuneration for labour or personal services.

Subject to the provisions of this Agreement such items of income shall be taxed separately or together with industrial and commercial profits in accordance with the laws of the Contracting States.

3. In the application of the provisions of the present Agreement by one of the Contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting State relating to the taxes which are the subject of the present Agreement.

ARTICLE III.

1. The industrial or commercial profits of a Swedish enterprise shall not be subject to Canadian tax unless the enterprise is engaged in trade or business in Canada through a permanent establishment situated therein. If it is so engaged, tax may be imposed on those profits by Canada, but only on so much of them as is attributable to that permanent establishment.

2. The industrial or commercial profits of a Canadian enterprise shall not be subject to Swedish tax unless the enterprise is engaged in trade or business in Sweden through a permanent establishment situated therein. If it is so engaged, tax may be imposed on those profits by Sweden, but only on so much of them as is attributable to that permanent establishment.

3. Where an enterprise of one of the territories is engaged in trade or business in the other territory through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive in that other territory if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

4. No portion of any profits arising to an enterprise of one of the territories shall be attributed to a permanent establishment situated in the other territory by reason of the mere purchase of goods or merchandise within that other territory by the enterprise.

5. Where a company which is a resident of one of the territories derives profits or income from sources within the other territory, the Government of that other territory shall not impose any form of taxation on dividends paid by the company to persons not resident in that other territory, or any tax in the nature of an undistributed profits tax on undistributed profits of the company, by reason of the fact that those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

ARTICLE IV.

Where

(a) an enterprise of one of the territories participates directly or indirectly in the management, control or capital of an enterprise of the other territory, or

(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of one of the territories and an enterprise of the other territory, and

in either case conditions are made or imposed between the two enterprises, in their commerical or financial relations, which differ from those which would be made between independent enterprises,

then any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V.

Notwithstanding the provisions of Articles III and IV, profits which a resident of one of the territories derives from operating ships or aircraft shall be exempt from tax in the other territory.

ARTICLE VI.

1. The rate of Canadian tax on dividends derived from sources within Canada by a resident of Sweden shall not exceed 15 per cent.

Notwithstanding the provisions of the foregoing paragraph, the Canadian tax on dividends paid to a company which is a resident of Sweden by a company resident in Canada, more than 50 per cent of whose shares which have under all circumstances full voting rights are owned by the former company, shall not exceed 5 per cent.

2. The rate of Swedish coupon tax on dividends paid to a resident of Canada shall not exceed 15 per cent.

Notwithstanding the provisions of the foregoing paragraph the Swedish coupon tax on dividends paid to a company which is a resident of Canada by a company resident in Sweden, more than 50 per cent of whose shares which have under all circumstances full voting rights are owned by the former company, shall not exceed 5 per cent.

3. The rate of Canadian tax on interest, rents, royalties or similar payments from sources within Canada received by a resident of Sweden shall not exceed 15 per cent.

4. The phrase "rents, royalties or similar payments" in paragraph 3 of this Article includes any payment

(i) for the use in Canada of property,
(ii) in respect of an invention used in Canada, or
(iii) for any property, trade name, design or other thing whatsoever used or sold in Canada.

ARTICLE VII.

Copyright royalties and other like payments made in respect of the production or reproduction of any literary, dramatic, musical or artistic work (but not including rents or royalties in respect of motion picture films) and derived from sources within one of the territories by a resident of the other territory shall be exempt from tax in that first-mentioned territory.

Article VIII.

1. Income of whatever nature derived from real property within the territory of Canada (other than income from mortgages or bonds secured by real property but including a royalty paid in respect of any extraction of natural resources) by a resident of Sweden shall be exempt from tax in Sweden.

2. Any capital sum derived from sources within one of the territories from the sale of patent rights by a resident of the other territory shall be exempt from tax in that first-mentioned territory.

Article IX.

1. Remuneration (other than pensions) paid by Sweden to an individual for services rendered to Sweden in the discharge of governmental functions shall be exempt from Canadian tax if the individual is a citizen of Sweden.

2. Remuneration (other than pensions) paid by Canada to an individual for services rendered to Canada in the discharge of governmental functions shall be exempt from Swedish tax.

3. The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting Governments for purposes of profit.

Article X.

1. An individual who is a resident of Sweden shall be exempt from Canadian tax on profits or remuneration in respect of personal (including professional) services performed within Canada in any taxation year if—

(a) he is present within Canada for a period or periods not exceeding in the aggregate 183 days during that year, and

(b) the services are performed for or on behalf of a person resident in Sweden.

2. An individual who is a resident of Canada shall be exempt from Swedish tax on profits or remuneration in respect of personal (including professional) services performed within Sweden in any year of assessment if—

(a) he is present within Sweden for a period or periods not exceeding in the aggregate 183 days during that year, and

(b) the services are performed for or on behalf of a person resident in Canada.

3. The provisions of this Article shall not apply to the profits or remuneration of public entertainers such as stage, motion picture or radio artists, musicians and athletes.

ARTICLE XI.

1. Any pension or annuity derived from sources within Canada by an individual who is a resident of Sweden shall be exempt from Canadian tax.

2. Any pension or annuity derived from sources within Sweden by an individual who is a resident of Canada shall be exempt from Swedish tax.

3. The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII.

A professor or teacher from one of the territories who receives remuneration for teaching, during a period of temporary residence not exceeding two years at a university, college or other establishment for further education in the other territory, shall be exempt from tax in that other territory in respect of that remuneration.

ARTICLE XIII.

A student or business apprentice from one of the territories who is receiving full-time education or training in the other territory shall be exempt from tax in that other territory on payments made to him by persons in the first-mentioned territory for the purposes of his maintenance, education or training.

ARTICLE XIV.

A resident of one of the territories shall be exempt in the other territory from any tax on gains from the sale, transfer, or exchange of capital assets.

ARTICLE XV.

1. As far as may be in accordance with the provisions of the Income Tax Act Canada agrees to allow as a deduction from Canadian tax on any income derived from sources within Sweden the appropriate amount of Swedish tax paid thereon.

The special tax payable in Sweden by public entertainers such as theatre and radio artists, musicians and athletes (bevillningsavgifter för vissa offentliga förestlläningar) shall be regarded, for purposes of this paragraph, as Swedish tax.

2. Income from sources within Canada which under the laws of Canada and in accordance with this Agreement is subject to tax in Canada either directly or by deduction shall be exempt from Swedish tax:

Provided that where such income is a dividend paid by a company being a resident of Canada to a person resident in Sweden, not being a company, Swedish tax may be charged on the gross amount of the dividend, but the amount of Swedish tax chargeable shall be reduced by a sum equal to 15 per cent of the amount of the dividend so charged:

Provided further that where such income is of a kind mentioned in paragraph 3, of Article VI (other than a royalty or like payment described in Article VII or VIII), paid by a resident of Canada to a person resident in Sweden, whether a company or not, Swedish tax may be charged on the gross amount of such income but the amount of Swedish tax chargeable shall be reduced by a sum equal to 15 per cent of the amount of such income so charged.

3. For the purposes of this Article, profits or remuneration for personal (including professional) services performed in one of the territories shall be deemed to be income from sources within that territory, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated by a resident of one of the territories shall be deemed to be performed in that territory.

4. The graduated rate of Swedish tax to be imposed on residents of Sweden may be calculated as though income exempted under this Agreement were included in the amount of the total income.

Article XVI.

The citizens of one of the contracting States, residing within the other contracting State, shall not be subjected to more burdensome taxes than the citizens of the last-mentioned State.

Article XVII.

Where under the provisions of this Agreement a resident of Canada is exempt or entitled to relief from Swedish tax, similar exemption or relief shall be applied to the undivided estates of deceased persons in so far as one or more of the beneficiaries is a resident of Canada.

Article XVIII.

1. The competent authorities of the contracting States will exchange information of a fiscal nature which is available to them, or which they are able to obtain under their own legislation and which would be useful to assure the regular assessment and collection of the taxes referred to in this Agreement, as well as the application with respect to these taxes of the legal provisions relative to the prevention of fiscal fraud.

The information so exchanged shall retain its secret nature and shall not be disclosed to persons other than those charged with assessment and collection of the taxes referred to in this Agreement.

The provisions of this Article shall not in any case be considered as requiring one of the contracting States to disclose to the other State information other than that which its own fiscal legislation permits it to obtain, or information of which the furnishing would involve the disclosure of industrial, commercial or professional secrets or trade processes.

Neither shall these provisions be considered as imposing on one of the two contracting States the obligation to perform an administrative act which would be contrary to its regulations or practices.

2. The term "competent authorities" means, in the case of Canada, the Minister of National Revenue or his authorized representative; and in the case of Sweden, the Finance Ministry.

Article XIX.

1. Any taxpayer who shows proof that the action of the revenue authorities of the two contracting States has resulted in double taxation with respect to the taxes referred to in this Agreement, may lodge a claim with the State in which he resides. Should the claim be upheld, the competent authority of this State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation.

2. The competent authorities of the two contracting States may likewise come to an agreement for the purpose of overcoming double taxation in cases not otherwise provided by this Agreement, as well as in the case where the interpretation or the application of this Agreement gives rise to difficulties or doubts.

Article XX.

The Agreement between Sweden and Canada dated 21st November, 1929, for reciprocal exemption from income tax of profits accruing from the business of shipping shall not have effect for any period for which the present Agreement has effect.

Article XXI.

1. This Agreement is drafted in the Swedish and English languages, the two texts having equal force. It shall be ratified by the Contracting Governments. Ratification by His Majesty the King of Sweden shall be subject to the consent of the Riksdag.

2. The instruments of ratification shall be exchanged at Stockholm with the shortest delay.

3. The present Agreement shall come into force on the date on which the Instruments of Ratification are exchanged and shall thereupon have effect:

(a) In Sweden:

(i) as respects tax on income which is assessed in or after the calendar year beginning on 1st January, 1951, being income for which preliminary tax is payable during the period 1st March, 1950, to 28th February, 1951, or any succeeding period;

(ii) as respects coupon tax on dividends payable on or after 1st January, 1950.

(b) In Canada:

(i) as respects income tax, including surtax, for the taxation year 1950 and subsequent taxation years;

(ii) as respects the tax levied under Part II of the Income Tax Act, amounts paid or credited to non-residents on or after 1st January, 1950.

ARTICLE XXII.

The present Agreement shall continue in effect indefinitely but either of the contracting States may, on or before 30th June in any calendar year, give to the other State written notice of termination and, in such event, the present Agreement shall cease to be effective—

(a) In Sweden:

(i) as respects tax on income for which preliminary tax is payable after the last day of February, in the calendar year next following that in which the notice is given;

(ii) as respects coupon tax on dividends payable on or after 1st January in the calendar year next following that in which the notice is given.

(b) In Canada:

(i) as respects income tax, including surtax, for the taxation year next following that in which the notice is given;

(ii) as respects tax levied under Part II of the Income Tax Act, amounts paid or credited to non-residents on or after 1st January in the calendar year next following that in which the notice is given.

Done in duplicate, at Ottawa this 6th day of April, 1951.
For the Government of Canada:

D. C. ABBOTT.

For the Royal Government of Sweden:

PER WIJKMAN.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 373.

An Act respecting a Succession Duty Convention and Protocol between Canada and France, signed at Paris on the sixteenth day of March, 1951.

First reading, June 13, 1951.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87730

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 373.

An Act respecting a Succession Duty Convention and Protocol between Canada and France, signed at Paris on the sixteenth day of March, 1951.

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 Canada-France Succession Duty Convention Act, 1951.*

Convention and Protocol approved.

2. The Convention and Protocol entered into between Canada and France, set out in the Schedule to this Act, are approved and declared to have the force of law in Canada.

Inconsistent laws.

3. In the event of any inconsistency between the provisions of this Act or of the said Convention and Protocol and the operation of any other law, the provisions of this Act and the Convention and Protocol shall, to the extent of such inconsistency, prevail.

Orders and regulations.

4. The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the said Convention and Protocol or for giving effect to any of the provisions thereof.

Commencement and duration.

5. This Act shall come into force on a date to be fixed by proclamation of the Governor in Council, and shall continue in force until a day to be fixed by proclamation of the Governor in Council following the termination of the Convention and Protocol, and no longer.

SCHEDULE.

CONVENTION BETWEEN THE CANADIAN GOVERNMENT AND THE FRENCH GOVERNMENT CONSTITUTING AN AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO SUCCESSION DUTIES.

The Government of Canada and the Government of the French Republic, desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to succession duties, have agreed as follows:

ARTICLE 1.

I.—The taxes which are the object of this Agreement are:

(a) with respect to France the tax on inheritances;

(b) with respect to Canada succession duties imposed by the Government of Canada.

II.—This Agreement applies equally to all other similar taxes which may be established for successions by either contracting State after the signing of this Agreement or in whatever territory this Agreement may be extended to as contemplated by the provisions of Article 8 below.

ARTICLE 2.

I.—In this Agreement, unless the context otherwise requires,

(a) the term "France", when it is used in the geographical sense, will mean only "Metropolitan" France, excluding Algeria, the overseas departments and other territories of the French Union;

(b) the term "territory", when used with respect to one or other of the contracting Governments, means France or Canada as the context requires.

II.—In the application of the provisions of the present Agreement by one or other of the contracting States any term which is not otherwise defined will have, unless the context requires a different interpretation, the meaning which it has under the laws of the said contracting State relative to the taxes which are the subject of the present Agreement.

ARTICLE 3.

For the purpose of this Agreement the question whether a decedent was domiciled in the territory of one of the contracting States at the time of his death shall be determined in conformity with the laws in that territory.

Nevertheless, when a decedent is considered by both States to have his domicile in its territory, the supreme fiscal authorities of France and Canada will determine, by a special agreement, the territory

which, for the application of this Agreement, should be considered as that one in which such person was domiciled.

ARTICLE 4.

The contracting State which imposes a tax at the death of a person who is domiciled at the time of his death in the territory of the other State will allow all exemptions, allowances, and deductions which would have been applicable under its own legislation if the deceased has been domiciled in its territory to an extent at least equal to:

(a) in the case of an exemption, an amount which bears the same ratio to the total exemption as the value of the property in the said State bears to the value of the total property wheresoever situated, and

(b) in the case of debts and deductions, an amount which bears the same ratio to the total debts and deductions as the value of the property situated in the said State subject to debts and deductions bears to the value of the total property wheresoever situated subject to debts and deductions.

ARTICLE 5.

I.—The contracting State which levies a tax on the death of a person who, at the time of his death, was domiciled in its territory will allow against the said tax (as calculated under its own legislation) a credit corresponding to the amount of tax imposed by the other contracting State on the property included in the basis of the tax imposed by both States; but the amount of this credit shall not exceed the portion of the tax collected by the former State on the same property.

II.—For the purposes of this Article the amount of tax assessed by each of the contracting States with respect to any property shall be calculated so as to take into account all allowances, exemptions, credits, remittances, reductions or increases provided by its legislation other than the credit referred to in this Article.

ARTICLE 6.

I.—All claims for credit or refund of tax based on the provisions of this Agreement must be made within a period of five years from the date of the death of the deceased.

II.—Any refund of this nature will be made without interest on the amount refunded.

ARTICLE 7.

I.—To assure the better application of the taxes referred to in this Agreement each of the contracting States undertakes to furnish to the other contracting State the information of a fiscal nature which the competent authorities have at their disposal or are in a position to obtain under the rules of its own legislation and which may be of use to the other State in the assessment of the said taxes.

Such information shall be exchanged directly by the competent fiscal authorities of the two States in the ordinary course or on request.

II.—Pursuant to the foregoing provisions the Minister of National Revenue for Canada shall furnish in the ordinary course to the French Minister of Finance and of Economic Affairs the information which is available to him with respect to the composition of the estate:

(a) of a decedent, any part of whose estate is subject to the application of the *Dominion Succession Duty Act*, when a portion of the property of the succession is subject in France to the *Inheritance Act;*

(b) of a decedent who has his domicile in France when the succession includes property situated in Canada.

For his part, the French Minister of Finance and of Economic Affairs shall furnish in the ordinary course to the Minister of National Revenue for Canada the information which is available to him with respect to the composition of the estate:

(a) of a decedent, any part of whose estate is subject to the inheritance taxes, when a portion of the property included in the succession is subject to the application of the *Dominion Succession Duty Act;*

(b) of a decedent who has his domicile in Canada when the succession includes property situated in France.

ARTICLE 8.

I.—At the time the Agreement comes into force and so long as the Agreement shall remain in force, either contracting State may, on giving notice to the other State through diplomatic channels, declare its desire that the operation of the Agreement shall, wholly or subject to modifications to be stipulated in the notice, extend either to one of its overseas territories or to one of the overseas territories of the other State, subject to the condition that the said territory collects taxes which are similar in substance to the taxes referred to in Article1 above.

The notice will indicate the date or dates from which the extension shall take effect, it being understood that such date or dates shall be at least sixty days after the date of the notice.

II.—In the territory or territories designated by the notice referred to in the preceding paragraph, the provisions of this Agreement will apply subject to the conditions and reservations which may be stated in the notice from the date or dates mentioned therein, unless prior to the date fixed for a particular territory the contracting State which will have received notice shall have informed the other contracting State in writing and through diplomatic channels that it does not accept the notification with respect to this territory, in which case, the provisions which are the subject of the notice will not apply to the said territory.

III.—At any time after the expiry of a period of one year from the coming into force of an extension by notice in accordance with the provisions of the first paragraph of this Article, either contracting State may, by notice given to the other contracting State through diplomatic channels, terminate the application of this Agreement to any territory to which this Agreement may have been extended. The Agreement shall cease to apply in the territory or territories stated in the notice from the date or dates mentioned in this notice.

It is understood, in any event, that such date or dates shall be at least six months after that of the notice and that such shall not affect in any way the continued application of the Agreement between France and Canada nor shall it affect the continued application as between one of these countries and any other territory to which the Agreement may have been extended in virtue of the provisions of the first paragraph of the present Article.

IV.—In the application of this Agreement in relation to any territory to which it may have been extended it shall be understood, each time that the Agreement refers to France or to Canada, that it will refer equally to such territory.

V.—Unless the two Governments shall have expressly agreed to the contrary, the notice of termination of this Agreement, as provided by Article 9, shall terminate the application of this Agreement with respect to any territory to which it may have been extended under the provisions of this Article.

VI.—For the purposes of this Article, the expression "overseas territory" means a department, colony, protectorate or other overseas territory under the sovereignty or mandate of one of the two contracting States and united by constitutional law to one of these States; but it shall not include territories which do not have diplomatic representation either by France or Canada.

ARTICLE 9.

The present Agreement is drawn up in the French and English languages, the two texts being equally authentic.

The present Agreement shall come into force on a date to be agreed upon by the two Governments.

It will remain in force as long as it shall not have been terminated by one of the two Governments after six months' prior notice.

DONE at Paris, in duplicate on the sixteenth day of March one thousand nine hundred and fifty-one.

For the Government of Canada:

GEORGE P. VANIER.

For the Government of the French Republic.

A. PARODI.

PROTOCOL.

At the time of signing the Agreement of this date relative to the prevention of double taxation in the matter of successions in France and in Canada, the two Governments declare that they have agreed as follows:

I.—It is understood that the said Agreement shall not result in the modification of the rules governing the assessment and collection of the duties imposed in each of the States by reason of a death, but shall only have the result of avoiding double taxation by the offsetting of the tax collected in one of the States against the tax paid in the other.

II.—It is understood that gift taxes are not referred to in this Agreement.

III.—The present Agreement shall not apply to the fiscal exemptions allowed or which may be allowed in the future in virtue of the general rules in International Law to diplomatic agents and consuls. To the extent that by reason of such fiscal exemptions succession duties are not levied in the State where the above-mentioned agents exercise their duties it will be for the other State by which they were appointed to levy such duties.

IV.—It is understood that for the application of paragraph II of Article 7:

(a) inheritance taxes are payable in France on the death of a person who was not domiciled there, on the following property:

(1) Real estate situated in France and rights in real property;

(2) "Fonds de commerce" (business concerns) situated in France:

(3) Tangible movables (such as furniture, jewelry, etc.), banknotes and other currency having legal tender, which are actually in France at the date of death;

(4) Letters patent, trademarks, copyrights registered in France or used in France, in the absence of a licence;

(5) Interests and limited partnerships in French companies in which such interests exist;

(6) Stock and share certificates in French companies, negotiable bonds issued by companies and all other French bodies, whether public or private, as well as rentes or other securities issued by the French State;

(7) Promissory notes made by a person domiciled in France and bills of exchange drawn on a debtor domiciled in France;

(8) Cash deposits and particularly bank deposits when the recipient of the deposit is domiciled in France;

(9) Debts, including mortgages and all other intangible rights, when the debtor is domiciled in France.

(b) the *Dominion Succession Duty Act* applies with respect to the death of a person who is not domiciled in Canada on the following property:

(1) Rights or interests in or over immovable property, where such immovable property is situated in Canada;

(2) Rights or interests in or over tangible movable property, where such property is situated in Canada, and, in particular, over bank and currency notes, other forms of currency recognized as legal tender in the place of issue, negotiable bills of exchange and negotiable promissory notes, where such instruments are located in Canada at the time of death;

(3) Secured debts, where the securities affect or relate to immovable property situated in Canada;

(4) Bonds or debentures where the certificates evidencing them are located in Canada at the time of death;

(5) Shares, stock or debenture stock in:

(a) a company incorporated in Canada or any of the provinces or territories thereof, and

(b) in a company incorporated outside Canada if the certificates evidencing such shares, stock or debenture stock are located in Canada in negotiable form.

(6) Debenture stock, registered stock or inscribed stock of the Dominion of Canada or any province or political subdivision thereof, registered in Canada;

(7) Bank accounts, if the accounts are kept in Canada, and money owing by any person residing in Canada whether by promissory note, book debt or otherwise;

(8) Shares in a partnership where the business is carried on in Canada;

(9) Choses in action of a deceased person, including rights or interests as a beneficiary under any trust, where such choses in action are properly recoverable or enforceable in Canada.

DONE at Paris, in duplicate, on the sixteenth day of March one thousand nine hundred and fifty-one.

For the Government of Canada:

GEORGE P. VANIER.

For the Government of the French Republic:

A. PARODI.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 374.

An Act respecting an Income Tax Convention between Canada and France, signed at Paris on the sixteenth day of March, 1951.

First reading, June 13, 1951.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

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4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 374.

An Act respecting an Income Tax Convention between Canada and France, signed at Paris on the sixteenth day of March, 1951.

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 Canada-France Income Tax Convention Act, 1951.*

Convention approved.

2. The Convention entered into between Canada and France, set out in the Schedule to this Act, is approved and declared to have the force of law in Canada.

Inconsistent laws.

3. In the event of any inconsistency between the provisions of this Act or of the said Convention and the operation of any other law, the provisions of this Act and the Convention shall, to the extent of such inconsistency, prevail.

Orders and regulations.

4. The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the said Convention or for giving effect to any of the provisions thereof.

Commencement and duration.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and shall continue in force until a day to be fixed by proclamation of the Governor in Council following the termination of the Convention, and no longer.

SCHEDULE.

The Government of Canada and the Government of the French Republic, desiring to conclude an Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income have agreed as follows:

ARTICLE 1.

I.—The taxes which are subject to this Agreement are:

(a) in Canada:

Income taxes, including surtaxes, which are imposed by the Government of Canada;

(b) in France:

(1) The tax on the income of physical persons (proportional tax and progressive surtax);

(2) The tax on companies.

II.—This Agreement shall also apply to any other taxes of a substantially similar character imposed by either contracting Government, subsequent to the signing of this Agreement or in whatever territory to which the present Agreement is extended under Article 21.

ARTICLE 2.

For the purposes of this Agreement:

I.—The term "France" when it is used in the geographical sense, will mean only "Metropolitan" France excluding Algeria, the overseas departments and other territories of the French Union.

II.—The expression "one of the territories" and the "other territory" means France or Canada, as the case may be.

III.—The term "tax" means French taxes or Canadian taxes, as the case may be.

IV.—The term "person" means:

(a) any physical person;

(b) any unincorporated body of physical persons;

(c) any body corporate.

V.—The term "company" means any body having a legal personality.

VI.—The expression "permanent establishment" means offices, branches, factories or other fixed places or business where an enterprise exercises the whole or part of its activity. When an enterprise of one of the contracting States does business in the other State through an

agency established there, it shall not be considered that this enterprise has a permanent establishment in the latter State, unless the agent is authorized to negotiate and conclude contracts or has on hand a stock of merchandise from which he regularly fills orders which he receives.

It is understood that:

(i) The fact that an enterprise established in one of the two contracting States has business relations with the other country through a commission agent or broker, or through a subsidiary, does not mean that this enterprise has a permanent establishment in the latter State.

(ii) The fact that an enterprise of one of the two States maintains in the other State, even in the form of permanent installations, places of business restricted to the purchase of merchandise destined to furnish one or several sales or processing establishments, which this enterprise operates in the former State, shall not be interpreted to mean that the enterprise has a permanent establishment in the other State.

(iii) With respect to insurance enterprises, the fact of having in one of the two contracting States a representative accepted by the authorities of that State or authorized to give receipts for premiums, is considered to constitute a permanent establishment.

VII.—The fiscal domicile of physical persons is the place of normal residence, by which is understood the permanent home, or in the default thereof, the principal place of sojourn. That of legal persons, or of groups of physical persons not having a legal personality, is the place where the effective management is exercised.

VIII.—The expression "industrial and commercial profits" includes particularly the profits of insurance companies, banks and other financial enterprises.

Subject to the provisions of this Agreement there shall be taxed separately or together with the industrial and commercial profits in conformity with the laws of each of the two contracting States:

(a) The income from real property;

(b) Interests or dividends;

(c) Royalties for the use of or the rights to use patents, copyrights, secret processes and formulas, trademarks and other similar rights.

IX.—When it is stated in the provisions of Articles 3, 4, 8, 10, 11 paragraph II, 12, 13 paragraphs I and III, 14 of this Agreement that income is taxable in one of the two contracting States, the statement must be understood to mean that the right is reserved to that State to tax the said income in a normal fashion according to its own legislation, the other State being required to take the measures provided by Article 16 of this Agreement.

X.—The expression "competent authority" or "competent authorities" means in the case of France, the Minister of Finance and of Economic Affairs or his duly authorized representative, and in the case of Canada, the Minister of National Revenue or his duly authorized representative.

XI.—Any expression which is not defined in this Agreement shall have for each contracting State, unless the context otherwise requires, the same meaning which it has under the laws of that State with respect to the taxes referred to in the said Agreement.

ARTICLE 3.

Income from real property, including profits from agricultural undertakings, shall be taxable in the State where such property is situated.

ARTICLE 4.

I.—The income from industrial, mining, commercial, financial and insurance enterprises is taxable by the State in the territory of which there is a permanent establishment.

II.—When an enterprise has permanent establishments in both contracting States, each State shall tax the income derived from the activity of the permanent establishment situated in its territory.

III.—This taxable income shall not exceed the amount of the industrial, mining, commercial or financial profits realized by the permanent establishment, including, if necessary, the profits or advantages derived indirectly from this establishment by way of increase or reduction in the purchase or sale price or by any other means. A portion of the general head office expenses of the enterprise is to be taken into account in computing the profit or loss of the different permanent establishments.

IV.—It is understood between the competent authorities of the contracting States that, if necessary, they will draft rules of allocation, failing proper accounting to show distinctly and exactly the profits of the permanent establishments in the respective territories.

ARTICLE 5.

I.—When a Canadian enterprise, by reason of its participation in the management or capital of a French enterprise, makes or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with a third enterprise, any profits which should normally have appeared in the financial statement of the French enterprise, but which have been in this manner,

diverted to the Canadian enterprise, are, subject to the measures of appeal applicable in the case of the taxation of industrial and commercial profits, included in the taxable profits of the French enterprise.

The same principle applies *mutatis mutandis*, when profits are diverted from a Canadian enterprise to a French enterprise.

II.—An enterprise is considered to participate in the management or capital of another enterprise, particularly when the same persons participate directly or indirectly in the management of capital of both enterprises.

ARTICLE 6.

I.—Notwithstanding Article 4 of this Agreement the profits of aerial navigation or maritime enterprises having the seat of effective management in one of the two contracting States are exempt from tax in the other contracting State.

II.—The exemption provided in paragraph I is limited to the profits derived from the operation of ships and aircraft. Likewise, is subject with respect to enterprises having the seat of effective management in France, to the condition that the aircraft and ships are registered in this country, and with respect to enterprises having the seat of effective management in Canada, to the condition that the aircraft are registered in this country or that the ships are registered in the said country or in the United Kingdom.

ARTICLE 7.

I.—A company having its fiscal domicile in Canada shall only be subject in France to the proportional tax on income derived from securities under the conditions envisaged in Articles 109, paragraph 2 and 1674 of the "Code français des Impôts" if it has a permanent establishment in France in the sense of Article 2, paragraph VI. In any event the taxable income shall not exceed the amount of profits or earnings realized by the permanent establishment in France, determined in accordance with the provisions of Article 2, paragraph VIII, and 4 of this Agreement.

II.—A company having its fiscal domicile in Canada shall not be subject in France to the proportional tax on income derived from securities by reason of its participation in the management or capital of a company having its fiscal domicile in France, or by reason of any other relations with this company; but the profits distributed by this latter company and subject to the proportional tax on income derived from securities, will, if necessary, be increased, for the purpose of establishing the basis of the tax, by all the profits or advantages which the former company may have received indirectly from the latter company in the circumstances provided by Article 5 above.

Article 8.

I.—The income derived from securities (Governments bonds, analogous stocks and shares, interests in limited partnerships, shares in civil companies and companies with limited liability, bonds and other evidences of indebtedness, loans, deposits, deposit accounts, current accounts, guarantees), the revenue from trusts and royalties (redevances) or fractions of royalties derived from the operation of oil fields and natural gas, are taxable by the State in the territory of which the debtor has his domicile, when the general legislation of this State authorizes the collection of a tax on this income by deduction at the source.

II.—If the debtor has in both States permanent establishment within the meaning of Article 2, paragraph II, and if one of these establishments borrows or receives a deposit or guarantee in the course of its particular activity, the interest is taxable in that one of the two States in the territory of which this establishment is situated.

III.—The tax deducted at the source under this Article will be credited under the conditions provided by Article 16 against the tax payable in the State of domicile of the creditor.

Article 9.

I.—Remuneration paid in the form of salaries, wages, fees, pay and pensions by a public person of one of the two contracting States for administrative or military service present or past, is taxable exclusively by the State of the debtor.

Nevertheless, with respect to salaries, wages, fees and pay, taxation by the State of the debtor is subject to the condition that the recipient does not ordinarily reside in the other State, or resides in the latter State, solely for the purpose of fulfilling the duties of his office. When this condition is not fulfilled, the salaries, wages, fees and pay are taxable according to the rules provided in the first paragraph of Article 10 of this Agreement.

II.—Remuneration referred to in the first paragraph includes, with respect to Canada, that paid by the Federal, Provincial and Municipal Governments and, with respect to France, that paid by the State, the "Départements" and the Communes.

Article 10.

I.—Subject to the provisions of the first paragraph of Article 9 above, the salaries, wages and other analogous remuneration are taxable by the State in whose territory the personal activity, the source of this income, is exercised.

II.—In the application of the preceding paragraph, it shall not be considered as the exercise of personal activity in one of the States if an employee of an establishment situated in the other State carries out in the territory of the first State a temporary mission of short duration in the course of which his remuneration continues to be a charge on and paid by the said establishment.

Article 11.

I.—Private pensions and term or life annuities derived from one of the two contracting States and paid to persons having their fiscal domicile in the other State are taxable only in the latter State.

II.—Nevertheless, term or life annuities created by will or donation are taxable in the State of the debtor.

Article 12.

Directors' fees and other remuneration of directors of joint stock companies are taxable according to the provisions of paragraphs I and III of Article 8 above, subject to the application of Article 10 with respect to the remuneration which such persons receive in their other effective capacities.

Article 13.

I.—Royalties (redevances), other than those referred to in Article 8 of this Agreement, which are paid for the use of real property or the operation of mines, quarries, or other natural resources, are taxable in that one of the two contracting States where such property, mines, quarries, or other natural resources are situated.

II.—Copyright royalties which are paid in one of the two contracting States to a person having its fiscal domicile in the other State are taxable only in this latter State.

Nevertheless, if this person carries on his activity in the former State through a permanent establishment, these rights are taxable in the said State.

III.—The proceeds of royalties (redevances) derived from the sale or licensing of the use of patents, trademarks, secret processes or formulae, are taxable in the State of the debtor.

IV.—The word "royalties" as used in paragraph III of this Article should be understood to include the income from the lease of motion picture films.

ARTICLE 14.

I.—Income derived from the exercise of a liberal profession and generally, all earned income other than that governed by Articles 9, 10, 11 and 12 of this Agreement, is taxable by the State in the territory of which the personal activity is exercised from which is derived the income and to the extent that the activity is exercised in this territory.

II.—Liberal professions within the meaning of this Article shall include particularly scientific, artistic, literary, teaching and pedagogical activity, as well as that of doctors, lawyers, architects and engineers.

ARTICLE 15.

Students of one of the States who sojourn in the other State exclusively for the purpose of their studies, shall not be subject to any tax by the latter State on the remittances which they receive from a person having his fiscal domicile in the first State.

ARTICLE 16.

It is agreed that double taxation shall be avoided in the following manner:

A.—As regards Canada:

Canada shall deduct from the tax which is normally collectable in virtue of its own legislation, the fraction of this tax related to the income which, in virtue of this Agreement, is taxable in France.

Nevertheless, the amount of the deduction to be made in this way shall not exceed the amount of the tax collected in France on the income referred to in the preceding paragraph.

B.—As regards France:

(a) The tax on the income of physical persons (proportional tax) and the tax on companies.

(1) With respect to the income referred to in Articles 8 and 12 of this Agreement, a deduction of the tax withheld at the source in Canada from that which is collectable in France, will be effected in a lump sum by means of a reduction of fifteen in the rate of the French tax.

(2) When the income referred to in Articles 3, 4, 9, 10 and 13, paragraph I, of this Agreement is, in virtue of the said Agreement, taxable in Canada, it will be exempt from the taxes in France.

(3) When the income referred to in Article 11, paragraph II, 13, paragraphs III and IV, and 14 of this Agreement is, in virtue of the said Agreement, taxable in

Canada, the regular amount of the taxes payable in France will be reduced by the fraction of this tax corresponding to the net amount of this income.

Nevertheless, the credit will, if necessary, be limited to the amount of tax collected in Canada.

(b) The tax on the income of physical persons (progressive surtax). The provisions of paragraph I and II of Article 164 of the "Code français des Impôts" fixing the manner for the taxation of foreigners domiciled or resident in France will continue to be applied.

ARTICLE 17.

Although the French "patente" tax is not referred to in the first Article of this Agreement, it is understood that in the case where the duties to which a Canadian enterprise is liable for this tax by reason of a permanent establishment situated in France are required to be established on the basis of capital, account will only be taken of that portion of the capital situated or employed (investi) in this country.

ARTICLE 18.

Individuals and companies, or other bodies, of one of the two contracting States shall not be subject in the other State, to any taxes other or greater than those which are imposed on individuals and companies, or other bodies, of this latter State.

ARTICLE 19.

The contracting States will exchange information of a fiscal nature which is available to them, or which they are able to obtain under their own legislation and which would be useful to assure the regular assessment and collection of the taxes referred to in this Agreement, as well as the application with respect to these taxes of the legal provisions relative to the prevention of fiscal fraud.

The information so exchanged shall retain its secret nature and shall not be disclosed to persons other than those charged with assessment and collection of the taxes referred to in this Agreement.

The provisions of this Article shall not in any case be considered as requiring one of the contracting States to disclose to the other State, either, information other than that which its own fiscal legislation permits to obtain, or information the furnishing of which would involve the disclosure of industrial, commercial or professional secrets.

Neither shall these provisions be considered as imposing on one of the two contracting States the obligation to perform an administrative act which would be contrary to its regulations or practices.

ARTICLE 20.

I.—Any tax payer who shows proof that the action of the revenue authorities of the two contracting States has resulted in double taxation with respect to the taxes referred to in this Agreement, may lodge a claim with a State in whose jurisdiction he is, or, if the taxpayer is a company or other entity, with the State where such company or entity was created or organized. Should the claim be upheld, the competent authority of this State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation.

II.—The competent authorities of the two contracting States may likewise come to an Agreement for the purpose of overcoming double taxation in cases not otherwise provided by this Agreement, as well as in the case where the interpretation or the application of this Agreement gives rise to difficulties or doubts.

ARTICLE 21.

I.—At the same time the Agreement comes into force and so long as the Agreement shall remain in force, either contracting State may, on giving notice to the other State through diplomatic channels, declare its desire that the operation of the Agreement shall, wholly or subject to modifications to be stipulated in the notice, extend either to one of its overseas territories or to one of the overseas territories of the other State, subject to the condition that the said territory collects taxes which are similar in substance to the taxes referred to in Article 1 above.

The notice will indicate the date or dates from which the extension shall take effect, it being understood that such date or dates shall be at least sixty days after the date of the notice.

II.—In the territory or territories designated by the notice referred to in the preceding paragraph the provisions of this Agreement will apply subject to the conditions and reservations which may be stated in the notice, from the date or dates mentioned therein, unless prior to the date fixed for a particular territory the contracting State which will have received notice shall have informed the other contracting State in writing and through diplomatic channels that it does not accept the notification with respect to this territory, in which case, the provisions which are the subject of the notice will not apply to the said territory.

III.—At any time after the expiry of a period of one year from the coming into force of an extension by notice in accordance with the provisions of the first paragraph of this Article, either contracting State may, by notice given to the other contracting State through diplomatic channels, terminate the application of this Agreement to

any territory to which this Agreement may have been extended. The Agreement shall cease to apply in the territory or territories stated in the notice from the date or dates mentioned in this notice.

It is understood, in any event, that such date or dates shall be at least six months after that of the notice and that such shall not affect in any way the continued application of the Agreement between France and Canada, nor shall it affect the continued application as between one of these countries and any other territory to which the Agreement may have been extended in virtue of the provisions of the first paragraph of the present Article.

IV.—In the application of this Agreement in relation to any territory to which it may have been extended it shall be understood, each time that the Agreement refers to France or to Canada, that it will refer equally to such territory.

V.—Unless the two governments shall have expressly agreed to the contrary, the notice of termination of this Agreement, as provided by Article 23, shall terminate the application of this Agreement with respect to any territory to which it may have been extended under the provision of this Article.

VI.—For the purpose of this Article, the expression "overseas territory" means a "département", colony, protectorate or other overseas territory under the sovereignty or mandate of one of the two contracting States and united by constitutional law to one of these States; but it shall not include territories which do not have diplomatic representation either by France or Canada.

ARTICLE 22.

I.—The present Agreement is drawn up in the French and English languages, the two texts being equally authentic.

II.—The present Agreement shall come into force on a date to be agreed upon by the two Governments.

III.—The information referred to in Article 19 shall be supplied to the extent that it becomes available during the continuance of the Agreement.

ARTICLE 23.

This Agreement shall remain in force for an indefinite period.

However, from the first January 1954, each of the two contracting States may notify the other State during the first six months of each year by writing and through diplomatic channels that it intends to terminate this Agreement.

In such case, this Agreement shall terminate effective from January 1st of the year following the date of notice, it being understood that its application will be limited to the annual taxes which will be assessed for the year during which the notification will have been given.

DONE at Paris, in duplicate, on the 16th day of March one thousand nine hundred and fifty-one.

For the Government of Canada:

G. P. VANIER.

For the Government of the French Republic:

A. PARODI.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 375.

An Act to amend The Prairie Farm Rehabilitation Act.

First reading, June 13, 1951.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

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4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 375.

1935, c. 23; 1937, c. 14; 1939, c. 7; 1940-41, c. 25; 1947-48, c. 25.

An Act to amend The Prairie Farm Rehabilitation Act.

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

1. Section six of *The Prairie Farm Rehabilitation Act*, chapter twenty-three of the statutes of 1935, as enacted by chapter twenty-five of the statutes of 1947-48, is repealed and the following substituted therefor:

Employees.

"**6.** (1) All engineers, clerks and stenographers required for carrying out the provisions of this Act shall be appointed in accordance with the provisions of the *Civil Service Act*.

R.S., c. 22.

Director, Associate Director and certain other employees.

(2) The Minister may appoint a Director of Rehabilitation, an Associate Director of Rehabilitation and all other officers and employees required for carrying out the provisions of this Act, except those mentioned in subsection one, but the salaries and expenses of all persons appointed by the Minister under this subsection shall be fixed by the Governor in Council.

Superannuation of certain employees.

(3) A person who at the coming into force of this section was employed under this Act and whose position is declared by the Governor in Council to be of continuing indeterminate duration shall be deemed to be a civil servant for the purposes of the *Civil Service Superannuation Act*."

R.S., c. 24.

2. (1) The proviso to paragraph *(a)* of section ten of the said Act, as enacted by section one of chapter twenty-five of the statutes of 1940-41, is repealed.

(2) Section ten of the said Act is further amended by adding thereto the following subsection:

Limitation.

"(2) No single project or scheme under this section involving an expenditure in excess of ten thousand dollars in any fiscal year shall be undertaken without the consent of the Governor in Council."

Explanatory Notes.

1. Present section 6 reads as follows:

"**6.** The Minister may appoint a Director of Rehabilitation and an Associate Director of Rehabilitation, and such temporary technical and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act and the salaries and expenses of all persons appointed under this section shall be fixed by the Governor in Council."

2. The proviso to section 10 reads as follows:

"provided that if the total amount to be expended under any single project or scheme under this section exceeds five thousand dollars in any fiscal year, the approval of the Governor in Council shall be required;"

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 376.

An Act respecting the construction of a line of railway by Canadian National Railway Company from Sherridon to Lynn Lake, in the Province of Manitoba.

First reading, June 13, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
87480 1951

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 376.

An Act respecting the construction of a line of railway by Canadian National Railway Company from Sherridon to Lynn Lake, in the Province of Manitoba.

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

Construction and completion.

1. The Governor in Council may provide for the construction and completion by Canadian National Railway Company (in this Act called "the Company") prior to the first day of November, nineteen hundred and fifty-three, or such later date as the Governor in Council may fix, of the line of railway (in this Act called the "railway line") described in the Schedule.

Competitive bids or tenders.

2. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway line in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

Maximum expenditure.

3. Estimates of the mileage of the railway line, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, the Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per centum.

Issue of securities.

4. Subject to the provisions of this Act and the approval of the Governor in Council, the Company may, in respect of the cost of the construction and completion of the railway line, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities"), not exceeding in the aggregate the sum of ten million dollars, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary loans.

5. (1) To enable the work of construction and completion of the railway line to proceed forthwith, the Minister of Finance, upon application made to him by the Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Company out of the Consolidated Revenue Fund, not exceeding ten million dollars, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by securities that the Company is authorized to issue under section four.

Definitive securities.

(2) Definitive securities may be issued, not exceeding ten million dollars, and guaranteed under the provisions of this Act, to repay loans made under subsection one, or any part thereof.

Guarantees.

6. (1) The Governor in Council may authorize the guarantee by His Majesty in right of Canada of the principal and interest of the securities that the Company may issue under the provisions of this Act.

Form and terms.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of His Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Guarantees may be general or separate.

(3) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue or a separate guarantee endorsed on each obligation.

Temporary guarantees.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced by permanent guarantees.

Deposit of proceeds of sale, etc., of securities.

7. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance in trust for the Company, in one or more banks designated by him.

Release of deposits.

(2) The Board of Directors of the Company may authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection one, to the Company for the purpose of meeting expenditures in respect of the construction of the railway line, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly.

Report to Parliament.

8. The Minister of Transport shall present to Parliament during the first ten days of each session held prior to the date of completion fixed by or under section one, a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any advances made under section five and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct.

Fencing.

9. The Company is not required to fence the right of way and station grounds of the railway line and is not liable in damages by reason only of the absence of fencing.

SCHEDULE

Location	Mileage	Estimates	
		Cost of Construction	Average cost per mile
		$	$
From Sherridon to Lynn Lake, in the Province of Manitoba	155	14,725,000 00	95,000 00

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 377.

An Act to amend the Railway Act.

First reading, June 14, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

86806

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 377.

An Act to amend the Railway Act.

R.S., c. 170; 1928, c. 43; 1929, c. 54; 1930, c. 36; 1932-33, c. 47; 1938, cc. 40, 12; 1946, c. 30; 1947, c. 70; 1947-48, cc. 27, 66; 1950, c. 20.

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

1. Subsections two, three and four of section fifty-two of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, are repealed and the following substituted therefor:

Appeal to Supreme Court as to question of law or jurisdiction by leave of judge.

"(2) An appeal lies from the Board to the Supreme Court of Canada upon a question of law, or a question of jurisdiction, upon leave therefor being obtained from a judge of the Supreme Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as the judge under special circumstances allows, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard; and the costs of such application shall be in the discretion of the judge.

Entry of application.

(3) No appeal, after leave therefor has been obtained under subsection two of this section, lies unless it is entered in the Supreme Court within sixty days from the making of the order granting leave to appeal."

2. Subsection six of section three hundred and twenty-three of the said Act is repealed and the following substituted therefor:

Regulations as to publication.

"(6) The Board may, with respect to any tariff of tolls, make regulations fixing and determining the time when, the place where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection."

3. Subsection three of section three hundred and twenty-five of the said Act is repealed and the following substituted therefor:

Explanatory Notes.

The Bill contains certain proposed amendments to the *Railway Act* arising out of the Report of the Royal Commission on Transportation.

1. The purpose of this amendment is to provide for an appeal from the Board to the Supreme Court of Canada on a question of law upon leave being obtained from a judge of the Supreme Court. Present subsections (2), (3) and (4) of section 52 read as follows:

"**2.** An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, upon leave therefor being obtained from a judge of the said Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board and upon hearing such of them as appear and desire to be heard, and the costs of such application shall be in the discretion of the judge.

3. An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law, or a question of jurisdiction, or both, upon leave therefor having been first obtained from the Board within one month after the making of the order or decision sought to be appealed from, or within such further time as the Board under special circumstances shall allow, and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the Board.

4. No appeal, after leave therefor has been obtained under subsection two or three of this section, shall lie unless it is entered in the said Court within sixty days from the making of the order granting leave to appeal."

2. Present subsection (6) of section 323 reads as follows:

"**6.** The Board may, with respect to any tariff of tolls, *other than the passenger and freight tariffs in this Act hereinafter mentioned*, make regulations fixing and determining the time when, the places where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection."

The amendment is required by the amendments contained in clause 4 of the Bill.

3. Present subsection (3) of section 325 reads as follows:

"**3.** Except as otherwise provided, any tariff in force, *except standard tariffs hereinafter mentioned*, may, subject to disallowance or change by the Board, be amended or supplemented by the company by new tariffs, in accordance with the provisions of this Act."

The amendment is required by the elimination of the references to standard tariffs provided for in clause 4 of the Bill.

Amendment.

"(3) Except as otherwise provided, any tariff in force may, subject to disallowance or change by the Board, be amended or supplemented by the company by new tariffs, in accordance with the provisions of this Act."

4. Sections three hundred and twenty-eight to three hundred and thirty-two of the said Act are repealed and the following substituted therefor:

Division of freight tariffs.

"**328.** (1) The tariffs of tolls that the company is authorized to issue under this Act for the carriage of goods between points on the railway are:

(a) class rate tariffs;
(b) commodity rate tariffs;
(c) competitive rate tariffs; and
(d) special arrangements tariffs.

Class rate.

(2) A class rate is a rate applicable to a class rating to which articles are assigned in the freight classification.

Commodity rate.

(3) A commodity rate is a rate applicable to an article described or named in the tariff containing the rate.

Competitive rate.

(4) A competitive rate is a class or commodity rate that is issued to meet competition.

Special arrangement.

(5) Special arrangements are charges, allowances, absorptions, rules and regulations respecting demurrage, protection, storage, switching, elevation, cartage, loading, unloading, weighing, diversion and all other accessorial or special arrangements that in any way increase or decrease the charges to be paid on any shipment or that increase or decrease the value of the service provided by the company.

What class rate tariff to specify.

"**329.** Class rate tariffs

(a) shall specify class rates on a mileage basis for all distances covered by the company's railway, and such distances shall be expressed in blocks or groups and the blocks or groups shall include relatively greater distances for the longer than for the shorter hauls, and

(b) may, in addition, specify class rates between specified points on the railway.

Tariffs to be filed and published.

"**330.** (1) Every freight tariff and every amendment of a freight tariff shall be filed and published, and notice of the issue thereof and of cancellation of any such tariff or any portion thereof shall be given in accordance with regulations, orders or directions made by the Board.

Effective dates of tariffs.

(2) Where a freight tariff is filed and notice of issue is given in accordance with this Act and regulations, orders and directions of the Board, it shall, unless it is disallowed, suspended or postponed by the Board, take effect on the date stated in the tariff as the date on which it is intended to take effect, and shall supersede any preceding tariff, or any portion thereof, in so far as it reduces or advances

4. Sections 328—332 to be repealed now read as follows:

"**328.** *The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes,*

(a) the standard freight tariff;

(b) special freight tariffs; and

(c) competitive tariffs."

"**329.** *The standard freight tariff or tariffs, where the company is allowed by the Board more than one standard freight tariff, shall specify the maximum mileage tolls to be charged for each class of the freight classification for all distances covered by the company's railway.*

2. Such distances may be expressed in blocks or groups, and such blocks or groups may include relatively greater distances for the longer than for the shorter hauls.

3. The special freight tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.

4. The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act."

"**330.** *Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board.*

2. Upon any such tariff being filed and approved by the Board the company shall publish the same, with a notice of such approval in such form as the Board directs in at least two consecutive weekly issues of the Canada Gazette.

3. When the provisions of this section have been complied with, the tolls as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the cases of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods.

4. Until the provisions of this section have been complied with, no toll shall be charged by the company.

5. No standard freight tariff shall be amended or supplemented except with approval of the Board."

the tolls therein, and the company shall thereafter, until such tariff expires or is disallowed or suspended by the Board or is superseded by a new tariff, charge the tolls as specified therein.

Filing of competitive tariffs.

"**331.** (1) The Board may provide that any competitive rate may be acted upon and put into operation immediately upon the issue thereof before it is filed with the Board, or allow any such rate to go into effect as the Board shall appoint.

(2) The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that

(a) the competition actually exists;

(b) the rates are compensatory; and,

(c) the rates are not lower than necessary to meet the competition;

and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following:

(i) the name of the competing carrier or carriers,

(ii) the route over which competing carriers operate,

(iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,

(iv) the tonnage normally carried by the railway between the points of origin and destination,

(v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,

(vi) the extent to which the net revenue of the company will be improved by the proposed changes,

(vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and

(viii) any other information required by the Board regarding the proposed movement.

Burden of proof.

"**332.** Where an objection is filed with the Board to any freight tariff that advances a rate previously authorized to be charged under this Act, the burden of proof justifying the proposed advance shall be upon the company filing the tariff.

National freight rates policy.

"**332A.** (1) It is hereby declared to be the national freight rates policy that, subject to the exceptions specified in subsection four, every railway company shall, so far as is reasonably possible, in respect of all freight traffic of the

"**331.** *Special freight tariffs shall be filed by the company with the Board, and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect.*

2. *When any such special freight tariff reduces any toll previously authorized to be charged under this Act, the company shall file such tariff with the Board at least three days before its effective date, and shall, for three days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of such tariff, at every station or office of the company where freight is received, or to which freight is to be carried thereunder, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may by regulation or otherwise determine and prescribe any other or additional method of publication of such tariff during the period aforesaid.*

3. *When any such special freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff thirty days previously to the date on which such tariff is intended to take effect: Provided that where objection to any such tariff is filed with the Board, the burden of proof justifying the proposed advances shall be upon the company filing said tariff.*

4. *When the foregoing provisions have been complied with, any such special freight tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is disallowed or suspended by the Board or superseded by a new tariff, charge the toll or tolls as specified therein, and such special freight tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.*

5. *Until such special freight tariff comes into effect, no such special freight toll or tolls shall be charged by the company.*"

"**332.** *Competitive tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect: Provided that where it may be necessary to meet the exigencies of competition, or as the Board may deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board, or may in any case make a special order or direction allowing any such tariff to go into effect as the Board shall appoint.*"

same description, and carried on or upon the like kind of cars or conveyances, passing over all lines or routes of the company in Canada, charge tolls to all persons at the same rate, whether by weight, mileage or otherwise.

Revision of tariffs.

(2) The Board may, with a view to implementing the national freight rates policy, require any railway company

(a) to establish a uniform scale of mileage class rates applicable on its system in Canada, such rates to be expressed in blocks or groups, the blocks or groups to include relatively greater distances for the longer than for the shorter hauls;

(b) to establish for each article or group of articles for which mileage commodity rates are specified, a uniform scale of mileage commodity rates applicable on its system in Canada, such rates to be expressed in blocks or groups, the blocks or groups to include relatively greater distances for the longer than for the shorter hauls; and

(c) to revise any other rates charged by the company.

Disallowance and substitution.

(3) The Board may disallow any tariff or any portion thereof that it considers to be contrary to the national freight rates policy, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

Exceptions.

R.S., c. 79

(4) Subsections one, two and three are subject to the proviso to subsection five of section three hundred and twenty-five of this Act and to the *Maritime Freight Rates Act*, and do not apply in respect of

(a) joint international rates between points in Canada and points in the United States of America;

(b) rates on export and import traffic through Canadian ports, where in practice such rates bear a fixed and long-standing relationship with rates on similar traffic through ports in the United States of America;

(c) competitive rates;

(d) agreed charges authorized by the Board under Part V of *The Transport Act, 1938*

(e) rates over the White Pass and Yukon route; and

(f) any other case where the Board considers that an exception should be made from the operation of this section.

Definitions.

"eastern territory".

"**332B.** (1) In this section

(a) "eastern territory" means any point on a line of railway east of Port Arthur, Ontario, or Armstrong, Ontario;

"western territory".

(b) "western territory" means any point on a line of railway in British Columbia to which competitive transcontinental tolls apply;

"intermediate territory".

(c) "intermediate territory" means any point between eastern territory and western territory on any line of railway; and

"transcontinental freight traffic".

(d) "transcontinental freight traffic" means freight traffic

(i) having its origin in eastern territory and its destination in western territory, or

(ii) having its origin in western territory and its destination in eastern territory.

Maximum tolls to intermediate territory.

(2) Tariffs naming a competitive toll for any transcontinental freight traffic shall provide that

(a) the toll for freight traffic having its destination at a point in intermediate territory, and

(i) having its origin at the same point in eastern or western territory,

(ii) being of the same description, and

(iii) carried in the same direction and under the same conditions and arrangements as to weight and otherwise,

as the transcontinental freight traffic for which the competitive toll is named, shall not exceed by more than one-third the competitive toll so named to the point of destination in eastern or western territory, as the case may be, nearest to the point of destination in intermediate territory;

Maximum tolls from intermediate territory.

(b) the toll for freight traffic having its origin at a point in intermediate territory, and

(i) having its destination at the same point in eastern or western territory,

(ii) being of the same description, and

(iii) carried in the same direction and under the same conditions and arrangements as to weight and otherwise,

as the transcontinental freight traffic for which the competitive toll is named, shall not exceed by more than one-third the competitive toll so named between such point of destination and the point of origin in eastern or western territory, as the case may be, nearest to the point of origin in intermediate territory."

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

What standard passenger tariffs shall specify.

"(2) The standard passenger tariff or tariffs, where the company is allowed by the Board more than one standard passenger tariff, shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be

The amendments contained in proposed new sections 328 to 332 provide for the elimination of the references in the Act to standard and special freight tariffs, for a new division of freight tariffs conforming to present practices, and for revision of related sections.

Section 331*(b)* is new and empowers the Board to require a company issuing a competitive rate to furnish certain information.

Section 332A is new. This amendment sets out the national freight rates policy and empowers the Board to provide for equalization of freight rates in Canada subject to the exceptions contained in subsection (4).

Section 332B is new. This amendment provides that when competitive transcontinental tariffs of freight rates are published by the railways, such tariffs shall contain a provision that the rates to or from intermediate territory shall not exceed the transcontinental rates by more than one-third.

5. Section 333 at present reads as follows:—

"**333.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes,

(a) the standard passenger tariff; and

(b) special passenger tariffs.

2. *The standard passenger tariff or tariffs, where the company is allowed by the Board more than one standard passenger tariff, shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be expressed in like manner as provided herein in respect of standard freight tariffs.*

(3) Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company's standard passenger tariff."

expressed in like manner as provided in paragraph *(a)* of section three hundred and twenty-nine of this Act for class rate freight tariffs."

6. Subsection one of section three hundred and thirty-four of the said Act is repealed and the following substituted therefor:

Standard passenger tariff.

"**334.** (1) A standard passenger tariff shall be filed, approved and published, and amended or supplemented, in the same manner as required by this Act in the case of a class rate freight tariff."

7. Section three hundred and thirty-six of the said Act is amended by adding thereto the following subsection:

Burden of proof of greater costs.

"(4) Where it is shown that the rates in the joint tariff exceed the rates in a single-line tariff for the same or similar distances in the same locality, the burden of proof lies upon the companies to show to the satisfaction of the Board that there are greater costs involved in the joint movement, and only in such case shall the rates in the joint tariff exceed the rates in the single-line tariff."

Repeal.

8. Subsections one, three and four of section three hundred and forty-two of the said Act are repealed.

6. Section 334 at present reads as follows:—

"**334.** *A standard passenger tariff shall be filed, approved and published, and amended or supplemented, in the same manner as required by this Act in the case of a standard freight tariff.*

2. Until the company files its standard passenger tariff and such tariff is so approved and published in the *Canada Gazette*, no tolls shall be charged by the company.

3. When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers."

7. Subsection (4) of section 336 relating to interline rates is new.

8. This amendment is consequent on the amendment to subsection (6) of section 323 contained in Clause 2 of the Bill. Section 342 at present reads as follows:—

"**342.** *The company shall deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each of its tariffs, at the following places respectively:—*

(a) Standard passenger and freight tariffs at every station or office of the company where passengers or freight, respectively, are received for carriage, thereunder;

(b) Special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and such freight tariffs also at each of its stations or offices to which freight traffic is to be carried thereunder;

(c) Competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder;

(d) Joint tariffs for traffic passing over any continuous route in Canada, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend;

(e) Joint tariffs for traffic passing over any continuous route operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, at each freight station or office where such traffic is to be received, and at each freight station or office in Canada to which it is to be carried as its destination;

(f) Joint tariffs for traffic carried by any continuous route owned or operated by two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country, at each freight station or office in Canada to which such tariffs extend.

2. The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours.

3. *The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect.*

4. *Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of any tariff required by this section, by regulation or otherwise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection, and may exempt from any such publication any competitive tariffs, or any joint tariff for traffic carried by any continuous route,*

(a) operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country; or

(b) owned or operated by any two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country."

9. Subsection four of section three hundred and seventy-five of the said Act is repealed and the following substituted therefor:

Provisions applying to tolls.

"(4) Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to freight tariffs, and all the provisions of this Act, except as to publication under section three hundred and forty-two applicable to companies thereunder with respect to freight tariffs and tolls, shall in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telephone and telegraph tariffs and tolls."

10. Subsection one of section three hundred and seventy-nine of the said Act is repealed and the following substituted therefor:

Annual returns.

"**379.** (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Board, of its assets, liabilities, capitalization, revenues, working expenditures and traffic."

11. Subsection one of section three hundred and eighty of the said Act is repealed and the following substituted therefor:

Traffic returns monthly.

"**380.** (1) Every railway, telegraph, telephone and express company and every carrier by water, if required by the Board so to do, shall prepare monthly returns of its revenues, working expenditure and traffic and all other information that may be required."

12. The said Act is further amended by adding thereto, immediately after section three hundred and eighty thereof, the following sections:

Statistical procedure.

"**380A.** The Board shall institute and maintain a statistical procedure designed to provide the data necessary for the performance of its duties.

Board to prescribe uniform classification and system of accounts.

"**380B.** (1) The Board shall prescribe for the Canadian National Railway Company and the Canadian Pacific Railway Company a uniform classification and system of accounts and returns of their assets, liabilities, revenues and working expenditure that relate to railway operations.

Idem

(2) The Board may prescribe for any other railway company within the legislative authority of the Parliament of Canada a uniform classification and system as described in subsection one, or a condensed form thereof.

9. Subsection (4) of section 375 at present reads as follows:

"**4.** Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to standard freight tariffs, and all the provisions of this Act, except as to publication under section three hundred and forty-two applicable to companies thereunder with respect to *standard freight* tariffs and tolls, shall in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telegraph and telephone tariffs and tolls."

The amendment deletes the reference to standard freight tariffs.

10. Subsection (1) of section 379 at present reads as follows:

"**379.** Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Board, of its *capital, traffic and working expenditure and of all other information required.*"

This amendment and the next following amendment relate to statistics and returns.

11. Subsection (1) of section 380 at present reads as follows:

"**380.** Every railway, telegraph, telephone and express company and every carrier by water, if required by the Board so to do, shall prepare *returns of its traffic monthly, that is to say, from the first to the close of the month inclusive.*"

12. New. The purpose of this amendment is to direct the Board to provide for a uniform classification and system of accounts and reports for rail items for the Canadian National and Canadian Pacific Railways, and to empower the Board to prescribe a simplified classification of such accounts and reports for other railways. The amendment would also give the Board power to prescribe rates of depreciation for different classes of property for which depreciation may properly be charged for the rail accounts, and to institute and maintain a statistical procedure.

Items to be classed as railway accounts.

(3) The Board shall prescribe the items that shall be classed as items relating to railway operations in the accounts and returns.

Depreciation.

(4) The Board shall prescribe the classes of property for which depreciation charges may properly be included under operating expenses in the accounts, and the rate or rates of depreciation that shall be charged with respect to each of the classes of property.

Inspection of accounts.

(5) The Board or person appointed or directed by the Board under this Act to make an inquiry or report may inspect and take copies of the accounts and other documents of any railway company within the legislative authority of the Parliament of Canada.

Railway company to keep accounts as prescribed.

(6) Every railway company for which the uniform or condensed classification and system of accounts and returns is prescribed shall keep its accounts in accordance with the prescribed classification and system."

13. The portion of section three hundred and eighty-three of the said Act that precedes paragraph *(a)* thereof is repealed and the following substituted therefor:

Returns privileged.

"**383.** All returns made in pursuance of any of the provisions of the six sections of this Act last preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution for"

14. Paragraphs *(a)* and *(b)* of subsection one of section four hundred and thirty-seven of the said Act are repealed and the following substituted therefor:

"*(a)* any return of its assets, liabilities, capitalization, revenue, working expenditure and traffic or of any other information required as indicated in the forms for the time being required by the Board; or

(b) any monthly return of its revenues, working expenditure and traffic and of any other information that may be required, in accordance with the forms for the time being required by the Board; or"

13. The only change is to substitute the word "six" for the word "four".

14. Paragraphs *(a)* and *(b)* of section 437 read as follows:

"**437.** Every railway, telegraph, telephone or express company that fails or neglects to prepare and furnish to the Board within such time and in such manner and form, and in accordance with such classifications, and with such particulars and verification, as by or under this Act are required or intended,

(a) any return of its *capital, traffic and working expenditure*, or of any other information required as indicated in the forms for the time being required by the Board; or

(b) any monthly return of its *traffic in accordance with the forms for the time* being required by the Board, if such monthly return is required by the Minister; or"

This is a penalty section. The amendment is required in consequence of the amendments to sections 379 and 380.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 378.

An Act to amend The Canadian National-Canadian Pacific Act, 1933.

First reading, June 14, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87814

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 378.

1932-33, c. 33; 1936, c. 25; 1939, c. 37; 1947, c. 28.

An Act to amend The Canadian National-Canadian Pacific Act, 1933.

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

1. *The Canadian National-Canadian Pacific Act, 1933*, chapter thirty-three of the statutes of 1932-33, as enacted by section three of chapter twenty-five of the statutes of 1936, is amended by adding thereto, immediately after section fourteen thereof, the following section:

Contents of report to Parliament.

"**14A.** The annual report of the Board of Directors submitted to Parliament under subsection one of section fourteen shall contain a separate section giving in a summary manner information concerning:—

(a) the results achieved and the economies effected under this Act during the immediately preceding fiscal year of the National Company;

(b) co-operative projects approved during the year preceding by the National Company and the Pacific Company but not yet completed;

(c) co-operative projects approved during the year preceding by the National Company and the Pacific Company but not proceeded with and the reasons therefor;

(d) co-operative projects studied during the year preceding by the National Company and the Pacific Company but not approved and the reasons therefor;

(e) co-operative projects currently being studied by the National Company and the Pacific Company, and such other information as appears to the Directors to be of public interest or necessary for the information of Parliament with relation to any situation existing at the time of such report or as may be required from time to time by the Governor in Council; and

Explanatory Note.

1. New. The purpose of the amendment is to provide that the annual report submitted to Parliament by the Directors of Canadian National Railways shall contain a separate section giving in a summary manner information concerning co-operative projects.

(*f*) an estimate of the annual value, having regard to the traffic conditions and cost of railway operations obtaining at the time of the report, of continuing co-operative measures, such as the pooling of trains."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 379.

An Act to amend the Maritime Freight Rates Act.

First reading, June 14, 1951.

THE MINISTER OF TRANSPORT.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87810

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 379.

R.S., c. 79; 1949 (1st Sess.), c. 6.

An Act to amend the Maritime Freight Rates Act.

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 four of the *Maritime Freight Rates Act*, chapter seventy-nine of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after paragraph *(c)* thereof, the following paragraph:

Westbound rail-and-lake traffic.

"*(d)* Traffic moving outward westbound rail-and-lake, and also rail-lake-and-rail from points on the Eastern lines westbound to points in Canada via ports beyond the limit of the Eastern lines at Diamond Junction or Levis; for example, Moncton to Winnipeg via the port of Point Edward thence via water to Port Arthur or Fort William—the twenty per cent shall be based upon the Eastern lines proportion of the through rate for the rail mileage from Moncton west as far as Diamond Junction or Levis."

Repeal.

2. Section six of the said Act is repealed.

Explanatory Notes.

1. New. The purpose of the amendment is to confirm the present practice of the Board of Transport Commissioners for Canada and the Railways which gives the benefit of the *Maritime Freight Rates Act* to westbound traffic moving rail-and-lake and also rail-lake-and-rail from points on the Eastern lines.

2. Section six at present reads as follows:

"**6.** For accounting purposes, but without affecting the management and operation of any of the Eastern lines, the revenues and expenses of the Eastern lines, including the reductions herein authorized which shall be borne by the Eastern lines, shall be kept separately from all other accounts respecting the construction, operation or management of the Canadian National Railways.

(2) In the event of any deficit occurring in any Railway fiscal year in respect of the Eastern lines the amount of such deficit shall be included in a separate item in the estimates submitted to Parliament for or on behalf of the Canadian National Railways at the first session of Parliament following the close of such fiscal year."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 385.

An Act to vary the Manitoba Natural Resources Agreement.

First reading, June 18, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84108

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 385.

An Act to vary the Manitoba Natural Resources Agreement.

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, 1951.*

Agreement confirmed.

2. The Agreement set out in the Schedule to this Act is hereby confirmed and shall take effect according to its terms.

Explanatory Note.

The purpose of this Bill is to approve an agreement with the province concerned to amend the Natural Resources Transfer Agreement for the purpose of permitting the province to invest the School Lands Fund in a wider range of securities than is at present permitted. The approval of Parliament and of the Legislature of the province concerned is required before the amendment takes effect.

SCHEDULE

MEMORANDUM OF AGREEMENT

Made this eleventh day of June, 1951.

BETWEEN

THE GOVERNMENT OF CANADA, represented herein by the Honourable Douglas Charles Abbott, Minister of Finance,

Of the first part,

AND

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, represented herein by the Honourable Douglas Lloyd Campbell, Premier of Manitoba,

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" 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 paragraphs six and seven of the Natural Resources Transfer Agreement provide as follows:

"6. Upon the coming into force of this Agreement, Canada will transfer to the Province the money or securities constituting that portion of the School Lands Fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof."

"7. 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 the effect of these provisions is that money obtained from the sale of the school lands specified therein and the said School Lands Fund may be invested only in securities of Canada;

And Whereas it has been agreed that provision should be made for the investment of such money in other securities as hereinafter provided:

Now Therefore This Agreement Witnesseth That:

1. Paragraph seven of the Natural Resources Transfer Agreement is amended by adding thereto the following provision:

"The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation or school district in the Province of Manitoba, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

2. This Agreement is made subject to its being approved 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 approval 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 Douglas Charles Abbott, Minister of Finance, has hereunto set his hand on behalf of Canada, and the Honourable Douglas Lloyd Campbell, Premier of Manitoba, has hereunto set his hand on behalf of the Province of Manitoba.

Signed on behalf of the Government of Canada by the Honourable Douglas Charles Abbott, Minister of Finance, in the presence of

(Sgd.) W. C. Clark.

(Sgd.) D. C. Abbott.

Signed on behalf of the Government of Manitoba by the Honourable Douglas Lloyd Campbell, Premier of Manitoba, in the presence of

Thora Sigurdson

(Sgd.) Douglas Campbell.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 386.

An Act to vary the Alberta Natural Resources Agreement.

First reading, June 18, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84100

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 386.

An Act to vary the Alberta Natural Resources Agreement.

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 Alberta Natural Resources Transfer (Amendment) Act, 1951.*

Agreement confirmed.

2. The Agreement set out in the Schedule to this Act is hereby confirmed and shall take effect according to its terms.

Explanatory Note.

The purpose of this Bill is to approve an agreement with the province concerned to amend the Natural Resources Transfer Agreement for the purpose of permitting the province to invest the School Lands Fund in a wider range of securities than is at present permitted. The approval of Parliament and of the Legislature of the province concerned is required before the amendment takes effect.

SCHEDULE

MEMORANDUM OF AGREEMENT.

Made this 31st day of March, 1951.

BETWEEN

THE GOVERNMENT OF CANADA, represented herein by the Honourable Douglas Charles Abbott, Minister of Finance,

Of the first part,

AND

THE GOVERNMENT OF THE PROVINCE OF ALBERTA, represented herein by the Honourable Ernest Charles Manning, Premier of Alberta and Provincial Treasurer,

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" 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 paragraphs six and seven of the Natural Resources Transfer Agreement provide as follows:

"6. Upon the coming into force of this Agreement, Canada will transfer to the Province the money or securities constituting that portion of the School Lands Fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof."

"7. 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 the effect of these provisions is that money obtained from the sale of the school lands specified therein and the said School Lands Fund may be invested only in securities of Canada;

AND WHEREAS it has been agreed that provision should be made for the investment of such money in other securities as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph seven of the Natural Resources Transfer Agreement is amended by adding thereto the following provision:

"The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation, school district or school division in the Province of Alberta, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

2. This Agreement is made subject to its being approved by the Parliament of Canada and by the Legislature of the Province of Alberta, and shall take effect on the first day of the calendar month beginning next after its approval 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 Douglas Charles Abbott, Minister of Finance, has hereunto set his hand on behalf of Canada; and the Honourable Ernest Charles Manning, Premier of Alberta and Provincial Treasurer, has hereunto set his hand on behalf of the Province of Alberta.

Signed on behalf of the Government of Canada by the Honourable Douglas Charles Abbott, Minister of Finance, in the presence of
(Sgd) W. C. CLARK

(Sgd) D. C. ABBOTT.

Signed on behalf of the Government of Alberta by the Honourable Ernest Charles Manning, Premier of Alberta and Provincial Treasurer, in the presence of
(Sgd) D. HOPE

(Sgd) ERNEST MANNING

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 387.

An Act to vary the Saskatchewan Natural Resources Agreement.

First reading, June 18, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84104

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 387.

An Act to vary the Saskatchewan Natural Resources Agreement.

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 Transfer (Amendment) Act, 1951.*

Agreement confirmed.

2. The Agreement set out in the Schedule to this Act is hereby confirmed and shall take effect according to its terms.

Explanatory Note.

The purpose of this Bill is to approve an agreement with the province concerned to amend the Natural Resources Transfer Agreement for the purpose of permitting the province to invest the School Lands Fund in a wider range of securities than is at present permitted. The approval of Parliament and of the Legislature of the province concerned is required before the amendment takes effect.

SCHEDULE

MEMORANDUM OF AGREEMENT

Made this 29th day of March, 1951.

BETWEEN

THE GOVERNMENT OF CANADA, represented herein by the Honourable Douglas Charles Abbott, Minister of Finance,

Of the first part,

AND

THE GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN represented herein by the Honourable Clarence Melvin Fines, Provincial, Treasurer,

Of the second part.

WHEREAS the Agreement entered into between the parties hereto on the 20th 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 twenty-six 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 paragraphs six and seven of the Natural Resources Transfer Agreement provide as follows:

"6. Upon the coming into force of this Agreement, Canada will transfer to the Province the money or securities constituting that portion of the School Lands Fund, created under sections twenty-two and twenty-three of the Act to amend and consolidate the several Acts respecting Public Lands of the Dominion, being chapter thirty-one of forty-two Victoria, and subsequent statutes, which is derived from the disposition of any school lands within the Province or within that part of the Northwest Territories now included within the boundaries thereof."

"7. 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 the effect of these provisions is that money obtained from the sale of the school lands specified therein and the said School Lands Fund may be invested only in securities of Canada;

AND WHEREAS it has been agreed that provision should be made for the investment of such money in other securities as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT:

1. Paragraph seven of the Natural Resources Transfer Agreement is amended by adding thereto the following provision:

"The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation, school district or school unit in the Province of Saskatchewan, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

2. This Agreement is made subject to its being approved 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 approval 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 Douglas Charles Abbott, Minister of Finance, has hereunto set his hand on behalf of Canada; and the Honourable Clarence Melvin Fines, Provincial Treasurer, has hereunto set his hand on behalf of the Province of Saskatchewan.

Signed on behalf of the Government of Canada by the Honourable Douglas Charles Abbott, Minister of Finance, in the presence of
(Sgd.) W. C. CLARK.

(Sgd.) D. C. ABBOTT.

Signed on behalf of the Government of Saskatchewan by the Honourable Clarence Melvin Fines, Provincial Treasurer, in the presence of
(Sgd.) THOS. H. MCLEOD.

(Sgd.) C. M. FINES.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 388.

An Act to promote Fair Employment Practices in Canada.

First reading, June 18, 1951.

MRS. FAIRCLOUGH.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

88232

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 388.

An Act to promote Fair Employment Practices in Canada.

Preamble.

WHEREAS it is desirable to enact a measure to prevent discrimination against men and women in respect of their employment on account of race, creed, colour, ancestry or origin; and whereas such policy is in accord with the universal declaration of human rights as proclaimed by the United Nations;

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

Short title.

1. This Act may be cited as *The Canadian Fair Employment Practices Act.*

Application.

2. This Act shall apply in respect of employees who are employed upon or in connection with the operation of any work, undertaking or business that is within the legislative authority of the Parliament of Canada including, but not so as to restrict the generality of the foregoing,

(a) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada;

(b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province;

(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;

(d) ferries between any province and any other province or between any province and any country other than Canada;

(e) aerodromes, aircraft and lines of air transportation;
(f) radio broadcasting stations;
(g) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;
(h) the civil service of Canada;
(i) any corporation established to perform any function or duty on behalf of the Government of Canada and in respect of employees of such corporation;

and in respect of the employers of all such employees in their relations with such employees and in respect of trade unions and employers' organizations composed of such employees or employers.

Definitions.

3. In this Act,

"Minister". (a) "Minister" means the Minister of Labour;

"Deputy Minister". (b) "Deputy Minister" means the Deputy Minister of Labour;

"trade union". (c) "trade union" or "union" means any organization of employees formed for purposes that include the regulation of relations between employees and employers;

"employers' organization". (d) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;

"employment agency". (e) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;

"person". (f) "person", in addition to the extended meaning given it by the *Interpretation Act*, includes employment agency, employers' organization and trade union.

Employers not to discriminate in employment practices.

4. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his race, creed, colour, ancestry or origin.

Membership in trade union.

5. No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, ancestry or origin.

Employment applications and advertisements not to discriminate.

6. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry which expresses either directly or indirectly any limitation, specification or preference as to the race, creed, colour, ancestry or origin.

Conciliation officer.

7. (1) The Minister may on the recommendation of the Deputy Minister designate a conciliation officer to inquire into the complaint of any person that he has been refused employment, discharged or discriminated against contrary to section four, or that he has been excluded, expelled, suspended or discriminated against contrary to section five, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section six of this Act.

Form.

(2) Every such complaint shall be in writing on the form prescribed by the Deputy Minister and shall be mailed or delivered to him at his office.

Duties.

(3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Report.

(4) The conciliation officer shall report the results of his inquiry and endeavours to the Deputy Minister.

Commission.

8. (1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Deputy Minister, appoint a commission composed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act.

Powers.

1947-48, c. 54.

(2) The commission shall have all the powers and shall enjoy all the rights and privileges of the Canada Labour Relations Board under section fifty-eight of *The Industrial Relations and Disputes Investigation Act.*

Evidence.

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Deputy Minister the course that ought to be taken with respect to the complaint, which recommendation may include reinstatement with or without compensation for loss of earnings and other benefits.

Majority recommendations to prevail.

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

Clarification of recommendations.

(5) After a commission has made its recommendations, the Deputy Minister may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Deputy Minister until they have been so clarified or amplified.

Minister's order.

(6) The Minister on the recommendation of the Deputy Minister may issue whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with its terms.

Offences and penalties.

9. (1) Every person who fails to comply with any provision of this Act or with any order made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a penalty of not more than fifty dollars; or

(b) if a corporation, trade union, employers' organization or employment agency, to a penalty of not more than one hundred dollars.

Disposition of penalties.

(2) The penalties recovered for offences against this Act shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.

Style of prosecution.

10. A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization.

Agreements with provinces.

11. Where legislation enacted by the legislature of a province and this Act are substantially uniform the Minister of Labour may on behalf of the Goverment of Canada, with the approval of the Governor in Council, enter into an agreement with the government of the province to provide for the administration by officers and employees of Canada of the provincial legislation.

Regulations.

12. The Governor in Council may make regulations generally for carrying any of the purposes or provisions of this Act into effect.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 389.

An Act to amend The Returned Soldiers' Insurance Act.

First reading, June 18, 1951.

THE MINISTER OF VETERANS AFFAIRS.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

86390

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 389.

1920, c. 54; 1921, c. 52; 1922, c. 42; 1923, c. 67; 1928, c. 45; 1929, c. 56; 1930, c. 38.

An Act to amend The Returned Soldiers' Insurance Act.

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

Definitions.

1. (1) Subparagraphs (i) and (ii) of paragraph *(b)* of section two of *The Returned Soldiers' Insurance Act*, chapter fifty-four of the statutes of 1920, are repealed and the following substituted therefor:

Definition of child, amended.

"(i) a legally adopted child;

"(ii) a stepchild who is designated by the insured as a beneficiary and in such designation is described either by name or as a stepchild; and"

(2) Paragraphs *(d)* and *(e)* of section two of the said Act are repealed and the following substituted therefor:

"Minister".

"*(d)* 'Minister' means the Minister of Veterans Affairs or such other Minister as the Governor in Council may from time to time determine;

"parent".

"*(e)* 'parent' includes a father, mother, grandfather, grandmother, stepfather, stepmother, foster-father, foster-mother, of either the insured or the spouse of the insured;"

2. Subsection two of section three of the said Act, as enacted by section two of chapter fifty-two of the statutes of 1921, subsections three and four of section three of the said Act and subsection five of section three of the said Act, as amended by section one of chapter forty-five of the statutes of 1928, are repealed and the following substituted therefor:

How payable.

"(2) Subject to subsection three, payment under an insurance contract shall be made on the death of the insured in an amount not exceeding two thousand dollars and the remainder, if any, or the portion thereof to which any

Explanatory Notes.

1. Subparagraph (i) of paragraph *(b)* of section two now reads:

"(i) a child legally adopted before the first day of July, nineteen hundred and twenty, or not less than five years before the death of the insured;".

This amendment eliminates the time restrictions found in the present section and allows any legally adopted child to benefit as a "child" under the Act.

Subparagraph (ii) of paragraph *(b)* of section two now reads:

"(ii) a stepchild, if a member of the returned soldier's household;".

This amendment makes it possible without restriction for the insured, if he so wishes, to leave his insurance to a stepchild.

Paragraph *(d)* of section two now reads:

"*(d)* 'Minister' means the Minister of Finance; or such other Minister as the Governor in Council may from time to time determine;".

This amendment places in the Act the provisions of Order in Council P.C. 8051 of the 17th of October, 1944, under which the Minister of Veterans Affairs was named the Minister to administer the Act.

Paragraph *(e)* of section two now reads:

"*(e)* 'parent' includes a father, mother, grandfather, grandmother, stepfather, stepmother, of either the returned soldier or his wife;".

Under authority of section sixteen (i) of the Act, the classes of foster-father and foster-mother were included in the definition of "parent" by Order in Council P.C. 5604 of the 16th of August, 1945. The words "insured" and "spouse of the insured" are used for clarification purposes and are substituted for the words "veteran or the wife or husband of the veteran."

2. Subsections two, three, four and five of section three now read:

"(2) The said payment shall, as to an amount not exceeding one thousand dollars be made on the death of the insured and the remainder, if any, or the portion thereof to which any beneficiary is entitled, shall at the option of the insured be payable as a life annuity, or as an annuity certain for five, ten, fifteen or twenty years, or as an annuity guaranteed for five, ten, fifteen or twenty years, and payable thereafter as long as the beneficiary may live.

"(3) Any option as to the mode of payment, chosen by the insured in his application for insurance, may be subsequently varied by declaration of the insured endorsed upon or attached to the policy.

"(4) The said option as to mode of payment chosen by the insured may after the death of the insured be varied by the beneficiary, with the consent of the Minister.

beneficiary is entitled, shall, at the option of the insured, be payable as

(a) an annuity certain for five, ten, fifteen or twenty years;

(b) a life annuity; or

(c) an annuity guaranteed for five, ten, fifteen or twenty years and payable thereafter as long as the beneficiary may live.

Where remainder of an annuity is less than five hundred dollars.

(3) Where, at the death of the insured, the insurance money remaining to be paid as an annuity to a beneficiary is less than five hundred dollars, the Minister may, upon the request of the said beneficiary and if satisfied that it is in the best interests of the beneficiary to do so, direct that such money be paid in such manner and in such amounts, including payment in a lump sum, as the Minister may consider appropriate."

3. Sections four and five of the said Act, section six of the said Act, as enacted by section three of chapter fifty-two of the statutes of 1921, sections seven and eight of the said Act and section nine of the said Act, as amended by section four of chapter fifty-two of the statutes of 1921, are repealed and the following substituted therefor.

Spouse and children as beneficiaries.

"**4.** (1) Where the insured is married, or is a widow or a widower or divorced or unmarried, and with children, the beneficiary shall be the spouse or children of the insured, or some one or more of such persons.

Future spouse and children as beneficiaries.

(2) Where the insured is unmarried, or is a widow or a widower or divorced, and without children, the beneficiary shall be the future spouse or future children of the insured, or some one or more of such persons.

Apportionment of insurance money.

(3) Where the insured designates more than one beneficiary, the insured may apportion, and may at any time reapportion, the insurance money between or among them as he sees fit, and, in default of any such apportionment, the insurance money shall be paid in equal shares to the designated beneficiaries surviving the insured.

New designation where death of beneficiary.

(4) Where a designated beneficiary dies in the lifetime of the insured, the insured may, subject to subsections one and two, designate a beneficiary or beneficiaries to whom the share formerly apportioned to the deceased beneficiary shall be paid, and, in default of any such designation, the said share shall be divided equally among the surviving designated beneficiaries, if any.

Where no designated beneficiary.

(5) Where the insured does not designate a beneficiary, or where all of the beneficiaries designated by him die within his lifetime, the insurance money shall be paid to the spouse and the children of the insured in equal shares, and if the insured survives the spouse and all the children of the insured and there is no alternative beneficiary within the

"(5) The contract may also provide that if the insured becomes totally and permanently disabled and rendered incapable of pursuing continuously any substantially gainful occupation, and if such disability is not deemed to be attributable to his service so as to bring him under the provisions of *The Pension Act* or the pension law of the United Kingdom, or of any of His Majesty's dominions (other than the Dominion of Canada), or of His Majesty's government, or of any of His Majesty's Allies or Associated Powers in the Great War, or so as to entitle him to pay and allowances on account of war disability the premiums thereafter falling due under the contract shall be waived and the insured shall be entitled to receive as a disability benefit an annual payment not exceeding one-twentieth of the sum insured, the said benefit to continue during the lifetime of the insured but not to exceed twenty such payments in all; and that if the insured dies before the twentieth such payment has been made the balance of the sum assured shall be payable as a death benefit, in accordance with the provisions of this section."

This amendment increases the amount of the insurance proceeds payable on death from $1,000.00 to $2,000.00.

The provisions of the repealed subsections four and five of section three of the Act are found in sections seven and nine respectively as set out in clause 3 of the Bill.

Subsection three of section three is new and places in the Act the same provision as is found in *The Veterans Insurance Act*. The change gives the Minister the authority to pay more than the $2,000.00 on death where the amount remaining to be paid as an annuity is under $500.00.

3. Sections four, five, six, seven, eight and nine of the Act now read:

"**4.** The said payments shall be made to the wife, husband, child, grandchild, parent, brother or sister of the insured or such other person as may by regulation as hereinafter provided be declared to be entitled to become a beneficiary under the contract.

"**5.** If the insured is a married man, or a widower with a child or children, the contract shall be for the benefit of his wife, or of his children, or of some one or more of his children, or of his wife and some one or more of his children; and when the contract is effected for the benefit of more than one, the insured may apportion the insurance money among them as he deems fit.

"**6.** If the insured is an unmarried man, or a widower without children, the insurance contract shall be for the benefit of his future wife or of his future wife and children and the insured may apportion the insurance money among them as he deems fit; but, subject to section four of this Act, the insured may designate an alternative beneficiary, or beneficiaries, to whom the insurance money shall be paid in the event of his death unmarried, or a widower without children. If the insured at his death is still unmarried or a widower without children, and has not designated an alternative beneficiary or beneficiaries, the money shall, subject to sections four and eleven of this Act, fall into and become part of the estate of the insured.

"**7.** (1) If the insured is a female and the contract is effected for the benefit of more than one beneficiary the insured may apportion the insurance money among them as she deems fit.

(2) If the insured is a widow the contract shall be for the benefit of such person or persons within the classes mentioned in section four hereof as may be shown to the satisfaction of the Minister to be to a substantial extent dependent upon the widow for support.

"**8.** Any apportionment under the next three preceding sections may be made in the insurance contract, or by a declaration endorsed thereon or annexed thereto and signed by the insured.

"**9.** (1) Where an apportionment has been made as provided in sections five and six of this Act, and one or more of the persons in whose favour the apportionment has been made die in the lifetime of the insured, the insured may, by an instrument in writing endorsed on or attached to the insurance contract, declare that the shares formerly apportioned to the persons so dying shall be for the benefit of the wife and children of the insured, or for one or more of them as he sees fit.

"Provided, however, that the insured may designate in such declaration a person or persons subject to section four of this Act, to whom such shares will be paid if at the time of his death he is unmarried, or a widower without children.

(2) In default of such declaration the shares of the persons so dying shall be for the benefit of the survivor or survivors of the persons in whose favour the apportionment was so made, in equal shares if more than one.

meaning of section five surviving the insured, the insurance money shall fall into and become part of the estate of the insured.

Designation of alternative beneficiaries.

5. (1) The insured may designate as an alternative beneficiary a grandchild, parent, brother, sister, uncle, aunt, nephew, niece or first cousin of the insured or such other person as may by regulation be prescribed for the purposes of this section, or some one or more of such persons, to whom the insurance money or any portion thereof shall be paid in the event that the insured at the time of his death is unmarried or is a widow or a widower or divorced, and without children.

Payment to alternative beneficiaries or to estate.

(2) Where the insured survives the spouse and all the children of the insured, the insurance money shall be paid to the alternative beneficiary or beneficiaries, if any, but in default of the designation of an alternative beneficiary, or in the event of the death of all the alternative beneficiaries within the lifetime of the insured, the insurance money shall fall into and become part of the estate of the insured.

Apportionment among alternative beneficiaries.

(3) Where the insured designates more than one alternative beneficiary, the insured may apportion, and may at any time reapportion, the insurance money between or among them as he sees fit, and, in default of any such apportionment, the insurance money shall be paid in equal shares to the alternative beneficiaries surviving the insured.

Death of alternative beneficiaries.

(4) Where an alternative beneficiary dies in the lifetime of the insured, the insured may, subject to subsection one, designate an alternative beneficiary or beneficiaries to whom the share formerly apportioned to the deceased alternative beneficiary shall be paid, and, in default of any such designation, the said share shall be divided equally among the alternative beneficiaries, if any, surviving the insured.

Change of beneficiaries, etc.

6. Subject to the provisions of this Act, the insured may at any time change the beneficiary or beneficiaries, or the alternative beneficiary or beneficiaries, or vary the option as to the mode of payment or the apportionment of the insurance money, by so stating in a document that is satisfactory to the Minister.

Variation of option by beneficiary.

7. Any option, chosen by the insured, as to the mode of payment of the insurance money to a beneficiary or alternative beneficiary, may, after the death of the insured, be varied by such beneficiary or alternative beneficiary, with the consent of the Minister.

(3) If all the persons so entitled die in the lifetime of the insured, the insured may by an instrument in writing endorsed on or attached to the insurance contract, declare that the insurance money shall be for the benefit of his wife, if living, or of his surviving children, if any, or some one or more of them, or of his wife and children, or if he is unmarried or a widower without children at the time of his death such other person or persons subject to section four of this Act, as he may designate, or of his wife and some one or more of his children, in such proportions as he sees fit, and in default of such declaration, the insurance shall be for the benefit of his wife, if living, and of his children, if any, in equal shares.

(4) If the insured survives his wife and all his children, the insurance money shall, subject to section four of this Act, be payable to such other beneficiary or beneficiaries as he may designate. If he does not designate some other beneficiary the insurance money shall, subject to sections four and eleven of this Act, fall into and become part of the estate of the insured.

(5) A duplicate of every declaration made in pursuance of this and the next preceding section shall be filed with the Minister at the time such declaration is made."

This amendment proposes a revision of these sections. Nothing is taken away from the rights of the insured or beneficiaries under the policy contracts. The revision brings the Act into line with principles of *The Veterans Insurance Act.*

Subsection one of section four corresponds with subsection one of section six of *The Veterans Insurance Act.*

Subsection two of section four corresponds with subsection two of section six of *The Veterans Insurance Act.*

Subsection three of section four corresponds with subsection three of section six of *The Veterans Insurance Act.*

Subsection four of section four corresponds with subsection four of section six of *The Veterans Insurance Act.*

Subsection five of section four corresponds with subsection five of section six of *The Veterans Insurance Act.*

Subsection one of section five corresponds with subsection one of section seven of *The Veterans Insurance Act.*

Subsection two of section five corresponds with subsection two of section seven of *The Veterans Insurance Act.*

Subsection three of section five corresponds with subsection three of section seven of *The Veterans Insurance Act.*

Subsection four of section five corresponds with subsection four of section seven of *The Veterans Insurance Act.*

Section six corresponds with section nine of *The Veterans Insurance Act.*

Section seven. With a slight change this is now in the Act as subsection four of section three.

Payment to estate of deceased beneficiary.

8. Where a beneficiary or alternative beneficiary survives the insured but dies before receiving all of the insurance money to which under the contract of insurance such beneficiary or alternative beneficiary is entitled, the remaining unpaid money shall be paid, as it falls due or otherwise as the Minister may determine, to the estate of the deceased beneficiary or deceased alternative beneficiary.

Disability benefits and waiver of premiums where total and permanent disability.

9. (1) Where an insured becomes totally and permanently disabled and is thereby rendered incapable of pursuing any substantially gainful occupation, the premiums thereafter falling due under the contract shall be waived during the continuance of such disability and the insured shall be entitled to receive as a disability benefit the payment of the sum insured in instalments not exceeding one-twentieth of the sum insured for each year of total and permanent disability, the said benefit to continue during the continuance of such disability but not to exceed payment for twenty years in all.

Where insured dies before full disability benefits paid.

(2) Where the insured dies before the total payment of disability benefits under subsection one equals the sum insured, the balance of the sum insured shall be payable as a death benefit.

Disability benefit not payable if insured received pension under *Pension Act*, etc. R.S., c. 157.

(3) Subsection one does not apply where the total and permanent disability of an insured is due to a disability of the insured in respect of which he receives or is entitled to receive

(a) a pension under the *Pension Act* or under the corresponding pension laws of the United Kingdom or of any of His Majesty's Dominions or of His Majesty's Government or of any of His Majesty's Allies or Associated Powers in the Great War; or

(b) allowances while receiving treatment by the Department of Veterans Affairs on account of war disability.

Where deemed to be totally and permanently disabled.

(4) The insured shall, for the purposes of this section, be deemed to be totally and permanently disabled where his total disability has existed continuously for a period of at least one year.

Premiums payable after discontinuance of disability based upon reduced amount of insurance.

(5) Where, otherwise than by reason of the death of the insured, the insured ceases to be entitled to waiver of premiums under subsection one, the premiums payable thereafter shall be based upon the reduced amount of insurance under the contract of insurance, namely, the sum insured less the aggregate of the disability benefits paid to the insured under subsection one."

Section eight. This amendment enables the estate of a beneficiary named in the policy to benefit where such beneficiary dies after the insured but before the policy proceeds are fully paid. At present section eleven of the Act authorizes only the reserve on the policy to be paid to the estate of the insured.

Subsections one, two and three of section nine. This is a rewording for clarification purposes of subsection five of section three of the Act.

Subsection four of section nine. This amendment will remove the vagueness in certain cases as to what constitutes permanent disability.

Subsection five of section nine. Premiums are reduced where the insured recovers after receiving a portion of the disability benefits payable by reason of his total and permanent disability.

4. (1) That portion of subsection one of section ten of the said Act that precedes paragraph *(a)* thereof, as enacted by section one of chapter forty-two of the statutes of 1922, is repealed and the following substituted therefor:

Limit of benefits when death of insured attributable to war service.

"**10.** (1) If on the death of the insured a pension becomes payable under the *Pension Act* or the pension law of the United Kingdom, or of any of His Majesty's Dominions (other than the Dominion of Canada) or of His Majesty's Government, or of any of His Majesty's Allies or Associated Powers in the Great War, to any person or persons within the classes mentioned in subsections one and two of section four or in subsection one of section five, there shall be deducted from the benefit payable under this Act the aggregate present value of the pension or pensions so payable computed on such basis as may be prescribed by regulation made under section fifteen, and in such case there shall be returned to the beneficiary or beneficiaries in proportion to their respective interests under the contracts the proportion of the premiums paid (with interest at four per centum per annum compounded annually) which the amount of the said deduction is of the total amount assured under the contract: Provided, —"

(2) Paragraph *(c)* of subsection one of section ten of the said Act, as enacted by section one of chapter forty-two of the statutes of 1922, is repealed and the following substituted therefor:

Not to apply if wife is beneficiary and pension payable to members of family.

"*(c)* That this section shall not operate when the beneficiary of the insurance is the wife of the insured and a pension is awarded under the *Pension Act* to some other person or persons named in subsections one and two of section four or in subsection one of section five."

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

Waiver of premiums after eighty-fifth birthday. R.S., c. 147.

"**11.** Notwithstanding the provisions of this Act or the terms of any contract of insurance made thereunder, premiums falling due on or after the anniversary of his contract nearest the eighty-fifth birthday of the insured shall be waived."

6. Sections twelve and thirteen of the said Act are repealed.

4. (1) and (2). The changes are necessary by reason of references to parts of the Act already amended by the present Bill.

5. Section eleven now reads:

"**11.** (1) If the insured survives all the persons to whom the death benefit may be paid under the provisions of section four of this Act, or if all the said persons die before the payment of the instalments of the death benefit have been completed, the estate of the insured shall be entitled to receive only the amount by which the reserve under the contract at the time of the death of the insured exceeds the sum of the payments so made.

(2) In this section the word "reserve" means the net premium value of the contract on the basis of the British Offices Life Tables, 1893, Om (5), with interest at the rate of four per cent per annum."

Section eleven of the Act authorizes in certain cases that only the reserve under the contract be paid to the estate of the insured. This amendment will permit the face value of the policy to be paid to the estate of the insured and is accomplished by striking out section eleven. New section eleven is self-explanatory.

6. Section twelve now reads:

"**12.** When no apportionment is made of the insurance money as hereinbefore provided, all persons interested as beneficiaries under this Act shall be held to and shall share equally therein."

This section is no longer necessary as the provisions thereof are taken care of under clause 3 of this Bill.

Section thirteen which authorized the Minister to refuse to enter into a contract on certain grounds if he so wished is no longer necessary as the time for entering into new contracts is ended.

7. Section fourteen of the said Act is renumbered as section twelve.

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

Insured or beneficiary may be a Member of Parliament. R.S., c. 147.

"**13.** Notwithstanding the *Senate and House of Commons Act* or any other law, no person, by reason only of his entering into a contract of insurance or receiving a benefit under this Act, is liable to any forfeiture or penalty imposed by the *Senate and House of Commons Act* or disqualified as a member of the House of Commons or incapable of being elected to, or of sitting or voting in the House of Commons."

9. Section sixteen of the said Act is renumbered as section fourteen.

10. (1) Section seventeen of the said Act is renumbered as section fifteen.

(2) Paragraph *(a)* of section fifteen of the said Act, as renumbered by this section, is repealed and the following substituted therefor:

"*(a)* prescribing such forms as he may consider necessary under this Act;"

(3) Paragraph *(i)* of section fifteen of the said Act, as renumbered by this section, is repealed and the following substituted therefor:

"*(i)* prescribing the class or classes of persons other than those mentioned in sections four and five who are entitled to be benificiaries;"

11. Section eighteen of the said Act is renumbered as section sixteen.

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

Annual statement.

"**17.** (1) The Minister shall cause a statement to be prepared within three months after the end of each fiscal year showing,

(a) the premiums received during the fiscal year;

(b) the insurance moneys paid during the fiscal year;

(c) the number and amount of contracts in force at the end of the fiscal year; and

(d) such further information as the Minister deems advisable.

To be laid before Parliament.

(2) Every such statement shall be laid before Parliament as soon as may be after it is prepared."

7. Self-explanatory.

8. This amendment is new and is added to set at rest any existing doubt.

9 to **15.** inclusive. These clauses contain a revision of sections sixteen to twenty-one inclusive of the Act made necessary by striking out those parts of the Act that no longer apply and by conforming to those changes proposed in this Bill.

12. Section nineteen now reads:

"**19.** (1) The provisions of this Act may be administered in such department or departments of the Government as the Governor in Council may from time to time determine.

(2) The Superintendent of Insurance or such other officer as may be appointed for that purpose by the Governor in Council shall, within three months after the close of each fiscal year, prepare for the Minister a statement showing the amount received for premiums during the last fiscal year for all insurance contracts entered into previous to the said date, the amount of all sums paid in connection therewith during the said period, also the number of new contracts entered into since the previous statement and the gross amount thereof, with such further details and particulars as the Minister deems advisable.

(3) The Minister shall lay the said statement before Parliament within fifteen days after the statement has been submitted to him if Parliament is then sitting, and, if not, then within fifteen days of the opening of the session of Parliament held next thereafter."

This amendment is a revision of the above for clarification purposes. The section is also renumbered.

Subsection two corresponds with the requirements under *The Veterans Insurance Act* respecting the laying of the statement before Parliament.

13. Section twenty of the said Act, as enacted by section one of chapter thirty-eight of the statutes of 1930, is renumbered as section eighteen.

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

Repeal.

15. (1) Sections two and four of An Act to amend The Returned Soldiers' Insurance Act, chapter forty-two of the statutes of 1922, are repealed.

(2) An Act in respect of The Returned Soldiers' Insurance Act, chapter sixty-seven of the statutes of 1923, is repealed.

(3) Section three of An Act to amend The Returned Soldiers' Insurance Act, chapter forty-five of the statutes of 1928, is repealed.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 390.

An Act respecting Grants to Municipalities.

First reading, June 18, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

85184

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 390.

An Act respecting Grants to Municipalities.

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 Municipal Grants Act.*

INTERPRETATION.

Definitions.

2. In this Act

"accepted value".

(a) "accepted value" means the value that, in the opinion of the Minister, would be attributed to federal property by a municipal taxing authority as the base for computing the amount of real estate tax applicable to that property if it were taxable property;

"assessed value".

(b) "assessed value" means the value attributed to taxable property by a municipal taxing authority as the base for computing the amount of real estate tax applicable to that property;

"federal property".

(c) "federal property" means real property owned by His Majesty in right of Canada, but does not include

(i) real property forming part of an undertaking in respect of the conservation, irrigation, reclamation, rehabilitation or reforestation of land,

(ii) a park, historical site, monument, museum, public library or art gallery,

(iii) an improvement to land or structure that is not a building designed for the shelter of people, plant or movable property,

(iv) real property under the control, management or administration of the National Railways as defined in *The Canadian National-Canadian Pacific Act,* 1932-33, c. 33.

1933, or a corporation, company, commission, board or agency established to perform a function or duty on behalf of the Government of Canada, or

(v) real property leased by His Majesty to a tenant from whom, by reason of such tenant's interest in that real property, a municipal taxing authority may collect real estate tax;

"Minister". *(d)* "Minister" means the Minister of Finance;

"real estate tax". *(e)* "real estate tax" means a tax, other than a water tax, levied by a municipal taxing authority

(i) on all owners of real property in that municipality, excepting those exempt by law, and

(ii) on tenants, if any, of real property leased to them by His Majesty,

and computed by applying one or more rates to all or a part of the assessed value of such real property; and

"taxable property". *(f)* "taxable property" means real property in respect of which a person may be required by a municipal taxing authority to pay a real estate tax.

Two classes of federal property, "service" excludes public roads, etc.

3. (1) For the purposes of this Act, federal property is divided into Class A property and Class B property.

(2) In this section, "service" does not include the provision and maintenance of public roads and sidewalks.

Class A property.

(3) Class A property includes federal property that accepts from a municipality a service that

(a) the municipality customarily furnishes to real property in the municipality; and

(b) is, in the opinion of the Minister, a material service.

Class B property.

(4) Class B property includes federal property that does not accept from a municipality any service referred to in subsection three.

GRANTS.

Grants in respect of federal property.

4. (1) Where, in a form prescribed by the Minister, a municipality applies for a grant, the Minister may, in his discretion, out of moneys provided by Parliament, make a grant to the municipality in respect of federal property situated therein, but no grant shall be made in an amount exceeding that authorized by this Act.

No right to grant conferred.

(2) No right to a grant is conferred by this Act.

Grant where Class A property exceeds four per cent of aggregate of assessed values and accepted values.

5. (1) Where the accepted value of the Class A property in a municipality exceeds four per centum of the aggregate of the total assessed value of taxable property and the total accepted value of Class A property in the municipality, a grant in respect of Class A property may be made to the municipality based, as provided in this section, on the amount of such excess.

Calculation of grant.

(2) The amount of a grant made pursuant to this section shall not be greater than a fraction of the excess referred to in subsection one, such fraction to be determined as follows:

(a) the numerator is the total amount of the real estate tax levied in the appropriate tax year multiplied by seventy-five, and

(b) the denominator is the aggregate of the assessed value of all taxable property and the accepted value of Class A property in the municipality multiplied by one hundred.

Certain accepted values to be excluded.

(3) The accepted value of Class A property in respect of which, for any tax year, a grant is made pursuant to section six or the municipality may recover or has received taxes from any person shall, in respect of that tax year, be excluded from the total accepted value of Class A property in the municipality in calculating a grant under this section.

May deduct value of non-accepted services.

(4) The Minister may, in determining the amount of a grant under this section, deduct from the amount that might otherwise be payable an amount that, in his opinion, represents the value of a service that is customarily furnished by the municipality to real property in the municipality and that His Majesty does not accept in respect of Class A property in the municipality.

Grants in respect of property acquired after Dec. 31, 1948.

6. (1) A grant may, pursuant to this section, be made to a municipality in respect of federal property in the municipality acquired by His Majesty after the thirty-first day of December, nineteen hundred and forty-eight.

Amount of grants.

(2) A grant made pursuant to this section shall not exceed

(a) in the tax year of the municipality next following that during which the federal property was acquired by His Majesty, an amount equal to the total amount of the real estate tax levied in respect of that property for the tax year in which it was so acquired;

(b) in the tax year of the municipality next following that in respect of which a grant is made pursuant to paragraph *(a)*, an amount equal to seventy-five per centum of the amount granted pursuant to paragraph *(a)*;

(c) in the tax year of the municipality next following that in respect of which a grant is made pursuant to paragraph *(b)*, an amount equal to fifty per centum of the amount granted pursuant to paragraph *(a)*; and

(d) in the tax year of the municipality next following that in respect of which a grant is made pursuant to paragraph *(c)*, an amount equal to twenty-five per centum of the amount granted pursuant to paragraph *(a)*.

Taxes to be deducted.

(3) The amount of real estate taxes that a municipality may recover or has received from any person in respect of

federal property for a tax year shall be deducted by the Minister from a grant made under this section in respect of such property and tax year.

Grants in respect of local improvement costs.

7. (1) A grant may be made to a municipality not exceeding the unpaid principal amount of that part of the cost of a local improvement that has been specially assessed against federal property and that has become due and payable after the thirty-first day of December, nineteen hundred and forty-two.

No grant where costs received from others.

(2) No grant shall be made under subsection one in respect of any part of the cost of a local improvement that the municipality has received from any person or may recover from any person as a special assessment or by the levying of a special rate on the assessed value of taxable property.

No grant for tax years before Jan. 1, 1950.

8. Except as otherwise provided in this Act, no grant shall be made in respect of a municipal tax year commencing before the first day of January, nineteen hundred and fifty.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 391.

An Act to amend the Criminal Code.

First reading, June 19, 1951.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

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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; 1947-48, cc. 38, 40; 1949 (2nd Sess.), cc. 2, 13; 1950, cc. 11, 12.

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 391.

An Act to amend the Criminal Code.

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

1. (1) Section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after paragraph (4) thereof, the following paragraph:

"Canadian Forces".

"(4*a*) 'Canadian Forces' means the naval, army and air forces of His Majesty raised by Canada and consist of three Services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force;"

(2) Section two of the said Act is further amended by adding thereto, immediately after paragraph (16) thereof, the following paragraph:

"His Majesty's Forces".

"(16*a*) 'His Majesty's Forces' means the naval, army and air forces of His Majesty wheresoever raised, and includes the Canadian Forces;"

(3) Section two of the said Act is further amended by adding thereto, immediately after paragraph (20) thereof, the following paragraph:

"Military".

"(20*a*) 'military' shall be construed as relating to all or any of the Services of the Canadian Forces;"

(4) Paragraph (25) of section two of the said Act is repealed and the following substituted therefor:

"Offensive weapon".

"(25) 'offensive weapon' or 'weapon' means

(a) anything that is designed to be used as a weapon; and

Explanatory Notes.

1. Sub-clauses (1), (2) and (3) are consequential upon the enactment of *The National Defence Act*, chapter 43 of the statutes of 1950 (First Session).

Sub-clause (4) is a proposed definition of "offensive weapon". The present definition, in sub-paragraph (25) of section 2 of the *Criminal Code* is as follows:

> "(25) *'offensive weapon' or 'weapon' includes any gun or other firearm, or air-gun, or any part thereof, or any sword, sword blade, bayonet, pike, pike-head, spear, spearhead, dirk, dagger, knife, or other instrument intended for cutting or stabbing, or any metal knuckles, or other deadly or dangerous weapon, and any instrument or thing intended to be used as a weapon, and all ammunition which may be used with or for any weapon;*"

(b) anything that a person uses or intends to use as a weapon, whether or not it is designed to be used as a weapon

and, without restricting the generality of the foregoing, includes a firearm, air-gun or air-pistol and ammunition for a firearm, air-gun or air-pistol."

(5) Paragraph (32) of section two of the said Act is repealed and the following substituted therefor:

"Public department".

"(32) 'public department' means a department of the Government of Canada or a branch thereof and a board, commission, corporation or other body that is an agent of His Majesty in right of Canada;"

(6) Paragraph (33) of section two of the said Act, as amended by section two of chapter thirty-nine of the statutes of 1938, is repealed and the following substituted therefor:

"Public officer".

"(33) 'public officer' includes

(a) an officer of customs or excise;

(b) an officer of the Canadian Forces;

(c) an officer of the Royal Canadian Mounted Police; and

(d) any officer while he is lawfully engaged in enforcing the laws of Canada relating to revenue, customs, trade or navigation;"

2. Section eight of the said Act, as enacted by section three of chapter thirty-nine of the statutes of 1947-48, is repealed and the following substituted therefor:

Government of Canadian Forces not affected.

"**8.** Nothing in this Act affects any law relating to the government of the Canadian Forces."

3. Paragraph *(i)* of subsection one of section seventy-four of the said Act is repealed and the following substituted therefor:

Assisting enemy.

"*(i)* assisting, while in or out of Canada, any enemy at war with Canada, or any armed forces against whom Canadian forces are engaged in hostilities whether or not a state of war exists between Canada and the country whose forces they are, or"

4. Section eighty-two of the said Act is repealed and the following substituted therefor:

Assisting or harbouring deserters or absentees.

"**82.** Every one who aids, assists, harbours or conceals a person whom he knows is a deserter or an absentee without leave from the Canadian Forces is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars."

5. Section eighty-three of the said Act, as enacted by section three of chapter thirty of the statutes of 1939, is repealed and the following substituted therefor:

Sub-clauses (5) and (6) are consequential upon enactment of *The National Defence Act.* Paragraphs (32) and (33) of section 2 of the *Criminal Code* presently provide as follows:

"(32) 'public department' *includes the Admiralty and War Department, and also any public* department *or office* of the Government of Canada, *or of the public or civil service thereof, or any branch of such department or office;*"

"(33) 'public officer' includes any excise or customs officer, officers of the *army, navy or air force, marine, militia,* Royal Canadian Mounted Police, *or other* officer engaged in enforcing the laws relating to the revenue, customs, trade or navigation *of Canada;*"

2. Consequential upon enactment of *The National Defence Act.* Section 8 of the *Criminal Code* presently provides as follows:

"8. Nothing in this Act shall affect any of the laws relating to the government of *His Majesty's land, naval or air forces.*"

3. Section 74 (1) *(i)* of the *Criminal Code* presently provides that treason is

"*(i)* assisting any public enemy at war with His Majesty in such war by any means whatsoever; or"

It is proposed that the offence of treason should also include assisting the armed forces of countries with which Canada is not at war but against whose forces Canadian forces are engaged in hostilities.

4. Consequential upon enactment of *The National Defence Act.* The proposal is that section 82 should now relate only to matters that are not covered by *The National Defence Act.*

Section 82 of the *Criminal Code* presently provides as follows:

"**82.** *Every one is guilty of an offence punishable on indictment, or on summary conviction before two justices, who, not being a seaman in His Majesty's naval service, an enlisted soldier or airman in His Majesty's service*

(a) by words or with money, or by any other means whatsoever, directly or indirectly, persuades or procures, or goes about or endeavours to persuade, prevail on or procure, any such seaman, soldier or airman to desert from or leave His Majesty's naval, military or air service; or

(b) conceals, receives or assists any deserter from His Majesty's naval, military or air service, knowing him to be such deserter;

and is liable, on conviction under indictment, to fine and imprisonment in the discretion of the court, and on summary conviction before two justices, to a penalty not exceeding two hundred dollars, and not less than eighty dollars and costs, and in default of payment to imprisonment for any term not exceeding six months."

5. Consequential upon enactment of *The National Defence Act.* Section 83 of the *Criminal Code* presently provides as follows:

Resisting execution of search warrant.

"**83.** Every one who resists the execution of a warrant that authorizes a building to be broken open for the purpose of searching for a deserter or an absentee without leave from the Canadian Forces is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars."

6. Section eighty-four of the said Act is repealed and the following substituted therefor:

Offences in relation to members of R.C.M. Police.

"**84.** Every one who

(a) procures, persuades or counsels a member of the Royal Canadian Mounted Police to desert or absent himself without leave;

(b) aids, assists, harbours or conceals a member of the Royal Canadian Mounted Police whom he knows to be a deserter or absent without leave; or

(c) aids or assists a member of the Royal Canadian Mounted Police to desert or absent himself without leave, knowing that the member is about to desert or absent himself without leave,

is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for six months or to both fine and imprisonment."

7. Sections one hundred and fifteen to one hundred and twenty-nine of the said Act are repealed and the following substituted therefor:

Possession of weapon.

"**115.** Every one who carries or has in his custody or possession an offensive weapon for a purpose dangerous to the public peace is guilty of an indictable offence and liable to imprisonment for five years.

Carrying weapon while in possession of anything liable to seizure.

"**116.** Every one who, while carrying an offensive weapon, has custody or possession of anything that he knows is liable to seizure under any law relating to customs, excise, trade or navigation is guilty of an indictable offence and liable to imprisonment for ten years.

Carrying concealed weapon.

"**117.** Every one who carries concealed an offensive weapon other than a pistol or revolver is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for three months or to both fine and imprisonment.

Short-barrel shotgun or rifle.

"**118.** Every one who carries or has in his custody or possession a shotgun or rifle with a barrel less than twenty inches in length is guilty of an indictable offence and liable to imprisonment for five years.

"**83.** Every one who resists the execution of any warrant authorizing *the breaking* open of any building *to search* for any deserter from *His Majesty's naval, military or air service* is guilty of an offence and liable, on summary conviction before two justices, to a *penalty of eighty dollars.*"

6. The proposal is that section 84 should relate only to members of the Royal Canadian Mounted Police. The present section, in so far as it relates to members of the forces, is covered by *The National Defence Act.*

Section 84 of the *Criminal Code* presently provides as follows:

"**84.** Every one is guilty of an offence and liable, on summary conviction, to six months' imprisonment with or without hard labour, who

(a) persuades any man who has been enlisted to serve in any corps of militia, or who is a member of or has engaged to serve in the Royal Canadian Mounted Police Force, to desert, or attempts to procure or persuade any such man to desert; or

(b) knowing that any such man is about to desert, aids or assists him in deserting; or

(c) knowing that any such man is a deserter, conceals him or aids or assists in his rescue."

7. This clause is a revision of sections 115 to 129 of the *Criminal Code,* which relate to offensive weapons. It is proposed that a central registry should be maintained by the Royal Canadian Mounted Police in which complete records will be maintained of the registration of pistols, revolvers and automatic firearms in Canada. The proposal does not contemplate any change in the method by which permits are issued, namely by nominees of the Commissioner, Royal Canadian Mounted Police and of the Attorneys General of the provinces.

Sections 115 to 129 of the *Criminal Code* presently provide as follows:

"*Offensive Weapons.*

"**115.** *Every one is guilty of an indictable offence and liable to five years' imprisonment who has in his custody or possession, or carries any offensive weapon for any purpose dangerous to the public peace. R.S., c. 146, s. 115.*

"**116.** *If two or more persons openly carry offensive weapons in a public place in such manner and under such circumstances as are calculated to create terror and alarm each of such persons is liable, on summary conviction before two justices, to a penalty not exceeding forty dollars and not less than ten dollars, and in default of payment to imprisonment for any term not exceeding thirty days. R.S., c. 146, s. 116.*

"**117.** *Every one is guilty of an indictable offence and liable to imprisonment for ten years who, while carrying offensive weapons, is found with any goods liable to seizure or forfeiture under any law relating to excise, the customs, trade or navigation, knowing such goods to be so liable. R.S., c. 146, s. 117.*

"**118.** *Every one is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years who, not having a permit in Form 76,—*

(a) has upon his person, elsewhere than in his own dwelling house, shop, warehouse, counting-house, or premises, a pistol, revolver, or other firearm, capable of being concealed upon the person;

or who, not having such permit,

(b) is carrying in any vehicle under his control, or of which he is an occupant, a pistol, revolver, or other firearm capable of being concealed upon the person.

or who, not having such permit and notwithstanding any other provisions contained in this Act,

(c) has in his possession a sawed-off shotgun or rifle having a barrel of less than twenty inches in length. 1932-33, c. 25, s. 1; 1936, c. 29, s. 2.

Pointing firearm.

"**119.** Every one who, without lawful excuse, points at another person a firearm, air-gun or air-pistol, whether loaded or unloaded, is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and not less than ten dollars or to imprisonment for thirty days.

Delivering firearms to minors.

"**120.** (1) Every one who sells, barters, gives, lends, transfers or delivers a firearm, air-gun or air-pistol or ammunition therefor, to a person under the age of fourteen years is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars.

Seizure.

(2) Notwithstanding section one hundred and twenty-seven, a peace officer who finds a person whom he believes, on reasonable grounds, to be under the age of fourteen years in possession of a firearm, air-gun or air-pistol or ammunition therefor may seize it, and upon seizure it is forfeited to his Majesty and may be disposed of as the Attorney General may direct.

Unauthorized issue of certificates or permits.

"**121.** Every one who, not being a local registrar of firearms or a person authorized to issue permits, purports to issue a firearms registration certificate or permit, as the case may be, is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or to both fine and imprisonment.

"**119.** (1) *Every one is guilty of an offence and liable, on summary conviction to a penalty not exceeding one hundred dollars and costs or to imprisonment for three months, or to both fine and costs and imprisonment, who,*

(a) not having a permit in Form 76A, *has upon his person elsewhere than in his own dwelling house, shop, warehouse, counting-house or premises, or is carrying concealed any offensive weapon that may be concealed upon the person other than a pistol, revolver or other firearm;*

(c) not having a permit in Form 76C *sells or offers for sale any pistol or revolver;*

(d) sells any pistol, revolver or other offensive weapon that may be concealed upon the person, or without lawful excuse gives or lends any pistol, revolver or other weapon as aforesaid, to any one not being the holder of an appropriate permit, and if such permit is one to purchase does not acquire and retain such permit;

(e) upon making a sale or repair of any offensive weapon for which a permit is required, neglects to keep a record of such sale or repair, the date thereof, the name of the purchaser, such sufficient description of the offensive weapon sold or repaired as may be necessary to identify it, the date and place of issue of the permit and the name of the issuer of the permit, or neglects to send a duplicate of such record by registered mail to the person who issued such permit, or neglects to endorse upon such permit the date and place of sale, the said description of the weapon and the name of the vendor or of the person repairing;

(f) being authorized to issue a permit, issues it without keeping a duplicate thereof as a record;

(g) issues a permit without lawful authority;

(h) not having a permit in Form 76D *buys any pistols or revolvers for resale, or having such permit neglects to keep a record of any purchase, the date thereof, such sufficient description of the pistols or revolvers purchased as may be necessary to identify them, or neglects to send a duplicate of such record by registered mail to the person who issued the permit in Form* 76D*;*

(i) alters, defaces or removes any manufacturer's serial number on or from any pistol, revolver or other firearm capable of being concealed upon the person.

(2) *Every one is guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred dollars or to imprisonment for any term not exceeding sixty days, or to both fine and imprisonment, who without authority from the Minister of National Defence carries or discharges any firearm upon any property or premises under the control or management of the said Minister.*

"**120.** (1) *The Commissioner of the Royal Canadian Mounted Police or any officer thereof duly authorized by the Commissioner, or any person authorized by the Attorney General of any province, may issue a permit in Form* 76 *to any person upon being satisfied that such person requires a pistol or revolver for the protection of life or property, or for use in connection with his profession or occupation, or for target practice in a regularly organized shooting club approved by the Attorney General of the province in which such club is organized.*

(2) *The Commissioner of the Royal Canadian Mounted Police or any officer thereof duly authorized by him, or any person authorized by the Attorney General of any province, may, upon sufficient cause being shown, issue a permit in Form* 76A, 76B, 76C, 76D, 76E *or* 76F *to any applicant therefor as to whose discretion and good character he is satisfied.*

(3) *Any permit issued hereunder shall remain in force only during the calendar year for which it is issued and at the end of such calendar year shall lapse and be null and void.*

(4) *Upon the trial of an offence under sections one hundred and eighteen and one hundred and nineteen the onus shall be upon the accused person to prove that he has the permit required thereby and such permit shall be* prima facie *evidence of its contents and of the signature and official character of the person by whom it purports to be granted.*

"**121.** *Whenever the Governor in Council deems it expedient in the public interest, he may by proclamation*

(a) suspend the operation of any of the provisions of sections 118, 119 *and* 120 *in any part of Canada and for such period as he deems fit;*

(b) forbid for such period as he deems fit any person except such persons or classes of persons as may be expressly exempted by the terms of the proclamation, from having in possession in such portion of Canada as may be named in the proclamation, any offensive weapon or any device or contrivance for muffling the report of any firearm, and upon the issue of such proclamation, every one is guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and costs, or to imprisonment for three months, or to both fine and costs and imprisonment, who not being exempted from the operation of the proclamation by the terms thereof has in his possession any offensive weapon, device or contrivance contrary to the said proclamation.

"**121A.** (1) *Notwithstanding anything contained in any section of this Act relating to the issue of licences for pistols and revolvers, every one is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, who has in his possession a pistol or revolver without having registered the same as hereinafter provided.*

Unregistered firearm in dwelling house.

"**122.** (1) Every one is guilty of an offence who has an unregistered firearm in his dwelling house or place of business.

Firearm elsewhere than in dwelling house without permit.

(2) Every one is guilty of an offence who has a firearm elsewhere than in his dwelling house or place of business, unless he has a valid permit in Form 76 or Form 76B relating to that firearm.

Firearm in motor vehicle.

(3) Every one who is an occupant of a motor vehicle in which he knows there is a firearm is guilty of an offence unless some occupant of the motor vehicle has a valid permit in Form 76 or Form 76B relating to that firearm.

Buying and selling firearms.

(4) Every one is guilty of an offence who conducts, operates, or engages in the business of buying or selling firearms at retail unless he has a permit in Form 76A.

Transfer of firearm.

(5) Every one who sells, barters or makes a gift of a firearm is guilty of an offence if he delivers it before

(a) it is registered in the name of the purchaser or the person to whom it is bartered or given; or

(b) the purchaser or the person to whom it is bartered or given has obtained a valid permit, as contained in Form 76B, relating to that firearm.

Accepting firearm.

(6) Every one who buys or accepts in barter or as a gift a firearm is guilty of an offence if he receives delivery of it before

(a) it is registered in his name; or

(b) he has obtained a valid permit as contained in Form 76B relating to that firearm.

Finding firearm.

(7) Every one is guilty of an offence who, upon finding a firearm that he has reasonable grounds to believe has been lost or abandoned, does not forthwith

(a) deliver it to a peace officer; or

(b) report to a peace officer that he has found it.

Tampering with serial number, certificate or permit.

(8) Every one is guilty of an offence who without lawful authority, the proof of which lies upon him,

(a) alters, defaces or removes a serial number on a firearm; or

(b) alters, defaces or falsifies a firearms registration certificate or permit.

Punishment.

(9) A person who is guilty of an offence under this section is liable

(a) upon conviction under indictment, to imprisonment for two years; or

(b) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for six months or to both fine and imprisonment.

(2) *The Commissioner of the Royal Canadian Mounted Police or any officer duly authorized by him, or any person authorized by the Attorney General of any province, shall register all revolvers and pistols in respect of which application for registration is made and shall thereupon record the name, address and occupation of the person making the application, the name of the owner, the use if any to which the revolver or pistol is intended to be put and a full description of such revolver or pistol.*

"**122.** (1) *Every one who has upon his person a rifle, shotgun, pistol, revolver or any firearm capable of being concealed upon the person while committing any criminal offence is guilty of an offence against this section and liable to imprisonment for a term not less than two years in addition to any penalty to which he may be sentenced for the first mentioned offence, and an offence against this section shall be punishable either on indictment or summary conviction in the same manner as the first mentioned offence.*

(2) *Such imprisonment and any term of imprisonment to which such person may be sentenced for the first mentioned offence shall be served one after the other.*

Retail transactions in firearms.

"**123.** (1) A person who conducts, operates or engages in the business of buying and selling firearms at retail

(a) shall keep a record of every transaction that he enters into with respect to firearms; and

(b) shall produce that record for inspection at the request of a peace officer.

Punishment.

(2) A person who fails to comply with subsection one is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for six months, or to both fine and imprisonment.

Registry.

"**124.** (1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of every firearms registration certificate that is issued under the authority of this Act.

Application for registration.

(2) An application for registration of a firearm shall be made on Form 76B to a local registrar of firearms.

(3) A local registrar of firearms who receives an application for registration of a firearm shall, after signing the application,

(a) send one copy thereof to the Commissioner;

(b) deliver one copy thereof to the applicant; and

(c) retain one copy thereof.

Duty of Commissioner.

(4) The Commissioner shall, upon receipt of an application for registration of a firearm signed by the applicant and a local registrar of firearms, cause a firearms registration certificate to be issued in the name of the applicant in respect of the firearm described in the application.

Form of certificate.

(5) Firearms registration certificates shall be in a form to be prescribed by the Commissioner.

Refusal of application.

(6) A local registrar of firearms shall refuse to accept an application for registration of a firearm that does not bear a serial number sufficient, in his opinion, to distinguish it from other firearms.

Exception.

(7) Subsection six does not apply to firearms that, in the opinion of a local registrar of firearms, are useful or valuable only as antiques.

Evidence of registration.

(8) A firearms registration certificate is *prima facie* evidence that the firearm to which it relates is registered.

Who may issue permits in Form 76.

"**125.** (1) A permit in Form 76 may be issued by

(a) the Commissioner or a person authorized in writing by him; or

(b) the Attorney General of a province or a person authorized in writing by him.

(2) A permit in Form 76A may be issued by a local registrar of firearms.

Who may issue permits in Form 76B.

(3) A permit to convey, as contained in Form 76B, may be issued by a local registrar of firearms to authorize a person who buys, accepts in barter, accepts as a gift or

"**123.** *Every one who has upon his person any offensive weapon, with intent therewith unlawfully to do injury to any other person, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for any term not exceeding six months, with or without hard labour.*

"**124.** *Every one who, without lawful excuse, points at another person any firearm or air-gun, whether loaded or unloaded, is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding one hundred dollars and not less than ten dollars, or to imprisonment for any term not exceeding thirty days, with or without hard labour.*

"**125.** (1) *Every peace officer may search any person whom he has reason to believe and does believe has upon his person any offensive weapon, contrivance or device contrary to the provisions of any of the eleven next preceding sections and may seize any offensive weapon, contrivance or device illegally in the possession of any person without a permit.*

(2) *The court or justice before whom any person is convicted of any offence against the provisions of any of the eleven next preceding sections shall order the weapon for having or carrying which such person is convicted to be forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct.*

finds a firearm that is not registered in his name to convey the firearm from the place where he takes delivery of it or from his place of residence or business to the office of the local registrar of firearms and thence to his place of residence or business.

Permit in Form 76—when issued.

(4) A permit in Form 76 shall be issued only where the person who issues it is satisfied that the applicant for the permit requires the firearm to which it relates

(a) to protect his life or property;

(b) for use in connection with his profession or occupation; or

(c) for use in target practice in connection with a shooting club approved by the Attorney General of the province in which the shooting club is situated.

Validity of permit in Form 76.

(5) A permit in Form 76 is valid until

(a) the expiration of the period for which it is expressed to be issued; or

(b) it is revoked; or

(c) the expiration of the calendar year in which it was issued

whichever is the earliest.

Validity of Permit in Form 76A.

(6) A permit in Form 76A is valid until it is revoked.

Validity of Permit in Form 76B.

(7) A permit as contained in Form 76B is valid only during the period for which it is expressed to be valid.

Permits supplied by Commissioner.

(8) Permits shall be supplied in blank by the Commissioner to persons who are authorized to issue them.

Revocation.

"**126.** Permits may be revoked by any person who is authorized to issue them.

Search and seizure.

"**127.** (1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of sections one hundred and fifteen to one hundred and twenty-three, he may search, without warrant, a person or vehicle, or premises other than a dwelling-house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed.

Detention.

(2) Anything seized pursuant to subsection one may be detained for a period of two months following the day of seizure unless during that period proceedings for violation of any of the sections mentioned in subsection one are undertaken, in which case it may be further detained until the proceedings are finally concluded.

"**126.** (1) *Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars who sells or gives any firearm, pistol, revolver or air-gun, or any ammunition thereof, to a minor under the age of fourteen years not being the holder of a permit in Form* **76F**, *unless he establishes to the satisfaction of the justice before whom he is charged that he used reasonable diligence in endeavouring to ascertain the age of the minor before making such sale or gift and that he had good reason to believe that such minor was not under the age of fourteen years.*

(2) *Any firearm, pistol, revolver or air-gun or any ammunition thereof had or carried by any minor under the age of fourteen years elsewhere than in his own dwelling house or premises without a permit may be seized by a peace officer and shall thereupon be forfeited to the Crown to be disposed of as the Attorney General of the province in which such forfeiture takes place may direct.*

"**127.** *Every one attending any public meeting or being on his way to attend the same who, upon demand made by any justice within whose jurisdiction such public meeting is appointed to be held, declines or refuses to deliver up, peaceably and quietly, to such justice, any offensive weapon with which he is armed or which he has in his possession, is guilty of an indictable offence.*

Forfeiture.

(3) Where a person is convicted of an offence against any of the provisions of sections one hundred and fifteen to one hundred and twenty-three, anything by means of or in relation to which the offence was committed, upon such conviction, in addition to any penalty imposed, is forfeited to His Majesty any may be disposed of as the Attorney General may direct.

Persons who do not commit offences.

"**128.** (1) A person does not commit an offence under subsection one or subsection five of section one hundred and twenty-two by doing anything mentioned in those subsections in the ordinary course of conducting, operating or engaging in the business of buying and selling firearms at wholesale.

Wholesalers.

(2) A person does not commit an offence under subsection one of section one hundred and twenty-two by doing anything mentioned in that subsection in the ordinary course of conducting, operating or engaging in

Repairers.

(a) the business of repairing firearms; or

Retailers.

(b) the business of buying and selling firearms or revolvers at retail, if he has a permit in Form 76A.

(3) Notwithstanding anything in sections one hundred and fifteen to one hundred and twenty-two

Members of Forces.

(a) a member of the Canadian Forces or of the naval, army or air forces of any State other than Canada that are lawfully present in Canada;

Peace officers, public officers.

(b) a peace officer or public officer; or

Other officers.

(c) an officer under the *Immigration Act*, the *Customs Act* or the *Excise Act*.

is not guilty of an offence under any of the provisions of those sections by reason only that he has in his possession an offensive weapon for the purpose of his duties or employment.

Definitions.

"**129.** For the purposes of section one hundred and twenty-one to one hundred and twenty-eight

"Commissioner".

(a) 'Commissioner' means the Commissioner of the Royal Canadian Mounted Police;

"Firearm".

(b) 'firearm' means a pistol, revolver or a firearm that is capable of firing bullets in rapid succession during one pressure of the trigger; and

"Local registrar of firearms".

(c) 'local registrar of firearms' means

(i) the Commissioner or a person appointed in writing by him; or

(ii) the Attorney General of a province or a person appointed in writing by him."

8. The said Act is further amended by adding thereto, immediately after section one hundred and thirty-two thereof, the following section:

"**128.** *Every one is guilty of an indictable offence and liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, or to both, who lies in wait for any person returning, or expected to return from any such public meeting, with intent to commit an assault upon such person, or with intent, by abusive language, opprobrious epithets or other offensive demeanour, directed to, at or against such person, to provoke such person, or those who accompany him, to a breach of the peace.*

"**129.** *Nothing in the fifteen last preceding sections shall apply to the having upon his person or the carrying by any member of His Majesty's Naval, Military or Air Forces, or by any peace officer or immigration officer of any weapon, device or contrivance which he is by law permitted or authorized so to have or carry, or to any* bona fide *sale made by any manufacturer of or person trading wholesale in such weapons, devices or contrivances to any person* bona fide *dealing in such articles and having an established and fixed place of business.*

(2) *It is not an offence for any soldier, public officer, peace officer, sailor or volunteer in His Majesty's service, or constable or other policeman, to carry loaded pistols or other usual arms or offensive weapons in the discharge of his duty.*"

8. This proposed section is new and is self-explanatory.

Miscellaneous offences of a seditious nature.

"**132A.** Every one is guilty of an indictable offence and liable to imprisonment for five years who wilfully

(a) interferes with, impairs or influences the loyalty or discipline of;

(b) publishes, edits, issues, circulates or distributes any writing that advises, counsels or urges insubordination, disloyalty, mutiny or refusal of duty by; or

(c) advises, counsels, urges or in any manner causes insubordination, disloyalty, mutiny or refusal of duty by a member of the Royal Canadian Mounted Police, the Canadian Forces or the naval, army or air forces of a State other than Canada that are lawfully present in Canada."

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

Punishment for seditious words, seditious libel, seditious conspiracy.

"**134.** Every one is guilty of an indictable offence and liable to imprisonment for a term of not more than seven years, who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy."

10. Section one hundred and forty-one of the said Act is repealed.

Repeal.

11. Paragraph *(b)* of section one hundred and fifty-five of the said Act is repealed and the following substituted therefor:

"Office".

"*(b)* 'office' includes every office in the gift of the Crown or of any officer appointed by the Crown, and all commissions, civil and military, and all places or employments in any public department or office whatever, and all deputations to any such office and every participation in the profits of any office or deputation; and"

9. The proposed section 134 increases the punishment from two years to seven years. Section 134 of the *Criminal Code* presently provides as follows:

"**134.** Every one is guilty of an indictable offence and liable to imprisonment for a term of not more than *two* years, who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy."

10. Consequential upon enactment of *The National Defence Act.* Section 141 of the *Criminal Code* presently provides as follows:

"**141.** *Every one is guilty of an offence and liable, on summary conviction before two justices, to a fine not exceeding fifty dollars for each offence, and in default of payment to imprisonment for a term not exceeding one month, with or without hard labour, who, without the previous consent of the officer commanding the ship or vessel,*

(a) conveys any intoxicating liquor on board any of His Majesty's ships or vessels;

(b) approaches or hovers about any of His Majesty's ships or vessels for the purpose of conveying any such liquor on board thereof; or

(c) gives or sells to any man in His Majesty's service, on board any such ship or vessel, any intoxicating liquor."

11. Consequential upon enactment of the *National Defence Act.* Paragraph *(b)* of section 155 of the *Criminal Code* presently provides as follows:

"*(b)* 'office' includes every office in the gift of the Crown or of any officer appointed by the Crown, and all commissions, civil, *naval* and military, and all places or employments in any public department or office whatever, and all deputations to any such office and every participation in the profits of any office or deputation;"

12. Section two hundred and nine of the said Act is repealed and the following substituted therefor:

Making improper use of the mails.

"**209.** Every one is guilty of an indictable offence and is liable to two years' imprisonment who makes use of the mails for the purpose of transmitting or delivering

(a) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral, or scurrilous character;

(b) any letter upon the outside or envelope of which, or any post-card or post band or wrapper upon which, there are words, devices, matters or things of the character aforesaid; or

(c) any letter or circular concerning schemes devised or intended to deceive and defraud the public, or for the purpose of obtaining money under false pretenses."

13. Section two hundred and thirty-eight of the said Act is amended by adding thereto, immediately after paragraph *(j)* thereof, the following paragraph:

Loitering or wandering in or near school ground or playground.

"*(k)* having at any time been convicted of an offence under paragraph *(a)* of section two hundred and ninety-two, section two hundred and ninety-three, subsection one or two of section three hundred and one, or section three hundred and two, is found loitering or wandering in or near a school ground or playground."

14. (1) Subsection four of section two hundred and eighty-five of the said Act is amended by repealing the proviso thereto after paragraph *(b)* therein.

(2) Section two hundred and eighty-five of the said Act is further amended by adding thereto, immediately after subsection four thereof, the following subsections:

Driving while ability to drive is impaired.

"(4a) Every one who, while his ability to drive a motor vehicle or automobile is impaired by alcohol or any drug, drives any motor vehicle or automobile, or has the care or control of a motor vehicle or automobile, whether it is in motion or not, is guilty of an offence and liable upon summary conviction or upon conviction under indictment

(a) for a first offence, to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment;

12. Section 209 of the *Criminal Code* presently provides as follows:

"**209.** Every one is guilty of an indictable offence and liable to two years' imprisonment who *posts for transmission or delivery by or through the post,*

(a) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral, or scurrilous character; or

(b) any letter upon the outside or envelope of which, or any post-card or post band or wrapper upon which, there are words, devices, matters or things of the character aforesaid; or

(c) any letter or circular concerning schemes devised or intended to deceive and defraud the public, or for the purpose of obtaining money under false pretenses."

13. It is proposed that a person who is found loitering or wandering in or near a school ground or playground should be guilty of vagrancy if he has at any time been convicted of any of the offences enumerated in paragraph *(k)*. Those offences are as follows:

Section 292*(a)* indecently assaulting a female; section 203—indecent assault on males; section 301(1)—carnal knowledge of a girl under fourteen years of age; section 301(2)—carnal knowledge of a girl between fourteen and sixteen years of age; section 302—attempted carnal knowledge of a girl under fourteen years of age.

14. (1) The proviso referred to herein is re-enacted as sub-section (4c) in subclause (2).

(2) The amendments proposed by this subclause are new. Subsection (4) of section 285 of the *Criminal Code* presently provides as follows:

"(4) *Every one who, while intoxicated or under the influence of any narcotic, drives any motor vehicle or automobile, or has the care or control of a motor vehicle or automobile, whether it is in motion or not, shall be guilty of an offence, and shall be liable,*

(a) upon indictment, for a first offence to imprisonment for a term not exceeding three months and not less than thirty days, and for each subsequent offence to any term not exceeding one year and not less than three months; or

(b) upon summary conviction, for a first offence to a term of imprisonment not exceeding thirty days and not less than seven days, for a second offence to a term of imprisonment not exceeding three months and not less than one month, and for each subsequent offence to a term of imprisonment not exceeding one year and not less than three months. And the provisions of section ten hundred and thirty-five, in so far as it authorizes the imposition of a fine in lieu of any punishment otherwise authorized, and of section ten hundred and eighty-one of this Act shall not apply in the case of a conviction for an offence under this subsection.

Provided that any person who while intoxicated or under the influence of any narcotic occupies the seat ordinarily occupied by a person driving a motor vehicle shall be deemed to have the care or control of the said motor vehicle unless the said person establishes that he did not enter or mount the said vehicle for the purpose of setting it in motion."

(b) for a second offence, to imprisonment for a term not exceeding three months and not less than fourteen days; and

(c) for each subsequent offence, to imprisonment for a term not exceeding one year and not less than three months

and section one thousand and thirty-five, in so far as it authorizes the imposition of a fine in lieu of any punishment otherwise authorized and section one thousand and eighty-one do not apply where a person is convicted for a second offence or any subsequent offence under this subsection.

Conviction under subsection (4*a*) when charged with offence under subsection (4).

"(4b) In proceedings under subsection four of this section the court may, if it is satisfied that the accused is not guilty of that offence but is guilty of an offence under subsection four a, find him guilty of an offence under subsection four a, and a conviction under that subsection bars further proceedings for any such offence arising out of the same facts.

Presumption of care or control.

"(4c) For the purposes of subsections four and four a, where a person occupies the seat ordinarily occupied by the driver of a motor vehicle or automobile he shall be deemed to have the care or control of the vehicle unless he establishes that he did not enter or mount the vehicle for the purpose of setting it in motion.

Chemical analysis.

"(4d) In any proceedings under subsection four or four a the result of a chemical analysis of a sample of the blood, urine, breath or other bodily substance of a person may be admitted in evidence on the issue whether that person was intoxicated or under the influence of a narcotic drug or whether his ability to drive was impaired by alcohol or a drug, notwithstanding that he was not, before he gave the sample, warned that he need not give the sample or that the results of the analysis of the sample might be used in evidence.

No obligation to give sample.

"(4e) No person is required to give a sample of blood, urine, breath or other bodily substance for chemical analysis for the purposes of this section and evidence that a person refused to give such a sample or that such a sample was not taken is not admissable nor shall such a refusal or the fact that a sample was not taken be the subject of comment by any person in the proceedings."

15. Paragraph *(t)* of section three hundred and thirty-five of the said Act is repealed and the following substituted therefor:

"Seaman".

"*(t)* 'seaman' means any person, other than an officer, who is enrolled in or who pursuant to law is attached or seconded otherwise than as an officer to the Royal Canadian Navy;"

It is proposed, by subsection (4a), to make it an offence for a person to drive or have the care or control of a motor vehicle or automobile while his ability to drive is impaired by alcohol or a drug. It is proposed that this offence should be a less serious offence than that of driving while intoxicated or under the influence of a narcotic, within the meaning of subsection (4) of section 285.

The proposed subsection (4d) authorizes the admissibility of the result of a chemical analysis of a sample of bodily substance as evidence on the issue whether an accused was intoxicated or under the influence of a narcotic drug or whether his ability to drive was impaired by alcohol or a drug.

15. Consequential upon enactment of *The National Defence Act.* Paragraph *(t)* of section 335 of the *Criminal Code* presently provides as follows:

"*(t)* 'seaman' means every person, not being a commissioned, warrant or subordinate officer, who is in or belongs to His Majesty's navy, and is borne on the books of any one of His Majesty's ships in commission, and every person, not being an officer as aforesaid, who, being borne on the books of any hired vessels in His Majesty's service is by virtue of any Act of Parliament of the United Kingdom for the time being in force for the discipline of the navy subject to the provisions of such Act;"

16. Sections three hundred and sixty-four and three hundred and sixty-five of the said Act, as enacted by section ten and section eleven of chapter thirty-nine of the statutes of 1947–48, are repealed and the following substituted therefor:

Penalty.

"**364.** Every one is guilty of an indictable offence and liable to imprisonment for life, or for any term not less than six months, who steals,

Post letters, etc.

(a) a post letter bag; or

(b) a post letter from a post bag or from any post office, or from any officer or person employed in any business of the post office of Canada, or from a mail; or

(c) a post letter containing any chattel, money or valuable security; or

(d) any chattel, money or valuable security from or out of a post letter.

Penalty.

"**365.** Every one is guilty of an indictable offence and liable to imprisonment for any term not exceeding seven years, and not less than six months, who steals,

(a) any post letter, other than post letters referred to in the last preceding section;

(b) any parcel sent by parcel post, or any article contained in any such parcel; or

(c) any key suited to any lock adopted for use by the Post Office Department, and in use on any Canada mail or mail bag."

Suspended sentence not applicable.

"**365A.** Section one thousand and eighty-one does not apply where a person is convicted of an offence under section three hundred and sixty-four or three hundred and sixty-five."

17. Sections four hundred and thirty-two to four hundred and forty of the said Act are repealed and the following substituted therefor:

Distinguishing mark on public stores.

"**432.** The Governor-in-Council may, by notice to be published in the *Canada Gazette*, prescribe distinguishing marks that are appropriated for use on public stores to denote the property of His Majesty therein, whether the stores belong to His Majesty in right of Canada or to His Majesty in any other right.

Applying or removing marks without authority.

"**433.** (1) Every one is guilty of an indictable offence and liable to imprisonment for two years who,

(a) without lawful authority, the proof of which lies upon him, applies a distinguishing mark to anything; or

16. The proposal is to reduce from one year to six months the minimum terms of imprisonment that sections 364 and 365 require to be imposed, and to provide that section 1081, which authorizes suspended sentence shall not apply where a person is convicted of an offence under either of these sections.

17. The amendments proposed by this clause are a re-enactment of sections 432 to 440 of the Code. Generally they are consequential upon enactment of *The National Defence Act.* Sections 432 to 440 of the *Criminal Code* presently provide as follows:

"**432.** The marks specified in this section in that behalf may be applied in or on any public stores to denote His Majesty's property in such stores.

Marks appropriated for His Majesty's use in or on Naval, Military, Ordnance, Barrack, Hospital and in Victualling Stores.

STORES	MARKS
Hempen cordage and wire rope.	White, black or coloured threads laid up with the yarns and the wire, respectively.
Canvas, fearnought, hammocks and seamen's bags.	A blue line in a serpentine form.
Bunting.	A double tape in the warp.
Candles.	Blue or red cotton threads in each wick or wicks of red cotton.
Timber, metal and other stores not before enumerated.	The broad arrow, with or without the letters W.D.

Marks appropriated for use on stores, the property of His Majesty in the right of His Government of Canada.

STORES	MARKS
Public stores.	The name of any public department, or the word "Canada," either alone or in combination with a Crown or the Royal Arms.
Militia stores.	The broad arrow within the letter C.
Public stores in charge or under the control of or issued by or through the Department of Public Works.	D.P.W.

The Governor in Council may also prescribe, by notice published in the *Canada Gazette*, what additional or other marks are appropriated for His Majesty's use in or on naval, military, militia or other stores and property, whether such stores or property belong to His Majesty in the right of His Government of Canada, or in the right of any other of His Majesty's Dominions.

2. It shall be lawful for any public department, and the contractors, officers and workmen of such department, to apply such marks, or any of them, in or on any such stores.

"**433.** Every one is guilty of an indictable offence and liable to two years' imprisonment, who,

(a) without lawful authority the proof of which shall lie on him, applies any of the said marks in or on any public stores.

(b) with intent to conceal His Majesty's property in any public stores, takes out, destroys or obliterates, wholly or in part, any of the said marks.

(b) with intent to conceal the property of His Majesty in public stores, removes, destroys or obliterates, in whole or in part, a distinguishing mark.

Unlawful transactions in public stores.

(2) Every one who, without lawful authority, the proof of which lies upon him, receives, possesses, keeps, sells or delivers public stores that he knows bear a distinguishing mark is guilty of an offence and liable

(a) upon conviction under indictment, to imprisonment for one year; or

(b) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for six months or to both fine and imprisonment.

Definition.

(3) For the purposes of this section, 'distinguishing mark' means a distinguishing mark that is appropriated for use on public stores pursuant to section four hundred and thirty-two.

Selling defective stores to His Majesty.

"**434.** (1) Every one who knowingly sells or delivers defective stores to His Majesty or commits fraud in connection with the sale, lease or delivery of stores to His Majesty or the manufacture of stores for His Majesty is guilty of an indictable offence and liable to a fine not exceeding fifty thousand dollars or to imprisonment for fourteen years or to both fine and imprisonment.

Offences by officers and employees of corporations.

(2) A director, officer, agent or employee of a corporation that commits, by fraud, an offence under subsection one is guilty of an indictable offence and is liable, upon conviction, to the punishment authorized by subsection one, if the director, officer, agent or employee

(a) knowingly takes part in the fraud; or

(b) knows or has reason to suspect that the fraud is being committed or has been or is about to be committed

without informing the responsible government, or a department thereof, of His Majesty.

Disability.

(3) No person who is convicted of an offence under this section has, after that conviction, capacity to contract with His Majesty or to receive any benefit under a contract between His Majesty and any other person, or to be employed by or to hold office under His Majesty.

Unlawful use of military uniforms or certificates.

"**435.** Every one who without lawful authority, the proof of which lies upon him,

(a) wears a uniform of the Canadian Forces or any other naval, army or air force or a uniform that is so similar to the uniform of any of those forces that it is likely to be mistaken therefor;

(b) wears a distinctive mark relating to wounds received or service performed in war, or a military medal, ribbon, badge, chevron or any decoration or order that is awarded for war services, or any imitation thereof, or

"**434.** Every one who, without lawful authority the proof of which lies on him, receives, possesses, keeps, sells or delivers any public stores bearing any such mark as aforesaid, knowing them to bear such mark, is guilty of an offence punishable on indictment or on summary conviction, and liable, on conviction on indictment, to one year's imprisonment, and, if the value thereof does not exceed twenty-five dollars, on summary conviction before two justices, to a fine of one hundred dollars or to six months' imprisonment with or without hard labour.

"**435.** Every one, not being in His Majesty's service, or a dealer in marine stores or a dealer in old metals in whose possession any public stores bearing any such mark are found who, when taken or summoned before two justices, does not satisfy such justices that he came lawfully by such stores, is guilty of an offence and liable, on summary conviction, to a fine of twenty-five dollars.

2. If any such person satisfies such justices that he came lawfully by the stores so found, the justices, in their discretion, as the evidence given or the circumstances of the case require may summon before them every person through whose hands such stores appear to have passed.

3. Every one who has had possession thereof, who does not satisfy such justices that he came lawfully by the same, is liable, on summary conviction, of having had possession thereof, to a fine of twenty-five dollars, and in default of payment to three months' imprisonment with or without hard labour.

any mark or device or thing that is likely to be mistaken for any such mark, medal, ribbon, badge, chevron, decoration or order;

(c) has in his possession a certificate of discharge or statement of service from the Canadian Forces or any other naval, army or air force that has not been issued to and does not belong to him; or

(d) has in his possession a commission or warrant or a certificate of discharge or statement of service issued to an officer or person in or who has been in the Canadian Forces or any other naval, army or air force, that contains any alteration that is not verified by the initials of the officer who issued it, or by the initials of some officer thereto lawfully authorized.

is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for six months or to both fine and imprisonment.

Military stores.

"**436.** Every one who buys, receives or detains from a member of the Canadian Forces or a deserter or absentee without leave from those forces any military stores that are owned by His Majesty or for which the member, deserter or absentee without leave is accountable to His Majesty is guilty of an offence and liable

(a) upon conviction under indictment, to imprisonment for five years; or

(b) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for six months or to both fine and imprisonment."

"**436.** (1) Every person is guilty of an indictable offence and liable to imprisonment for seven years, or to a fine not exceeding fifty thousand dollars, or to both imprisonment and fine, who knowingly sells or delivers, or causes to be sold or delivered, to His Majesty or to any officer or servant of His Majesty, any defective naval, military, air or militia stores of any kind or description, whether such stores are for His Majesty in the right of His Government of Canada, or in the right of any other of His Majesty's Dominions, or who in any way commits any act of dishonesty, fraud, or deception upon His Majesty or any of His Majesty's officers or servants in connection with the sale or lease or purchases or delivery or manufacture of such naval, military, air or militia stores.

2. *If any offence referred to in this section is committed by a body corporate, every director, officer, agent and employee of such body corporate who has knowingly taken any part or share in such fraud, dishonesty or deception, or who knows or had reason to suspect that such fraud, dishonesty or deception would be or was being committed, or knows or had reason to suspect that such fraud, dishonesty or deception has been committed and does not at once inform His Majesty thereof, shall be liable as well as the body corporate to the penalties imposed by this section in all respects as if such offence was committed by said director or other person, and every such body corporate, director or other person convicted of such offence shall be thereafter incapable of contracting with His Majesty or with any of His Majesty's officers or servants or of holding any contract or office with, from or under Him or them, or of receiving any benefit under any contract so made.*

"**437.** *Every one who, without permission in writing from the Admiralty, or from some person authorized by the Admiralty in that behalf, creeps, sweeps, dredges, or otherwise searches for stores in the sea, or any tidal or inland water, within one hundred yards from any vessel belonging to His Majesty, or in His Majesty's service, or from any mooring place or anchoring place appropriated to such vessel, or from any mooring belonging to His Majesty, or from any of His Majesty's wharfs or docks, or victualling or steam factory yards, is guilty of an offence and liable, on summary conviction before two justices, to a fine of twenty-five dollars, or to three months' imprisonment, with or without hard labour.*

"**438.** Every person shall be liable on summary conviction to a penalty not exceeding three hundred dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment who without lawful authority

(a) wears any uniform of any of *His Majesty's* naval, *land* or air forces, or any uniform which is so similar to the uniform of any of the said forces as to be likely to be mistaken therefor;

(b) wears any distinctive mark relating to wounds received or service performed in war, or any military medal, ribbon, badge, chevron or any decoration or order that is awarded for war services, or any imitation thereof, or any mark or device or thing likely to be mistaken for any such mark, medal, ribbon, badge, chevron, decoration or order;

(c) has in his possession any certificate of discharge or statement of service from *any of His Majesty's* naval, *land* or air forces not issued to and belonging to such person; or

(d) has in his possession any commission or warrant or any certificate of discharge or statement of service issued to any officer or person in, or who has been in, any of *His Majesty's* naval, *land* or air forces, which contains any alteration that is not verified by the initials of the officer issuing the same, or by the initials of some officer thereto lawfully authorized.

2. *In any prosecution under this section in which it is proved that the accused has worn a uniform, mark, medal, ribbon, badge, chevron, decoration or order aforesaid, or without lawful excuse has in his possession any certificate or statement aforesaid, he shall be deemed to have worn or had the same in his possession without lawful authority, unless he proves that he had such authority.*

"**439.** (1) Every one who

(a) buys, exchanges or detains, or otherwise receives from any soldier, airman, militiaman or deserter any arms, clothing or furniture belonging to His Majesty, or any such articles belonging to any soldier, airman, militiaman or deserter as are generally deemed regimental or unit necessaries according to the custom of the army or air force; or

(b) causes the colour of such clothing or articles to be changed; or

(c) exchanges, buys or receives from any soldier, airman or militiaman, any provisions, without leave in writing from the officer commanding the unit or detachment to which such soldier or airman belongs;

is guilty of an offence punishable on indictment or on summary conviction, and liable on conviction on indictment to five years' imprisonment, and on summary conviction before two justices to a penalty not exceeding forty dollars, and not less than twenty dollars and costs, and, in default of payment, to six months' imprisonment with or without hard labour.

2. Every one who buys, exchanges, or detains, or otherwise receives from any seaman or marine, upon any account whatsoever, or has in his possession any arms or clothing, or any articles, belonging to any seaman, marine or deserter, as are generally deemed necessaries according to the custom of the navy, is guilty of an offence punishable on indictment or on summary conviction and liable on conviction on indictment to five years' imprisonment, and on summary conviction before two justices to a penalty not exceeding one hundred and twenty dollars, and not less than twenty dollars and costs, and in default of payment to six months' imprisonment.

18. The said Act is further amended by adding thereto, immediately after section five hundred and nine thereof, the following heading and section:

"Acts Prejudicial to Security.

Acts prejudicial to national security.

"**509A.** (1) Every one who does a prohibited act for a purpose prejudicial to

(a) the safety or interests of Canada; or

(b) the safety or security of the naval, army or air forces of any State other than Canada that are lawfully present in Canada

is guilty of an indictable offence and liable to imprisonment for ten years.

Definition.

(2) In this section 'prohibited act' means any act or omission that

(a) impairs the efficiency or impedes the working of any vessel, vehicle, aircraft, machinery, apparatus or other thing; or

(b) causes property, by whomsoever it may be owned, to be lost, damaged or destroyed."

19. Section five hundred and seventy-five c of the said Act, as enacted by section eighteen of chapter fifty-five of the statutes of 1947, is amended by adding thereto, immediately after subsection four thereof, the following subsection:

Selection of jury.

"(5) Where an offender pleads guilty to the offence charged in the indictment for which, if he had pleaded not guilty, he would have been tried by jury, and pleads not guilty to being an habitual criminal, a jury shall, for the purpose of determining whether he is an habitual criminal, be selected in the same manner and the accused and the Crown shall be entitled to the same challenges as if the accused had pleaded not guilty to the crime charged in the indictment".

20. The said Act is further amended by adding thereto, immediately after paragraph *(c)* of section five hundred and eighty-four, the following paragraph:

Door-to-door mail delivery.

"*(d)* where the offence is committed in respect of a mail in the course of the door-to-door delivery of the mail, the offence shall be deemed to have been committed in any magisterial jurisdiction through which the mail was carried on that delivery."

21. The said Act is further amended by adding thereto, immediately after section six hundred and twenty-nine thereof, the following section:

Warrant to observe operation of telephone equipment.

"**629A.** (1) A justice of the peace who is satisfied by information upon oath that there is reasonable ground to believe that a building or place, in which a telephone identified in the information by its calling number is

"**440.** Every one who detains, buys, exchanges, takes on pawn or receives, from any seaman or any person acting for a seaman, any seaman's property, or solicits or entices any seaman, or is employed by any seaman to sell, exchange or pawn any seaman's property, unless he acts in ignorance of the same being a seaman's property or of the person with whom he deals being or acting for a seaman, or unless the same is sold by the order of the Admiralty or commander in chief, is guilty of an offence punishable on indictment or on summary conviction and liable on conviction on indictment to five years' imprisonment, and on summary conviction for a first offence to a penalty not exceeding one hundred dollars; and on summary conviction for a second offence, to the same penalty, or in the discretion of the justice, six months' imprisonment, with or without hard labour."

18. This provision is new. It is intended to provide a penalty for acts of sabotage. Such acts are at the present time only punishable under the provisions of the *Criminal Code* relating to mischief.

19. The amendment proposed by this clause is to enable a jury to be selected to try an accused upon the charge of having been an habitual criminal where he has pleaded guilty to the principal charge against him and there is therefore no necessity of empanelling a jury for the purpose of trying that charge.

20. Offences are sometimes committed in respect of the mail during the course of delivery by walking letter carriers. Where the carrier's route extends into two or more magisterial jurisdictions, procedural difficulties arise when it is not possible to establish in which jurisdiction the offence was committed. This amendment is designed to remove the procedural difficulties.

21. The amendment proposed by this clause is new. It will authorize the issue of a warrant to enable peace officers to observe, visually or by means of a mechanical apparatus, the operation of telephones in places that are suspected to be common gaming houses or common betting houses.

installed, is being used as a common gaming house or a common betting house, may at any time issue a warrant under his hand

(a) authorizing a peace officer or a person named in the warrant to observe the operation of the equipment serving that telephone

(i) visually, in a manually operated central telephone office, between the hours of one o'clock in the afternoon and six o'clock in the afternoon, Saturdays, Sundays and legal holidays excepted; or

(ii) mechanically, in a dial operated central telephone office, by connecting a device known as the Foote-Pierson Pen Register, constructed and designed in accordance with a certain specification numbered KS3106 of the Bell Telephone Laboratories, Incorporated, with assembly of associated relay equipment and appropriate attachment devices, to be supplied by him, to that telephone line in the central telephone office to which the telephone is directly connected, for the purpose of recording the dial pulses emanating from the telephone;

and to continue to observe the operation of the equipment during the period that is specified in the warrant for the purpose of ascertaining the telephone numbers of the telephones to which calls are made from the telephone specified in the warrant and the location of the buildings or places in which those telephones are installed; and

(b) requiring the officers and employees of the proprietor of the central telephone office to disclose to the officer or person the addresses of the buildings or places in which the telephones, the numbers of which are so ascertained, are located.

Service of warrant.

(2) A warrant that is issued under this section shall be served upon the proprietor of the central telephone office prior to or at the time of execution thereof.

Undue interference with equipment not authorized.

(3) Nothing in this section or in any warrant issued under this section authorizes a peace officer or other person to utilize, experiment with, interrupt or interfere with the operation of telephone equipment or to attach any apparatus thereto other than the apparatus authorized by this section, or to listen or to require the officers or employees of the proprietor of the central telephone office to listen to telephone conversations passing over the telephone equipment in a central telephone office."

Repeal.

22. Sections six hundred and thirty-nine, six hundred and fifty-one and six hundred and fifty-seven of the said Act are repealed.

22. The repeal of these sections is consequential upon enactment of *The National Defence Act.* They presently provide as follows:

"**639.** *Any officer in His Majesty's service, any warrant or petty officer of the navy, or any non-commissioned officer of marines, with or without seaman or persons under his command, may search any boat or vessel which hovers about or approaches, or which has hovered about or approached, any of His Majesty's ships or vessels mentioned in section one hundred and forty-one, and may seize any intoxicating liquor found on board such boat or vessel; and the liquor so found shall be forfeited to the Crown.*

"**651.** *Any officer in His Majesty's service, any warrant or petty officer in the navy, and any non-commissioned officer of marines may arrest without any warrant any person found committing any of the offences mentioned in section one hundred and forty-one.*

"**657.** (1) *Every one who is reasonably suspected of being a deserter from His Majesty's service may be apprehended and brought for examination before any justice, and if it appears that he is a deserter he shall be confined in gaol until claimed by the naval, military or air authorities or proceeded against according to law.*

(2) *No one shall break open any building to search for a deserter unless he has obtained a warrant for that purpose from a justice, founded on affidavit that there is reason to believe that the deserter is concealed in such buildings, and that admittance has been demanded and refused.*

(3) *Every one who resists the execution of any such warrant shall incur a penalty of eighty dollars, recoverable on summary conviction, before two justices.*"

23. Subsection one of section nine hundred and twenty-nine of the said Act is repealed and the following substituted therefor:

Who shall be the jury.

"**929.** (1) The twelve persons, or in the province of Alberta the six persons, who in manner aforesaid are ultimately drawn and sworn shall be the jury to try the issues of the indictment, and the names of the persons so drawn and sworn shall be kept apart by themselves until such jury give in their verdict or until they are discharged and then the names shall be returned to the box there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried."

24. Section nine hundred and ninety-one of the said Act is repealed and the following substituted therefor:

Evidence of enrolment.

"**991.** (1) In proceedings under sections four hundred and thirty-three to four hundred and thirty-six evidence that a person was at any time performing duties in the Canadian Forces is *prima facie* evidence that his enrolment in the Canadian Forces prior to that time was regular.

Presumption.

(2) An accused who is charged with an offence under subsection two of section four hundred and thirty-three shall be presumed to have known that the stores in respect of which the offence is alleged to have been committed bore a distinguishing mark within the meaning of that subsection at the time the offence is alleged to have been committed, if he was, at that time, in the service or employment of His Majesty or a dealer in marine stores or a dealer in old metals."

25. Subsection four of section one thousand and twenty-three of the said Act, as renumbered by subsection two of section thirty of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:

Notice to be given.

"(4) No appeal lies to the Supreme Court of Canada under this section unless notice of appeal is served in writing by the appellant upon the other party to the proceedings within fifteen days after the judgment of the Court of Appeal is pronounced or within such further time as may be allowed by the Supreme Court of Canada or a judge thereof."

26. Part XXIII of the said Act is repealed.

23. The amendment proposed by this clause is to remove any doubt that women are qualified to serve on juries in criminal cases where they are qualified under provincial law to serve on juries in civil cases. Section 921 of the *Criminal Code* provides that every person qualified and summoned as a grand or petit juror according to the laws in force for the time being in any province of Canada shall be duly qualified to serve as such juror in criminal cases in that province. Section 929 (1) of the Code presently provides as follows:

> **929.** (1) The twelve *men*, or in the province of Alberta the six *men*, who in manner aforesaid are ultimately drawn and sworn shall be the jury to try the issues of the indictment, and the names of the *men* so drawn and sworn shall be kept apart by themselves until such jury give in their verdict or until they are discharged and then the names shall be returned to the box there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried."

24. The amendments proposed by this clause are consequential upon the enactment of the *National Defence Act* and the amendments proposed by clause 17 of this Bill. Section 991 of the *Criminal Code* presently provides as follows:

> "**991.** In any prosecution, proceeding or trial under sections four hundred and thirty-three to four hundred and thirty-seven inclusive for offences relating to public stores, proof that any soldier, seaman or marine was actually doing duty in *His Majesty's service shall be* prima facie evidence that his *enlistment, entry or* enrolment has been regular.
>
> (2) *If the person charged with the offence relating to public stores mentioned in section four hundred and thirty-four was, at the time at which the offence is charged to have been committed, in His Majesty's service or employment, or a dealer in marine stores, or a dealer in old metals, knowledge on his part that the stores to which the charge relates bore the marks described in section four hundred and thirty-two shall be presumed until the contrary is shown.*"

25. The proposed amendment is intended to remove any doubt that notice of appeal must be given by the appellant within fifteen days after the judgment appealed from is pronounced or within such further time as may be allowed, in all cases where an appeal is taken to the Supreme Court of Canada under section 1023.

Subsection (4) of that section presently provides,

"*(4) No such appeal can be taken unless notice thereof in writing has been served upon the Attorney General, or upon the person whose conviction has been set aside or his solicitor, or upon the respondent or his solicitor, in an appeal to the Court of Appeal taken by an Attorney General against a judgment or verdict of acquittal in respect of an indictable offence, as the case may be, within fifteen days after the affirmance or setting aside of the conviction or the dismissal of the appeal, as the case may be, or such other time as may be allowed by the Supreme Court of Canada or a judge thereof.*"

26. Part XXIII relates to returns. The *Criminal Code* Revision Commission has recommended the repeal of this Part as being no longer necessary. It presently provides as follows:

"PART XXIII.

"RETURNS.

"1133. *Every justice shall, quarterly, on or before the second Tuesday in each of the months of March, June, September and December in each year, make to the clerk of the peace or other proper officer of the court having jurisdiction in appeal, as herein provided, a return in writing, under his hand, of all convictions made by him, and of the receipt and application by him of the moneys received from the defendants.*

(2) *Such return shall include all convictions and other matters not included in some previous return, and shall be in form 75.*

(3) *If two or more justices are present, and join in the conviction, they shall make a joint return.*

(4) *Every justice, to whom any such moneys are afterwards paid, shall make a return of the receipt and application thereof, to the court having jurisdiction in appeal as hereinbefore provided, which shall be filed by the clerk of the peace or the proper officer of such court with the records of his office.*

(5) *In the province of Prince Edward Island such return shall be made to the clerk of the court of assize of the county in which the convictions are made, and on or before the fourteenth day next before the sitting of the said court next after such convictions are so made.*

(6) *Every such return shall be made in the district of Nipissing, in the province of Ontario, to the clerk of the peace for the county of Renfrew, in the said province.*

"1134. *Every justice, before whom any conviction takes place, who receives any such moneys, who neglects or refuses to make such return thereof, or wilfully makes a false, partial or incorrect return, or wilfully receives a larger amount of fees than by law he is authorized to receive, and every justice who upon or in connection with, or under colour or pretence of, any information, complaint or judicial proceeding or inquiry had or taken before him, wilfully exacts, receives, appropriates or retains any fees, moneys or payments which he is not by law authorized to receive or to be paid, shall incur a penalty of eighty dollars, together with costs of suit, in the discretion of the court, which may be recovered by any person who sues for the same by action of debt or information in any court of record in the province in which such return ought to have been or is made.*

(2) *One moiety of such penalty shall belong to the person suing, and the other moiety to His Majesty for the public uses of Canada.*

(3) *Nothing in this section shall have the effect of preventing any person aggrieved from prosecuting by indictment, any justice, for any offence, the commission of which would have subjected him to indictment immediately before the first day of July, one thousand eight hundred and ninety-three.*

"1135 *When any certificate is granted under section one hundred and eighteen of this Act, the justice granting it shall forthwith make a return thereof to the proper officer in the county, district or place in which such certificate has been granted for receiving returns under this Part.*

(2) *On default of making such return within ninety days after a certificate is granted, the justice shall be liable, on summary conviction, to a penalty of not more than ten dollars.*

"1136. *Every commissioner under Part III of this Act shall make a monthly return to the Secretary of State of Canada of all weapons delivered to him, and by him detained under Part III.*

"1137. *The clerk of the peace of the district or county to whom returns under this Part are made, or the proper officer, other than the clerk of the peace, to whom such returns are made, shall within seven days after the adjournment of the then next ensuing general or quarter sessions, or of the term or sitting of such other court having jurisdiction in appeal as aforesaid, cause the said returns to be posted up in the court house of the district or county, and also in a conspicuous place in the office of such clerk of the peace, or other proper officer, for public inspection, and the same shall continue to be so posted up and exhibited until the end of the next ensuing general or quarter sessions of the peace, or for the term or sitting of such other court as aforesaid.*

(2) *For every schedule so made and exhibited by such clerk or officer, he shall be allowed such fee as is fixed by competent authority.*

(3) *Such clerk of the peace or other officer of each district or county, within twenty days after the end of each general or quarter sessions of the peace, or the sitting of such court as aforesaid, shall transmit to the Minister of Finance a true copy of all such returns made within his district or county.*

"1138. *No return purporting to be made by any justice under this Act shall be vitiated by the fact of its including, by mistake, any convictions or orders had or made before him in any matter over which any provincial legislature has exclusive jurisdiction, or with respect to which he acted under the authority of any provincial law.*

"1139. *Every clerk of the peace or other proper officer shall transmit to the Dominion Bureau of Statistics a quarterly return of the names of offenders, the offences and punishments mentioned in convictions transmitted to him under Part XVII of this Act."*

Repeal.

27. Sub-paragraphs (ii), (iii) and (iv) of paragraph *(c)* and paragraph *(f)* of subsection one of section one thousand one hundred and forty of the said Act are repealed.

28. Forms seventy-six, seventy-six A, seventy-six B, seventy-six C, seventy-six D, seventy-six E and seventy-six F are repealed and the following substituted therefor:

"FORM 76.

FIREARM PERMIT

This permit authorizes_____of

_____to have a_____

(Address) *(insert type of*

_____elsewhere than in his dwelling-house or place of business for

firearm)

the purpose of_____

(insert purpose for which permit is required)

This permit is valid during the period_____.

_____ _____

(Date of issue). *(Signature of person authorized to issue permits in Form 76.)*

"FORM 76A.

PERMIT TO BUY AND SELL FIREARMS AT RETAIL

This permit authorizes_____

(Insert name of holder of permit)

of_____

to buy and sell firearms at retail.

_____ _____

(Date of issue) *(Signature of person authorized to issue permits).*

_____

(Address)

27. The provisions that are proposed to be repealed by this clause establish limitation periods with respect to offences that are committed under the offensive weapons sections of the Code. They are proposed to be repealed because it is considered that where an offence under those provisions is punishable on summary conviction, the ordinary limitation period should apply, namely six months, under section 1142 of the Code, and where the offence is punishable upon conviction under indictment there should be no limitation period. The provisions in question presently provide as follows:

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

(c) after the expiration of one year from its commission if such offence be

(i) .....

(ii) *refusing to deliver weapon to justice—section one hundred and twenty-six,*

(iii) *coming armed near public meeting—section one hundred and twenty-seven,*

(iv) *lying in wait near public meeting—section one hundred and twenty-eight,*"

"*(f) after the expiration of six months from its commission if the offence be improper use of offensive weapons under sections one hundred and sixteen and one hundred and eighteen to one hundred and twenty-four inclusive.*"

28. The repeal of the Forms mentioned in this clause is consequential upon the enactment of provisions relating to offensive weapons under clause 7 of this Bill. The Forms that are proposed to be repealed are as follows:

"FORM 76.

Pistol or Revolver Permit.

(Insert name and place of issue and date.)

Permission is hereby given to.....*(insert name of holder of permit)* of.....to carry *(insert character of weapon, whether a pistol or revolver)* for *(insert calendar year of issue of permit)* for the protection of life or property, or for target practice.

Reason for Granting Permit.

(Here are to be inserted the reasons for issuing permit.)
(Name and office of person issuing permit.)

"FORM 76A.

Permit for Weapon other than Pistol or Revolver.

(Insert name and place of issue and date.)

Permission is hereby given to.....*(insert name of holder of permit)* of.....to carry *(insert character of weapon)* for *(insert calendar year of issue of permit.)*

Reason for Granting Permit.

(Here are to be inserted the reasons for issuing permit.)
(Name and office of person issuing permit.)

"FORM 76B

PERMIT TO CONVEY FIREARM

This permit authorizes _____ to convey the firearm described herein from _____
(Place of delivery or place of residence or business)
to _____
(Local registrar of firearms)
and thence to _____.
(Place of residence or business)

This permit is valid only during the period _____.

_____ _____
(Date of Issue) *(Local Registrar of Firearms)*

_____
(Address)

APPLICATION TO REGISTER FIREARM

Place _____ DATE _____

Re _____ Certificate No. _____
(Name of Applicant) *(If available)*
(Please show full Christian names)

_____
Description of Firearm

Make of Firearm	R or A	Cal.	Model	Ser. No.	No. Shots	Bbl. Lgth.
	( )					

(NOTE: (R) Revolver (A) Automatic)

Obtained by: Purchase, [ ] Exchange, [ ] Gift, [ ] Found [ ]

Obtained from _____

Certificate No. _____ Address _____

Occupation of Applicant _____

Purpose for which firearm required _____

_____
(Signature of Applicant)

Address: _____

Registered under the authority of
section 124 of the Criminal Code of Canada

_____
(Local Registrar of Firearms)

_____ _____
(Date of issue) *(Address)*

TRANSFER COMPLETED

Date _____ Initialled by _____ Police Department _____

"FORM 76B.

Alien's Permit for Shotgun, Rifle or other such Firearm.

(Insert name and place of issue and date.)

Permission is hereby given to..... *(insert name of holder of permit)* being a *(insert nationality)* of to have in his possession *(insert character of weapon)* for *(insert calendar year of issue of permit.)*

Reason for Granting Permit.

(Here are to be inserted the reasons for issuing permit.)

(Name and office of person issuing permit.)

"FORM 76C.

Vendor's Permit to sell Pistol and Revolvers.

(Insert name and place of issue and date)

Permission is hereby given to..... *(insert name of holder of permit)* of.....to sell pistols and revolvers for *(insert calendar year of issue of permit.)*

Reason for Granting Permit.

(Here are to be inserted the reasons for issuing permit.)

(Name and office of person issuing permit.)

"FORM 76D.

Vendor's Permit to buy Pistols and Revolvers for resale.

(Insert name and place of issue and date.)

Permission is hereby given to.....

(Insert name of holder of permit)

of.....

to buy pistols and revolvers for resale for *(insert calendar year of issue of permit)*.

Reasons for granting Permit.

(Here are to be inserted the reasons for issuing permit.)

(Name and office of person issuing permit.)

"FORM 76E.

Permit to purchase pistol, revolver or other offensive weapon.

Permission is hereby given to.....

(Insert name of holder of permit)

of.....

to purchase.....

(Insert character of weapon.)

Reasons for granting Permit.

(Here are to be inserted the reasons for issuing permit.)

(Name and office of person issuing permit.)

"FORM 76F.

Permit for firearm or air-gun for minor.

Permission is hereby given to.....

(Insert name of holder of permit)

of.....

to have in his possession.....

(Insert character of weapon)

for.....

(Insert calendar year of issue of permit.)

Reasons for granting Permit.

(Here are to be inserted the reasons for issuing permit.)

(Name and office of person issuing permit.)

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 392.

An Act respecting Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

First reading, June 19, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
82295 1951

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 392.

An Act respecting Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

1929, c. 11; 1930, c. 8; 1935, c. 3; 1938, c. 22; 1944-45, c. 9; 1947, c. 30.

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

Short title.

1. This Act may be cited as the *Canadian National Railways Refunding Act, 1951.*

Power for refunding.

2. The Governor in Council may provide for the refunding of matured, maturing and callable bonds, debentures, stocks, notes, railway equipment trust certificates, principal instalments payable under hire purchase agreements, obligations and other securities, or any one or more of them, (in this Act called "original securities") of Canadian National Railway Company (in this Act called the "National Company") and of the companies comprised in the National Railway System as defined in *The Canadian National Railways Capital Revision Act, 1937*, or any one or more of them.

1937, c. 22.

Issue of substituted securities.

Amount.

Guarantee.

3. Subject to the provisions of this Act, the National Company may issue notes, obligations, bonds, debentures, or other securities (in this Act called "substituted securities") in respect of any refunding pursuant to this Act, to an aggregate principal amount not exceeding two hundred million dollars, and the Governor in Council may authorize the guarantee by His Majesty in right of Canada, of the principal and interest of the substituted securities.

Terms and conditions prescribed by Governor in Council.

4. (1) Subject to the provisions of this Act, the Governor in Council may, with respect to any refunding pursuant to this Act, approve or decide

(a) the kinds of substituted securities to be issued and guaranteed, and the forms and terms thereof;

(*b*) the currencies in which any issue or parts thereof may be made;

(*c*) the form and manner of the guarantees;

(*d*) the times, manner and amount of the issues;

(*e*) the method or manner of refunding, whether by exchange or substitution of the substituted securities for the original securities, or by payment of the original securities at maturity or when callable by means of the proceeds of the sale, pledge or other disposition of the substituted securities;

(*f*) the terms and conditions of any such exchange or substitution, or of any such sale, pledge or other disposition of the substituted securities;

(*g*) the securing, if deemed desirable, of the substituted securities by mortgage, deed of trust or other instrument, and the manner, form, terms and trustees thereof; and

(*h*) the manner, terms and conditions of any temporary financing and the expediency thereof.

Guarantees.

(2) A guarantee under this Act may be signed on behalf of His Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the relative provisions of this Act have been complied with.

Deposit and release of proceeds.

5. The proceeds of any sale, pledge or other disposition of the substituted securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon applications made to the Minister of Finance by the National Company and approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the bank in which they are deposited, as the case may be.

Cancellation and cremation of original securities.

6. Original securities coming into the possession of the National Company by means of any refunding pursuant to this Act may be cancelled and cremated in the presence of representatives of the Minister of Finance and the National Company and of any trustees affected who desire to be represented, and certificates of such cremation, signed by such representatives, shall be filed with the Minister and the National Company and with any trustees affected who desire the certificates, and any such certificate is conclusive evidence for all purposes of the cancellation and cremation of the original securities to which the certificate relates.

Temporary loans authorized to National Company.

7. (1) The Minister of Finance, upon applications made to him by the National Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the National Company out of the Consolidated Revenue Fund for the purpose of paying outstanding securities at maturity or when called of any company referred to in section two, repayable on such terms and at such rates of interest as the Minister of Finance, with the approval of the Governor in Council, may determine and secured by demand notes of the National Company.

Limitation.

(2) The aggregate principal amount of the loans made pursuant to subsection one shall not exceed two hundred million dollars.

Issue and guarantee of substituted securities.

(3) Substituted securities may be issued and guaranteed under the provisions of this Act to repay loans, or any part thereof, made pursuant to subsection one.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 393.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1951, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, June 19, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

88076

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 393.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1951, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

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 *Canadian National Railways Financing and Guarantee Act, 1951.*

Definitions. "authorized expenditures".

2. In this Act

(a) "authorized expenditures" means the capital expenditures and increase in working capital authorized by subsection one of section three;

"National Company".

(b) "National Company" means the Canadian National Railway Company;

"National Railway System". 1937, c. 22.

(c) "National Railway System" means the National Railway System as defined in *The Canadian National Railways Capital Revision Act, 1937;*

"securities".

(d) "securities" means the notes, obligations, bonds, debentures and other securities described in subsection one of section four.

Capital expenditures authorized.

3. (1) The National Railway System is hereby authorized to make capital expenditures in the calendar year in the following amounts and for the following purposes, namely,

Additions and Betterments (less retirements)	$37,302,823
Acquisition of Securities and Retirement of Capital Obligations	3,712,000
New Equipment (1951 budget)	56,722,177
Total	$97,737,000

Working capital.

and is hereby authorized to increase its working capital by twenty million dollars.

New equipment.

(2) The Governor in Council, on the recommendation of the Minister of Transport, may for the acquisition of new equipment authorize the National Railway System to incur commitments during nineteen hundred and fifty-one, in addition to the authorized expenditures, in amounts not exceeding a total of one hundred and eleven million, five hundred and twelve thousand, nine hundred and twenty dollars.

Report to Parliament.

(3) The commitments authorized pursuant to subsection two shall be reported to Parliament in an appropriate subsequent annual budget of the National Railway System.

Issue of securities.

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, obligations, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for the authorized expenditures.

Reserves.

(2) Amounts available from reserves for depreciation and debt discount amortization may be applied towards meeting the authorized expenditures.

Maximum amount of securities.

(3) The aggregate principal amount of securities, not including any securities issued to secure loans made under section six, outstanding at any one time shall not exceed one hundred and one million, two hundred and fifteen thousand dollars.

Guarantee.

5. (1) The Governor in Council may authorize the guarantee by His Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees.

Signature of guarantees.

(2) A guarantee under this Act may be signed on behalf of His Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the relative provisions of the Act have been complied with.

Minister of Finance may make temporary loans for capital expenditures.

6. (1) The Minister of Finance, upon applications made to him by the National Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the National Company out of the Consolidated Revenue Fund of amounts required for authorized expenditures at such rates of interest and subject to such other terms and conditions as the

NOTE.

Additions and Betterments (less retirements)	$ 37,302,823
Acquisition of Securities and Retirement of Capital Obligations	3,712,000
New Equipment (1951 Budget)	56,722,177
Additional Working Capital	20,000,000
	$117,737,000
Amount estimated to be available from Reserves for Depreciation and Debt Discount Amortization	16,522,000
	$101,215,000

Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum amount of loans.

(2) The aggregate principal amount at any one time outstanding of the loans made pursuant to subsection one shall not exceed one hundred and one million, two hundred and fifteen thousand dollars.

Issue of securities.

(3) Securities may be issued and guaranteed under the provisions of this Act to repay loans, or any parts thereof, made pursuant to subsection one.

Power to aid other companies.

7. The National Company may aid and assist, in any manner not inconsistent with the terms of section three, any others of the companies and railways comprised in the National Railway System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

(a) apply the proceeds of any issue of securities towards meeting authorized expenditures on its own account or on account of any others of the said companies and railways, and

(b) make advances of amounts required for meeting authorized expenditures to any others of the said companies and railways, upon or without any security, at discretion.

Proceeds paid to credit of Minister of Finance in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon applications made to the Minister of Finance by the National Company and approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such applications.

When revenue of National Railway System insufficient to meet operating and income charges.

9. (1) Where at any time before the first day of July, nineteen hundred and fifty-two, the available revenues of the National Railway System are not sufficient to pay all the operating and income charges of the National Railway System as and when due, the Minister of Finance, upon applications made to him by the National Company and approved by the Minister of Transport, may, with the

approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

Reimbursement.

(2) All amounts placed at the disposal of the National Company pursuant to subsection one shall be reimbursed to the Minister of Finance from the annual revenues of the National Railway System in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

When revenue of Trans-Canada Air Lines and subsidiaries insufficient to meet operating and income charges.

10. (1) Where, at any time before the first day of July, nineteen hundred and fifty-two, the available revenues of Trans-Canada Air Lines and its subsidiaries are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance upon applications made to him by Trans-Canada Air Lines and approved by the Minister of Trade and Commerce may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines and its subsidiaries to meet all such charges.

Reimbursement.

(2) All amounts placed at the disposal of Trans-Canada Air Lines pursuant to subsection one shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines and its subsidiaries in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 395.

An Act to provide for Old Age Assistance.

First reading, June 21, 1951.

THE MINISTER OF NATIONAL HEALTH AND WELFARE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

88099

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 395.

An Act to provide for Old Age Assistance.

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

Short title.

1. This Act may be cited as *The Old Age Assistance Act.*

Definitions.

2. In this Act

"agreement". *(a)* "agreement" means an agreement made under section three;

"application". *(b)* "application" means an application for old age assistance;

"assistance". *(c)* "assistance" means old age assistance provided under provincial law to the persons and under the conditions specified in this Act and the regulations;

"Minister" *(d)* "Minister" means the Minister of National Health and Welfare;

"provincial authority" *(e)* "provincial authority" means the officer or body charged with the administration of the provincial law;

"provincial law". *(f)* "provincial law" means a law of a province that provides for the payment of old age assistance to the persons and under the conditions specified in this Act and the regulations, and authorizes the province to enter into an agreement with the Government of Canada in accordance with this Act;

"province". *(g)* "province" includes the Northwest Territories and the Yukon Territory;

"recipient". *(h)* "recipient" means a person to whom assistance has been granted, and includes an applicant for assistance; and

"unmarried person". *(i)* "unmarried person" includes a widow, a widower, a divorced person and a married person who, in the opinion of the provincial authority, is living separate and apart from his spouse.

Agreements with provinces.

3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of assistance paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent. of forty dollars monthly or of the amount of assistance paid by the province monthly to the recipient, whichever is the lesser.

Qualifications

(2) Payments to a province pursuant to this section shall be made only in respect of a recipient who

(a) at the date of the proposed commencement of assistance payments to him

(i) has attained the age of sixty-five years, and

(ii) has resided in Canada for the twenty years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those twenty years for an aggregate period equal to twice the aggregate period of absences from Canada during those twenty years; and

(b) is not in receipt of an allowance under *The Blind Persons Act* or *The War Veterans' Allowance Act, 1946*, or a pension under *The Old Age Security Act;* and

(c) is,

(i) an unmarried person, and his income, inclusive of assistance, is not more than seven hundred and twenty dollars a year, or

(ii) married and living with his spouse and the total income, inclusive of assistance, of the recipient and his spouse is not more than twelve hundred dollars a year, or

(iii) married and living with his spouse who is blind within the meaning of *The Blind Persons Act* and the total income, inclusive of assistance, of the recipient and his spouse is not more than thirteen hundred and twenty dollars a year.

Amount of payments by Government of Canada.

4. An agreement with a province shall contain a covenant by the Government of Canada to pay to the province each month the amount that the Government of Canada is at that time authorized to pay to the province under this Act.

Assistance payable monthly in arrears.

5. (1) The assistance in respect of which the Government of Canada is authorized by this Act to make payments shall be payable monthly in arrears.

Where recipient dies.

(2) Where a province pays assistance in respect of a recipient for the whole of the month in which the recipient dies. the Government of Canada shall make payments in respect thereof in accordance with section three.

Census records.

6. Subject to the conditions specified in the regulations, a provincial authority is entitled, for the purpose of ascertaining the age of a recipient, to obtain from the Dominion Bureau of Statistics any information respecting the age of a recipient that is contained in the returns of any census taken more than thirty years before the date of the application for such information.

Provisions of agreement.

7. In every agreement the province shall, subject to section three,

(a) specify the minimum age of a recipient and any other conditions of eligibility set forth in the provincial law;

(b) specify the maximum assistance to be paid by it to a recipient;

(c) provide for the reduction of such maximum assistance by the amount of any income received by a recipient in excess of an amount to be specified in such agreement; and

(d) covenant and agree

(i) that the provincial authority will consider applications from persons resident in the province in the manner prescribed by regulation, and where satisfied that a recipient is properly and lawfully entitled to assistance, under the conditions specified in this Act, the regulations and the agreement, grant assistance to such recipient in the amount specified in the agreement;

(ii) that where a recipient, during the last ten hundred and ninety-five days that he was present in Canada prior to reaching the age of sixty-five years, or prior to making application for assistance, whichever is the later, was present in the province for a greater number of days than in any other province, the province will reimburse any other province that is paying the assistance to the extent of fifty per cent. of the amount of the assistance;

(iii) that the province will, where a recipient who has been granted assistance transfers his residence to such province from another province, pay the assistance;

(iv) that where a recipient, to whom the province has granted assistance, transfers his residence to another province with which no agreement is in force, the province will continue to pay the assistance to such recipient;

(v) that where a recipient, who has been granted assistance, transfers his residence to some place out of Canada, the province will discontinue

payment of the assistance and not resume payment thereof until such recipient has again become resident in Canada;

(vi) to make statutory provision for penalties to ensure the proper carrying out of the provincial law and to provide that no assistance shall be subject to alienation or transfer by a recipient or to attachment or seizure in satisfaction of any claim against him, and that the receipt of the assistance shall not by itself constitute a disqualification from voting at any provincial or municipal election;

(vii) that the province will furnish without charge to the provincial authority of any province, a certificate of the date of the birth of any recipient born within the province;

(viii) to maintain proper and adequate records and accounts respecting assistance payments, and to permit of an examination, inspection and audit by the Government of Canada of all such payments and of the records and accounts with respect thereto;

(ix) that where a recipient or his spouse has, within the five years preceding the date of application, made an assignment or transfer of property the consideration for which is, in the opinion of the provincial authority, inadequate, or where it appears to the provincial authority that any assignment or transfer of property made by a recipient or his spouse was made for the purpose of qualifying the recipient for assistance, or for a larger amount of assistance than he otherwise would be entitled to receive, or to prevent recovery of any claim under the provincial law, the province will deem the property so assigned or transferred to be property of the recipient or his spouse owned at the date of the application as though the assignment or transfer had not been made;

(x) that where recovery of the amount of any assistance is made from a recipient or his estate, the province will furnish to the Government of Canada monthly a report thereof, and pay to the Government of Canada an amount that bears the same ratio to the amount so recovered as the total amounts paid by the Government of Canada in respect of assistance payments made to such recipient bears to the total of such assistance payments.

Payments out of C.R.F.

8. All sums of money payable to a province in pursuance of an agreement shall be paid by the Minister of Finance on the certificate of the Minister out of the Consolidated Revenue Fund, and all such payments shall be made subject to the conditions specified in this Act and the regulations and subject to the observance of the covenants, agreements and undertakings contained in the agreement.

Duration of agreements.

9. (1) Subject to subsection two, every agreement shall continue in force so long as the provincial law remains in operation or until the expiration of ten years from the day upon which notice of an intention to terminate the agreement is given by the Minister, with the approval of the Governor in Council, to the province with which the agreement was made.

Amendment.

(2) An agreement may be amended or terminated by mutual consent of the parties thereto with the approval of the Governor in Council.

Coming into force of agreement.

10. An agreement shall not come into operation until the Governor in Council has approved the scheme for the administration of assistance proposed to be adopted by the province, and no change in the scheme shall be made by the province without the approval of the Governor in Council.

Regulations.

11. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make regulations providing for

(a) the time, manner and form of making an application, the information and evidence to be submitted in connection therewith, and the procedure to be followed by the provincial authority in the consideration of applications;

(b) the investigation into applications and into the eligibility of a recipient to receive assistance, the reports to be made and the information to be supplied by or in respect of recipients;

(c) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section six;

(d) the definition of residence in Canada for the purposes of this Act and the extent of intervals of absence from Canada that shall be deemed not to have interrupted the continuity of residence;

(e) the definition of income for the purposes of this Act, and the manner in which income is to be determined, including the income of a recipient and his spouse,

and the determination of the amount thereof that each shall be deemed to receive, whether they live together or separate and apart;

(f) determining the amount that for the purposes of this Act shall be deemed income of a recipient from any interest in real or personal property of the recipient or his spouse owned or deemed to be owned at the date of making application or acquired subsequent thereto;

(g) the time at which, after application therefor, the payment of assistance shall commence;

(h) the payment of assistance to persons as trustees for the benefit of recipients who are incapacitated through infirmity, illness, or any other cause;

(i) the circumstances justifying or requiring the suspension of the payment of assistance and the resumption of payment; and

(j) the recovery of the amount of assistance payments to which a recipient was not entitled under this Act, the regulations and the agreement.

Alteration of regulations.

(2) No regulation by reference to which an agreement with a province has been made shall be altered, except with the consent of the province or in accordance with the regulations to which it has agreed.

Advisory Board.

(3) There shall be an Advisory Board consisting of two representatives of the Government of Canada, appointed by the Governor in Council, and two representatives of each of the provinces with which agreements have been made, appointed by the Governor in Council on the recommendation of such provinces, to recommend such alterations to the regulations as may from time to time appear to be necessary or advisable.

Report.

12. The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operation for that year of the agreements made under this Act and of the payments made to the provinces under each of the agreements.

Coming into force.

13. This Act shall come into force on the first day of January, nineteen hundred and fifty-two.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 396.

An Act to provide for Allowances for Blind Persons.

First reading, June 21, 1951.

THE MINISTER OF NATIONAL HEALTH AND WELFARE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

88103

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 396.

An Act to provide for Allowances for Blind Persons.

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 Blind Persons Act.*

Definitions.

2. In this Act,

"agreement." *(a)* "agreement" means an agreement made under section three;

"allowance." *(b)* "allowance" means a blind persons allowance provided under provincial law to the persons and under the conditions specified in this Act and the regulations;

"application." *(c)* "application" means an application for an allowance;

"dependent child." *(d)* "dependent child" means a son or step-son who has not attained the age of sixteen years and a daughter or step-daughter who has not attained the age of seventeen years, and includes a son, step-son, daughter or step-daughter who has not attained the age of twenty-one years and is prevented from earning a livelihood by reason of physical or mental incapacity;

"Minister." *(e)* "Minister" means the Minister of National Health and Welfare;

"provincial authority." *(f)* "provincial authority" means the officer or body charged with the administration of the provincial law;

"provincial law." *(g)* "provincial law" means a law of a province that provides for the payment of blind persons allowances to the persons and under the conditions specified in this Act and the regulations, and authorizes the province to enter into an agreement with the Government of Canada in accordance with this Act;

"province." *(h)* "province" includes the Northwest Territories and the Yukon Territory;

"recipient." (*i*) "recipient" means a person to whom an allowance has been granted and includes an applicant for an allowance; and

"unmarried person." (*j*) "unmarried person" includes a widow, a widower, a divorced person and a married person who, in the opinion of the provincial authority, is living separate and apart from his spouse.

Agreements with provinces. **3.** (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of allowances paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, seventy-five per cent of forty dollars monthly or of the amount of the allowance paid by the province monthly to the recipient, whichever is the lesser.

Qualifications. (2) Payments to a province pursuant to this section shall be made only in respect of a recipient who

(*a*) at the date of the proposed commencement of allowance payments to him

(i) is blind, and

(ii) has attained the age of twenty-one years, and

(iii) has resided in Canada for the ten years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those ten years for an aggregate period equal to twice the aggregate period of absences from Canada during those ten years; and

(*b*) is not in receipt of assistance under *The Old Age Assistance Act* or an allowance under *The War Veterans' Allowance Act, 1946*, or a pension under *The Old Age Security Act* or a pension in respect of blindness under the *Pensions Act;* and

(*c*) is

(i) an unmarried person, without a dependent child or children and his income, inclusive of allowance, is not more than eight hundred and forty dollars a year, or

(ii) an unmarried person with a dependent child or children, and his income, inclusive of allowance, is not more than one thousand and forty dollars a year, or

(iii) married and living with his spouse and the total income, inclusive of allowance, of the recipient and his spouse is not more than thirteen hundred and twenty dollars a year, or

(iv) married and living with his spouse who is blind and the total income, inclusive of allowance, of the recipient and his spouse is not more than fourteen hundred and forty dollars a year.

Amount of payments by Government of Canada.

4. An agreement with a province shall contain a covenant by the Government of Canada to pay to the province each month the amount that the Government of Canada is at that time authorized to pay to the province under this Act.

Allowance payable monthly in arrears.

5. (1) The allowance in respect of which the Government of Canada is authorized by this Act to make payments shall be payable monthly in arrears.

Where recipient dies.

(2) Where a province pays an allowance in respect of a recipient for the whole of the month in which the recipient dies, the Government of Canada shall make payments in respect thereof in accordance with section three.

Census records.

6. Subject to the conditions specified in the regulations, a provincial authority is entitled, for the purpose of ascertaining the age of a recipient, to obtain from the Dominion Bureau of Statistics any information respecting the age of a recipient that is contained in the returns of any census taken more than thirty years before the date of the application for such information.

Provisions of agreement.

7. In every agreement the province shall, subject to section three,

(a) specify the maximum allowance to be paid by it to a recipient;

(b) provide for the reduction of such maximum allowance by the amount of any income received by a recipient in excess of an amount to be specified in such agreement; and

(c) covenant and agree

(i) that the provincial authority will consider applications from persons resident in the province in the manner prescribed by regulation, and where satisfied that a recipient is properly and lawfully entitled to the allowance, under the conditions specified in this Act, the regulations and the agreement, grant the allowance to such recipient in the amount specified in the agreement;

(ii) that where a recipient, during the last ten hundred and ninety-five days that he was present in Canada prior to reaching the age of twenty-one years, or prior to making application for the allowance, whichever is the later, was present in the province for a greater number of days than in any other province, the province will reimburse any other province that is paying the allowance to the extent of twenty-five per cent. of the amount of the allowance;

(iii) that the province will, where a recipient who has been granted an allowance transfers his residence to such province from another province, pay the allowance;

(iv) that where a recipient, to whom the province has granted an allowance, transfers his residence to another province with which no agreement is in force, the province will continue to pay the allowance to such recipient;

(v) that where a recipient, who has been granted an allowance, transfers his residence to some place out of Canada, the province will discontinue payment of the allowance and not resume payment thereof until such recipient has again become resident in Canada;

(vi) to make statutory provision for penalties to ensure the proper carrying out of the provincial law and to provide that no allowance shall be subject to alienation or transfer by a recipient or to attachment or seizure in satisfaction of any claim against him, and that the receipt of the allowance shall not by itself constitute a disqualification from voting at any provincial or municipal election.

(vii) that the province will furnish without charge to the provincial authority of any province, a certificate of the date of the birth of any recipient born within the province;

(viii) to maintain proper and adequate records and accounts respecting the payment of allowances, and to permit of an examination, inspection and audit by the Government of Canada of all such payments and of the records and accounts with respect thereto;

(ix) that where a recipient or his spouse has, within the five years preceding the date of application, made an assignment or transfer of property the consideration for which is, in the opinion of the provincial authority, inadequate, or where it appears to the provincial authority that any assignment or transfer of property made by a recipient or his spouse was made for the purpose of qualifying the recipient for an allowance, or for a larger allowance than he otherwise would be entitled to receive, or to prevent recovery of any claim under the provincial law, the province will deem the property so assigned or transferred to be property of the recipient or his spouse owned at the date of the application as though the assignment or transfer had not been made;

(x) that where recovery of the amount of any allowance is made from a recipient or his estate, the province will furnish to the Government of Canada monthly a report thereof and pay to the Government of Canada an amount that bears the same ratio to the amount so recovered as the total amounts paid by the Government of Canada in respect of allowance payments made to such recipient bears to the total of such allowance payments.

Payments out of C.R.F.

8. All sums of money payable to a province in pursuance of an agreement shall be paid by the Minister of Finance on the certificate of the Minister out of the Consolidated Revenue Fund, and all such payments shall be made subject to the conditions specified in this Act and the regulations and subject to the observance of the covenants, agreements and undertakings contained in the agreement.

Duration of agreements.

9. (1) Subject to subsection two, every agreement shall continue in force so long as the provincial law remains in operation or until the expiration of ten years from the day upon which notice of an intention to terminate the agreement is given by the Minister, with the approval of the Governor in Council, to the province with which the agreement was made.

Amendment.

(2) An agreement may be amended or terminated by mutual consent of the parties thereto with the approval of the Governor in Council.

Coming into force of agreement.

10. An agreement shall not come into operation until the Governor in Council has approved the scheme for the administration of allowances proposed to be adopted by the province, and no change in the scheme shall be made by the province without the approval of the Governor in Council.

Regulations.

11. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make regulations providing for

(a) the definition of "blind" for the purposes of this Act;

(b) the time, manner and form of making an application, the information and evidence to be submitted in connection therewith, and the procedure to be followed by the provincial authority in the consideration of applications;

(c) the investigation into applications and into the eligibility of a recipient to receive an allowance, the reports to be made and the information to be supplied by or in respect of recipients;

(d) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section six;

(e) the definition of residence in Canada for the purposes of this Act and the extent of intervals of absence from Canada that shall be deemed not to have interrupted the continuity of residence;

(f) the definition of income for the purposes of this Act, and the manner in which income is to be determined, including the income of a recipient and his spouse, and the determination of the amount thereof that each shall be deemed to receive, whether they live together or separate and apart;

(g) determining the amount that for the purposes of this Act shall be deemed income of a recipient from any interest in real or personal property of the recipient or his spouse owned or deemed to be owned at the date of making application or acquired subsequent thereto;

(h) the time at which, after application therefor, the payment of the allowance shall commence;

(i) the payment of allowances to persons as trustees for the benefit of recipients who are incapacitated through infirmity, illness, or any other cause;

(j) the circumstances justifying or requiring the suspension of the payment of allowances and the resumption of payment; and

(k) the recovery of the amount of allowance payments to which a recipient was not entitled under this Act, the regulations and the agreement.

Alteration of regulations.

(2) No regulation by reference to which an agreement with a province has been made shall be altered, except with the consent of the province or in accordance with the regulations to which it has agreed.

Advisory Board.

(3) There shall be an Advisory Board consisting of two representatives of the Government of Canada, appointed by the Governor in Council, and two representatives of each of the provinces with which agreements have been made, appointed by the Governor in Council on the recommendation of such provinces, to recommend such alterations to the regulations as may from time to time appear to be necessary or advisable.

Report.

12. The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operation for that year of the agreements made under this Act and of the payments made to the provinces under each of the agreements.

Repeal.

13. (1) Section eight A of the *Old Age Pensions Act*, chapter one hundred and fifty-six of the Revised Statutes of Canada, 1927, is repealed.

Saving.

(2) Notwithstanding the repeal of section eight A of the *Old Age Pensions Act*, where a province that has not entered into an agreement under this Act continues to pay pensions to the persons and under the conditions specified in section eight A of the *Old Age Pensions Act* in accordance with the terms of an agreement made by that province under the *Old Age Pensions Act* and in force on the thirty-first day of December, nineteen hundred and fifty-one, the Government of Canada will, in accordance with the terms of such agreement and the *Old Age Pensions Act*, continue to make payments to such province in respect of the pensions so paid as though the said section eight A had not been repealed.

Coming into force.

14. This Act shall come into force on the first day of January, nineteen hundred and fifty-two.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 397.

An Act to amend The Federal District Commission Act, 1927.

First reading, June 21, 1951.

THE PRIME MINISTER.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87996

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 397.

1926-27, c. 55; 1928, c. 26; 1943-44, c. 27; 1946, c. 51; 1950, c. 51.

An Act to amend The Federal District Commission Act, 1927.

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

1926-27, c. 55.

1. (1) Subsections one and two of section three of *The Federal District Commission Act, 1927*, chapter fifty-five of the statutes of 1926-27, as enacted by section two of chapter fifty-one of the statutes of 1946, are repealed and the following substituted therefor:

Federal District Commission

"**3.** (1) There shall be a Commission to be called the Federal District Commission, consisting of twenty members.

(2) Eighteen members shall be appointed by the Governor in Council to hold office during pleasure for a period not exceeding five years."

(2) Subsection five of section three of the said Act, as enacted by section two of chapter fifty-one of the statutes of 1946, is repealed and the following substituted therefor:

Members resident in different provinces.

"(5) Of the members appointed by the Governor in Council one shall be ordinarily resident in each of the ten provinces of Canada."

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

Power to construct railways, etc.

"**7A.** (1) The Commission may construct in the National Capital District, in accordance with plans approved under this Act, a railway and related facilities, and for such purpose may acquire by purchase, lease or otherwise such land and real property as the Commission may, from time to time, deem necessary or expedient.

Sale, lease and agreements.

(2) The Commission may sell, convey or lease the railway and related facilities to any railway company or from time

to time enter into agreements with any railway company for the sole, joint or several use of such railway or facilities and for the maintenance by such company of such railway or facilities and the operation thereof by any motive power.

Application of R.S., c. 170

(3) In the exercise of the powers granted by this section such provisions of the *Railway Act* as are susceptible of application thereto shall apply, but nothing in this section shall be deemed to constitute the Commission a railway company."

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

Grants in lieu of taxes.

"**13A.** The Commission may, with the previous consent of the Governor in Council, pay grants to the appropriate authorities in a municipality in respect of property situated within the municipality in the National Capital District which has been acquired or which is acquired for inclusion in Gatineau Park, the grants not to exceed in any tax year of the municipality amounts estimated by the Commission to be sufficient to compensate such authorities for the loss of tax revenue during that tax year in respect of municipal and school taxes by reason of the acquisition of the property by the Commission."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 401.

An Act to Provide for the Financial Administration of the Government of Canada, the Audit of the Public Accounts and the Financial Control of Crown Corporations.

First reading, June 25, 1951.

THE MINISTER OF FINANCE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87818

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 401.

An Act to Provide for the Financial Administration of the Government of Canada, the Audit of the Public Accounts and the Financial Control of Crown Corporations.

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 Financial Administration Act.*

INTERPRETATION.

Definitions. "appropriate Minister".

2. In this Act

(a) "appropriate Minister" means

(i) with respect to a department mentioned in subparagraph (i) of paragraph *(g)*, the Minister presiding over the department,

(ii) with respect to any other department, the Minister designated by the Governor in Council as the appropriate Minister,

(iii) with respect to the Senate and the House of Commons the respective Speaker, and with respect to the Library of Parliament the Speakers of the Senate and the House of Commons, and

(iv) with respect to a corporation to which Part VIII applies, the Minister designated by the Governor in Council as the appropriate Minister;

"appropriation".

(b) "appropriation" means any authority of Parliament to pay money out of the Consolidated Revenue Fund;

"authorized agent".

(c) "authorized agent" means any person authorized by the Minister to accept subscriptions for or make sales of securities;

Explanatory Notes.

The references to sections, subsections, paragraphs, and subparagraphs, unless otherwise indicated, are to the provision of the present *Consolidated Revenue and Audit Act, 1931*, that corresponds with the one dealt with in the text of the Bill.

2. New.

New.

New.

"Comptroller". *(d)* "Comptroller" means the Comptroller of the Treasury appointed under this Act;

"Consolidated Revenue Fund". *(e)* "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Receiver General;

"department". *(f)* "department" means

(i) any of the departments named in Schedule A,

(ii) any other division or branch of the public service of Canada, including a commission appointed under the *Inquiries Act*, designated by the Governor in Council as a department for the purposes of this Act,

(iii) the staffs of the Senate, the House of Commons and the Library of Parliament, and

(iv) any corporation named in Schedule B;

"fiscal agent". *(g)* "fiscal agent" means the Bank of Canada and a fiscal agent appointed under Part IV;

"Minister". *(h)* "Minister" means the Minister of Finance and Receiver General;

"money". *(i)* "money" includes negotiable instruments;

"money paid to Canada for a special purpose". *(j)* "money paid to Canada for a special purpose" includes all money that is paid to a public officer under or pursuant to a statute, trust, treaty, undertaking, or contract, and is to be disbursed for a purpose specified in or pursuant to such statute, trust, treaty, undertaking or contract;

"negotiable instrument". *(k)* "negotiable instrument" includes any cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument;

"public money". *(l)* "public money" means all money belonging to Canada received or collected by the Receiver General or any other public officer in his official capacity or any person authorized to receive or collect such money, and includes

(i) duties and revenues of Canada,

(ii) money borrowed by Canada or received through the issue or sale of securities,

(iii) money received or collected for or on behalf of Canada, and

(iv) money paid to Canada for a special purpose;

"public officer". *(m)* "public officer" includes a Minister and any person employed in the public service of Canada;

"registrar". *(n)* "registrar" means the Bank of Canada and a registrar appointed under Part IV;

"securities". *(o)* "securities" means securities of Canada and includes bonds, notes, deposit certificates, non-interest bearing certificates, debentures, treasury bills, treasury notes and any other security representing part of the public debt of Canada.

Section 2. *(d)*.

New.

Section 2 *(e)*.

New.

Section 2 *(h)*.

New.
New.

New.

Section 2 *(i)*.

New.

New.

Section 2 *(j)*.

PART I—ORGANIZATION

Treasury Board.

Treasury Board.

3. (1) There shall be a board to be called the Treasury Board, consisting of the Minister of Finance, who is the Chairman, and any five members of the King's Privy Council for Canada, who may be nominated from time to time by the Governor in Council.

Alternate members.

(2) The Governor in Council may designate such additional members of the King's Privy Council for Canada as he sees fit to be alternates to serve in the place of members of the Board.

Rules of procedure.

(3) Subject to the terms of this Act and any directions of the Governor in Council, the Treasury Board may determine its own rules and methods of procedure.

Staff.

4. The Minister may designate an officer of the Department of Finance to be Secretary of the Treasury Board, and shall from among the persons employed in the Department of Finance provide the Board with such other employees as are necessary for the proper conduct of the business of the Board.

Duties of Treasury Board.

5. (1) The Treasury Board shall act as a committee of the King's Privy Council for Canada on all matters relating to finance, revenues, estimates, expenditures and financial commitments, accounts, establishments, the terms and conditions of employment of persons in the public service, and general administrative policy in the public service referred to the Board by the Governor in Council or on which the Board considers it desirable to report to the Governor in Council, or on which the Board considers it necessary to act under its own powers.

Authority under other Acts.

(2) The Governor in Council may authorize the Treasury Board to exercise all or any of the powers, other than powers of appointment, of the Governor in Council under the *Civil Service Act*, the *Civil Service Superannuation Act*, *The Defence Services Pension Act*, and Parts II to VI of the *Royal Canadian Mounted Police Act*.

Form of accounts of Canada.

(3) The Treasury Board may prescribe from time to time the manner and form in which the accounts of Canada and the accounts of the several departments shall be kept, and may direct any person receiving, managing or disbursing public money to keep any books, records or accounts that the Board considers necessary.

3. *Department of Finance and Treasury Board Act*, Sections 9 and 11.

New.

New.

4. *Department of Finance and Treasury Board Act*, Section 11.

5. *Department of Finance and Treasury Board Act*, Section 10.

New.

Department of Finance and Treasury Board Act, Sections 12 and 13.

Board subject to directions of Governor in Council.

(4) The Treasury Board in the exercise of its powers under this or any other statute is subject to any direction given to it by the Governor in Council, and the Governor in Council may by Order amend or revoke any action of the Board.

Board may require production of documents.

6. The Treasury Board may require from any public officer or any agent of His Majesty any account, return, statement, document, report or information that the Board considers necessary for the due performance of its duties.

Regulations.

7. The Treasury Board may make regulations

(a) respecting the collection, management and administration of, and the accounting for, public money;

(b) respecting the keeping of records of property of His Majesty;

(c) subject to any other Act, prescribing rates of compensation, hours of work and other conditions of employment of persons in the public service;

(d) notwithstanding the *Civil Service Act*,

(i) authorizing the payment to persons in the public service of compensation or other rewards for inventions or practical suggestions for improvements,

(ii) governing payments to persons in the public service by way of re-imbursement for travelling or other expenses and allowances to meet special expenses arising out of their duties; and

(e) subject to any other Act, for any other purpose necessary for the efficient administration of the public service.

Department of Finance

Department established.

8. There shall be a department of the Government of Canada which shall be called the Department of Finance over which the Minister of Finance and Receiver General for the time being appointed by commission under the Great Seal of Canada shall preside.

Management.

9. The Minister shall have the management and direction of the Department of Finance, the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to any other Minister.

New.

6. *Department of Finance and Treasury Board Act,* Section 10.

7. New.

8. *Department of Finance and Treasury Board Act,* Section 2.

9. *Department of Finance and Treasury Board Act,* Sections 2 and 3.

Deputy Minister.

10. (1) The Governor in Council may appoint an officer, who shall be called the Deputy Minister of Finance and Receiver General, to be the deputy head of the Department of Finance and to hold office during pleasure.

Other officers, clerks and employees.

(2) Subject to section eleven, such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in accordance with the provisions of the *Civil Service Act.*

Comptroller of the Treasury.

11. (1) The Governor in Council shall appoint as an officer of the Department of Finance an officer to be called the Comptroller of the Treasury.

Salary.

(2) The salary of the Comptroller shall be fixed by the Governor in Council.

Tenure.

(3) The Comptroller shall be appointed to hold office during good behaviour, but he is removable by the Governor in Council for misbehaviour or for incapacity, inability or failure to perform his duties properly, or for other cause.

Removal.

(4) Where the Comptroller is removed from office, the Order in Council providing for his removal and the documents relating thereto shall be laid before Parliament within fifteen days after it is made, or if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

Acting Comptroller.

(5) The Governor in Council may appoint a person to act as Comptroller during the illness, incapacity or other absence of the Comptroller, or during a vacancy in the office of Comptroller.

Access to books and records.

12. Notwithstanding any Act, the Comptroller is entitled to free access at all convenient times to all files, documents and other records relating to the accounts of every department, and he is also entitled to require and receive from members of the public service such information, reports and explanations as he may deem necessary for the proper performance of his duties.

Stationing of officers in other departments.

13. The Comptroller may station in any department any person employed in his office to enable him more effectively to carry out his duties, and the department shall provide the necessary office accommodation for any person so stationed.

Oath of secrecy.

14. (1) The Comptroller shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to take any oath of secrecy required to be taken by persons employed in that department.

Suspension.

(2) The Comptroller may suspend from the performance of his duties any person employed in his office.

10. *Department of Finance and Treasury Board Act,* Section 4.

11. Section 21 (1) and (2).

Section 21 (2).

Section 21 (3).

Section 21 (5).

New, but see Section 2 *(d)*.

12. Section 21 (6).

13. New.

14. New.

Accounting services.

15. On the request of the appropriate Minister and with the approval of the Minister of Finance, the Comptroller may

(a) provide accounting and other services in connection with the collection and accounting of public moneys for a department, and

(b) examine the collecting and accounting practices applied in a department, and report thereon to the appropriate Minister.

PART II.

Public Money.

Public money to be deposited.

16. (1) Subject to this Part, all public money shall be deposited to the credit of the Receiver General.

Establishment of accounts.

(2) The Minister shall establish, in the name of the Receiver General, accounts with such banks and fiscal agents as he designates for the deposit of public money.

Record of public money collected.

(3) Every person who collects or receives public money shall keep a record and daily write up all receipts and deposits thereof.

Duty of persons collecting public money.

(4) Every person employed in the collection or management or charged with the receipt of public money and every other person who collects or receives public money shall pay all public money coming into his hands to the credit of the Receiver General through such officers, banks or persons and in such manner as the Minister directs.

Minister may acquire securities.

17. (1) The Minister may, when he deems it advisable for the sound and efficient management of public money or the public debt, purchase, acquire and hold securities and pay therefor out of the Consolidated Revenue Fund.

Sale of securities.

(2) The Minister may sell any securities purchased, acquired or held pursuant to subsection one, and the proceeds of the sales shall be deposited to the credit of the Receiver General.

Profit and loss.

(3) Any net profit resulting in any fiscal year from the purchase, holding or sale of securities pursuant to this section shall be credited to the revenues of that fiscal year, and any net loss resulting in any fiscal year from such purchase, holding or sale shall be charged to an appropriation provided by Parliament for the purpose.

How profit and loss determined.

(4) For the purposes of subsection three, the net profit or loss in any fiscal year shall be determined by taking into account realized profits and losses on securities sold, the amortization applicable to the fiscal year of premiums and discounts on securities, and interest received during the fiscal year.

15. New.

16. Section 3.

New.

Section 4 (1) *(b)*.

Section 4 (1) *(a)*.

17. New.

Services.

18. Where a service is provided by His Majesty to any person and the Governor in Council is of opinion that the whole or part of the cost of the service should be borne by the person to whom it is provided, the Governor in Council may, subject to the provisions of any Act relating to that service, prescribe the fee that may be charged for the service.

Return of deposits.

19. (1) Where money is received by a public officer from any person as a deposit to ensure the doing of any act or thing, the public officer shall hold or dispose of the money in accordance with regulations of the Treasury Board.

Return of money paid for purposes not fulfilled.

(2) Where money is paid by any person to a public officer for any purpose that is not fulfilled, in accordance with regulations of the Treasury Board, the money may be returned or repaid to that person, less such sum as in the opinion of the Board is properly attributable to any service rendered.

Return of non-public money.

(3) Money paid to the credit of the Receiver General and not being public money may be returned or repaid in accordance with regulations of the Treasury Board.

Money received for special purpose.

20. (1) Money received by or on behalf of His Majesty for a special purpose and paid into the Consolidated Revenue Fund may be paid out of the Consolidated Revenue Fund for that purpose, subject to the provisions of any statute applicable thereto.

Interest.

(2) Subject to any other Act, interest may be allowed and paid from the Consolidated Revenue Fund in respect of money to which subsection one applies, in accordance with and at rates fixed by the Minister with the approval of the Governor in Council.

Refund of money paid in respect of proceedings in Parliament.

21. Where the Senate or House of Commons, by resolution or pursuant to any rule or standing order, authorizes a refund of public money that was received in respect of any proceedings before Parliament, the Minister may pay the refund out of the Consolidated Revenue Fund.

Remission of taxes and penalties.

22. (1) The Governor in Council, on the recommendation of the Treasury Board, whenever he considers it in the public interest, may remit any tax, fee or penalty.

Remission may be partial, etc.

(2) A remission pursuant to this section may be total or partial, conditional or unconditional, and may be granted

(a) before, after or pending any suit or proceeding for the recovery of the tax, fee or penalty in respect of which it is granted,

(b) before or after any payment thereof has been made or enforced by process or execution, and

18. New.

19. New.

20. Section 22 (2).

New.

21. Section 34.

22. Section 33. The reference to "fee" is new.

(c) in the case of a tax or fee, in any particular case or class of case and before the liability therefor arose.

Form of remission.

(3) A remission pursuant to this section may be granted

(a) by forbearing to institute a suit or proceeding for the recovery of the tax, fee or penalty in respect of which the remission is granted,

(b) by delaying, staying or discontinuing any suit or proceeding already instituted,

(c) by forbearing to enforce, staying or abandoning any execution or process upon any judgment,

(d) by the entry of satisfaction upon any judgment, or

(e) by repaying any sum of money paid to or recovered by the Minister for the tax, fee or penalty.

Conditional remission.

(4) Where a remission is granted under this section subject to a condition, and the condition is not performed, it may be enforced, or all proceedings may be had as if there had been no remission.

Effect of remission.

(5) A conditional remission, upon performance of the condition, and an unconditional remission, have effect as if the remission was made after the tax, fee or penalty in respect of which it was granted had been sued for and recovered.

Customs and Excise.

(6) No tax paid to His Majesty on any goods shall be remitted by reason only that after the payment of the tax and after release from the control of customs or excise officers, the goods were lost or destroyed.

C.R.F.

(7) Remissions granted under this or any other Act may be paid out of the Consolidated Revenue Fund.

Report.

(8) A statement of each remission of one thousand dollars or more granted under this section shall be reported to the House of Commons in the Public Accounts.

Effect of remission.

(9) Where a penalty imposed by any law relating to the revenue has been wholly and unconditionally remitted pursuant to this section, the remission has the effect of a pardon for the offence for which the penalty was incurred, and thereafter the offence has no legal effect prejudicial to the person to whom the remission was granted.

"tax" and "penalty" defined.

(10) In this section "tax" includes any tax, impost, duty or toll payable to His Majesty, imposed or authorized to be imposed by any Act of Parliament, and "penalty" includes any forfeiture or pecuniary penalty imposed or authorized to be imposed by any Act of Parliament for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, notwithstanding that part of such forfeiture or penalty is payable to the informer or prosecutor, or to any other person.

Paragraph *(c)* of subsection (2) is new.

New.

Section 71.

Uncollectable debts.

23. (1) The Governor in Council, on the recommendation of the Treasury Board, may, if he considers it in the public interest, extinguish, or delete from the accounts without extinguishing, in whole or in part, any obligation or debt due to His Majesty or any claim by His Majesty,

(a) that does not exceed one hundred dollars and has been outstanding for five years or more, or

(b) that does not exceed one thousand dollars and has been outstanding for ten years or more.

Report.

(2) The obligations, debts and claims deleted from the accounts or extinguished under this section shall be reported to the House of Commons in the Public Accounts.

PART III.

Public Disbursements.

No payment out of C.R.F. without authority from Parliament.

24. Subject to the British North America Acts, 1867-1949, no payments shall be made out of the Consolidated Revenue Fund without the authority of Parliament.

Estimates to be for fiscal year.

25. All estimates of expenditures submitted to Parliament shall be for the services coming in course of payment during the fiscal year.

Warrant of Governor General.

26. Where an appropriation is made for any purpose in any Act of Parliament for granting to His Majesty any sum of money to defray expenses of the public service for a fiscal year, no payment shall be made pursuant to that appropriation out of the Consolidated Revenue Fund unless a warrant, prepared on the order of the Governor in Council, has been signed by the Governor General authorizing expenditures to be charged against the appropriation, but no payments in excess of the amount of expenditures so authorized shall be made.

Payment of guarantee.

27. Where a guarantee has been given under the authority of Parliament by or on behalf of His Majesty for the payment of any debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund.

Urgent expenditure not provided for.

28. (1) Where an accident happens to any public work or building when Parliament is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when Parliament is not in session in respect of which an expenditure not foreseen or provided for by Parliament is urgently required for

23. New

24. Section 22 (1), (3) and (4).

25. Section 23.

26. Section 24.

27. New.

28. Section 25 (1).

the public good, the Governor in Council, upon the report of the Minister that there is no appropriation for the expenditure, and the report of the appropriate Minister that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Governor General authorizing the payment of the amount estimated to be required for such expenditure.

Special warrant.

(2) A special warrant issued pursuant to this section shall for the purposes of this Act be deemed to be an appropriation for the fiscal year in which the warrant is issued.

Publication and report to House of Commons.

(3) Every warrant issued under this section shall be published in the *Canada Gazette* within thirty days after it is issued, and a statement showing all warrants issued under this section and the amounts thereof shall be laid by the Minister before the House of Commons within fifteen days after the commencement of the next ensuing session of Parliament.

When Parliament deemed not in session.

(4) For the purposes of this section Parliament shall be deemed to be not in session when it is under adjournment *sine die* or to a day more than two weeks after the day the accident happened or the other matter arose.

Appropriation allotments.

29. At the commencement of each fiscal year or at such other times as the Treasury Board may direct, the deputy head or other officer charged with the administration of a service for which there is an appropriation by Parliament or an item included in Estimates then before the House of Commons shall prepare and submit to the Treasury Board through the Comptroller a division of such appropriation or item into allotments in the form detailed in the Estimates submitted to Parliament for such appropriation or item, or in such other form as the Board may prescribe, and when approved by the Board the allotments shall not be varied or amended without the approval of the Board, and the expenditures charged to the appropriation shall be limited to the amounts of such allotments.

No contract unless Comptroller certifies.

30. (1) No contract of any nature providing for the payment of any money by His Majesty shall be entered into or have any force or effect unless the Comptroller certifies that there is a sufficient unencumbered balance available out of an appropriation or out of an item included in Estimates before the House of Commons to discharge any commitments under such contract that would, under the provisions thereof, come in course of payment during the fiscal year in which the contract was entered into.

Contracts to be submitted to Comptroller.

(2) Every contract or undertaking involving the payment of money by His Majesty shall be submitted to the Comptroller as soon as it is made or entered into.

Section 25 (2).

New, but see Section 50 (2) *(e)*.

New.

29. Section 26 (2).

30. Section 29 (1).

New.

Record of commitments.

(3) The Comptroller shall establish and maintain a record of all commitments chargeable to each appropriation.

Where immediate expenditure required.

(4) Where the Comptroller is satisfied that an agreement was entered into in order to defray an immediate expenditure that, through accident to public property or other emergency, was necessary to protect such property or to provide for such emergency, he may issue his certificate accordingly and thereupon the agreement is exempt from the operation of subsection three from the time the agreement was entered into.

Requisitions.

31. (1) No charge shall be made against an appropriation except upon the requisition of the appropriate Minister of the department for which the appropriation was made, or by a person authorized by him in writing.

Form.

(2) Every requisition for a payment out of the Consolidated Revenue Fund shall be in such form, accompanied by such documents and certified in such manner as the Comptroller may require.

When requisition to be rejected.

(3) The Comptroller shall reject a requisition if he is of the opinion that the payment

(a) would not be a lawful charge against the appropriation,

(b) would result in an expenditure in excess of the appropriation, or

(c) would reduce the balance available in the appropriation so that it would not be sufficient to meet the commitments charged against it.

Reference to Treasury Board.

(4) The Comptroller may transmit to the Treasury Board any requisition with respect to which he desires the direction of the Board, and the Board may order that payment be made or refused.

Idem.

(5) Where the Comptroller

(a) declines to make a payment,

(b) disallows an item in an account, or

(c) refuses to give a certificate required by this Act,

the appropriate Minister of the department concerned may report the circumstances to the Treasury Board for its decision, and the Board may confirm or overrule the action of the Comptroller and give such directions as are necessary to carry out its decision.

Expenses of Parliament.

(6) Whenever the Comptroller is of the opinion that a doubt exists as to the legality or otherwise of a proposed charge to an appropriation provided for the expenses of the Houses of Parliament or the Library of Parliament, he shall report forthwith to the Minister who shall draw the matter to the attention of the appropriate Select Standing Committee and it shall decide.

Cost audits.

(7) Where, in respect of any contract under which a cost audit is required to be made, the Comptroller reports

Section 26 (1).

Section 29 (2).

31. New, but see Section 27 (3).

Section 27 (3).

Section 27 (1) and (4)—part is new.

New.

Section 35.

New.

New.

that any costs or charges claimed by the contractor should not in the opinion of the Comptroller be allowed, such costs or charges shall not be allowed to the contractor unless the Treasury Board otherwise directs.

Payment for work or goods.

32. No payment shall be made for the performance of work or the supply of goods, whether under contract or not, in connection with any part of the public service, unless, in addition to any other voucher or certificate that is required, the deputy of the appropriate Minister or other officer authorized by such Minister certifies

(a) that the work has been performed or the material supplied or both, as the case may be, and that the price charged is according to contract, or if not specified by contract, is reasonable, or

(b) where a payment is to be made before completion of the work or delivery of the goods, that the payment is in accordance with the contract.

Form of payments out of C.R.F.

33. (1) Every payment pursuant to an appropriation, except a payment made under subsection two, shall be made under the direction and control of the Comptroller by cheque drawn on the account of the Receiver General or other instrument, in such form and authenticated in such manner as the Treasury Board directs.

Where cheques, etc. payable.

(2) Where an instrument issued under subsection one is presented by a bank to the Receiver General for payment, the Receiver General, or an officer authorized by him, may pay the instrument out of the Consolidated Revenue Fund.

Cancelled cheques, etc.

34. (1) Every cheque or other instrument issued under the direction of the Comptroller, when paid, shall be delivered into the custody of the Minister for examination and adjustment with the statements of cheques or other instruments issued.

Destruction.

(2) The Treasury Board on the recommendation of the Auditor General may make regulations governing the destruction from time to time of such cheques or other instruments.

Lapsing of appropriations.

35. The balance of an appropriation granted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse, except that during the thirty days immediately following the end of the fiscal year a payment may be made under the appropriation for the purpose of discharging a debt payable

(a) during or prior to the fiscal year, or

(b) during the said thirty days for goods received or services rendered prior to the end of the fiscal year,

and such payment may be charged in the accounts for the fiscal year.

32. Section 30.

Paragraph *(b)* is new.

33. Section 27 (1) and (2).

New.

34. Section 28.

35. Section 32 (1).

Accountable advances.

36. (1) The Treasury Board may make regulations authorizing the making of accountable advances chargeable to the appropriation for the service in respect of which the advance is made.

Repayment.

(2) An advance for which an accounting has not been made at the termination of the fiscal year in which it was made shall be repaid or accounted for within thirty days thereafter or within such additional number of days, not exceeding thirty, as the Comptroller may fix in any particular case or class of case.

Recovery.

(3) The Comptroller may recover any accountable advance or any portion thereof that is not repaid or accounted for as required by subsection two out of any moneys payable by His Majesty to the person to whom the advance was made.

Report.

(4) Every accountable advance that is not repaid or accounted for as required by this section shall be reported in the Public Accounts.

Refunds.

37. An amount received as a refund or repayment of an expenditure or advance and deposited to the credit of the Receiver General shall be included in the unexpended balance of the appropriation against which it was charged.

Term of contract that money available.

38. It is a term of every contract providing for the payment of any money by His Majesty that payment thereunder is subject to there being an appropriation for the particular service for the fiscal year in which any commitment thereunder would come in course of payment.

Regulations, *re* conditions under which contracts awarded.

39. The Governor in Council may make regulations with respect to the conditions under which contracts may be entered into and, notwithstanding any other Act,

(a) may direct that no contract by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe shall be entered into or have any force or effect unless entry into the contract has been approved by the Governor in Council or the Treasury Board, and

(b) may make regulations with respect to the security to be given to and in the name of His Majesty to secure the due performance of contracts.

Holdbacks.

40. Where a payment under a contract is withheld to ensure the due performance of the contract, the payment may, subject to this Act, be charged to the appropriation for that contract, and the amount so charged may be credited to a special account in the Consolidated Revenue Fund, to be paid out in accordance with the contract under regulations of the Treasury Board.

36. New.

Section 32 (2).

New.

New.

37. New.

38. New.

39. New.

40. New.

PART IV.

Public Debt.

No money to be borrowed or security issued without authority of Parliament.

41. No money shall be borrowed or security issued by or on behalf of His Majesty without the authority of Parliament.

The raising of loans.

42. Where authority is conferred by Parliament to borrow money on behalf of His Majesty, the Governor in Council, subject to the Act authorizing the borrowing, may authorize the Minister

(a) to borrow the money by the issue and sale of securities in such form, for such separate sums at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, and

(b) to enter into such contracts or agreements relating to the borrowing of the money or the issue or sale of securities relating thereto on such terms and conditions as the Governor in Council may approve.

Loans for redemption of securities.

43. The Governor in Council may authorize the Minister to borrow such sums of money as are required for the payment of any securities that were issued under the authority of Parliament, other than section forty-four, and are maturing or have been called for redemption.

Temporary loans.

44. Where it appears to the Governor in Council that the Consolidated Revenue Fund will be insufficient to meet the disbursements lawfully authorized to be made from it, the Governor in Council may authorize the Minister to borrow, at such rate of interest and on such terms and conditions as the Governor in Council may approve, for a period not exceeding six months, an amount not exceeding such amount as he deems necessary to ensure that the Consolidated Revenue Fund will be sufficient to meet those disbursements.

Report to Parliament.

45. An annual statement of all borrowing transactions on behalf of His Majesty shall be included in the Public Accounts.

Signing securities.

46. (1) Securities issued under the authority of this Part shall be signed by the Deputy Minister of Finance or an officer of the Department of Finance designated by the Governor in Council to sign on behalf of the Deputy Minister of Finance, and shall be countersigned by such officer of the Department of Finance or other person as the Governor in Council designates for that purpose.

41. New.

42. Section 8 (1).

43. Section 13.

44. Section 14.

45. New, but see Section 14 (3).

46. Section 8 (2).

Facsimile signatures.

(2) The Minister may direct that there be substituted for signatures in the proper handwriting of one or both of the persons authorized to sign or countersign securities under this section, facsimiles thereof printed from engraving.

Printing of signatures.

(3) Where both the signature and countersignature on a security issued under this section are to be printed, they shall be printed, together with a distinguishing mark, from engraving, on the securities after they have been delivered to the Minister, a registrar or a fiscal agent and while the securities are in the custody and control of the Minister, registrar or fiscal agent.

Registrars and fiscal agents.

47. The Governor in Council may

(a) appoint one or more registrars to perform such services in respect of the registration of loans as the Governor in Council may prescribe,

(b) appoint one or more fiscal agents to perform such services in respect of loans as the Governor in Council may prescribe, and

(c) fix the remuneration or compensation of any registrar or fiscal agent appointed under this section.

Records of money borrowed.

48. (1) The Minister shall cause to be maintained a system of books and records

(a) showing all moneys authorized by Parliament to be borrowed by the issue and sale of securities,

(b) containing a description and record of all moneys so borrowed and securities issued, and

(c) showing all amounts paid in respect of the principal of or interest on all moneys so borrowed.

Accounting by fiscal agents and registrars.

(2) Every fiscal agent and registrar shall annually and as often as required by the Minister give to the Minister an accounting, in such form and terms and containing such information as the Minister prescribes, of all his transactions as fiscal agent or registrar.

Sinking fund.

49. The Governor in Council may provide for the creation and management of a sinking fund with respect to any issue of securities or with respect to all securities issued.

Borrowed money and interest charge on C.R.F.

50. The payment of all money borrowed and interest thereon and of the principal of and interest on all securities issued by or on behalf of His Majesty with the authority of Parliament is a charge on and payable out of the Consolidated Revenue Fund.

Payment of loan expenses out of C.R.F.

51. All moneys required under section forty-nine to provide a sinking fund or other means of securing repayment of securities, the remuneration and compensation of registrars and fiscal agents appointed under section forty-seven

Section 8 (3).

Section 8 (3).

47. Sections 7 *(c)* and 10.

48. Section 19 (1).

New.

49. Sections 7 *(b)* and 9.

50. New.

51. Section 7 *(d)*.

and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may, with the authority of the Governor in Council, be paid out of the Consolidated Revenue Fund.

Payment for securities to agent or by salary deduction.

52. Where it is provided by a prospectus or other official notice issued by or under the authority of the Minister that a subscriber may purchase securities

(a) by payments to an authorized agent, or

(b) by deductions from the remuneration of the subscriber by his employer,

the amount of any such payment or deduction that has not been accounted for by the delivery of securities to the subscriber or repaid to the subscriber shall be deemed to be money received in trust for His Majesty by the agent or employer for which he is accountable to His Majesty under section eighty-nine, and for the purpose of the *Bankruptcy Act, 1949*, and the *Winding-up Act*, where the moneys paid or deducted cannot be identified among the assets of the employer or agent, a portion of the said assets equal in value to the amount of the payment or deduction shall be deemed to be segregated and held in trust for His Majesty.

Investors' Indemnity Account.

53. There shall be established in the Consolidated Revenue Fund an account to be known as the Investors' Indemnity Account to which shall be credited the sum of twenty-five thousand dollars, such further amounts as are appropriated by Parliament for the purposes of this section, and any recoveries of the losses referred to in section fifty-four.

Payment of losses.

54. The Minister may in accordance with and subject to the regulations pay out of the Investors' Indemnity Account any losses sustained by subscribers for securities who have paid all or part of the purchase price of such securities but have not received the security or repayment of the amount so paid, and losses sustained by any person in the redemption of securities.

Not bound to execute trusts.

55. His Majesty and a fiscal agent or registrar acting as such are not bound to see to the execution of any express or implied trust to which any securities are subject.

Regulations.

56. The Governor in Council may make such regulations as he deems necessary to provide for the management of the public debt of Canada and the payment of interest thereon and, without limiting the generality of the foregoing, may make regulations

52. New.

53. New.

54. New.

55. Section 17.

56. Sections 7 *(a)*, 16 and 18. Part is new.

(a) for the inscription or registration of securities and prescribing the effect of such inscription or registration,

(b) for the transfer, transmission, exchange, redemption, cancellation and destruction of any securities, and, without limiting the generality of the foregoing,

(i) for the transmission, transfer or redemption of securities pursuant to judgment or as the result of the death, dissolution or bankruptcy of the registered owner thereof,

(ii) prescribing the conditions upon which the transfer, transmission, exchange and redemption of securities registered in the names of infants, minors or other persons not of full capacity to enter into ordinary contracts, may be made,

(c) for the issue of securities or making of payments in respect of damaged, lost, stolen or destroyed securities or interest coupons, and of the cheques pertaining thereto and prescribing conditions to such issue or payment,

(d) requiring guarantees to be given to the registrar in such manner and by such persons as the regulations may prescribe, before the registrar is authorized to make any entry in the register,

(e) authorizing the correction by the registrar in such circumstances as may be prescribed by the regulations of errors in the register and otherwise authorizing rectification of the register, and

(f) providing for the payment of losses out of the Investors' Indemnity Account.

PART V.

Public Stores.

Stores records.

57. Every department shall maintain adequate records of stores and the appropriate Minister or such other authority as the Governor in Council may direct may make rules and give directions governing the acquisition, receipt, custody, issue and control of such stores.

Revolving fund.

58. (1) Subject to this section, where Parliament has authorized a department to operate a revolving fund for the purpose of acquiring and managing stores or for manufacturing, producing, processing or dealing in stores or materials, and has fixed the amount that may be charged to that revolving fund at any time,

(a) payments may be made out of the Consolidated Revenue Fund for these purposes subject to such terms and conditions as the Treasury Board may prescribe, and

This Part is new.

(b) the Comptroller shall keep an account to which shall be charged

(i) the cost of such of the stores and materials on hand in the department at the time the revolving fund is established as the Treasury Board may prescribe, and

(ii) the payments made under paragraph *(a)*.

Credits.

(2) There shall be shown as credits in the account

(a) all money received by the Receiver General in respect of operations of the revolving fund, and

(b) amounts charged to appropriations as the reimbursement of costs charged to the revolving fund of stores or material issued or work performed in respect of services for which the appropriations were made.

Limit.

(3) A payment made out of the Consolidated Revenue Fund pursuant to subsection one together with the balance of the revolving fund shall not be greater than the amount fixed by Parliament as the amount that may be charged to the revolving fund at any time or such lesser amount as the Treasury Board may prescribe.

"balance of the revolving fund" defined.

(4) For the purposes of this section "balance of the revolving fund" means the aggregate of all payments charged to the revolving fund, less all credits to the revolving fund.

Value of inventories.

(5) At the end of each fiscal year the value of the inventory held and accounts receivable in respect of the operations of a revolving fund shall be determined in accordance with regulations of the Treasury Board, and if such value added to the receipts shown in the revolving fund, exceeds the total of expenditures shown in the revolving fund and liabilities in respect of operations of the revolving fund then due and payable, the excess shall be transferred from the revolving fund as revenue, but if the value is less no amount may be credited to the revolving fund to meet the deficiency except with the authority of Parliament.

Accounting transactions to be recorded at cost.

59. All accounting transactions with respect to a revolving fund under this Part shall be recorded at cost, but for the purpose of valuing stores or materials on hand at the time the revolving fund is established and of valuing inventories and issues of stores and materials, cost may be determined in accordance with such recognized accounting practices as the appropriate Minister with the approval of the Treasury Board, may direct.

Board of survey.

60. (1) The appropriate Minister may from time to time constitute a board of survey to enquire into the state of the stores under the management of a department.

Deletion of stores.

(2) Where a board of survey constituted under subsection one recommends the deletion from inventory of any obsolete or unserviceable stores or materials or any stores or mate-

rials lost or destroyed, the appropriate Minister with the approval of the Treasury Board, may direct the deletion of all or any part of such stores or materials from the inventory, but the value of stores or materials so deleted shall not be credited to a revolving fund except with the authority of Parliament.

Report.

(3) A statement in such form as the Treasury Board prescribes of all stores and materials deleted from inventories pursuant to subsection two shall be included annually in the Public Accounts.

Records.

61. The Comptroller may examine records, accounts and procedures respecting stores and materials and report thereon to the Minister or the appropriate Minister.

"stores", "materials", "issues" defined.

62. For the purposes of this Part, the Treasury Board may by regulation define for any department the expressions "stores", "materials" and "issues".

PART VI.

Public Accounts.

Accounts of Canada.

63. (1) The Minister shall cause accounts to be kept in such a manner as to show,

(a) the expenditures made under and commitments chargeable against each appropriation,

(b) the revenues of Canada, and

(c) the other payments into and out of the Consolidated Revenue Fund.

Assets and liabilities.

(2) Subject to regulations of the Treasury Board, the Minister

(a) shall cause accounts to be kept to show such of the assets and direct and contingent liabilities of Canada, and

(b) may establish such reserves with respect to the assets and liabilities,

as in his opinion are required to give a true and fair view of the financial position of Canada.

How kept.

(3) The accounts of Canada shall be kept in the currency of Canada.

Submission of Public Accounts to Parliament.

64. (1) An annual report, called the Public Accounts, shall be laid before the House of Commons by the Minister on or before the thirty-first day of December, or if Parliament is then not in session, within fifteen days after the commencement of the next ensuing session thereof.

63. Section 37. New in part.

See Section 15 of the *Currency Act*.

64. Section 38—the reporting requirements are new.

Contents of Public Accounts.

(2) The Public Accounts shall be for the period of the fiscal year and shall be in such form as the Minister may direct, and shall include:

(a) a report on the financial transactions of the fiscal year;

(b) a statement, certified by the Auditor General, of the expenditures and revenues of Canada for the fiscal year;

(c) a statement, certified by the Auditor General, of such of the assets and liabilities of Canada as in the opinion of the Minister are required to show the financial position of Canada as at the termination of the fiscal year;

(d) the contingent liabilities of Canada; and

(e) such other accounts and information as are necessary to show, with respect to the fiscal year, the financial transactions and financial position of Canada, or are required by any Act to be shown in the Public Accounts.

PART VII.

The Auditor General.

Auditor General.

65. (1) The Governor in Council shall by commission under the Great Seal of Canada appoint an officer to be called the Auditor General of Canada and to hold office during good behaviour until he attains the age of sixty-five years, but he is removable by the Governor General on address of the Senate and House of Commons.

Salary.

(2) The Auditor General shall out of the Consolidated Revenue Fund be paid a salary of fifteen thousand dollars per annum.

R.S.c. 24 applicable.

(3) The provisions of the *Civil Service Superannuation Act*, except those relating to tenure of office, apply to the Auditor General.

Officers, etc.

(4) Such officers and employees as are necessary to enable the Auditor General to perform his duties shall be appointed in accordance with the provisions of the *Civil Service Act*.

Acting Auditor General.

(5) The Governor in Council may appoint a person temporarily to perform the duties of the Auditor General during a vacancy in the office of Auditor General.

Access to books, files, etc.

66. (1) Notwithstanding any Act of Parliament, the Auditor General is entitled to free access at all convenient times to all files, documents and other records relating to the accounts of every department, and he is also entitled to require and receive from members of the public service such information, reports and explanations as he may deem necessary for the proper performance of his duties.

65. Sections 39 and 40.

Section 39.

Section 41.

Section 42 (1).

New, but see Section 2 *(a)*.

66. Section 44 (2).

Stationing of officers in other departments.

(2) The Auditor General may station in any department any person employed in his office to enable him more effectively to carry out his duties, and the department shall provide the necessary office accommodation for any such officer so stationed.

Oath of secrecy.

(3) The Auditor General shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to take any oath of secrecy required to be taken by persons employed in that department.

Suspension.

(4) The Auditor General may suspend from the performance of his duty any person employed in his office.

Accounts relating to Consolidated Revenue Fund.

67. The Auditor General shall examine in such manner as he may deem necessary the accounts relating to the Consolidated Revenue Fund and to public property and shall ascertain whether in his opinion

(a) the accounts have been faithfully and properly kept,

(b) all public moneys have been fully accounted for, and the rules and procedures applied are sufficient to secure an effective check on the assessment, collection and proper allocation of the revenue,

(c) moneys have been expended for the purposes for which they were appropriated by Parliament, and the expenditures have been made as authorized, and

(d) essential records are maintained and the rules and procedures applied are sufficient to safeguard and control public property.

Registrar's accounts.

68. The Auditor General shall

(a) make such examination of the accounts and records of each registrar as he deems necessary, and such other examinations of a registrar's transactions as the Minister may require, and

Destruction of cancelled securities.

(b) when and to the extent required by the Minister, participate in the destruction of any redeemed or cancelled securities or unissued reserves of securities, authorized to be destroyed under this Act,

and may, by arrangement with the registrar, maintain custody and control, jointly with the registrar, of cancelled and unissued securities.

Certificates.

69. The Auditor General shall examine and certify in accordance with the outcome of his examinations the several statements required by section sixty-four to be included in the Public Accounts, and any other statement that the Minister may present for audit certificate.

Section 44 (3).

New.

Section 42 (3).

67. Sections 44 (1), 45 (1), 46 and 47.

68. New, but see Section 19.

69. Section 46.

Report to House of Commons.

70. (1) The Auditor General shall report annually to the House of Commons the results of his examinations and shall call attention to every case in which he has observed that

(a) any officer or employee has wilfully or negligently omitted to collect or receive any money belonging to Canada,

(b) any public money was not duly accounted for and paid into the Consolidated Revenue Fund,

(c) any appropriation was exceeded or was applied to a purpose or in a manner not authorized by Parliament,

(d) an expenditure was not authorized or was not properly vouched or certified,

(e) there has been a deficiency or loss through the fraud, default or mistake of any person, or

(f) a special warrant authorized the payment of any money,

and to any other case that the Auditor General considers should be brought to the notice of the House of Commons.

When report to be tabled.

(2) The report of the Auditor General shall be laid before the House of Commons by the Minister on or before the thirty-first day of December, or, if Parliament is then not in session, within fifteen days after the commencement of the next ensuing session thereof, and if the Minister does not, within the time prescribed by this section, present the report to the House of Commons, the Auditor General shall transmit the report to the Speaker for tabling in the House of Commons.

Inquiry and report.

71. The Auditor General shall, whenever the Governor in Council, the Treasury Board or the Minister directs, inquire into and report on any matter relating to the financial affairs of Canada or to public property and on any undertaking or service that has received financial aid from the Government of Canada or in respect of which financial aid from the Government of Canada is sought.

Reports to be made through Minister.

72. Any report of the Auditor General to the Governor in Council or the Treasury Board shall be made through the Minister.

Improper retention of public money.

73. Whenever it appears to the Auditor General that any public money has been improperly retained by any person, he shall report the circumstances of such cases to the Minister.

70. Sections 49 and 50 (2).

Section 50 (1). See clause 64 of this bill.

71. New, but see Section 47 (1) *(e)*.

72. Section 43.

73. Section 52 (2).

Inquiries.

74. The Auditor General may examine any person on oath on any matter pertaining to any account subject to audit by him and for the purposes of any such examination the Auditor General may exercise all the powers of a commissioner under Part I of the *Inquiries Act.*

Audit of office of Auditor General.

75. An officer of the public service nominated by the Treasury Board shall examine and certify to the House of Commons in accordance with the outcome of his examinations the receipts and disbursements of the office of the Auditor General.

PART VIII.

Crown Corporations.

76. (1) In this Part

"agency corporation".

(a) "agency corporation" means a corporation named in Schedule C;

"auditor".

(b) "auditor" means, in relation to a corporation, the person authorized by Parliament to audit the accounts and financial transactions of the corporation;

"crown corporation".

(c) "Crown corporation" means a corporation that is ultimately accountable, through a Minister, to Parliament for the conduct of its affairs;

"departmental corporation".

(d) "departmental corporation" means acorp oration named in Schedule B; and

"proprietary corporation".

(e) "proprietary corporation" means a corporation named in Schedule D.

Deletions from Schedule.

(2) The Governor in Council may by order delete the name of any corporation from Schedule B, Schedule C or Schedule D.

Additions to Schedule.

(3) The Governor in Council may by order

(a) add to Schedule B any Crown corporation that is a servant or agent of His Majesty in right of Canada and is responsible for administrative, supervisory or regulatory services of a governmental nature;

(b) add to Schedule C any Crown corporation that is an agent of His Majesty in right of Canada and is responsible for the management of trading or service operations on a quasi-commercial basis, or for the management of procurement, construction or disposal activities on behalf of His Majesty in right of Canada; and

(c) add to Schedule D any Crown corporation that

(i) is responsible for the management of lending or financial operations, or for the management of commercial and industrial operations involving the production of or dealing in goods and the supplying of services to the public, and

(ii) is ordinarily required to conduct its operations without appropriations.

74. Part VI.

75. New.

This Part is new.

Application of Part.

77. (1) This Part applies to agency corporations and proprietary corporations, but in the event of any inconsistency between the provisions of this Part and the provisions of any other Act, the provisions of such other Act prevail to the extent of such inconsistency.

Exception.

(2) This part does not apply to departmental corporations, except as provided in section seventy-six.

Idem.

(3) Notwithstanding subsection one,

(a) the Auditor General is, notwithstanding any other Act, eligible to be appointed the auditor, or a joint auditor, of a Crown corporation, and

(b) section eighty-seven operates in lieu of section one hundred and twenty of *The Companies Act, 1934*.

Financial year.

78. The financial year of a corporation is the calendar year, unless the Governor in Council otherwise directs.

Budgets.

79. (1) Each agency corporation shall annually submit to the appropriate Minister an operating budget for the next following financial year of the corporation for the approval of the appropriate Minister and the Minister of Finance.

Idem.

(2) For each corporation the appropriate Minister shall annually lay before Parliament the capital budget for its financial year approved by the Governor in Council on the recommendation of the appropriate Minister and the Minister of Finance.

Form

(3) The Treasury Board, on the recommendation of the Minister of Finance, may by regulation prescribe the form in which budgets required by this section shall be prepared.

Bank accounts.

80. (1) A corporation may, with the approval of the Minister of Finance, maintain in its own name one or more accounts in the Bank of Canada or in such bank in Canada or financial institution outside of Canada as the Minister of Finance may approve.

Receiver General account.

(2) The Minister of Finance may, with the concurrence of the appropriate Minister, direct a corporation to pay all or any part of the moneys of the corporation to the Receiver General to be placed to the credit of a special account in the Consolidated Revenue Fund in the name of the corporation, and the Minister of Finance may pay out, for the purposes of the corporation, or repay to the corporation, all or any part of the moneys in the special account.

Payment over of surplus money.

(3) Notwithstanding the other provisions of this section, where the appropriate Minister and the Minister of Finance, with the approval of the Governor in Council, so direct, a corporation shall pay to the Receiver General so much of the moneys administered by it as the appropriate Minister and

87818—4

the Minister of Finance consider to be in excess of the amount required for the purposes of the corporation, and any money so paid may be applied towards the discharge of any obligation of the corporation to His Majesty, or may be applied as revenues of Canada.

Loans to corporations.

81. (1) At the request of the appropriate Minister, and subject to the approval of the Governor in Council, the Minister of Finance may from time to time lend moneys to a corporation for working capital out of moneys in the Consolidated Revenue Fund.

Limit.

(2) The aggregate amount of loans outstanding made to any one corporation under this section shall not at any time exceed five hundred thousand dollars.

Terms.

(3) A loan under this section is subject to such terms and conditions as the Governor in Council approves and is repayable within a period not exceeding twelve months from the day on which the loan was made.

Report to Parliament.

(4) A report of every loan to a corporation under this section shall be laid by the Minister of Finance before Parliament within fifteen days after it is made or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

Awarding of contracts.

82. The Governor in Council may make regulations with respect to the conditions upon which an agency corporation may undertake contractual commitments.

Reserves.

83. Subject to any order of the Governor in Council, a corporation may make provision for reserves for depreciation of assets, for uncollectable accounts and for other purposes.

Books.

84. (1) A corporation shall keep proper books of account and proper records in relation thereto.

Statement of accounts.

(2) Subject to such directions as to form as the Minister of Finance may give, a corporation shall prepare in respect of each financial year a statement of accounts, which shall include

(a) a balance sheet, a statement of income and expenditure and a statement of surplus, containing such information as, in the case of a company incorporated under *The Companies Act, 1934*, is required to be laid before the company by the directors at an annual meeting, and

(b) such other information in respect of the financial affairs of the corporation as the appropriate Minister or the Minister of Finance may require.

Annual report.

(3) A corporation shall, as soon as possible, but within three months after the termination of each financial year submit an annual report to the appropriate Minister in such form as he may prescribe, which shall include the statement of accounts specified in subsection two, and the appropriate Minister shall lay the report before Parliament within fifteen days after he receives it or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

Reports to Minister.

(4) A corporation shall make to the appropriate Minister such reports of its financial affairs as he requires.

Audit.

85. The accounts and financial transactions of a corporation shall be audited by the Auditor General of Canada.

Access to books, etc.

86. The auditor shall have access at all times to all records, documents, books, accounts and vouchers of a corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as he deems necessary.

Auditor's report.

87. (1) The auditor shall report annually to the appropriate Minister the result of his examination and audit of the accounts and financial statements of a corporation and the report shall state

(a) whether he has obtained all the information and explanations that he has required;

(b) whether in his opinion proper books of account have been kept by the corporation;

(c) whether the corporation's balance sheet and statement of income and expenditure dealt with by the report are prepared on a basis consistent with that of the preceding year and are in agreement with the books of account;

(d) whether in his opinion and to the best of his information and according to the explanations given to him, the said accounts give a true and fair view

(i) in the case of the balance sheet, of the state of the corporation's affairs as at the end of the financial year; and

(ii) in the case of the income and expenditure accounts, of the income and expenditure of the corporation for the financial year; and

(e) whether, in his opinion, the transactions of the corporation that have come under his notice have been within the powers of the corporation under any Act applicable to the corporation;

and shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of Parliament.

Other reports.

(2) The auditor shall from time to time make to the corporation or to the appropriate Minister such other reports as he may deem necessary or as the appropriate Minister may require.

Annual report.

(3) The annual report of the auditor shall be included in the annual report of the corporation.

Report through Minister.

88. In any case where the auditor is of the opinion that any matter in respect of a corporation should be brought to the attention of the Governor in Council, the Treasury Board or the Minister of Finance, such report shall be made through the appropriate Minister.

PART IX.

Civil Liability and Offences.

Notice to persons failing to pay over public money.

89. (1) Whenever the Minister has reason to believe that any person

(a) has received money for His Majesty and has not duly paid it over,

(b) has received money for which he is accountable to His Majesty and has not duly accounted for it, or

(c) has in his hands any public money applicable to any purpose and has not duly applied it,

the Minister may cause a notice to be served on such person, or on his representative in case of his death, requiring him within such time from the service of the notice as may be named therein, duly to pay over, account for, or apply such money, as the case may be, and to transmit to the Minister proper vouchers that he has done so.

Proceedings where notice not complied with.

(2) Where a person has failed to comply with a notice served on him under subsection one within the time stated therein, the Minister shall state an account between such person and His Majesty, showing the amount of the money not duly paid over, accounted for or applied, as the case may be, and, in the discretion of the Minister, charging interest on the whole or any part thereof at the rate of five per cent per annum from such date as the Minister may determine, and in any proceedings for the recovery of such money a copy of the account stated by the Minister, certified by him, shall be *prima facie* evidence that the amount stated therein, together with interest, is due and payable to His Majesty, without proof of the signature of the Minister or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to His Majesty.

89. Sections 58, 59 ,60 and 63.

Evidence.

90. Where it appears

(a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue,

(b) in any accounting by such person, or

(c) by his written acknowledgment or confession,

that such person has, by virtue of his office or employment, received money belonging to His Majesty and has refused or neglected to pay over such money to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, shall, in any proceedings for the recovery of such money, be received in evidence and shall be *prima facie* proof of the facts stated therein.

Liability for loss.

91. Where by reason of any malfeasance, wilful neglect of duty or gross negligence by any person employed in collecting or receiving any public money, any sum of money is lost to His Majesty, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it.

Offences.

92. Every officer or person acting in any office or employment connected with the collection, management or disbursement of public money who

(a) receives any compensation or reward for the performance of any official duty, except as by law prescribed;

(b) conspires or colludes with any other person to defraud His Majesty, or makes opportunity for any person to defraud His Majesty;

(c) designedly permits any violation of the law by any other person;

(d) wilfully makes or signs any false entry in any book, or wilfully makes or signs any false certificate or return in any case in which it is his duty to make an entry, certificate or return;

(e) having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against His Majesty, under any revenue law of Canada, fails to report, in writing, such knowledge or information to his superior officer; or

(f) demands or accepts or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money, or other thing of value, for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law,

is guilty of an indictable offence, and is liable on conviction to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding five years.

90. Section 61.

91. Section 64.

92. Section 66.

Bribes.

93. Every person who

(a) promises, offers or gives any bribe to any officer or any person acting in any office or employment connected with the collection, management or disbursement of public money, with intent

(i) to influence his decision or action on any question or matter that is then pending, or may, by law, be brought before him in his official capacity, or

(ii) to influence such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the commission of any such fraud, or

(b) accepts or receives any such bribe,

is guilty of an indictable offence, and is liable on conviction, to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding five years.

Books, etc. property of His Majesty.

94. All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in the collection or management of the revenue or in accounting for the revenue, by virtue of his employment as such, shall be deemed to be chattels belonging to His Majesty; and all moneys or valuable securities received or taken into the possession of any such officer or person by virtue of his employment shall be deemed to be moneys and valuable securities belonging to His Majesty.

PART X.

Miscellaneous.

Debts due to Crown.

95. (1) Where, in the opinion of the Minister of Justice, any person is indebted to His Majesty in right of Canada in any specific sum of money, the Treasury Board may authorize the Minister of Finance to retain by way of deduction or set-off the amount of any such indebtedness out of any sum of money that may be due or payable by His Majesty in right of Canada to such person.

Provincial taxes.

(2) Where, in the opinion of the Minister of Justice, any person is indebted in any specific sum of money on account of taxes payable to any province, and an agreement exists between Canada and the province whereby Canada is authorized to collect the tax on behalf of the province, the Treasury Board may authorize the Minister of Finance to retain by way of deduction or set-off, out of any sum of money that may be due or payable by His Majesty in

93. Section 67.

94. Section 70.

95. The provisions of this clause are substantially those at present in the *Debts Due to the Crown Act*.

right of Canada to such person, the amount of such indebtedness, but the amount so retained shall not exceed the amount that might under the laws of the province be seized or attached under execution or garnishee proceedings.

Tabling of information already contained in Public Accounts.

96. Whenever it appears to the Governor in Council that any account, statement, return or document required by any Act of Parliament or otherwise to be laid before one or both Houses of Parliament contains the same information as or less information than is contained in the Public Accounts, the Governor in Council may direct that the account, statement, return or other document be discontinued, and thereafter it need not be prepared or laid before either House of Parliament.

Transfers, etc., of property.

97. Subject to any other Act of Parliament, no transfer, lease or loan of property owned by His Majesty in right of Canada shall be made to any person, except in accordance with regulations or on the direction of the Governor in Council.

Public Officers Guarantee Account.

98. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Public Officers Guarantee Account to which shall be transferred or credited, in accordance with the regulations,

(a) the balance of the Government Officers Guarantee Fund,

(b) amounts paid by departments by way of premiums, and

(c) amounts recovered by His Majesty in respect of payments out of the said Account or the Government Officers Guarantee Fund,

and payment may be made out of the said Account, in accordance with the regulations, by way of indemnity for losses suffered by His Majesty or others by reason of defalcations or other fraudulent acts or omissions of public officers.

Regulations.

(2) The Treasury Board may make regulations

(a) prescribing the conditions upon which payments may be made out of the Public Officers Guarantee Account,

(b) requiring departments to deposit amounts to the credit of the said Account, and

(c) governing the operation of the said Account by the Minister.

Reporting.

(3) Every payment out of the Public Officers Guarantee Account and the amount of every loss suffered by His Majesty by reason of defalcations or other fraudulent acts or omissions of a public officer, together with a statement of the circumstances, shall be reported annually in the Public Accounts.

96. New.

97. New.

98. New, but see Vote 508 of *Appropriation Act, No. 6, 1936.*

No charge for certain cheques.

99. No bank shall make a charge for cashing a cheque or other instrument drawn on the Receiver General or on his account in the Bank of Canada or any other bank, or for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or in respect of any cheque or other instrument drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer in his capacity as such, and tendered for deposit to the credit of the Receiver General.

Regulations.

100. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect.

PART XI.

Repeal.

Repeal.

101. (1) The enactments set out in the first column of Schedule E are repealed to the extent specified in the third column of that Schedule.

Department of Transport stores.

(2) Upon the coming into force of this Act, Parliament shall be deemed to have authorized the Department of Transport to operate a revolving fund for the purpose of acquiring and managing stores and to have fixed the amount of four million dollars as the amount that may be charged to that fund at any one time, against which shall be charged the value of stores then on hand.

Coming into Force.

Coming into force.

102. This Act or any Part thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

99. Section 27 (2). Also section 98 of *The Bank Act*.

100. Section 74 (1).

SCHEDULE A.

Department of Agriculture.
Department of Citizenship and Immigration.
Department of Defence Production.
Department of External Affairs.
Department of Finance.
Department of Fisheries.
Department of Insurance.
Department of Justice.
Department of Labour.
Department of Mines and Technical Surveys.
Department of National Defence.
Department of National Health and Welfare.
Department of National Revenue.
Post Office Department.
Department of Public Works.
Department of Public Printing and Stationery.
Department of Resources and Development.
Department of the Secretary of State of Canada.
Department of Trade and Commerce.
Department of Transport.
Department of Veterans Affairs.

SCHEDULE B.

Agricultural Prices Support Board.
Atomic Energy Control Board.
Canadian Maritime Commission.
Director of Soldier Settlement.
The Director, The Veterans' Land Act.
Dominion Coal Board.
Fisheries Prices Support Board.
National Gallery of Canada.
National Research Council.
Unemployment Insurance Commission.

SCHEDULE C.

Canadian Arsenals Limited.
Canadian Commercial Corporation.
Canadian Patents and Development Limited.
Canadian Sugar Stabilization Corporation Limited.
Commodity Prices Stabilization Corporation Limited.
Crown Assets Disposal Corporation.
Defence Construction Limited.
Federal District Commission.
National Battlefields Commission.
National Harbours Board.
Park Steamship Company Limited.

SCHEDULE D.

Canadian Broadcasting Corporation.
Canadian Farm Loan Board.
Canadian National (West Indies) Steamships Limited.
Canadian Overseas Telecommunication Corporation.
Central Mortgage and Housing Corporation.
Eldorado Mining and Refining (1944) Limited.
Export Credits Insurance Corporation.
National Railways as defined in the *Canadian National-Canadian Pacific Act, 1933.*
Northern Transportation Company (1947) Limited.
Northwest Territories Power Commission.
Polymer Corporation Limited.
Trans-Canada Air Lines.

SCHEDULE E.

Enactments Repealed.

Title.	*Citation.*	*Extent of Repeal*
The Consolidated Revenue and Audit Act, 1931.....	1931, c. 27.....	the whole.
Department of Finance and Treasury Board Act.....	R.S.C. 1927, c. 71.	sections 2 to 13.
The Department of Transport Stores Act.....	1937, c. 28.....	the whole.
Board of Audit Act.....	R.S.C. 1927, c. 10.	the whole.
Contingencies Act.....	R.S.C. 1927, c. 31.	the whole.
Debts due to the Crown Act	1932, c. 18.....	the whole.
The Government Companies Operation Act....	1946, c. 24.....	sections 3, 4, 5, 6 and 10.
Public Works Act.....	R.S.C. 1927, c. 166.	section 36(2).

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 402.

An Act respecting the Surveys of Public Lands of Canada.

First reading, June 25, 1951.

THE MINISTER OF MINES AND
TECHNICAL SURVEYS.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

84473

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 402.

An Act respecting the Surveys of Public Lands of Canada.

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 Canada Lands Surveys Act.*

Interpretation.

Definitions. "Board". "candidate". "certificate". "commission". "Dominion Land Surveyor". "Dominion Topographical Surveyor". "examination". "Minister".

2. (1) In this Act

(a) "Board" means the Board of Examiners appointed under this Act;

(b) "candidate" includes an applicant for admission as an articled pupil or for a commission or for a certificate;

(c) "certificate" means a valid and subsisting certificate granted under this Act designating the person to whom it is granted a Dominion Topographical Surveyor;

(d) "commission" means a valid and subsisting commission granted under this Act authorizing the person to whom it is granted to survey lands under this Act;

(e) "Dominion Land Surveyor" means a person who holds a commission;

(f) "Dominion Topographical Surveyor" means a person who holds a certificate;

(g) "examination" means the examination of a candidate;

(h) "Minister" means the Minister of Mines and Technical Surveys;

Explanatory Notes.

The purposes of this Bill are to amend, consolidate and clarify the *Dominion Lands Surveys Act*, R.S.C., 1927, chapter 117, in order that its application will meet present-day conditions and modern surveying practices.

The *Dominion Lands Surveys Act* is substantially the same as originally enacted in 1908 with only slight amendments passed in 1919. It was designed as complementary legislation to the *Dominion Lands Act* and applied to the lands covered by that Act, which, for the most part, were lands in the Prairie Provinces. In view of the transfer of natural resources to the Prairie Provinces, the *Dominion Lands Act* became obsolete and was repealed in 1950. It is therefore necessary to completely revise the application of the *Dominion Lands Surveys Act*.

At the same time a number of provisions with reference to surveying practices require amendment in order to adapt the Act to present-day conditions and modern surveying practices.

The Bill is divided into four parts. The first part deals with examinations, qualifications, powers and duties of Dominion Land Surveyors and Dominion Topographical Surveyors. Part II deals with the survey of public lands in the Northwest Territories, in the Yukon Territory and in National Parks, and surveys of Surrendered Lands and Reserves, as defined in the *Indian Act*. Part III deals with special surveys of lands situated in the Northwest Territories and the Yukon Territory, where re-surveys are required to correct errors or supposed errors in prior surveys. Part IV is the general part dealing with evidence and offences and penalties. It also contains provisions for the survey of public lands not referred to in the other parts.

The references to sections, subsections, paragraphs and subparagraphs indicate the corresponding provision of the present *Dominion Lands Surveys Act* to the one dealt with in the text of the Bill.

1. New.

"monument". (*i*) "monument" means a post, stake, peg, mound, pit, trench, or any other object, thing or device used under this Act or under the *Dominion Lands Surveys Act* to mark a boundary of surveyed lands;

R.S., c. 117.

"preliminary examination". (*j*) "preliminary examination" means the examination for admission as an articled pupil;

"prescribed". (*k*) "prescribed" means prescribed in rules or regulations made by the Board;

"Secretary". (*l*) "Secretary" means the Secretary of the Board;

"survey". (*m*) "survey" includes a resurvey and a special survey; and

"Surveyor General". (*n*) "Surveyor General" means the person appointed as Surveyor General under this Act or a person authorized by the Minister to carry out the duties of the Surveyor General in his absence.

Validity of certificates and commissions issued under the *Dominion Lands Surveys Act*.

(2) A valid and subsisting certificate as a Dominion Topographical Surveyor or a valid and subsisting commission as a Dominion Land Surveyor issued under the *Dominion Lands Surveys Act* shall have the same force and effect as a certificate or commission, respectively, granted under this Act.

ADMINISTRATION.

Minister to have control.

3. (1) The Minister shall have the administration, direction and control of surveys under this Act.

Appointment of Surveyor General.

(2) The Governor in Council shall appoint a Dominion Land Surveyor as Surveyor General who shall hold office during pleasure and who shall be paid such salary as the Governor in Council may fix.

Duties of Surveyor General.

(3) The Surveyor General shall, subject to the direction of the Minister, have the management of surveys under this Act and shall have the custody of all the original plans, journals, field notes and other papers connected with such surveys.

Substitute for Surveyor General.

(4) The Minister may authorize an officer of the Department of Mines and Technical Surveys who is a Dominion Land Surveyor to carry out the duties of the Surveyor General during his absence.

2. (1) *(a)* See section 2 *(a)*.

(b) New.

(c) New.

(d) New.

(e) See section 2 *(b)*.

(f) New.

(g) New.

(h) See section 2 *(d)*.

(i) See section 2 *(e)*.

(j) New.

(k) New.

(l) New.

(m) New.

(n) New.

(2) New.

ADMINISTRATION.

3. (1) See Section 7.

(2) New.

(3) New.

(4) New.

Governor in Council may make regulations.

4. (1) The Governor in Council may make such orders and regulations as he deems necessary to carry out this Act or to meet any cases with reference to surveys under the management of the Surveyor General for which no provision is made in this Act.

Tariff of fees.

(2) The Minister may establish a tariff of fees to be charged by the Department of Mines and Technical Surveys for copies of maps, plans, field notes, or any other type of record or document arising from or respecting surveys under this Act and such fees shall form part of the Consolidated Revenue Fund of Canada.

4. (1) See section 4.

(2) See section 6.

PART I.

EXAMINATIONS, POWERS AND DUTIES OF DOMINION LAND SURVEYORS.

BOARD OF EXAMINERS.

Constitution of Board of Examiners.

5. (1) The Governor in Council shall appoint a Board of Examiners consisting of the Surveyor General who shall be Chairman and two other members.

Vacancies.

(2) Where a member of the Board, other than the Chairman, is, in the opinion of the Governor in Council, unable permanently or temporarily to perform the duties of his office, the Governor in Council may appoint a new member or a temporary member to replace such member as he deems expedient.

Qualifications.

(3) Suitable Dominion Topographical Surveyors who are also Dominion Land Surveyors shall be appointed as members or temporary members of the Board but Dominion Land Surveyors may be appointed as such members where no suitable Dominion Topographical Surveyors are available.

Tenure of office.

(4) Members of the Board, other than the Chairman, shall hold office during pleasure.

Quorum.

(5) Two members of the Board constitute a quorum.

Secretary.

(6) The Minister shall appoint a person to be Secretary of the Board whose duties shall include the keeping of records of all proceedings of the Board.

Oath.

(7) Every member or temporary member of the Board shall, before entering office, take the following oath:

"I, , do solemnly swear that I will faithfully discharge the duty of an examiner of candidates for admission as articled pupils, for commissions as Dominion Land Surveyors or for certificates as Dominion Topographical Surveyors, according to law, and without favour, affection or partiality. So help me God."

Compliance with directions.

6. (1) The Board shall comply with any directions given to it by the Governor in Council or by the Minister with respect to the exercise of its powers.

Duty to examine candidates.

(2) Subject to section eight, the Board shall examine candidates.

Regulations by Board *re* examinations.

(3) The Board shall have control over all matters relating to the examination, admission and qualifications of candidates and may, for such purposes, with the approval of the Governor in Council, make rules or regulations prescribing

(a) the subjects in which candidates for admission as articled pupils, for commissions or for certificates shall be examined;

(b) rules respecting the conduct of examinations including notice to be given respecting examinations;

PART I.

5. (1) See section 9.

(2) New.

(3) See section 13.

(4) New.

(5) New.

(6) See section 11.

(7) See section 10.

6. (1) New.

(2) See section 12.

(3) See sections 12, 14 and 15.

(c) the training and standards required by any provincial land surveyor or other person who applies for a commission or certificate under this Act;

(d) the forms of articles, transfer of articles and proof of service under articles with respect to articled pupils;

(e) such other forms, rules or regulations that the Board may deem requisite in any matter respecting the examinations, admission and qualifications of candidates; and

(f) the form of certificates and commissions.

Fees payable to members of the Board for a meeting.

7. (1) Every member or temporary member of the Board who attends a meeting thereof called for the purpose of examining candidates or for any other purpose or who attends as a special examiner at an examination shall receive the sum of fifteen dollars for each day's sitting together with his actual living and travelling expenses incurred through his attendance at such meeting or examination.

Fees payable to Secretary.

(2) The Secretary shall receive the sum of ten dollars for each day's sitting of meetings of the Board at which he attends together with his actual living and travelling expenses incurred through such attendance and shall, in addition, be paid an annual remuneration of two hundred and fifty dollars.

Special Examiners.

Appointment.

8. (1) The Minister may, upon the recommendation of the Board, appoint qualified persons as special examiners to examine candidates.

Ex officio special examiners.

(2) A member of the Board is, *ex officio*, a special examiner.

Qualifications.

(3) Persons qualified for appointment as special examiners are

(a) Dominion Land Surveyors; or

(b) provincial land surveyors duly qualified under the laws of the province in which they will preside at examinations to be held therein.

Oath.

(4) Every special examiner, other than a member of the Board, shall before entering office take the oath described in subsection seven of section five.

Fees to special examiners.

9. Every special examiner, other than a member of the Board, shall receive the sum of twenty-five dollars for each day's sitting of examinations at which he presides together with his actual living and travelling expenses incurred through his attendance at such examinations.

7. (1) See section 29.

(2) See section 28 (2). The fees payable under section 28 of the *Dominion Lands Surveys Act*, with the exception of *(d)*, *(f)*, *(h)* and *(i)* of the said section belonged to the Secretary. This procedure proved most unsatisfactory from an accounting point of view. This Bill provides for an annual remuneration based on an average over the last twenty years.

8. (1) See section 12 (1).

(2) See section 12 (1).

(3) See section 12 (1).

(4) See section 10

9. See section 29. The fees to special examiners have been increased to meet present-day conditions.

Examinations.

Examinations by Board.

10. (1) The Board shall, in order to hold examinations, meet at Ottawa on the second Monday in the month of February in each year and at such other times and places as the Minister may direct.

Examinations by special examiners.

(2) The Minister may direct that examinations be held by special examiners at such times and places as he thinks fit.

Notice of examinations.

(3) Subject to subsection four, notice of examinations to be held under this section shall be published in the *Canada Gazette* as prescribed.

Notice in special cases.

(4) The Minister may, in special cases where he deems it expedient, dispense with publication of notice of an examination or may direct that notice may be given in a manner other than as prescribed.

Subject to Board's regulations.

11. Unless otherwise provided for in this Act, all examinations are subject to the rules and regulations made by the Board.

Candidates to send notice, etc.

12. No candidate shall be examined unless he has, in accordance with the provisions of this Act and the rules and regulations made by the Board,

(a) submitted notice of his intention to be examined;

(b) paid all fees required in respect of an examination; and

(c) complied with all requirements relating to an examination.

Examination under oath.

13. The Board or a special examiner, as the case may be, may examine a candidate under oath, to be administered by a member of the Board or the special examiner, respecting any qualification or other matter relating to his examination.

Fees.

Fees.

14. (1) Candidates and pupils shall pay the following fees to the Secretary:

(a) at the time of making application for a preliminary examination, one dollar;

(b) at the time of making application for examination for a certificate or for a commission, two dollars;

(c) by each successful candidate at a preliminary examination for a certificate thereof, twelve dollars;

(d) by each candidate who passes the examination required for a commission, twenty-two dollars;

EXAMINATIONS.

10. (1) See section 9 (2).

(2) See section 12 (1).

(3) See section 12 (2).

(4) New. This subsection provides for dispensing with publication of notice in cases where it is more expedient to do so.

11. See section 12 (3).

12. See section 14.

13. See section 24.

FEES.

14. (1) See section 28.

(e) by each candidate who passes the examination required for a certificate, two dollars; and

(f) by each pupil at the time of filing articles or a transfer of articles, two dollars.

Fees to be part of C.R.F.

(2) Fees payable under this section shall be transmitted by the Secretary to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund of Canada.

ARTICLED PUPILS.

Examinations for admission as articled pupils.

15. (1) Subject to subsection two, no person shall be admitted as an articled pupil with a Dominion Land Surveyor until he has passed a preliminary examination in the prescribed subjects, has been granted a certificate to that effect and has paid the fee required under paragraph *(c)* of subsection one of section fourteen.

Admissions under *Dominion Lands Surveys Act.*

(2) Admission as an articled pupil, including the passing of a preliminary examination under the *Dominion Lands Surveys Act*, shall have the same effect as if the articled pupil had been admitted under this Act.

Articles.

16. (1) Every articled pupil shall, in writing, enter into articles in a prescribed form with a Dominion Land Surveyor.

Term of articles.

(2) Each instrument of articles shall be for a term of service of three years.

Transfer.

(3) A Dominion Land Surveyor may by an instrument in writing, in a prescribed form, transfer a pupil, with the consent of the pupil, to serve the remainder of his term under articles with another Dominion Land Surveyor.

Where person to whom articled unable to complete term.

(4) Where a Dominion Land Surveyor, to whom a pupil is articled, dies, leaves Canada, has his commission suspended or cancelled or is, in the opinion of the Board, for any reason unable to fulfill his duties towards the pupil under such articles, the pupil may complete with another Dominion Land Surveyor his term of service under articles.

Consent of father of pupil required in certain cases.

(5) Where a person entering articles or whose articles are transferred is at the time of entering or transferring under the age of twenty-one years, the prescribed form of articles or transfer of articles shall require the written consent of the father, guardian or other person standing in the place of the father of the pupil.

Duplicates to be sent to Secretary of Board.

17. (1) Where articles are entered into or transferred, the articled pupil shall send, by registered letter, a duplicate of the articles or a duplicate of the transfer of articles, as the case may be, together with the required fee to the Secretary within three months after the date on which the articles are entered into or transferred.

Articled Pupils.

15. (1) See section 15.

(2) New.

16. (1) See section 16.

(2) See section 16.

(3) See section 17.

(4) See section 19.

(5) See section 18.

17. (1) See section 20 (1).

Secretary to file articles.

(2) The Secretary shall file and keep with the Board's records all instruments referred to in this section.

Where late filing.

(3) Where duplicates of articles or transfer of articles are not sent to the Secretary within three months after they are entered into or transferred, as the case may be, the time of service of the articled pupil under them shall count from the date on which they are mailed by registered letter to the Secretary unless otherwise authorized by the Board.

Articles under *Dominion Lands Surveys Act.*

18. Duplicates of articles or of transfers of articles filed under the *Dominion Lands Surveys Act* shall have the same effect as if filed under this Act and service under such articles or transfer of articles may be continued and completed under this Act.

Length and proof of service before eligible for examination for commission.

19. (1) Subject to subsection two, no articled pupil shall be examined for a commission unless he

(a) has served under articles for a period of three years including at least one year's actual practice in the field; and

(b) furnishes to the Board in prescribed forms,

(i) his affidavit that he has completed the required period of service under articles; and

(ii) the affidavit of the Dominion Land Surveyor or, in the case of a transfer of articles, of each Dominion Land Surveyor with whom he has served under articles or, in any case where an affidavit cannot be obtained, such other evidence of service as is satisfactory to the Board.

Lesser period may be allowed at Board's discretion.

(2) The Board may, in its discretion, permit an articled pupil to be examined for a commission where he has served less than three years but not less than two years and eight months under articles and may accept the affidavits or other evidence required under subsection one in proof of the lesser period so served.

Proof of completion of service.

(3) Where, under subsection two, an articled pupil is permitted by the Board to be examined for a commission before his full three-year period of service is completed, a commission shall not be granted to him until he has furnished to the Board affidavits or other evidence acceptable to the Board showing that he has completed the balance of his three-year period of service under articles.

(2) See section 20 (2).

(3) See section 20 (4).

18. New.

19. (1) See generally sections 16 to 20.

(2) and (3) New. These two subsections provide for the examination of an articled pupil who has not completed his full three years under articles. However, such candidate, even if successful in his examination, is not granted his Commission until he has completed his three years under articles.

Examinations are held in the month of February, and, in some cases, candidates would have completed their three years under articles in March, April, May or June, and would have to wait until the next year before trying the examination, thus being deprived of their right to a Commission for nearly a full year. By these sections the Board may authorize an articled pupil to try the examination before the full three years are completed under articles.

COMMISSIONS.

Grant of commissions.

20. (1) The Board may, in its discretion, grant a commission as a Dominion Land Surveyor to

To articled pupils.

(a) an articled pupil who has complied with the requirements of this Act respecting eligibility for an examination for a commission, has reached the age of twenty-one years and has passed the examination for a commission;

To provincial land surveyors, etc.

(b) a person who

(i) holds a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in a province of Canada under the laws of such province or to survey lands in a country of the British Commonwealth, as defined in *The Canadian Citizenship Act*, or in a province, state or other territorial division of such country under the laws of such country, or of the province, state or other territorial division thereof; and

1946, c. 15.

(ii) has served under articles or other similar agreement with a surveyor and has passed examinations of a nature and type satisfactory to the Board and, where the Board so directs, completes a term of service under articles to a Dominion Land Surveyor, or passes such further examination or examinations, or both, as may be prescribed by the Board; or

To university graduates.

(c) subject to subsection two, a person who

(i) has received a degree from a college, university or other educational institution upon completion of a course of theoretical and practical instruction satisfactory to the Board;

(ii) has passed the preliminary examination and the examination for a commission; and

(iii) has served one year under articles with a Dominion Land Surveyor including at least six months actual practice in the field and has furnished to the Board proof of service under articles similar to that required in respect of articled pupils under this Act.

University graduates to serve under articles before eligible for examination for commission.

(2) No person referred to in paragraph *(c)* of subsection one shall be examined for a commission unless he has complied with the requirements of subparagraph (iii) thereof or unless the Board, in its discretion, permits him to be so examined upon proof of service of not less than nine months under articles including at least six months actual practice in the field and, where such permission has been given, a commission shall not be granted to him until he has furnished to the Board proof that he has completed the balance of his one year period of service under articles.

20. (1)

(a) See section 23.

(b) Section 21 expanded. Consequent to the Conference of British Commonwealth and United States Survey Authorities held in New Zealand in 1951, this subsection gives authority to the Board to grant a Commission as a Dominion Land Surveyor under certain conditions to a person holding a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in a country of the British Commonwealth as defined in *The Canadian Citizenship Act*, or any province, state or other territorial division of that country, under the laws of such country or the province, state or other territorial division thereof.

(c) See section 22.

(2) New. See explanatory notes under 19. (2).

Holder of commission to take oath, post bond, etc.

21. (1) Every person who is granted a commission shall, before commencing practice as a Dominion Land Surveyor,

(a) take, before any person duly authorized to take oaths or affidavits, the following oaths:

(i) "I, , do solemnly swear that I will faithfully discharge the duties of a Dominion Land Surveyor according to law and without favour, affection or partiality. So help me God.",

(ii) "I, , do solemnly swear that I will be faithful and bear true allegiance to His Majesty, His Heirs and Successors, according to law. So help me God.";

(b) pay the fee required under paragraph *(d)* of section fourteen; and

(c) send to the Secretary a bond, entered into by him with two sureties and in a form satisfactory to the Board, in favour of His Majesty in right of Canada in the sum of one thousand dollars conditioned upon the due and faithful performance of his duties as a Dominion Land Surveyor.

Registration of commissions. Filing of oaths.

(2) Every commission shall be registered in the office of the Registrar General of Canada.

(3) The oaths referred to in subsection one shall be filed and kept in the office of the Surveyor General.

Deposit of bonds.

R.S., c. 164.

(4) The bonds referred to in subsection one shall be deposited and kept in the manner prescribed in the *Public Officers Act* and shall be subject to the provisions of that Act respecting public officers and shall enure to the benefit of any person, including His Majesty in right of Canada, who sustains damage by breach of any condition thereof.

Certificates.

Grant of certificate.

22. The Board may grant a certificate as a Dominion Topographical Surveyor to a person who is

(a) a Dominion Land Surveyor; or

(b) a graduate of a university or other educational institution approved by the Board who has passed the preliminary examination;

and who passes an examination in the higher branches of surveying in prescribed subjects and has paid the fee required under paragraph *(e)* of section fourteen.

21. (1)

(a) See section 25. (2).

(b) See section 28.

(c) See section 25. (1).

(2) See section 25. (2).

(3) See section 25. (2).

(4) See section 25. (2).

CERTIFICATES.

22. See section 26 and section 27.

Cancellations and Suspension of Commissions and Certificates.

Grounds for suspension or cancellation.

23. (1) The Board may suspend for such period as it thinks advisable or may cancel a commission or certificate where it finds that the holder thereof is guilty of

(a) gross negligence or corrupt practice in carrying out his duties as a surveyor;

(b) certifying to false returns of a survey;

(c) certifying as his survey a survey made by another surveyor; or

(d) making a survey in which he has used a measure that is not regulated and verified in accordance with this Act.

To hear evidence before making finding.

(2) The Board shall not make a finding under subsection one unless and until

(a) the Secretary has, at least thirty days before the day on which a finding is to be made, sent to the surveyor a registered letter containing a notice of the grounds for cancellation or suspension to be considered by the Board and notifying him to appear before the Board at the day set for the hearing;

(b) the Board has heard such evidence as may be adduced in support of the charges against the surveyor; and

(c) the Board has heard such evidence in rebuttal of the charges as may be adduced by the surveyor, by witnesses called by him or, in the event that he fails to appear, by a person appointed by the Board to act on his behalf.

Duties and Powers of Surveyors.

Verification of surveys.

24. (1) The Surveyor General shall require every Dominion Land Surveyor, in addition to the oaths taken by him after the grant of his commission, to verify and affirm by oath or otherwise to the satisfaction of the Surveyor General, on each return of his surveys under this Act that he has faithfully and correctly executed such surveys in accordance with this Act and with any instructions issued to him by the Surveyor General.

Proceedings on false surveys.

(2) Where a court of competent jurisdiction finds that a survey or any part thereof has not been executed as verified under subsection one, the Attorney General of Canada may, upon application of the Surveyor General, institute proceedings to recover upon the bond given, under this Act, by the surveyor who verified the returns.

To keep journals and field notes.

25. Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys under this Act and shall file them with the Surveyor General in the order of time in which the surveys have been performed.

Cancellations and Suspension of Commissions and Certificates.

23. (1) See section 30.

(2) See section 30.

Duties and Powers of Surveyors.

24. (1) See section 31.

(2) See section 31.

25. See section 32.

Entry on private lands.

26. A Dominion Land Surveyor may, for the purposes of carrying out a survey of lands under this Act, enter upon, pass over or measure the boundaries of the lands of any person but he shall take all reasonable precautions to avoid causing any damage in so doing.

Taking evidence, etc.

27. (1) A Dominion Land Surveyor may, in carrying out a survey of lands under this Act, if he reasonably believes that any person may have knowledge on any matter relating to the survey,

(a) request such person to appear before him as a witness;

(b) apply to a justice of the peace for a subpoena compelling such person to appear before the surveyor to give evidence and to bring such documents as may be specified in the subpoena; and

(c) take evidence from any person requested or compelled to appear before him under an oath or affirmation to be administered by the surveyor.

Justice of the peace may issue subpoena.

(2) Every justice of the peace may, upon application by a Dominion Land Surveyor supported by an affidavit by him setting out the reason for requiring the attendance of a witness, issue the subpoena referred to in subsection one.

Service and contents of subpoena.

(3) A subpoena under this section shall either be personally served upon the person named therein or left with an adult person at his residence and shall state the time and place at which the hearing before the surveyor will be held.

Payment of witnesses' expenses.

(4) A Dominion Land Surveyor may tender to a witness under this section such conduct money as will in the opinion of the Dominion Land Surveyor compensate the witness for his reasonable expenses in attending before him and in the event of a dispute as to the amount, shall refer the matter to a justice of the peace whose decision therein shall be final.

Warrant.

(5) Where a person named in a subpoena refuses or fails to appear before a Dominion Land Surveyor at the time and place named in the subpoena, the Dominion Land Surveyor may apply to a justice of the peace for a warrant against such person and the justice of the peace may issue such warrant.

Evidence to be put into writing and registered.

28. All evidence, including any documents or other exhibits produced at the hearing, taken before a Dominion Land Surveyor under section twenty-seven shall be

(a) reduced to writing;

(b) read to and affirmed by the witness by whom it is given and by the Dominion Land Surveyor; and

(c) filed and kept in the office of the Surveyor General as part of the returns of the survey.

26. See section 40.

27. (1) See section 36.

(2) See section 37.

(3) See section 38.

(4) See section 38.

(5) See section 38.

28. Section 39.

Chain Bearers.

Chain bearers to take oath.

29. Every person employed by a Dominion Land Surveyor to act as a chain bearer in a survey under this Act shall, before he commences his duties, take before the Dominion Land Surveyor an oath or affirmation, administered by the Dominion Land Surveyor, that he will perform his duties as a chain bearer to the best of his ability and will render a true account of his chaining and measuring to the Dominion Land Surveyor.

Standard of Measure.

Canadian measure of length.

30. (1) The measure of length for surveys under this Act is the Canadian measure of length defined by *The Weights and Measures Act.*

Only properly checked tapes may be used. 1951, c. —.

(2) In any survey under this Act, a Dominion Land Surveyor shall use

(a) a measuring tape that has had its true length in terms of the Canadian measure of length determined by National Research Council, or

(b) a measuring tape that is of a type approved by the Surveyor General and that the Dominion Land Surveyor checks and verifies from time to time with a certified subsidiary measure purchased by him from the Secretary.

Inspection and testing.

(3) Each measuring tape referred to in paragraph *(a)* of subsection two and each subsidiary measure referred to in paragraph *(b)* of subsection two shall, at the expense of the owner thereof, be verified, at least once in every four consecutive years, as to its true length by National Research Council and a certificate of such verification or duplicate certificate shall be sent to the Surveyor General.

No other test required.

(4) Notwithstanding *The Weights and Measures Act,* measuring tapes and subsidiary measures used by a Dominion Land Surveyor do not require any test, inspection or verification other than that required under this section.

Not to use damaged tapes, etc.

(5) Broken, kinked or otherwise damaged measuring tapes and subsidiary measures shall not be used.

Chain Bearers.

29. See section 34.

Standard of Measure.

30. See section 35. This whole section has been revised in order to adapt it to present-day conditions and modern surveying practices.

PART II.

SURVEYS OF PUBLIC LANDS IN THE NORTHWEST TERRITORIES, YUKON TERRITORY AND NATIONAL PARKS AND OF SURRENDERED LANDS AND RESERVES.

General.

Meaning of "public lands".

31. In this Part, "public lands" means any lands, belonging to His Majesty in right of Canada or of which the Government of Canada has power to dispose, that are situated in the Yukon Territory, the Northwest Territories or in any National Park of Canada and any lands that are surrendered lands or reserves as defined in the *Indian Act*.

1951, c. —.

When surveys undertaken.

32. The Minister shall cause surveys to be made of public lands upon the request of a Minister of any department of the Government of Canada administering such lands and may do so in any other case in which he deems it to be expedient.

Who may survey public lands in Territories.

33. (1) No person, other than a Dominion Land Surveyor, shall survey public lands that are situated in the Northwest Territories or in the Yukon Territory.

Who may survey Park lands and Indian reserves.

(2) A Dominion Land Surveyor or any other surveyor authorized by the Surveyor General may survey public lands that are situated in a National Park of Canada or lands that are surrendered lands or reserves as defined in the *Indian Act*.

1951, c. —.

Surveys.

To be laid out in townships.

34. (1) Except where otherwise directed by the Minister, public lands shall be laid out in quadrilateral townships.

Township boundaries.

(2) The lines bounding townships on the east and west sides shall be meridians and those on the north and south sides shall be chords to parallels of latitude.

Numbering and ranging of townships.

(3) Townships shall be numbered in regular order northerly from the forty-ninth parallel of latitude and shall lie in ranges numbered east and west from the principal meridian, that is the meridian drawn northerly from the forty-ninth parallel of latitude in about west longitude ninety-seven degrees, twenty-seven minutes and twenty-eight point four seconds, and in ranges numbered from such other initial meridians as the Minister orders to be established and styled the second, third, fourth meridian and so on according to their order in number westward from the principal meridian and in similar fashion easterly from the principal meridian or from the second meridian east as the Minister may order.

Part II.

This Part applies specifically to public lands that are situated in the Northwest Territories, the Yukon Territory, National Parks and all Surrendered Lands and Reserves. The *Dominion Lands Surveys Act* applied to lands to which the *Dominion Lands Act* (now repealed) applied. The *Dominion Lands Act* applied to the lands of the Dominion of Canada in the Provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories of Canada and to the three and one-half million acres of land in that portion of the Peace River District of British Columbia lying east of the Rocky Mountains and adjoining the Province of Alberta, granted to the Crown as represented by the Government of Canada by section 7, Chapter 14 of the British Columbia statutes of 1884, 1908 Chapter 20, section 3; and, under certain conditions to the Yukon Territory.

31. New.

32. New. The administration of the Northwest Territories ,the Yukon Territory and National Parks is now vested in the Minister of Resources and Development, whereas the administration of Surrendered Lands and Reserves is vested in the Minister of Citizenship and Immigration. It is intended by this Bill to have surveys made of these lands at the request of the Minister responsible for the administration of the lands under his control.

33. New. Provides for the survey of public lands by Dominion Land Surveyors only, in order that the system of surveying established may be maintained.

34. (1) See section 41 (1).

(2) See section 42.

(3) See section 43.

Width set by base line.

35. (1) Townships shall be given their prescribed width on the base lines referred to in subsection two and the meridian between townships shall be drawn across such base lines northward and southward to the depth of two townships therefrom to the correction lines referred to in subsection three.

Base lines.

(2) The forty-ninth parallel of latitude shall be the first base line used for townships numbered one; the second base line shall be between townships four and five; the third between townships eight and nine; the fourth between townships twelve and thirteen and so on northerly in regular succession.

Correction lines.

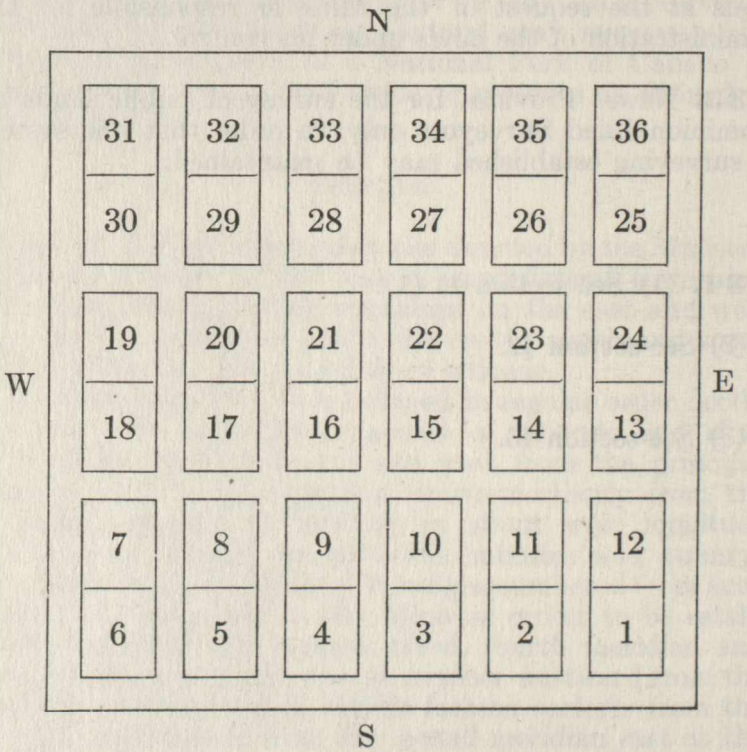
(3) Correction lines are those lines upon which allowance is made for the jog resulting from the convergence of meridians and shall run east and west between townships and midway between the base lines, that is to say correction lines shall lie between townships two and three, six and seven, ten and eleven and so on.

Townships to contain thirty-six sections.

36. (1) Each township shall contain thirty-six sections, each section being as nearly one square mile as the convergence of meridians permits, together with such road allowances of number and widths as the Minister may prescribe.

Numbering of sections.

(2) Sections shall be bounded and numbered as shown in the following diagram:



35. (1) See section 44.

(2) See section 45.

(3) See section 46.

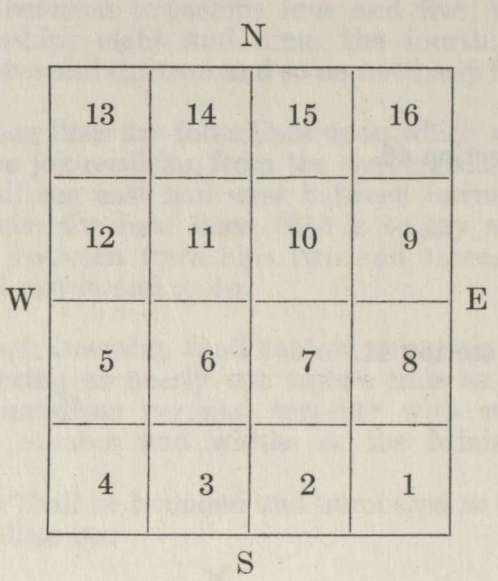
36. See section 41.

Quarter sections.

(3) Subject to the provisions hereinafter contained, each section shall be divided into quarter-sections containing one hundred and sixty acres more or less.

Legal subdivisions.

(4) To facilitate the description for letters patent of less than a quarter section, each section shall be taken to be divided into quarter quarter-sections, each of forty acres more or less, which shall be styled legal subdivisions and numbered as shown in the following diagram:



Allowance for north and south error.

37. The north and south error in closing on the correction lines from the north and south shall be allowed in the ranges of quarter-sections adjoining the correction lines and north or south respectively of them, except in the case of the north and south error in townships between the first and second base lines which error shall be left in the last quarter-section adjoining the first base line.

Distribution of deficiency or surplus.

38. In the survey of a township, the east and west deficiency or surplus shall be equally distributed among all the quarter-sections involved; but the Minister may order that such deficiency or surplus be allowed in the range of quarter-sections adjoining the west boundary of the township.

Division line between two sections.

39. Where it is necessary to establish a division line between two sections, the Dominion Land Surveyor shall connect the opposite true section corners.

(3) See section 47.

(4) See section 54.

37. See section 48.

38. See section 49.

39. See section 61.

Irregular quarter-sections.

40. The dimensions and areas of irregular quarter-sections shall, in all cases, be returned by the surveyor at their actual measurements and contents, but, where road allowances are not between but through sections, the area reserved for such road allowances shall not be included in the area returned for a quarter-section or other parcel of land.

Monuments to indicate corners.

41. (1) Unless otherwise provided in this section, a single row of monuments to indicate the corners of townships, sections and quarter-sections shall be placed on the survey lines thereof.

Monuments where road allowances.

(2) Monuments on north and south lines shall be placed on the west limits of road allowances, if any, and monuments on the east and west lines shall be placed on the south limits of road allowances, if any, and in all cases shall fix and govern the position of the boundary corners of the adjoining townships, sections or quarter-sections on the opposite side of the road allowances if any.

Monuments where correction lines.

(3) Monuments in respect of the corners of townships, sections and quarter-sections that are placed on correction lines shall be placed and marked independently for the townships, sections and quarter-sections on each side of the correction line and, where a road allowance is laid out along a correction line, the monuments shall be placed in the limit of the road lying alongside the lands that such monuments define.

Power of Minister to order special surveys in certain cases.

42. Notwithstanding the foregoing sections, the Minister may, in any case where the ordinary mode of survey is impracticable, difficult or undesirable, by reason of the existence of water courses, mountains or for any other reason that he deems sufficient, direct that public lands be surveyed, laid out and defined in any manner, by any method of surveying and with any description that he considers desirable in the circumstances affecting such lands.

Plans.

Plotting of plans.

43. (1) Plans of public lands that are surveyed under this Part shall be plotted, under the direction of the Surveyor General, from the surveyor's field notes and other documents relating to the survey.

Contents of plans.

(2) The plans shall show the direction and length of boundaries, the nature and position of boundary monuments and the areas of the quarter-sections or other parcels of land laid out.

40. See section 50.

41. (1) See section 51.

(2) See section 51.

(3) See section 51.

42. See section 55.

PLANS.

43. (1) See section 56 (1).

(2) See section 56 (1).

Confirmation.

(3) The Surveyor General shall indicate his confirmation on such plans, if he is satisfied that the survey has been carried out in conformity with this Act and that the survey and plans are satisfactory to the Minister of the Department of the Government of Canada administering the public lands in respect of which the survey was made.

Effect of confirmation.

(4) Upon confirmation by the Surveyor General the plans shall be deemed to be official plans under this Act.

Survey not completed until plan confirmed.

(5) No survey of public lands under this Part shall be deemed to be completed until the plans thereof have been confirmed under this section.

New plans to correct clerical errors, etc.

(6) Where the Surveyor General finds that a plan that has been confirmed under this section has been improperly or incorrectly plotted from the surveyor's field notes and other documents relating to the survey or that there is an omission, clerical error or other defect in such plan, he may cause a new plan to be plotted from the surveyor's field notes and other documents relating to the survey or a new plan to be made correcting the omission, clerical error or other defect.

Effect of new plan.

(7) The new plan referred to in subsection six shall, after confirmation thereof by the Surveyor General, be deemed to be the official plan under this Act of the lands thereby affected and shall be substituted for all, or corresponding portions of all, former official plans of the lands thereby affected.

Plans to be sent for filing.

44. The Minister shall cause a copy of an official plan under this Act to be sent to the registrar of deeds or of land titles of the county, district or other registration division in which such lands are situate for filing in the registry or land titles office of that county, district or other registration division.

Administrative plans.

45. The Surveyor General may, for administrative purposes, make such plans of public lands as he deems expedient but plans made under this section need not be confirmed under section forty-three or sent to a registrar under section forty-four.

BOUNDARIES.

Public lands in the Territories.

46. (1) In this section, "public lands" means public lands situated in the Northwest Territories or in the Yukon Territory.

Boundaries marked by monuments are true boundaries.

(2) All boundary lines of townships, sections, legal subdivisions or other authorized subdivisions of public lands that are defined by monuments in surveys made under this Part shall, after confirmation of the plans by the Surveyor General, be the true boundary lines of such town-

(3) New. Surveys of public lands being made at the request of the Minister of the Department administering such lands. Plans made thereof shall not be confirmed by the Surveyor General unless found satisfactory by the Minister requesting the survey.

(4) See section 56 (4).

44. See section 67.

45. New. This section provides for authority to make surveys for administration purposes only. Plans for such surveys need not be confirmed or registered.

BOUNDARIES.

46. (1) See section 62.

(2) See section 65.

ships, sections, legal subdivisions or other authorized subdivisions, whether or not they are or are not found to contain, upon admeasurement, the exact area or dimensions described or expressed in a plan, letters patent, grant or other instrument affecting such public lands.

Area set by true boundary lines.

(3) Each township, section, legal subdivision, other authorized subdivision, or any aliquot part of any of them, of public lands shall consist of the width as marked by the true boundary lines whether or not a quantity or measure expressed in a plan, letters patent, grant or other instrument affecting such public lands is greater or lesser than such width.

True boundary lines of roads, etc.

(4) The true boundary lines of roads, streets, lanes or commons in public lands shall be the boundary lines defined by monuments placed in the survey of such public lands.

Roads, etc., to be surveyed in the same manner as township surveys.

(5) Every Dominion Land Surveyor employed to make surveys of roads, streets, lanes or commons in public lands in any town, village or settlement shall, in so far as they are applicable, follow the provisions of this Part governing the making of township surveys.

Roads, etc., to be public highways.

(6) All allowances laid out in surveys of roads, streets, lanes or commons in public lands in any town, village or settlement shall be public highways or commons.

Resurveys.

Resurveys.

47. (1) Public lands may be resurveyed under this Part for the purposes of correcting errors or supposed errors or the re-establishing of lost monuments.

Plans of resurveyed lands.

(2) Plans of public lands that are resurveyed shall be dealt with in accordance with the provisions of this Part and shall, after confirmation thereof by the Surveyor General, be deemed to be the official plans under this Act of the lands thereby affected and shall be substituted for all, or corresponding portions of all, former official plans of the lands thereby affected.

47. See section 57.

Part III.

SPECIAL SURVEYS OF TERRITORIAL LANDS.

Scope and Administration.

Definitions.

"Minister".

"territorial lands".

48. In this Part

(a) "Minister" means the Minister of Resources and Development; and

(b) "territorial lands" means any lands situated in the Northwest Territories or in the Yukon Territory.

Special Surveys.

Scope and purposes.

49. Special surveys of territorial lands may be made for any or all of the following purposes:

(a) the correction of errors or supposed errors in existing surveys or plans;

(b) the subdivision of land not previously subdivided or the showing of divisions of land not previously or correctly shown on an existing plan of subdivision;

(c) fixing the location or width of roads or highways;

(d) establishing any boundary lines the positions of which, due to incorrect placing or loss or obliteration of monuments defining the same on the ground, have become doubtful or difficult of being ascertained; and

(e) any other purpose deemed necessary by the Minister.

When undertaken.

50. (1) The Minister of Mines and Technical Surveys shall cause a special survey of territorial lands to be made when requested to do so by the Minister.

Surveyor General to manage.

(2) The Surveyor General shall, subject to the direction of the Minister of Mines and Technical Surveys, have the management of special surveys.

To be made by Dominion Land Surveyor.

(3) No person, other than a Dominion Land Surveyor, shall make a special survey.

How made.

(4) A special survey shall be made by a Dominion Land Surveyor in accordance with the instructions given to him by the Surveyor General and all sections of this Act with respect to the powers, duties and obligations of Dominion Land Surveyors and to the making of surveys shall *mutatis mutandis* apply to special surveys.

Procedure on Special Surveys.

Plotting of plan.

51. (1) Upon completion of a special survey, the surveyor shall send all journals, field notes and other documents relating to the survey to the Surveyor General who shall direct the plotting of the plan of the lands so surveyed.

Part III.

This part is all new. It applies only to lands situated in the Northwest Territories and the Yukon Territory, known as Territorial Lands. The purpose of this part, which is substituted for that part of the *Dominion Lands Surveys Act* dealing with resurveys, is to authorize the Minister to cause a special survey to be made when requested to do so by the Minister responsible for the administration of such lands when an error or supposed error in existing surveys or plans has been made. It also replaces the arbitration proceedings authorized by the *Dominion Lands Surveys Act* by substituting a system of inquiry by a commissioner who shall report to the Minister for decision. The decision of the Minister is notified to the persons who have a complaint or whose lands have been affected as a result of the special survey. The decision of the Minister may be appealed from before the Stipendiary Magistrate or Court, as the case may be, which has full power to confirm, amend, alter or vary the decision of the Minister and to direct that the plan be accordingly confirmed, amended, altered or varied by the Surveyor General, who shall confirm the plan as directed. The plan as confirmed by the Surveyor General, when registered in the appropriate Land Titles Office, is deemed to be substituted for all or corresponding portions of all former surveys or plans of the lands affected that have been theretofore registered, and to govern all boundaries of the lands thereby affected.

50. New.

51. New.

Plans to be sent to Minister.

(2) The Surveyor General shall sign the plan and forward it, together with such supporting documents as he thinks necessary, to the Minister.

Appointment of Commissioner.

52. (1) Upon receiving the plan from the Surveyor General, the Minister shall appoint a Commissioner to enquire into and report on any complaints that may be made against the special survey or plan.

Place of enquiry.

(2) Hearings of the Commissioner shall be held in or as near as practicable to the locality in which the special survey has been made.

Publication of notice.

(3) The Minister shall cause to be published in the *Canada Gazette* and in a newspaper, if any, in the locality in which the special survey has been made a notice setting forth:

Description of scope, etc.

(a) a description of the scope and purposes of the special survey and the lands affected thereby;

Declaration as to its effect.

(b) his declaration that the special survey and plan are the true and correct survey and plan of the lands thereby affected, that all boundaries and lines fixed by the survey and plan are the true boundaries and lines, whether of roads, streets, lanes, rivers or creeks or as between adjoining owners or between adjoining lots and whether or not such boundaries and lines were in fact before such declaration the true boundaries and lines and that the special survey and plan shall be substituted for all, or corresponding portions of all, former surveys or plans of the lands affected that have been theretofore registered;

When complaints will be heard.

(c) the name of the Commissioner appointed by him and the time and place at which the Commissioner will hear complaints; and

Limitation of time to deliver.

(d) that each person who has an interest in land affected by the special survey and plan and who desires to complain against the survey or the plan shall deliver, at least thirty days before the date set for the Commissioner's hearing, to the Minister a written statement setting forth the nature and grounds of his complaint.

Where no complaints.

53. Where no complaints are received pursuant to paragraph *(d)* of subsection three of section fifty-two, the Minister shall return the plan to the Surveyor General to be approved and confirmed by him.

Hearing of complaints.

54. (1) Where complaints are received pursuant to paragraph *(d)* of subsection three of section fifty-two, the Commissioner shall hear them at the time and place set out in the notice published pursuant to paragraph *(c)* of that subsection, but may, in his discretion, adjourn the hearing upon giving due notice to the complainants.

52. New.

53. New

54. New.

Nature of hearing.

(2) The Commissioner shall hear only those complaints of which written notice has been given to the Minister but may, for this purpose, receive any evidence he thinks proper, call any witnesses and exercise any of the powers given to a commissioner appointed under the *Inquiries Act*.

R.S.C., c. 99.

Report.

(3) The Commissioner shall, upon completion of the hearing, report his findings and recommendations to the Minister.

Minister's decision.

55. (1) The Minister shall, after receiving the Commissioner's report, decide whether the plan and whether any of the matters set forth in the declaration referred to in paragraph *(b)* of subsection three of section fifty-two should be approved or amended, varied or altered as a result of the complaints.

Notice of decision.

(2) The Minister shall prepare a notice of decision setting forth

Receipt of report.

(a) that he has received the Commissioner's report;

How complaints disposed of.

(b) his decision as to the disposition of the complaints and the resulting changes, if any, in the plan and in any of the matters set forth in the declaration referred to in paragraph *(b)* of subsection three of section fifty-two;

Right of appeal.

(c) that any person to whom the notice of decision is mailed has a right of appeal from the decision to a stipendiary magistrate in the Northwest Territories or the Yukon Territorial Court in the Yukon Territory, as the case may be, within sixty days after the date of the notice; and

Notice of appeal.

(d) that any person who appeals from the decision is required to serve the Minister with a notice of appeal within the time referred to in paragraph *(c)*.

To whom notices of decision sent.

(3) The Minister shall cause a copy of the notice of decision to be mailed by registered mail to each of the following persons at his last known address

(a) persons whose complaints have been heard by the Commissioner pursuant to section fifty-four; and

(b) persons whose interests in land affected by the special survey and plan are, in the opinion of the Minister, affected by his decision under this section to an extent that differs in any way from the extent to which they were affected by the declaration referred to in paragraph *(b)* of subsection three of section fifty-two.

Who may appeal.

(4) Any person to whom a notice of decision is mailed under this section may, within sixty days after the date of the notice of decision and if within that time such person serves the Minister with a notice of appeal, appeal from the decision of the Minister to a stipendiary magistrate in the Northwest Territories or the Yukon Territorial Court in the Yukon Territory, as the case may be.

55. New.

Where complaints withdrawn, etc.

56. Where all persons who have a right of appeal under section fifty-five have submitted written withdrawals of their complaints or have notified the Minister in writing that they do not intend to appeal, as the case may be, the Minister shall return the plan as approved or amended, varied or altered by him to the Surveyor General for his approval and confirmation.

Where no appeal taken.

57. Where there is no appeal from the decision of the Minister within the time limited therefor, the Minister shall return the plan as approved or amended, varied or altered by him to the Surveyor General for his approval and confirmation.

Powers of court on appeal and effect of judgment.

58. Where an appeal is taken from the decision of the Minister, the stipendiary magistrate or court, as the case may be, hearing the appeal has full power to confirm, amend, alter or vary the decision of the Minister and may direct that the plan be accordingly confirmed, amended, altered or varied by the Surveyor General and the Surveyor General shall confirm the plan as directed.

Registration of plans.

59. (1) The Minister of Mines and Technical Surveys shall send to the registrar of land titles of the registration district in which the lands affected thereby are situate for filing in the appropriate land titles office, a copy of

(a) the plan confirmed by the Surveyor General under section fifty-three together with the accompanying declaration referred to in paragraph *(b)* of subsection three of section fifty-two;

(b) the plan confirmed by the Surveyor General under section fifty-six together with the accompanying notice of decision referred to in subsection two of section fifty-five;

(c) the plan confirmed by the Surveyor General under section fifty-seven together with the accompanying notice of decision referred to in subsection two of section fifty-five; or

(d) the plan as confirmed, amended, altered or varied by the Surveyor General pursuant to the judgment on appeal under section fifty-eight together with the accompanying certified copy of the judgment,

as the case may require.

Effect of registration.

(2) Upon filing in the appropriate land titles office, the plan and accompanying documents referred to in subsection one shall be deemed to be substituted for all, or corresponding portions of all, former surveys or plans of the lands thereby affected that have been theretofore registered and shall govern all boundaries of the lands thereby affected.

56. New.

57. New.

58. New.

59. New.

Return of documents to Surveyor General.

60. All original plans, field notes, journals or other documents relating to special surveys sent by the Surveyor General to the Minister for his decision or used in evidence on appeal or otherwise leaving the custody of the Surveyor General shall be returned to his custody

60. New.

Part IV

GENERAL

General Power to Survey

General power to survey.

61. (1) Subject to this Act, the Minister may, if in his opinion a survey thereof under the management of the Surveyor General is required, cause a survey to be made of any lands belonging to His Majesty in right of Canada or of which the Government of Canada has power to dispose.

Survey provisions.

(2) The provisions of this Act relating to surveys shall apply, *mutatis mutandis*, to surveys made under subsection one.

Evidence.

Copies of records, etc., deposited with the Surveyor General are prime evidence.

62. (1) A copy certified by the Minister or the Surveyor General or any person authorized to do so by either of them as a true copy of any record, document, plan, book or paper belonging to or deposited with the Surveyor General with respect to a survey of lands made under this Act shall in all actions or other legal proceedings involving such lands be given the same effect as evidence as the original record, document, plan, book or paper would be given.

Lithographed maps, etc., are *prima facie* evidence.

(2) Lithographed or other copies of maps or plans purporting to be issued or published by the Department of Mines and Technical Surveys and to bear a lithographed or copied signature of the Minister or Surveyor General shall, in all actions or other legal proceedings involving such lands, be *prima facie* evidence of the original map or plan and its contents.

Who may take affidavits, etc.

63. Unless otherwise provided in this Act, an oath, affidavit, declaration or affirmation required to be taken under this Act may be taken before any judicial officer, notary public, commissioner for taking affidavits or Dominion Land Surveyor or before any other person thereunto authorized by the Minister.

Minister may require sworn statements.

64. The Minister may require any statement made in respect of surveys under this Act to be verified by oath, affidavit, declaration or affirmation.

Part IV.

GENERAL.

General Power to Survey.

61. (1) New. Provides for the survey of public lands not referred to previously.

62. (1) See section 68.

(2) See section 69.

63. See section 70.

64. See section 71.

Offences and Penalties.

Penalty for failure to appear as a witness.

65. Every person against whom a warrant is issued under subsection five of section twenty-seven is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Penalty for molesting surveyor.

66. Every person who interrupts, molests or hinders a surveyor in the performance of his duties with respect to a survey under this Act is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months or to both fine and imprisonment.

Penalty for defacing monuments.

R.S. c, 117.

67. (1) Every person who, knowingly and wilfully, pulls down, alters, defaces or removes any monument erected, planted or placed by a surveyor in carrying out his duties under this Act or the *Dominion Lands Surveys Act* is guilty of an offence and is liable

(a) on summary conviction, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment; or

(b) on conviction under indictment, to imprisonment for a term not exceeding seven years.

Penalty for unlawful possession of monuments.

(2) Every person who, knowingly and wilfully, has in his possession or custody any monument is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Exception.

(3) This section does not apply to the alteration, removal, possession and custody of monuments by any surveyor authorized to carry out surveys under this Act or by other persons with the permission of such surveyor or who otherwise necessarily handle such monuments in connection with surveys under this Act.

Repeal.

Repeal. R.S., 117.

68. The *Dominion Lands Surveys Act* is repealed.

65. See section 38.

66. See section 73.

67. (1) *(a)* See section 74 (1) and (2).

(b) See section 74 (3).

(3) See section 75.

68. New.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 403.

An Act to establish national standards for dairy products and to regulate interprovincial and international trade in dairy products.

First reading, June 25, 1951.

THE MINISTER OF AGRICULTURE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

87597

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 403.

An Act to establish national standards for dairy products and to regulate interprovincial and international trade in dairy products.

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 Canada Dairy Products Act.*

Definitions.

2. In this Act

"analyst".

(a) "analyst" means an analyst designated for the purposes of the *Food and Drugs Act* or an analyst employed under the Government of Canada or the government of a province and having authority to make analyses for public purposes;

R.S., c. 76.

"dairy product".

(b) "dairy product" means milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk, sherbet, or any other product manufactured wholly or mainly from milk;

"grader".

(c) "grader" means a person appointed as a dairy produce grader pursuant to section seven;

"inspector".

(d) "inspector" means a person appointed as an inspector pursuant to section seven;

"Minister".

(e) "Minister" means the Minister of Agriculture;

"package".

(f) "package" means a receptacle or covering used for the packing, wrapping or covering of a dairy product; and

"prescribed".

(g) "prescribed" means prescribed by regulation under this Act.

Explanatory Note.

The proposed Bill will replace the *Dairy Industry Act* except Part III thereof which will be continued as *The Milk Test Act.*

PART I.

STANDARDS.

Regulations.

3. (1) The Governor in Council may make regulations establishing grades with appropriate grade names for any class of dairy products and, without limiting the generality of the foregoing, may, by such regulations

(a) prescribe the terms and conditions on which and the manner in which dairy products may be graded under this Part;

(b) without limiting the generality of paragraph *(a)*, require, as a condition to the grading of a dairy product under this Part, that it has been produced in an establishment that, at the time of production,

(i) complied with prescribed conditions, and

(ii) was registered in a prescribed manner;

(c) prescribe fees that may be charged for grading by graders; and

(d) prescribe the sizes, dimensions and other specifications of packages in which a dairy product must be packed and the manner in which it must be packed as a condition to application or use of the name of a grade so established.

Prohibitions.

(2) No person shall

(a) sell, offer for sale, or have in possession for sale a dairy product under the name of a grade established under subsection one or under a grade name or other designation so closely resembling the name of a grade so established as to be likely to be mistaken therefor, or

(b) apply to a dairy product or to a package containing a dairy product the name of a grade established under subsection one or a grade name or other designation so closely resembling the name of a grade so established as to be likely to be mistaken therefor,

unless

(i) the dairy product conforms to the standards prescribed for the grade,

(ii) the dairy product has been graded as required by the regulations, and

(iii) the dairy product is packed and marked as required by the regulations.

PART II.

INTERNATIONAL AND INTERPROVINCIAL TRADE.

Export of dairy products for which grades established.

4. No person shall, without the consent in writing of the Minister,

3. The new Act will not retain the existing prohibition covering the importation of substitutes for milk, cream, butter and cheese, but will provide for the Governor in Council to regulate

(a) the importation, exportation and interprovincial movement of such substitutes,

(b) the designation of products to be classed as substitutes for a dairy product,

(c) the importation, exportation and interprovincial movement of dairy products containing fat or oil other than that of milk.

The new control of interprovincial and export movement referred to in (2) does not actually represent an extension of the powers which have heretofore been exercised. It merely replaces the former controls exercised on the manufacture and sale of dairy products within a province.

Control by the Governor in Council rather than by outright prohibition of movement written into the Act, is considered necessary because:

(1) it is most difficult to define substitutes for dairy products in such a manner as not to include products which obviously could not rightfully be considered as substitutes (e.g. lard, peanut butter),

(2) in the manufacture of some dairy products, certain recognized and desirable ingredients (e.g. cocoa, nuts, pimentos, colouring) are used which contain in their natural form small quantities of fat or oil other than that of milk. As it is not practicable to make a general provision for their use under the Act, authority is granted to the Governor in Council to permit their use as he may deem expedient and also to control the importation, exportation and interprovincial movement of products containing these ingredients as may seem desirable from time to time,

(3) in so far as the General Agreements on Trade and Tariffs are concerned, the control on importation of certain products will be dependent upon the control exercised by the Provinces respecting the manufacture and sale of these products. Consequently, by providing for control of imports by the Governor in Council, the Act is less liable to criticism in so far as the terms of G.A.T.T. are concerned, but provision is made for the Government to supplement whatever action is taken by the Provinces.

(*a*) export from Canada, or

(*b*) send or convey from one province to another,

a dairy product of a class for which grades have been established under Part I unless the dairy product has been graded under that Part and is packed and marked in accordance with the regulations made under that Part.

Export or import of dairy products not complying with prescribed standards.

5. (1) The Governor in Council may by regulation prohibit

(*a*) importation into Canada,

(*b*) exportation out of Canada, or

(*c*) sending or conveyance from one province to another,

of a dairy product of any class unless it complies with prescribed standards, has been produced in accordance with prescribed conditions and is packed and marked in prescribed manner.

Prohibitions.

(2) No person shall

(*a*) import into Canada,

(*b*) export from Canada, or

(*c*) send or convey from one province to another,

a dairy product contrary to a regulation made under this section.

Export or import of substitutes.

6. (1) The Governor in Council may by regulation prohibit

(*a*) importation into Canada or into one or more designated provinces,

(*b*) exportation out of Canada or out of one or more designated provinces, or

(*c*) sending or conveyance from any province to any other province or from any province to one or more designated provinces,

of any class of products that is designated by the regulations as being

(i) milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk or sherbet, that contains fat or oil other than that of milk, or

(ii) a substitute for milk, cream, butter, cheese, condensed milk, evaporated milk, milk powder, dry milk, ice cream, malted milk or sherbet.

Governor in Council may designate substitutes.

(2) The Governor in Council may, by a regulation made under subsection one, designate any class of products as substitutes for a dairy product for the purpose of the regulation if, in his opinion, products of that class are produced wholly or substantially as substitutes for the dairy product.

No mention is made specifically of Oleomargarine or margarine because these products come within the wider classification of substitutes and at the present time are included in the list of items which are denied importation into Canada under Item 1204, Schedule "C" (dated, November 30, 1906, Memorandum 1379) of the *Customs Tariff* of Canada.

Prohibitions.

(3) No person shall

(a) import into Canada,

(b) export from Canada, or

(c) send or convey from one province to another,

a dairy product or other thing contrary to a regulation made under this section.

PART III.

Administration and Enforcement.

Administration.

7. (1) The Minister of Agriculture shall administer and enforce this Act.

Inspectors, graders, etc.

(2) There shall be appointed under the *Civil Service Act* such inspectors, dairy produce graders and other persons as are necessary for the administration and enforcement of this Act.

Regulations.

(3) The Minister may make regulations, not inconsistent with this Act or regulations made under sections three, five or six, to carry out the purposes and provisions of this Act.

Powers of inspectors.

8. (1) An inspector may at any time enter a place where he reasonably believes that there are dairy products or other things to which this Act applies and examine any dairy product or other thing found and take samples thereof.

Production of authority.

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

Information and assistance to inspector.

(3) The owner or person in charge of a place entered by an inspector under subsection one and every person found therein shall give the inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

Seizure.

(4) Whenever an inspector believes on reasonable grounds that this Act has been violated, he may seize the dairy products and other things by means of or in relation to which he reasonably believes the violation was committed.

Detention.

(5) Dairy products and other things seized pursuant to subsection four shall not be detained after

(a) the provisions of this Act and the regulations have, in the opinion of the inspector, been complied with, or

(b) the expiration of ninety days from the day of seizure,

unless before that time proceedings have been instituted in respect of the violation in which event the dairy products and other things may be detained until the proceedings are finally concluded.

Forfeiture.

(6) Where a person has been convicted of a violation of this Act, every dairy product or other thing by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to His Majesty, whether or not the forfeiture is directed by the conviction, and may be disposed of as the Minister may direct.

Obstruction of inspector.

9. (1) No person shall obstruct an inspector or other officer in the carrying out of his duties under this Act.

False statements.

(2) No person shall make any false or misleading statement either verbally or in writing to any inspector or other officer engaged in carrying out his duties under this Act.

Penalties.

10. (1) Every person who, or whose employee or agent, has violated any provision of this Act is guilty of an offence and liable

(a) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment; or

(b) upon conviction under indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

Proof of employment.

(2) In a prosecution for a violation of this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not he is identified or has been prosecuted for the offence.

Evidence.

11. (1) Proof that a package containing a dairy product bore a name and address purporting to be the name and address of the person by whom it was packed or a registered number purporting to be the registered number of the establishment where it was packed is *prima facie* proof, in a prosecution for a violation of this Act, that the dairy product was packed and that the package was marked by the person whose name or address appeared on the package or by the person operating the establishment whose registered number appeared on the package, as the case may be.

Certificate of analysis.

(2) A certificate of an analyst stating that he has examined the composition of a sample of a dairy product or other thing submitted to him by an inspector and stating the result of his examination is *prima facie* proof, in a prosecution for a violation of this Act, of the statements contained in the certificate.

Certificate of grade.

(3) A certificate of a grader as to the grade of a dairy product is *prima facie* proof, in a prosecution for a violation of this Act, of the grade of the product at the time when, according to the certificate, the product was graded and during the period for which the certificate is expressed to be valid.

Admissibility of certificates.

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

Jurisdiction of magistrates and justices.

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

Dairy Industry Act. R.S., c. 45. Short Title.

13. (1) Section one of the *Dairy Industry Act* is repealed and the following substituted therefor:

"**1.** This Act may be cited as *The Milk Test Act.*"

Repeal.

(2) Parts I and II of the said Act are repealed.

Repeal.

(3) The heading "Part III—Testing of Glassware Used in Connection with Milk Tests" immediately preceding section twenty-six of the said Act is repealed.

Sections renumbered and amended.

(4) Sections twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of the said Act are renumbered two, three, four, five and six respectively, and the words "this Act" are substituted for the words "this Part" wherever the latter words appear in those sections.

Coming into force.

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

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 404.

An Act to amend The Dominion Elections Act, 1938.

AS PASSED BY THE HOUSE OF COMMONS, 27th JUNE, 1951.

(Note:- No first reading printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
88996 1951

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 404.

An Act to amend The Dominion Elections Act, 1938.

1938, c. 46; 1947-48, c. 46; 1950, c. 35.

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 forty-five of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938, is repealed and the following substituted therefor:—

Delivery of ballot paper to elector.

"**45.** (1) Voting shall be by ballot, and each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has, as prescribed in subsection (1A) of section thirty-six of this Act, affixed his initials, so placed, as indicated on the back of Form No. 32, that when the ballot paper is folded the initials can be seen without unfolding the ballot paper."

(2) Subsection three of the said section forty-five is repealed and the following substituted therefor:—

Mode of voting.

"(3) The elector on receiving the ballot paper, shall forthwith proceed into a voting compartment and there mark his ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate (or of each of the candidates) for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it, and hand the ballot paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the above mentioned initials and printed serial number that it is the same ballot paper as that delivered to the elector and if the same he shall forthwith in full view of the elector and all others present, remove and destroy the counterfoil and the deputy returning officer shall himself deposit the ballot paper in the ballot box."

Explanatory Notes.

Clause 1. (1) and (2). These amendments will provide the elimination of the insertion by the deputy returning officer of the consecutive numbers, given to electors in the poll book, on the back of the counterfoils of the ballot papers. The present provisions read as follows:—

"**45.** (1) Voting shall be by ballot. Each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has, as prescribed in subsection (1A) of section thirty-six of this Act, affixed his initials so placed as indicated in Form No. 32 that when the ballot paper is folded they can be seen without opening it, and on the back of the counterfoil of which he has inserted a number corresponding to the consecutive number given to the elector and entered in the poll book opposite the name of such elector."

"(3) The elector on receiving the ballot paper, shall forthwith proceed into one of the voting compartments and there mark his ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate or of each of the candidates for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the numbers on the counterfoil can be seen without opening it, and hand the ballot paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the initials and numbers appearing thereon that it is the same ballot paper as that delivered to the elector and if the same he shall forthwith in full view of the elector and all others present, remove and destroy the counterfoil and the deputy returning officer shall himself deposit the ballot paper in the ballot box."

2. The said Act is further amended by adding thereto the following section:—

Northwest Territories elections to be conducted in accordance with this Act.

"**111.** (1) Elections of members to the Council of the Northwest Territories (in this section called "Northwest Territories elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Northwest Territories, directs as being necessary by reason of conditions existing in the Northwest Territories to conduct effectually Northwest Territories elections.

Procedure.

"(2) The procedure prescribed by section one hundred and eight shall be followed in the preparation, revision and distribution of the list of electors for Northwest Territories elections.

Sections not applicable.

"(3) Sections fourteen, sixteen, nineteen and twenty do not apply to Northwest Territories elections.

First elections.

"(4) For the Northwest Territories election first held after the coming into force of section eight A of the *Northwest Territories Act*, the qualifications for electors shall be those established pursuant to that section and in force three months prior to the polling day for such election and, for subsequent Northwest Territories elections, the qualifications for electors shall be those established pursuant to that section and in force six months prior to the polling day for such elections.

"(5) Notwithstanding the provision of section one hundred and ten of this Act, this section shall come into force on the date upon which it is assented to."

Clause 2. New. This amendment provides that the procedure laid down in *The Dominion Elections Act* shall be followed for elections of members to the Council of the Northwest Territories.

3. Form No. 32—Back of the said Form in Schedule One to the said Act is repealed and the following form substituted therefor:—

"FORM No. 32 *(Concluded)*

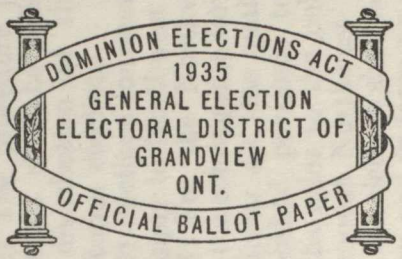
FORM OF BALLOT PAPER

BACK

No. 325 *(Line of perforations here)*

No. 325 *(Line of perforations here)*

Space for initials of D.R.O.



POLLING DAY:

September 14th, 1935.

Printed by JAMES BROWN
260 Slater Street, Ottawa, Ont.

Form No. 32—BACK. Consequential to the changes made in Clause 1 (1) and (2). The present form reads as follows:—

"FORM No. 32 (*Concluded*)

FORM OF BALLOT PAPER

BACK

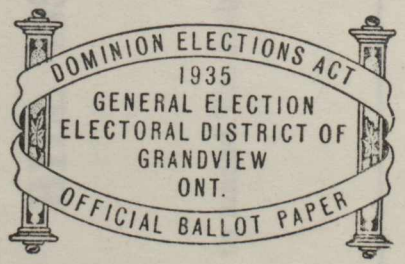
No. 325 (*Line of perforations here*)

Space for consecutive number given to the elector opposite his name in Poll Book.

No.....

No. 325 (*Line of perforations here*)

Space for initials of D.R.O.



POLLING DAY:
September 14th, 1935.

Printed by JAMES BROWN
260 Slater Street, Ottawa, Ont.

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 405.

An Act to amend The Judges Act, 1946.

First reading, June 26, 1951.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83638

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 405.

1946, c. 56; 1947, c. 36; 1947-48, c. 66; 1949 (1st Sess.) cc. 18, 6; 1949 (2nd Sess.), c. 27; 1950, c. 41.

An Act to amend The Judges Act, 1946.

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

1. Section five of *The Judges Act, 1946*, chapter fifty-six of the statutes of 1946, is repealed and the following substituted therefor:

Salaries of judges of Exchequer Court.

"**5.** The salaries of the judges of the Exchequer Court of Canada are as follows:

	Per annum
(a) The President of the Exchequer Court of Canada	$16,000.00
(b) Four puisne judges, each	14,400.00

2. Section seven of the said Act, as amended by section two of chapter twenty-seven of the statutes of 1949 (Second Session), is repealed and the following substituted therefor:

Salaries of judges of Supreme Court of Ontario.

"**7.** The salaries of the judges of the Supreme Court of Ontario are as follows:

	Per annum
(a) The Chief Justice of Ontario	$16,000.00
(b) Nine Justices of Appeal, each	14,400.00
(c) The Chief Justice of the High Court	16,000.00
(d) Eighteen other Judges of the High Court, each	14,400.00"

3. Sections nine to eighteen of the said Act are repealed and the following substituted therefor:

Salaries of judges of Court of King's Bench and of Superior Court of Quebec.

"**9.** The salaries of the judges of the Court of King's Bench and of the Superior Court in and for the province of Quebec are as follows:

Explanatory Notes.

1. The present section reads as follows:

"**5.** The salaries of the judges of the Exchequer Court of Canada are as follows:

	Per annum
(*a*) The President of the Exchequer Court of Canada.....	$13,333.33
(*b*) Four puisne judges, each.....	12,000.00"

2. The present section reads as follows:

"**7.** The salaries of the judges of the Supreme Court of Ontario are as follows:

	Per annum
(*a*) The Chief Justice of Ontario.....	$13,333.33
(*b*) Nine Justices of Appeal, each.....	12,000.00
(*c*) The Chief Justice of the High Court.....	13,333.33
(*d*) Sixteen other Judges of the High Court, each.....	12,000.00"

The amendment increases the salaries of the judges and also increases the number of Judges of the High Court for Ontario from sixteen to eighteen.

3. The salaries of provincial, superior and county court judges are increased by twenty per cent. In addition, the number of puisne judges for the Quebec Superior Court is increased from a maximum of forty-one to forty-four.

Per annum

(*a*) The Chief Justice of the Court of King's Bench.....$16,000.00

(*b*) Eleven puisne judges of the Court of King's Bench, each..... 14,400.00

(*c*) The Chief Justice of the Superior Court.. 16,000.00

(*d*) The Associate Chief Justice..... 16,000.00

(*e*) Forty-four puisne judges of the Superior Court, each..... 14,400.00

Salaries of judges of Supreme Court of Nova Scotia.

"**10.** The salaries of the judges of the Supreme Court of Nova Scotia are as follows:

Per annum

(*a*) The Chief Justice of the Court.....$16,000.00

(*b*) The Judge in Equity..... 14,400.00

(*c*) Five other judges of the Court, each..... 14,400.00

Salaries of judges of Supreme Court of New Brunswick.

"**11.** The salaries of the judges of the Supreme Court of New Brunswick are as follows:

Per annum

(*a*) The Chief Justice of New Brunswick....$16,000.00

(*b*) Two other judges of the Appeal Division, each..... 14,400.00

(*c*) The Chief Justice of the King's Bench Division..... 16,000.00

(*d*) Three other judges of the King's Bench Division, each..... 14,400.00

(*e*) The judge of the Court of Divorce and Matrimonial Causes..... 500.00

Salaries of judges of Court of Appeal and Court of King's Bench for Manitoba.

"**12.** The salaries of the judges of the Court of Appeal for Manitoba and of His Majesty's Court of King's Bench for Manitoba are as follows:

Per annum

(*a*) The Chief Justice of Manitoba.....$16,000.00

(*b*) Four Judges of Appeal, each..... 14,400.00

(*c*) The Chief Justice of the Court of King's Bench..... 16,000.00

(*d*) Five puisne judges of the Court of King's Bench, each..... 14,400.00

Salaries of judges of Court of Appeal and Supreme Court of British Columbia.

"**13.** The salaries of the judges of the Court of Appeal for British Columbia and of the Supreme Court of British Columbia are as follows:

Per annum

(*a*) The Chief Justice of British Columbia...$16,000.00

(*b*) Four Justices of Appeal, each..... 14,400.00

(*c*) The Chief Justice of the Supreme Court.. 16,000.00

(*d*) Seven Judges of the Supreme Court, each. 14,400.00

Salaries of judges of Supreme Court of Prince Edward Island.

"**14.** The salaries of the judges of the Supreme Court of Judicature of Prince Edward Island are as follows:

	Per annum
(a) The Chief Justice of the Court	$16,000.00
(b) One judge of the Court, being also Master of the Rolls of the Court of Chancery	14,400.00
(c) One judge of the Court, being also Vice-Chancellor	14,400.00

Salaries of judges of Court of Appeal and King's Bench for Saskatchewan.

"**15.** The salaries of the judges of the Court of Appeal for Saskatchewan and of His Majesty's Court of King's Bench for Saskatchewan are as follows:

	Per annum
(a) The Chief Justice of Saskatchewan	$16,000.00
(b) Four Judges of Appeal, each	14,400.00
(c) The Chief Justice of the Court of King's Bench	16,000.00
(d) Six other judges of the Court of King's Bench, each	14,400.00

Salaries of judges of Supreme Court of Alberta.

"**16.** The salaries of the judges of the Supreme Court of Alberta are as follows:

	Per annum
(a) The Chief Justice of Alberta	$16,000.00
(b) Four Justices of Appeal, each	14,400.00
(c) The Chief Justice of the Trial Division	16,000.00
(d) Five Justices of the Supreme Court of Alberta, each	14,400.00

Salaries of judges of Supreme Court of Newfoundland.

"**16A.** The salaries of the judges of the Supreme Court of Newfoundland are as follows:

	Per annum
(a) The Chief Justice	$16,000.00
(b) Two other Judges	14,400.00

Salary of judge of Territorial Court of Yukon Territory.

"**17.** The salary of the judge of the Territorial Court of the Yukon Territory is fourteen thousand four hundred dollars per annum.

Salaries of judges of county and district courts.

"**18.** The salaries of the judges of the county and district courts are as follows:

ONTARIO.

	Per annum
(a) Sixty-three judges and junior judges of the County and District Courts, each	$ 8,000.00

NOVA SCOTIA.

(b) Seven County Court judges, each	8,000.00

NEW BRUNSWICK.

	Per annum
(c) Six County Court judges, each.....	$ 8,000.00

MANITOBA.

(d) Ten judges and junior judges of the County Courts, each.....	8,000.00

BRITISH COLUMBIA.

(e) Fourteen judges and junior judges of the County Courts, each.....	8,000.00

PRINCE EDWARD ISLAND.

(f) Three County Court judges, each.....	8,000.00

SASKATCHEWAN.

(g) Eighteen District Court judges, each....	8,000.00

ALBERTA.

(h) Twelve chief judges and judges of the District Courts, each.....	8,000.00

NEWFOUNDLAND.

(i) Five District Court judges, each.....	8,000.00"

Substitution of "The Governor in Council may"

4. (1) Subsection one of section twenty-two, section twenty-three and subsection two of section twenty-nine of the said Act are amended by striking out the words "His Majesty may, by letters patent under the Great Seal of Canada" wherever they occur therein, and substituting therefor in each case "The Governor in Council may".

(2) The first three lines of subsection one of section twenty-six of the said Act are repealed and the following substituted therefor:

Annuity in lieu of other provisions.

"**26.** (1) The Governor in Council may, in lieu of an annuity authorized by any other section of this Act, grant to a judge".

4. The purpose of this amendment is to simplify the grant of annuities. At the present time all annuities must first be authorized by Order in Council and are then granted by letters patent under the Great Seal. The formality of letters patent is unnecessary and costly. Pensions and annuities under the *Civil Service Superannuation Act* and *Defence Services Pension Act* are granted by Order in Council.

"The Governor in Council" for "His Majesty".

(3) Subsection two of section twenty-six of the said Act is amended by striking out the words "His Majesty" in the first line thereof, and substituting therefor the words "The Governor in Council".

Substitution of "The Governor in Council may".

(4) Subsection three of section twenty-six of the said Act is amended by striking out the words "His Majesty may, by letters patent under the Great Seal of Canada" and substituting therefor the words "The Governor in Council may".

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

Annuity to judges of county court or Circuit Court of District of Montreal.

"**24.** The Governor in Council may grant to

(a) a judge of a county court or the Circuit Court of the District of Montreal who has continued in office as such for at least twenty-five years or is afflicted with some permanent infirmity disabling him from the due execution of his office, if he resigns his office, or

(b) a judge of a county court who is compulsorily retired pursuant to subsection one of section twenty-five,

Annuity.

an annuity not exceeding two-thirds of the salary annexed to the office held by him at the time of his resignation or retirement, to commence immediately after his resignation or retirement and to continue thenceforth during his natural life."

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

Annuity.

"(2) The Governor in Council may grant to a judge of the Circuit Court of the District of Montreal

(a) who is compulsorily retired pursuant to subsection one of this section, or

(b) who has continued in office as such for at least thirty years, if he resigns his office,

an annuity not exceeding the salary annexed to the office held by him at the time of his retirement or resignation, to commence immediately after his retirement or resignation and to continue thenceforth during his natural life."

7. The said Act is further amended by adding thereto, immediately after section twenty-six thereof, the following section:

Annuity to widows of judges who died before August 15, 1944.

"**26A.** (1) The Governor in Council may grant to the widow of a judge who died before the fifteenth day of August, nineteen hundred and forty-four, an annuity not exceeding two-ninths of the salary provided by Act of Parliament for a county court judge at the date the judge died, to continue during her natural life.

Annuity to widows of judges who retired before August 15, 1944.

(2) The Governor in Council may grant to the widow of a judge who

5. The present section reads as follows:

> **24.** His Majesty may, by letters patent under the Great Seal of Canada, grant to a judge of a county court or the Circuit Court of the District of Montreal who has continued in office as such for at least twenty-five years or is afflicted with some permanent infirmity disabling him from the due execution of his office, if he resigns his office, an annuity not exceeding two-thirds of the salary annexed to the office held by him at the time of his resignation, to commence immediately after his resignation and to continue thenceforth during his natural life."

A county court judge who is compulsorily retired or has continued in office for at least thirty years may be granted an annuity of three-fourths of his salary of $6,666.66, or a total of $5,000.00. If the salaries are increased to $8,000.00, as proposed, the ordinary annuity of two-thirds of salary is $5,333.33. This exceeds the annuity authorized by section twenty-five, and therefore the higher pension is authorized.

6. The present subsection is as follows:

> "(2) His Majesty may, by letters patent under the Great Seal of Canada, grant to a judge of a county court or the Circuit Court of the District of Montreal
> (*a*) who is compulsorily retired pursuant to subsection one of this section, or
> (*b*) who has continued in office as such for at least thirty years, if he resigns his office,
> an annuity not exceeding three-fourths of the salary in the case of a judge of a county court and not exceeding the salary in the case of a judge of the Circuit Court of the District of Montreal, annexed to the office held by him at the time of his retirement or resignation, to commence immediately after his retirement or resignation and to continue thenceforth during his natural life."

For the reasons given opposite clause six, this subsection will no longer apply to county court judges.

7. The purposes of this amendment are as follows:

(a) To authorize the grant of an annuity to widows of judges who died before August 15, 1944, being the coming into force date of the provisions enabling judges to elect to divide their annuities between themselves and their wives or widows.

(b) To authorize annuities to the widows of judges who retired on pension before August 15, 1944, and who have since died.

(c) To authorize a judge who retired on pension before August 15, 1944, and who is still living today, to elect to divide his pension between himself and his wife.

(a) ceased to hold office before the fifteenth day of August, nineteen hundred and forty-four,

(b) was granted a pension or annuity under the *Judges Act*, chapter one hundred and five of the Revised Statutes of Canada, 1927, or any other Act of Parliament providing for the grant of pensions or annuities to judges, and

(c) died on or after the fifteenth day of August, nineteen hundred and forty-four, but before the coming into force of this section,

an annuity not exceeding two-ninths of the salary provided by Act of Parliament for a county court judge at the date the judge ceased to hold office, to continue during her natural life.

No annuity if widow not in necessitous circumstances or if she remarried.

(3) No annuity shall be granted under subsection one or two to the widow of a judge

(a) if the Minister of Justice is of opinion that the widow is not in necessitous circumstances, or

(b) if she remarried at any time after the death of the judge.

Election by judges who retired before August 15, 1944.

(4) A judge who upon resignation or retirement before the fifteenth day of August, nineteen hundred and forty-four, was granted a pension or annuity under the *Judges Act*, chapter one hundred and five of the Revised Statutes of Canada, 1927, or under any other Act of Parliament providing for the grant of pensions or annuities to judges, may elect in writing to divide his pension or annuity with his wife; and where a judge has so elected, the Governor in Council may grant to the wife of the judge an annuity not exceeding one-third of the pension or annuity that was granted to the judge, to continue during her natural life; and upon the grant of such annuity to the wife, the amount of the pension or annuity granted to the judge shall be reduced by the amount of the annuity granted to the wife under this subsection.

Election irrevocable.

(5) An election made under subsection four is irrevocable.

Annuity to cease on remarriage.

(6) An annuity granted to a wife or widow under this section shall cease on her remarriage."

Fourth Session, Twenty-First Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 406.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1952.

AS PASSED BY THE HOUSE OF COMMONS, JUNE 30, 1951.

(Note:- No first reading of Supply Bills is usually printed.)

OTTAWA
EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1951

83188

4th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 406.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1952.

MOST GRACIOUS SOVEREIGN,

Preamble.

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

Short title.

1. This Act may be cited as *The Appropriation Act, No. 4, 1951.*

$1,852,975,067 Main Estimates granted for 1951-52.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one billion, eight hundred and fifty-two million, nine hundred and seventy-five thousand and sixty-seven dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being the amount of each of the items voted, set forth in Schedule A to this Act, less the amounts voted on account of the said items by *The Appropriation Act, No. 1. 1951*, and *The Appropriation Act, No. 3, 1951.*

$195,172,180 Further Supplementary Estimates granted for 1951–1952.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and ninety-five million, one hundred and seventy-two thousand, one hundred and eighty dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and fifty-one, to the thirty-first day of March, one thousand nine hundred and fifty-two, not otherwise provided for, and being the amount of each of the several items voted, set forth in Schedule B to this Act.

Power to raise loan of $500,000,000 for public works and general purposes and to pay and redeem treasury bills and deposit certificates.

1931, c. 27.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not to exceed in the whole the sum of five hundred million dollars, as may be required for public works and general purposes, and in addition such sum or sums of money as may be required to pay and redeem treasury bills and Dominion of Canada deposit certificates maturing from time to time.

Chargeable to Consolidated Revenue Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon and payable out of the Consolidated Revenue Fund.

Lapse of prior borrowing powers.

(3) All borrowing powers authorized by section five of chapter fifty-five of the statutes of 1950 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered in detail.

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

SCHEDULE A.

Based on the Main Estimates, 1951-52. The amount hereby granted is $1,852,975,067, being the amount of each of the items in the Estimates as contained in this Schedule, less the amounts voted on account of the said items by *The Appropriation Act, No. 1, 1951*, and *The Appropriation Act, No. 3, 1951*.

SUMS granted to His Majesty, by this Act for the financial year ending 31st March, 1952, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	ADMINISTRATION SERVICE		
1	Departmental Administration	336,942	
2	Information Service	347,412	
3	Advisory Committee on Agricultural Services	5,000	
4	Contributions to Commonwealth Bureaux	56,821	
	SCIENCE SERVICE		
	Science Service Administration—		
5	Operation and Maintenance	276,159	
6	Construction or Acquisition of Buildings, Works, Land and New Equipment	713,545	
	Animal and Poultry Pathology—		
7	Operation and Maintenance	398,585	
8	Construction or Acquisition of Buildings, Works, Land and New Equipment	37,115	
9	Bacteriology and Dairy Research	155,457	
	Botany and Plant Pathology—		
10	Operation and Maintenance	1,345,552	
11	Construction or Acquisition of Buildings, Works, Land and New Equipment	178,600	
	Agricultural Chemistry—		
12	Operation and Maintenance	503,410	
13	Construction or Acquisition of Buildings, Works, Land and New Equipment	58,800	
	Agricultural Entomology—		
14	Operation and Maintenance	1,663,234	
15	Construction or Acquisition of Buildings, Works, Land and New Equipment	182,979	
	Forest Entomology—		
16	Operation and Maintenance	1,153,447	
17	Construction or Acquisition of Buildings, Works, Land and New Equipment	232,830	
	Plant Protection—		
18	Operation and Maintenance	724,119	
19	Construction or Acquisition of Buildings, Works, Land and New Equipment	54,400	
	EXPERIMENTAL FARMS SERVICE		
20	Experimental Farms Service Administration	162,185	
	Central Experimental Farm—		
21	Operation and Maintenance	1,686,674	
22	Construction or Acquisition of Buildings, Works, Land and New Equipment	249,319	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE—*Continued*		
	EXPERIMENTAL FARMS SERVICE—*Concluded*		
	Branch Farms and Stations and Illustration Stations—		
23	Operation and Maintenance	4,682,078	
24	Construction or Acquisition of Buildings, Works, Land and New Equipment	1,195,625	
	PRODUCTION SERVICE		
25	Production Service Administration	58,154	
	Health of Animals—		
26	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act	4,346,187	
27	Compensation for Animals Slaughtered	929,434	
28	Live Stock and Poultry	1,443,208	
29	Plant Products— Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control, including grant of $40,000 to Canadian Seed Growers' Association	1,282,268	
30	Grants to Fairs and Exhibitions, under such terms and conditions as may be approved by the Governor in Council and subject to allocation by the Treasury Board	614,400	
31	Grants to Agricultural Organizations, as detailed in the Estimates	52,500	
	MARKETING SERVICE		
32	Marketing Service Administration	174,270	
33	Agricultural Economics	510,433	
34	Dairy Products	716,839	
35	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates	535,707	
36	Fruit, Vegetables and Maple Products, and Honey, including Grant of $5,000 to the Canadian Horticultural Council	1,082,525	
37	Live Stock and Live Stock Products	1,283,653	
38	Marketing of Agricultural Products, including temporary appointments that may be required to be made notwithstanding anything contained in the Civil Service Act, the amount available for such appointments not to exceed $6,000.	100,000	
	TERMINABLE SERVICES		
39	Freight Assistance on Western Feed Grains	4,500,000	
40	Agricultural Lime Assistance	435,000	
41	To provide for Quality Premiums on High Grade Hog Carcasses and Administration Costs	5,536,000	
	SPECIAL		
42	To provide for assistance to encourage the improvement of cheese and cheese factories	1,100,000	
43	To provide assistance for the replacement of maple production equipment	500,000	
44	For assistance in construction of potato warehouses under regulations to be approved by the Governor in Council	50,000	
45	Prairie Farm Rehabilitation Act and Water Storage	3,000,000	
46	Major Irrigation and Water Conservation Projects in the Prairie Provinces	6,406,985	
47	Prairie Farm Assistance Act Administration	516,344	
48	Land Protection, Reclamation and Development in British Columbia under such terms and conditions as may be approved by the Governor in Council	404,592	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE—*Concluded*		
	SPECIAL—*Concluded*		
49	Land Protection and Reclamation; Clearing and Settlement of New Lands under such terms and conditions as may be approved by the Governor in Council	250,000	
50	Maritime Marshland Rehabilitation Act	800,000	
51	To provide for Administrative Expenses, Agricultural Prices Support Act, 1944	91,051	
			53,119,838
	AUDITOR GENERAL'S OFFICE		
52	Salaries and Expenses of Office	.....	612,836
	CANADIAN BROADCASTING CORPORATION		
	INTERNATIONAL SHORTWAVE BROADCASTING STATION		
53	Maintenance and Operation including authority to credit to the Appropriation revenue from rental of facilities in Radio Canada Building to an amount of $100,000 and to re-expend it for the purposes of the International Service	1,709,675	
54	Construction or Acquisition of Buildings, Works, Land and New Equipment, including Supervision	218,925	
			1,928,600
	OFFICE OF THE CHIEF ELECTORAL OFFICER		
55	Salaries and Expenses of Office	.....	43,004
	CITIZENSHIP AND IMMIGRATION		
56	Departmental Administration	208,564	
	CITIZENSHIP		
57	Citizenship Registration Branch	202,811	
58	Citizenship Branch	274,388	
	IMMIGRATION BRANCH		
59	Administration of the Immigration Act	799,197	
60	Field and Inspectional Service, Canada—Operation and Maintenance	4,351,609	
61	Field and Inspectional Service, Abroad—Operation and Maintenance	958,988	
62	To provide for payments to Trans-Canada Airlines of the difference in cost between air transportation and minimum tourist class ocean transportation for immigrants transported from the United Kingdom by Trans-Canada Airlines during the months of April and May, 1951	231,125	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	CITIZENSHIP AND IMMIGRATION—*Concluded*		
	INDIAN AFFAIRS BRANCH		
63	Branch Administration	297,619	
	Indian Agencies—		
64	Operation and Maintenance	1,959,846	
65	Construction or Acquisition of Buildings, Works, Land and New Equipment	559,034	
	Reserves and Trusts—		
66	Operation and Maintenance	110,513	
67	Acquisition of Land	16,000	
	Welfare of Indians—		
68	Operation and Maintenance	3,323,954	
69	Construction or Acquisition of Buildings, Works, Land and New Equipment	911,570	
70	Grants to Agricultural Exhibitions and Indian Fairs	7,350	
	Education—Day and Residential Schools—		
71	Operation and Maintenance	4,917,224	
72	Construction or Acquisition of Buildings, Works, Land and New Equipment	2,737,075	
73	Grant to provide additional services to Indians of British Columbia	100,000	
74	Fur Conservation—Operation and Maintenance	313,063	
			22,279,930
	CIVIL SERVICE COMMISSION		
75	Salaries and Contingencies of the Commission, including the Chairman of the Civil Service Commission and two Civil Service Commissioners at $2,000 each, additional to Chapter 53, Statutes of 1947, and to provide for continuance in office of C. H. Bland as Chairman of the Civil Service Commission from September 6, 1951, to March 31, 1953, the date of expiry of the term of ten years for which he was last appointed	.....	1,664,586
	DEFENCE PRODUCTION		
	DEPARTMENT		
76	Departmental Administration and payments to Canadian Commercial Corporation and other corporate agencies for services provided in connection with defence purchasing and production	5,000,000	
77	To provide capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to approval of Treasury Board	50,000,000	
78	To provide for research and development of Jet Engines and Aircraft	1,000,000	
79	To provide for the liquidation of contracts, including commitments of previous years related to the acquisition of assets operated by the Departments of Munitions and Supply and Reconstruction and Supply or an agency of these Departments; the liquidation of the assets and liabilities of closed Crown Companies and Crown Plants; and for miscellaneous and unforeseen expenses	200,000	
80	To authorize the transfer of funds from the Canadian Commercial Corporation Employees' Retirement Fund to the Retirement Fund created by the Civil Service Superannuation and Retirement Act, in respect of past contributions and accumulated interest thereon of employees transferred from the Corporation to the Department	1	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	DEFENCE PRODUCTION—*Concluded*		
	CROWN COMPANIES		
81	To provide for expenses incurred by Defence Construction Limited in procuring the construction of defence projects on behalf of the Department of National Defence	3,000,000	
	Canadian Arsenals Limited—		
82	Administration and Operation	3,300,000	
83	Construction, Improvements and New Equipment	1,700,000	
			64,200,001
	EXTERNAL AFFAIRS		
	A—DEPARTMENT AND MISSIONS ABROAD		
84	Departmental Administration	2,272,597	
85	Passport Office Administration	194,568	
86	Representation Abroad—Operational—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor General in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments	4,492,816	
87	Representation Abroad—Construction, acquisition or improvement of Buildings, works, land, new equipment and furnishings	228,940	
88	Representation Abroad—To authorize the construction, acquisition, improvement and furnishing of properties for Canadian Government offices and residences abroad, payment therefor to be made in foreign currencies that are not convertible into Canadian or United States dollars and that may be used only for governmental or other limited purposes and that have been acquired in respect of reparations or pursuant to the settlement of claims arising out of military operations or war expenditures, or in exchange for other such currencies so acquired	1,042,500	
89	To provide for official hospitality	20,000	
90	To provide for relief of distressed Canadian citizens abroad and for the reimbursement of the United Kingdom for relief expenditures incurred by its Diplomatic and Consular Posts on Canadian account (part recoverable)	15,000	
91	Canadian Representation at International Conferences	225,000	
92	Canadian Section of Canada-United States Permanent Joint Board on Defence including $7,500 for the Chairman, notwithstanding anything contained in the Civil Service Act	10,000	
93	Grant to the United Nations Association in Canada	10,000	
94	Grant to the Canadian Red Cross Society (for international activities of the Red Cross.)	25,000	
	B—GENERAL		
	THE CANADIAN GOVERNMENT'S ASSESSMENT FOR MEMBERSHIP IN THE FOLLOWING INTERNATIONAL OR COMMONWEALTH ORGANIZATIONS		
95	United Nations Organization	1,466,100	
	Specialized Agencies—		
96	Food and Agriculture Organization of the United Nations	109,000	
97	International Labour Organization	256,300	
98	United Nations Educational, Scientific and Cultural Organization	327,800	
99	International Civil Aviation Organization	114,630	
100	World Health Organization	231,200	
101	Commonwealth Economic Committee	16,830	
102	Commonwealth Shipping Committee	510	
103	Inter-Allied Reparations Agency	7,000	
104	Inter-American Committee on Social Security	4,700	
105	The Canadian Government's contribution to the Administration of the General Agreement on Tariffs and Trade	14,300	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	EXTERNAL AFFAIRS—*Concluded*		
	B—General—*Concluded*		
	International Civil Aviation Organization		
106	To provide the International Civil Aviation Organization with office accommodation at cost	66,604	
	International Joint Commission		
107	To provide for preliminary studies and surveys of the Mid-Western Watershed	10,000	
108	To provide for Canada's share of an investigation on the matter of air pollution in the vicinity of Detroit and Windsor	40,000	
109	To provide for Canada's share of the expenses in connection with the St. John River Reference	50,000	
110	To provide for Canada's share of the expenses of the Niagara Falls Reference	50,000	
	Terminable Services		
111	Commonwealth Consultative Committee on South and South East Asia (for Technical Assistance)	400,000	
			11,701,395
	FINANCE		
	General Administration		
112	Departmental Administration	1,505,769	
113	Comptroller of the Treasury— Central Office and Branch Offices Administration, and to authorize payment to Norman Bell of compensation at a rate equivalent to £4-10-0 per week in respect of injuries received while employed in the Overseas Office of the Comptroller of the Treasury	12,084,941	
	Administration of Various Acts and Costs of Special Functions		
114	Superannuation and Retirement Acts, Administration	176,603	
115	The Bank Act—Salaries and expenses of the Inspector General of Banks' Office	27,968	
116	Administration of The Farmers' Creditors Arrangement Act, 1943, and The Municipal Improvements Assistance Act, 1938	19,582	
117	Administration of The Farm Improvement Loans Act, 1944, and The Veterans' Business and Professional Loans Act, 1946	66,011	
118	Foreign Exchange Control Act, 1946—Administrative costs (other than those provided by the Bank of Canada)	140,000	
119	Expenses of the Tariff Board	112,023	
120	Expenses of the Royal Canadian Mint and the Assay Office, Vancouver, B.C., and to authorize commitments against future years in the amount of $200,000	929,245	
	The Wartime Prices and Trade Board—		
121	Administration	186,750	
122	Commodity Prices Stabilization Corporation—Adjustment payments in respect of subsidies previously paid, and costs of administration	75,000	
123	Administration of Employees' Instalment Purchase Plan, including sale and delivery of Canada Savings Bonds to Government employees, and of employees' group insurance plans	99,082	
124	Administration of the Consumer Credit (Temporary Provisions) Act	80,500	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE—*Concluded*		
	PUBLIC DEBT CHARGES		
	Servicing of Public Debt—		
125	Commission for payment of interest on public debt, Services of Fiscal Agents, London, Registrar's Fees, etc.....	339,700	
126	To provide, subject to the approval of the Treasury Board, and as detailed in the Estimates, for losses incurred in the issue and redemption of Canada Savings Bonds, and for miscellaneous losses arising from the sale or distribution of War Savings Certificates, War Savings Stamps, Victory Bonds or Canada Savings Bonds....	8,000	
	PAYMENTS TO MUNICIPALITIES		
127	Grants to Municipalities in lieu of taxes on Federal Property— To provide for administration of the programme respecting grants to Municipalities in lieu of taxes on Crown property outlined in the House of Commons, on November 14, 1949, including grants and other payments to be made in accordance with regulations of the Governor in Council.....	1,845,000	
	CONTINGENCIES AND MISCELLANEOUS		
128	To provide, subject to the approval of the Treasury Board, for miscellaneous minor and unforeseen expenses, including recoverable advances for working capital purposes, and for the re-use of any sums repaid to this appropriation from other appropriations.....	1,000,000	
129	Cost of Telephone Service at Ottawa for all Departments.....	605,000	
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
130	To provide for a Government contribution to the Superannuation Fund in an amount equal to the estimated current payments of individual contributors in the previous fiscal year.....	7,966,800	
131	To provide, subject to the approval of the Treasury Board, for supplementing other votes for the payment of salaries, wages and other paylist charges.....	1,500,000	
132	To provide for the Government's contribution, as an Employer, to the Unemployment Insurance Fund in respect of Government Employees paid through the Central Pay Office.....	1,150,000	
	MISCELLANEOUS GRANTS		
	Grants to Sundry Organizations—		
133	Canadian General Council of the Boy Scouts.....	15,000	
134	Canadian Council of the Girl Guides Association.....	9,000	
135	Royal Astronomical Society of Canada.....	2,000	
136	Royal Canadian Academy of Arts.....	2,025	
137	Canadian Writers Foundation.....	4,000	
138	Canadian Olympic Association.....	20,000	
139	Boys' Clubs of Canada.....	12,500	
			29,982,490

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES		
	GENERAL SERVICES		
140	Departmental Administration	281,298	
141	Information and Educational Service	138,572	
142	Marketing and Economic Service	170,788	
143	Administrative Expenses of the Newfoundland Fisheries Board	35,366	
144	Industrial Development Service	25,000	
145	To provide for transportation, dressing and dyeing and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to Provisional Fur Seal Agreement between Canada and the United States by exchange of Notes dated December 26th, 1947	500,000	
	FIELD SERVICES		
146	Field Services Administration	362,398	
	Protection Branch—		
147	Operation and Maintenance	2,435,661	
148	Construction or Acquisition of Buildings, Works, Land and New Equipment	154,583	
	Inspection Branch—		
149	Operation and Maintenance	878,451	
150	Construction or Acquisition of Buildings, Works, Land and New Equipment	114,475	
	Fish Culture and Development Branch—		
151	Operation and Maintenance	693,844	
152	Construction or Acquisition of Buildings, Works, Land and New Equipment	162,065	
153	Consumer Branch	55,490	
154	To provide for the destruction of Harbour and Gray seals	30,000	
	FISHERIES RESEARCH BOARD		
155	Headquarters Administration	89,814	
	Fisheries Research Board—		
156	Operation and Maintenance	1,494,498	
157	Construction or Acquisition of Buildings, Works, Land and New Equipment	222,560	
	INTERNATIONAL COMMISSIONS		
158	To provide for Canadian share of expenses of the International Fisheries Commission appointed under Treaty dated January 29, 1937, between Canada and the United States for the preservation of the North Pacific Halibut Fisheries	50,000	
159	To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission appointed under Treaty dated May 26, 1930, between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries of the Fraser River System	166,350	
160	To provide for Canadian share of expenses of the International Pacific Salmon Fisheries Commission to overcome obstructions to the ascent of sockeye salmon at Hell's Gate Canyon and for investigating and overcoming obstructions to such salmon at other points on the Fraser River Watershed (Revote)	32,000	
161	To provide for Canadian share of expenses of the International Whaling Commission, appointed pursuant to the International Convention for the Regulation of Whaling, dated at Washington, December 2, 1946	3,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES—*Concluded*		
	INTERNATIONAL COMMISSIONS—*Concluded*		
162	To provide for Canadian share of expenses of the International Commission for the Northwest Atlantic Fisheries appointed pursuant to International Conventions for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, dated at Washington, February 8th, 1949	2,500	
	SPECIAL		
163	To provide for operation and maintenance of Newfoundland Bait Service	392,444	
164	To provide for the extension of educational work in co-operative producing and selling among fishermen	80,000	
165	To provide for administration expenses of the Fisheries Prices Support Act, 1944	81,042	
166	To provide for assistance in the construction of vessels of the dragger and/or long liner type, subject to such terms and conditions as may be approved by the Governor in Council	100,000	
167	To provide for assistance in the construction of bait freezing and storage facilities, subject to the approval of the Governor in Council	30,000	
			8,782,199
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
168	Office of the Secretary to the Governor General, including the salary of the Secretary to the Governor General at $7,600 additional to salary authorized by Chap. 182, R.S.C., 1927	.....	114,597
	INSURANCE		
169	Departmental Administration	377,445	
170	Expenses of work in the interests of Fire Prevention	38,928	
			416,373
	JUSTICE		
	A—DEPARTMENT		
171	Departmental Administration	278,399	
172	Remission Service, including remuneration to members of the Royal Canadian Mounted Police, other Police Forces and members of Social Welfare organizations (to be expended under Order in Council, and not to exceed $5,400) for assistance to this Service, and an amount of $18,422 to reimburse the Royal Canadian Mounted Police Force the amounts disbursed by them in ordinary pay and allowances to their men on loan to this Service	119,331	
173	Administration of Justice— Miscellaneous Expenditure, including expenses of litigated matters	25,000	
	Supreme Court of Canada—		
174	Administration	143,199	
	Exchequer Court of Canada—		
175	Administration	81,694	
	Yukon Territorial Court—		
176	Administration	12,050	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	JUSTICE—*Concluded*		
	A—DEPARTMENT—*Concluded*		
177	Payments of gratuities to the widows or other dependents of judges who die while in office	15,000	
178	Combines Investigation Branch	248,060	
179	Bankruptcy Act Administration	38,678	
	General		
180	To provide for the Revision, Classification and Consolidation of the Public General Statutes of Canada	57,500	
181	To provide for the Revision of the Criminal Code	32,725	
	B—PENITENTIARIES		
	OFFICE OF THE COMMISSIONER OF PENITENTIARIES		
182	Administration of the Office of the Commissioner of Penitentiaries, including $35,000 for Grants to Recognized Prisoners' Aid Societies, as may be approved by the Governor in Council	306,014	
183	Operation and maintenance of penitentiaries, including supplies and services relating thereto: administration, operation, repair and upkeep of buildings, works and equipment; maintenance, discharge and transfer of convicts; compensation to discharged convicts permanently disabled while in penitentiaries	7,433,900	
184	Construction, Improvements and New Equipment, including provision for the establishment and construction of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners and to authorize commitments against future years in the amount of $200,000	1,332,411	
			10,123,961
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
185	Departmental Administration	558,397	
186	To provide for expenses of the Economics and Research Branch	460,711	
187	Annuities Act Administration	808,684	
188	Fair Wages, Conciliation, Industrial Relations, Industrial Disputes Investigations, including the administration of legislation relating thereto, and for activities *re* promotion of co-operation in industry between Labour and Management	348,542	
189	Canada Labour Relations Board	8,000	
190	International Labour Conferences	61,118	
191	Labour Gazette, authorized by Labour Department Act	120,948	
192	To provide for the effective organization and use of agricultural manpower, including recruiting, transporting and placing workers on farms and related industries and assistance to the Provinces pursuant to agreements that may be entered into by the Minister of Labour with the Provinces and approved by the Governor in Council	255,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Continued*		
	A—DEPARTMENT—*Concluded*		
	VOCATIONAL TRAINING CO-ORDINATION ACT, 1942		
193	Administration	30,431	
	Expenditures for vocational training under the Vocational Training Co-ordination Act, 1942, and agreements between the Dominion and Provinces approved by the Governor in Council, including vocational school assistance, projects for training of persons to fit them for gainful employment, or for defence industries, youth training, apprenticeship training, vocational training at secondary school level, foremanship and supervisory training and for training of members of His Majesty's Forces and other persons to fit them for skilled Armed Service occupations and to authorize the Minister of Labour to enter into an agreement with any Province on terms approved by the Governor in Council for such expenditures, as well as to provide for undischarged commitments of previous years—		
194	Training Payments to the Provinces	3,332,000	
195	Payments to the Provinces for Capital Expenditures for vocational schools, buildings and equipment	1,250,000	
	GOVERNMENT EMPLOYEES COMPENSATION		
196	Administration of the Government Employees Compensation Act	59,716	
	TERMINABLE SERVICES		
197	To provide for expenses including authority to establish Advisory Committees on industrial matters and manpower co-ordination to act in an advisory capacity to the Minister of Labour	27,848	
198	Vocational Training for discharged members of Canada's Armed Forces, including undischarged commitments of previous years	10,000	
199	To provide for payment to the National Film Board for educational films for exhibition	24,000	
200	To provide for expenses that may be incurred in the arranging for and the movement of workers from outside Canada to work on farms and other essential industry in Canada when Canadian labour is not available to meet the need; including costs connected with the supervision and welfare of persons already immigrated to Canada under former authorized labour movements and administrative expenses connected therewith	667,956	
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
201	Administration, including expenditures incurred in conncetion with the activities of the National Employment Service as delegated by the Minister of Labour in accordance with Section 88 of the Act	23,847,199	
202	Government's contribution to the Unemployment Insurance Fund	27,500,000	
203	To provide for the transfer of labour to and from places where employment is available in agriculture and industry and expenses incidental thereto, in accordance with regulations of the Governor in Council	200,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Concluded*		
	B—UNEMPLOYMENT INSURANCE ACT, 1940—*Concluded*		
204	To provide for the payment of unemployment assistance to certain residents of Newfoundland to give effect to the Terms of Union of Newfoundland with Canada, in accordance with regulations of the Governor in Council and such assistance shall be deemed to be a benefit or payment within the meaning of Sections 33 and 67 of the Unemployment Insurance Act, 1940	500,000	
			60,070,550
	LEGISLATION		
	THE SENATE		
	The Speaker of the Senate—		
205	Allowance in lieu of Residence	3,000	
206	General Administration	362,185	
	HOUSE OF COMMONS		
	The Speaker of the House of Commons—		
207	Allowance in lieu of Residence	3,000	
	Deputy Speaker of the House of Commons—		
208	Allowance in lieu of Apartments	1,500	
209	General Administration—Estimates of the Clerk	967,046	
210	Estimates of the Sergeant-at-Arms	548,824	
211	Subscriptions to Publications of the Commonwealth Parliamentary Association to be distributed to Members of the House of Commons, and to provide for the Canadian share of expenses of the Commonwealth Parliamentary Association	10,000	
212	To provide hereby, notwithstanding anything contained in the Consolidated Revenue and Audit Act or the provisions of the Senate and House of Commons Act respecting the Independence of Parliament, for the payment out of the Consolidated Revenue Fund to each Member of the House of Commons appointed by the Governor in Council to be a Parliamentary Assistant (which appointment shall not render such Member ineligible or disqualify him as a Member of the House of Commons) to assist a Minister of the Crown in such manner and to such extent as the Minister may determine and to represent his Department in the House of Commons in the absence of the Minister therefrom, a salary of four thousand dollars per annum and pro rata for any period less than a year	56,000	
213	To provide for an allowance to the Deputy Chairman of Committees	2,000	
	GENERAL		
214	Printing of Parliament, including salaries of staff of the Joint Distribution Office	269,026	
	LIBRARY OF PARLIAMENT		
215	General Administration	147,411	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
216	Pension to the unmarried sister of the late Colonel Harry Baker, M.P.	700	
			2,370,692
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
217	Departmental Administration	398,452	
	EXPLOSIVES ACT ADMINISTRATION		
218	Explosives Act— Administration, Operation and Maintenance	88,164	
	MINES BRANCH		
219	Mines Branch Administration	70,093	
	Mineral Resources Investigations—		
220	Administration, Operation and Maintenance	1,622,676	
221	Construction or Acquisition of New Equipment	296,000	
	Investigations of Radioactive Ores—		
222	Administration, Operation and Maintenance	240,760	
223	Construction or Acquisition of New Equipment	56,900	
224	To provide for payments to McGill University in connection with the development of a Coal-Fired Gas Turbine	75,000	
	GEOLOGICAL SURVEY OF CANADA		
225	Geological Survey Administration and miscellaneous services, including the expenses of the National Advisory Committee on Research in the Geological Sciences	156,527	
	Geological Surveys, including an amount of $2,400 for Canada's share of the cost of the Committee on Mineral Resources and Geology, London, England—		
226	Administration, Operation and Maintenance	1,414,173	
227	Construction or Acquisition of New Equipment	154,500	
	SURVEYS AND MAPPING BRANCH		
228	Surveys and Mapping Branch Administration	39,255	
	Topographical Surveys, including expenses of the Canadian Board on Geographical Names—		
229	Administration, Operation and Maintenance	1,367,946	
230	Construction or Acquisition of New Equipment	134,000	
	Canadian Hydrographic Service, including Canada's Annual Contribution of $5,750 to the International Hydrographic Bureau—		
231	Administration, Operation and Maintenance	1,575,902	
232	Construction or Acquisition of New Equipment	168,916	
233	Geodetic Survey of Canada— Administration, Operation and Maintenance	661,935	
234	International Boundary Commission—Administration, Operation and Maintenance	59,274	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	MINES AND TECHNICAL SURVEYS—*Concluded*		
	A—Department—*Concluded*		
	Surveys and Mapping Branch—*Concluded*		
235	Legal Surveys and Aeronautical Charts, Administration, Operation and Maintenance, including a grant of $350 to the Canadian Institute of Surveying, and the expenses of the Board of Examiners for Dominion Land Surveyors and payment of fees of B. W. Waugh, J. L. Rannie and J. E. R. Ross, members of the Board, and A. W. Cole, Secretary of the Board	548,907	
	Map Compilation and Reproduction—		
236	Administration, Operation and Maintenance	558,544	
237	Construction or Acquisition of New Equipment	135,335	
	Geographical Branch		
238	Geographical Branch—Administration, Operation and Maintenance	240,711	
	Dominion Observatories		
	Dominion Observatory, Ottawa, including membership fee of $500 to the International Astronomical Union—		
239	Administration, Operation and Maintenance	332,148	
240	Construction or Acquisition of Buildings, Works, Land and New Equipment	118,440	
241	Dominion Astrophysical Observatory, Victoria, B.C.— Administration, Operation and Maintenance	84,340	
	General		
242	Payments to Royal Canadian Air Force and Commercial Companies for Air Photography, and to defray the expenses of the Interdepartmental Committee on Air Surveys.	1,340,000	
	B—Dominion Coal Board		
243	Administration and Investigations of the Dominion Coal Board	108,685	
244	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council	4,000,000	
			16,047,583
	NATIONAL DEFENCE		
	Defence Forces		
245	To provide for the Defence Forces of the Navy, Army and Air Services and Defence Research and Development, and to authorize total commitments for this purpose of $3,831,270,000 including authority notwithstanding Section 29 of the Consolidated Revenue and Audit Act, to make commitments for the current year of $1,924,170,835 and commitments against future years of $1,907,099,165 against which commitments it is estimated that actual expenditures in 1951–52 will not exceed $1,595,050,000 of which $183,050,000 will be provided from Section 3 of the Defence Appropriation Act 1950 as supplemented by Item 246	1,412,000,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL DEFENCE—*Concluded*		
	SPECIAL		
246	To authorize and provide for additional expenditures under the provisions of Section 3 of the Defence Appropriation Act, 1950, in the amount of $61,383,108 and commitments against future years in the amount of $29,720,000	61,383,108	
	GENERAL SERVICES		
247	Grants to Military Associations, Institutes and Others, as detailed in the Estimates	215,925	
248	War Museum and erection of Headstones in Canada	61,492	
249	Battlefields Memorials	55,617	
	PENSIONS AND OTHER BENEFITS		
250	Civil Pensions, as detailed in the Estimates	2,977	
251	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payment to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act as amended had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations	2,358	
	Militia Pension Act—		
252	Government's contribution to the Permanent Forces Pension Fund	16,681,239	
			1,490,402,716
	NATIONAL FILM BOARD		
253	Administration, Production and Distribution of Films and Other Visual Materials	2,474,366	
254	Construction or Acquisition of New Equipment	128,300	
			2,602,666
	NATIONAL HEALTH AND WELFARE		
255	Departmental Administration	869,901	
	NATIONAL HEALTH BRANCH		
	Health Services		
256	National Health Branch— Administration	115,726	
257	Administration of the Quarantine and Leprosy Acts	289,391	
258	Immigration Medical Services	736,367	
259	Sick Mariners Medical Services	584,111	
260	Grants to Institutions Assisting Sailors, in the amounts detailed in the Estimates	2,600	
	Laboratory of Hygiene—		
261	Operation and Maintenance	368,185	
262	Construction or Acquisition of Buildings, Works, Land and New Equipment	75,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL HEALTH AND WELFARE—Continued		
	National Health Branch—Concluded		
	Health Services—Concluded		
263	Public Health Engineering	147,272	
264	Industrial Health	170,085	
265	Civil Service Health	233,247	
266	Epidemiology	40,852	
267	Administration of the Food and Drugs Act	819,546	
268	Administration of the Proprietary or Patent Medicines Act	25,515	
269	Administration of the Opium and Narcotic Drugs Act	150,914	
	Indians and Eskimos Health Services—		
270	Operation and Maintenance	9,574,630	
271	Construction or Acquisition of Buildings, Works, Land and New Equipment	1,009,000	
272	Grant to Soyuantah (B.C.) Hospital which cares for Indians and Eskimos	30,000	
	Special Technical Services—		
273	Nutrition	144,089	
274	Child and Maternal Health	87,208	
275	Venereal Disease Control	23,218	
276	Dental Health	43,414	
277	Hospital Design and Consulting Service	24,298	
278	Mental Health	30,810	
279	Blindness Control	39,238	
280	Civil Aviation Medicine	29,087	
281	Health Insurance Studies and Administration of General Health Grants	72,400	
	General Health Grants		
282	To authorize and provide for General Health Grants to the Provinces upon the terms and in the amounts detailed in the Estimates and in accordance with regulations prescribed by the Governor in Council indicating authority, notwithstanding Section 29 of the Consolidated Revenue and Audit Act, to make commitments for the current year not to exceed a total amount of $25,803,275	25,000,000	
	Special Health Grants		
	Grants to Health Organizations—		
283	Canadian Mental Health Association	10,000	
284	Health League of Canada	10,000	
285	Canadian Public Health Association	5,000	
286	Canadian National Institute for the Blind	45,000	
287	L'Association Canadienne Française des Aveugles	6,000	
288	L'Institut Nazareth de Montréal	4,040	
289	Montreal Association for the Blind	4,040	
290	Canadian Tuberculosis Association	20,250	
291	Victorian Order of Nurses	13,150	
292	St. John Ambulance Association	10,000	
293	Canadian Red Cross	10,000	
294	Canadian Paraplegic Association	15,000	
	Welfare Grants		
295	Welfare Branch Administration	20,956	
	Family Allowances—		
296	Administration	2,004,259	
	Old Age Pensions and Pensions to the Blind—		
297	Administration	83,959	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL HEALTH AND WELFARE—*Continued*		
	NATIONAL HEALTH BRANCH—*Concluded*		
	Health Services—*Concluded*		
263	Public Health Engineering	147,576	
264	Industrial Health	170,085	
265	Civil Service Health	233,247	
266	Epidemiology	40,832	
267	Administration of the Food and Drugs Act	815,546	
268	Administration of the Proprietary or Patent Medicines Act	25,515	
269	Administration of the Opium and Narcotic Drugs Act	159,914	
	Indians and Eskimos Health Services—		
270	Operation and Maintenance	9,875,630	
271	Construction or Acquisition of Buildings, Works, Land and New Equipment	1,609,000	
272	Grant to Squamish (B.C.) Hospital which cares for Indians and Eskimos	30,000	
	Special Technical Services—		
273	Nutrition	144,069	
274	Child and Maternal Health	87,308	
275	Venereal Disease Control	32,218	
276	Dental Health	43,414	
277	Hospital Design and Consulting Service	24,286	
278	Mental Health	50,610	
279	Blindness Control	32,328	
280	Civil Aviation Medicine	29,087	
281	Health Insurance Studies and Administration of General Health Grants	72,409	
	General Health Grants		
282	To authorize and provide for General Health Grants to the Provinces upon the terms and in the amounts detailed in the Estimates and in accordance with regulations prescribed by the Governor in Council including authority, notwithstanding Section 29 of the Consolidated Revenue and Audit Act, to make commitments for the current year not to exceed a total amount of $35,302,238	25,000,000	
	Special Health Grants		
	Grants to Health Organizations—		
283	Canadian Mental Health Association	10,000	
284	Health League of Canada	10,000	
285	Canadian Public Health Association	5,000	
286	Canadian National Institute for the Blind	45,000	
287	L'Association Canadienne Française des Aveugles	6,000	
288	L'Institut Nazareth de Montréal	4,050	
289	Montreal Association for the Blind	4,050	
290	Canadian Tuberculosis Association	20,250	
291	Victorian Order of Nurses	13,100	
292	St. John Ambulance Association	10,000	
293	Canadian Red Cross	10,000	
294	Canadian Paraplegic Association	15,000	
	WELFARE BRANCH		
295	Welfare Branch Administration	30,696	
	Family Allowances—		
296	Administration	2,004,289	
	Old Age Pensions and Pensions to the Blind—		
297	Administration	83,859	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL HEALTH AND WELFARE—*Concluded*		
	WELFARE BRANCH—*Concluded*		
	National Physical Fitness—		
298	Administration	68,240	
299	Assistance to Provinces	82,214	
300	Assistance to Schools of Social Work	100,000	
301	Grant to Canadian Welfare Council	16,000	
			44,202,103
	NATIONAL RESEARCH COUNCIL AND ATOMIC ENERGY CONTROL BOARD		
	NATIONAL RESEARCH COUNCIL		
302	Salaries and Other Expenses	10,679,821	
303	Construction or Acquisition of Buildings, Works, Land and New Equipment (Revote $739,000)	3,481,675	
	ATOMIC ENERGY CONTROL BOARD		
304	Administration Expenses of the Atomic Energy Control Board	62,108	
305	Researches and Investigations with Respect to Atomic Energy	200,000	
	Atomic Energy Project—		
306	Operation and Maintenance	6,624,747	
307	Construction or Acquisition of Buildings, Works, Land and New Equipment (Revote $600,000)	1,625,885	
308	Construction of a New Reactor	7,000,000	
			29,674,236
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
309	General Administration	1,936,980	
310	Inspection, Investigation and Audit Services	2,695,241	
	Ports, Outports and Preventive Stations—		
311	Operation and Maintenance	18,244,353	
312	Construction or Acquisition of Buildings, Works, Land and New Equipment (Revote $60,000)	739,000	
313	Customs Excise Seizure Expenses and Adjustments	175,000	
	TAXATION DIVISION		
314	General Administration	1,530,206	
315	Internal Inspection and Verification	1,016,386	
316	District Offices	22,925,702	
	INCOME TAX APPEAL BOARD		
317	Administration Expenses	62,286	
			49,325,154
	POST OFFICE		
318	Departmental Administration	951,541	
319	Operations—Including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, also including Administration	54,256,849	
320	Transportation—Movement of Mail by Land, Air and Water, including Administration	36,919,486	
321	Financial Services, including audit of revenue, money order and savings bank business; and postage stamps	2,292,813	
			94,420,689

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		$	$
	PRIVY COUNCIL		
	Privy Council Office		
322	General Administration	208,336	
	Prime Minister's Office		
323	Salaries of Staff	123,940	
	Prime Minister's Residence		
324	Maintenance and Operation	25,000	
	Federal District Commission		
325	Maintenance and improvement of grounds adjoining Government Buildings, Ottawa, and improvements to the Parkway System under the control of the Federal District Commission	421,400	
326	Expenses of the National Capital Planning Committee	45,000	
327	To authorize payment of the fourth instalment to a special account in the Consolidated Revenue Fund, known as the National Capital Fund, established under Vote No. 809, Appropriation Act, No. 4, 1947-48	2,300,000	3,320,983
	PUBLIC ARCHIVES		
328	General Administration and Technical Services		283,479
	PUBLIC PRINTING AND STATIONERY		
329	Departmental Administration	72,804	
330	Printing and Binding the Annual Statutes	30,000	
331	Canada Gazette	130,000	
332	Plant Equipment and Replacements	297,205	
333	Distribution of Official Documents	118,189	
334	Printing and Binding Official Publications for sale and distribution to Departments and the Public	290,000	838,198
	PUBLIC WORKS		
335	Departmental Administration	175,765	
336	Branch Administration	171,305	
337	Ottawa—Maintenance and Operation of Public Buildings and Grounds, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize contributions against future years in the amount of $300,000	9,282,594	
338	Maintenance and Operation of Public Buildings and Grounds, other than at Ottawa, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize contributions against future years in the amount of $800,000	13,901,008	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PRIVY COUNCIL		
	PRIVY COUNCIL OFFICE		
322	General Administration	205,586	
	PRIME MINISTER'S OFFICE		
323	Salaries of Staff	123,949	
	PRIME MINISTER'S RESIDENCE		
324	Maintenance and Operation	25,000	
	FEDERAL DISTRICT COMMISSION		
325	Maintenance and improvement of grounds adjoining Government Buildings, Ottawa, and improvements to the Parkway System under the control of the Federal District Commission	421,400	
326	Expenses of the National Capital Planning Committee	45,000	
327	To authorize payment of the fourth instalment to a special account in the Consolidated Revenue Fund, known as the National Capital Fund, established under Vote No. 809, Appropriation Act, No. 4, 1947–48	2,500,000	
			3,320,935
	PUBLIC ARCHIVES		
328	General Administration and Technical Services	.....	263,473
	PUBLIC PRINTING AND STATIONERY		
329	Departmental Administration	72,604	
330	Printing and Binding the Annual Statutes	30,000	
331	Canada Gazette	130,000	
332	Plant Equipment and Replacements	257,265	
333	Distribution of Official Documents	118,186	
334	Printing and Binding Official Publications for sale and distribution to Departments and the Public	230,000	
			838,055
	PUBLIC WORKS		
335	Departmental Administration	475,765	
	ARCHITECTURAL BRANCH		
336	Branch Administration	471,308	
337	Ottawa—Maintenance and Operation of Public Buildings and Grounds, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize commitments against future years in the amount of $500,000	9,282,534	
338	Maintenance and Operation of Public Buildings and Grounds, other than at Ottawa, including repairs and upkeep, rents, furnishings, heating, etc., and to authorize commitments against future years in the amount of $800,000	15,661,008	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Continued*		
	ARCHITECTURAL BRANCH—*Concluded*		
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
339	Newfoundland	560,000	
340	Nova Scotia	278,000	
341	Prince Edward Island	380,000	
342	New Brunswick	1,639,000	
343	Quebec	7,968,000	
344	Ottawa	5,783,000	
345	Ontario (other than Ottawa)	4,625,000	
346	Manitoba	430,000	
347	Saskatchewan	1,168,000	
348	Alberta	1,073,000	
349	British Columbia	3,294,000	
350	Yukon and Northwest Territories	200,000	
351	Unforeseen Improvements	2,200,000	
	ENGINEERING BRANCH		
352	Branch Administration	399,104	
	Engineering Services—		
353	Salaries, Surveys, Inspections, Test Borings, etc.	1,588,512	
354	Construction or Acquisition of Buildings, Works, Land and New Equipment	178,500	
	Dredging		
355	Maintenance and Operation of Plant and Contract and Day Labour Works, in the amounts by Divisions as detailed in the Estimates	3,625,379	
356	New Plant, in the amounts by Divisions as detailed in the Estimates	749,100	
	Graving Docks		
357	Maintenance and Operation, in the amounts by Docks as detailed in the Estimates	324,271	
358	Construction or Acquisition of Buildings, Works, Land and New Equipment, in the amounts by Docks as detailed in the Estimates	44,000	
	Locks and Dams		
359	Maintenance and Operation	158,054	
360	Construction or Acquisition of Buildings, Works, Land and New Equipment	14,845	
	Snagboats		
361	Maintenance and Operation	111,976	
	Roads and Bridges		
362	Maintenance and Operation, in the amounts by Roads and Bridges as detailed in the Estimates	278,118	
363	Towards International Bridge over the St. Croix River between St. Stephen, N.B., and Calais, Me., the State of Maine to pay a like amount (Revote)	10,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—Concluded		
	Engineering Branch—Concluded		
	Roads and Bridges—Concluded		
364	Towards International Bridge over the Ottawa River between Pembroke, Ontario, and Allumette Island, Quebec, the Provinces of Ontario and Quebec each to pay one-third of the cost and maintenance thereof	30,000	
	Acquisition, Construction and Improvements of Harbour and River Works.		
	Construction, acquisition, major repairs and improvements of and plans and sites for harbour and river works listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—		
365	Newfoundland	1,744,200	
366	Nova Scotia	2,787,000	
367	Prince Edward Island	1,388,800	
368	New Brunswick	2,831,300	
369	Quebec	7,815,300	
370	Ontario	4,948,000	
371	Manitoba	234,000	
372	Saskatchewan, Alberta and Northwest Territories	114,000	
373	British Columbia and Yukon	4,784,300	
374	Harbours and Rivers Generally— Repairs and Upkeep for the maintenance of services, including reconstruction and replacements and to authorize commitments against future years in the total amount of $300,000, as detailed in the Estimates, to new works to be undertaken	2,300,000	
	Generally		
375	Grand River—Contribution towards improvements (Twelve-fifths)	93,750	
376	Fraser River—50% of the cost of investigations to be carried out by the "Dominion Provincial Board Fraser River Basin"	150,000	
377	Protection Works Generally—To provide for remedial works where damages are caused by, or endanger, navigation or Federal Government structures	300,000	
	GENERAL		
378	National Gallery of Canada	283,977	
379	Miscellaneous works not otherwise provided for, not more than $7,000 to be expended upon any one work	300,000	
380	National Capital Planning Service	66,344	
381	To supplement, on approval of Treasury Board «except where less than $1,000 is required, any of the appropriations of the Department of Public Works	400,000	
382	To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1931-32	250,000	
			62,244,145

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	ENGINEERING BRANCH—*Concluded*		
	Roads and Bridges—*Concluded*		
364	Towards Interprovincial Bridge over the Ottawa River between Pembroke, Ontario, and Allumette Island, Quebec, the Provinces of Ontario and Quebec each to pay one-third of the cost and maintenance thereof	50,000	
	Acquisition, Construction and Improvements of Harbour and River Works.		
	Construction, acquisition, major repairs and improvements of and plans and sites for harbour and river works listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—		
365	Newfoundland	1,744,200	
366	Nova Scotia	2,757,000	
367	Prince Edward Island	1,588,500	
368	New Brunswick	2,531,500	
369	Quebec	5,815,900	
370	Ontario	4,948,000	
371	Manitoba	234,000	
372	Saskatchewan, Alberta and Northwest Territories	114,000	
373	British Columbia and Yukon	4,784,500	
374	Harbours and Rivers Generally— Repairs and Upkeep for the maintenance of services, including reconstruction and replacements and to authorize commitments against future years in the total amount of $560,000, as detailed in the Estimates, no new works to be undertaken	2,960,000	
	Generally		
375	Grand River—Contribution towards improvements (Revote $78,000)	93,750	
376	Fraser River—50% of the cost of investigations to be carried out by the "Dominion Provincial Board Fraser River Basin"	150,000	
377	Protection Works Generally—To provide for remedial works where damages are caused by, or endanger, navigation or Federal Government structures	200,000	
	GENERAL		
378	National Gallery of Canada	285,977	
379	Miscellaneous works not otherwise provided for, not more than $7,000 to be expended upon any one work	300,000	
380	National Capital Planning Service	66,344	
381	To supplement, on approval of Treasury Board except where less than $1,000 is required, any of the appropriations of the Department of Public Works	400,000	
382	To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1951–52	250,000	
			92,244,145

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT		
383	Departmental Administration	381,223	
	NATIONAL PARKS BRANCH		
384	Branch Administration	22,780	
	National Parks and Historic Sites Services—		
385	Administration, Operation and Maintenance	3,153,594	
386	Construction or Acquisition of Buildings, Works, Land and New Equipment	4,186,704	
387	Grant to the Jack Miner Migratory Bird Foundation	5,000	
388	Grant in aid of the development of the International Peace Garden in Manitoba	15,000	
389	Canadian Wildlife Service— Wildlife Resources Conservation and Development, including Administration of the Migratory Birds Convention Act—Administration, Operation and Maintenance	311,092	
390	National Museum of Canada— Administration, Operation and Maintenance	228,669	
	ENGINEERING AND WATER RESOURCES BRANCH		
391	Branch Administration	65,410	
	Water Resources Division— Water Resources Division, including the Administration of the Dominion Water Power and Irrigation Acts, and including grant of $350 to the International Executive Council, World Power Conference—		
392	Administration, Operation and Maintenance	585,926	
393	Construction or Acquisition of Buildings, Works, Land and New Equipment	50,995	
394	To provide for studies and surveys of the Columbia River Watershed in Canada	381,095	
395	To provide for studies and surveys of the Red River Basin in Canada	182,000	
396	Lake of the Woods Control Board	13,565	
397	To provide for the expenses incurred under the agreement between Canada, Ontario and Manitoba, confirmed by the Lac Seul Conservation Act, 1928, moneys expended to be largely reimbursed	17,750	
398	Engineering and Architectural Division—Administration, Operation and Maintenance	368,020	
	Projects Division—		
399	Administration	40,433	
400	To provide for a contribution by Canada to the improvement and reconstruction of the road between Patricia Bay Airport, Vancouver Island, and the city limits of Victoria, B.C., in accordance with the terms of the agreement between Canada and the Province of British Columbia	200,000	
401	To provide for a contribution to the cost of constructing a dam on the Upper Thames River near Fanshawe, Ontario, for the purposes of flood control and conservation, in accordance with the terms of an agreement to be entered into between Canada, the Province of Ontario and the Upper Thames River Conservation Authority	580,000	
402	To provide, subject to allocation by Treasury Board, for the design and planning of deferrable projects, the acquisition of sites and the initiation of construction	1,000,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT—Concluded		
	Engineering and Water Resources Branch—Concluded		
	Trans-Canada Highway Division—		
102	Administration, Operation and Maintenance	353,200	
101	To provide for survey of the Trans-Canada Highway through National Parks	12,000	
105	To provide for general investigations by the Northwest Territories Power Commission of the electric power requirements of settlements and industries in the Northwest Territories and the Yukon Territory (Revote)	1,000	
100	To recoup the Minister of Finance for advances to be made to the Northwest Territories Power Commission during the fiscal year 1950-51 for power developments as provided under Section 17(2) of the Northwest Territories Power Commission Act, Chapter 64, Statutes of 1948	110,000	
	Northern Administration and Lands Branch		
107	Branch Administration	16,104	
108	Lands Division—Administration of Territorial and Public Lands; Seed Grain Collections	278,883	
	Northern Administration Division—		
109	Administration	209,754	
	Northwest Territories, including Wood Buffalo Park and Eskimo Affairs—		
110	Operation and Maintenance	976,360	
111	Construction or Acquisition of Buildings, Works, Land and New Equipment	237,215	
	Forest Conservation and Wildlife Management including Wood Buffalo Park—		
112	Operation and Maintenance	270,693	
113	Construction or Acquisition of Buildings, Works, Land and New Equipment	64,804	
	Yukon Territory, including Forest Conservation—		
114	Operation and Maintenance	175,712	
115	Construction or Acquisition of Buildings, Works, Land and New Equipment	180,450	
	Forestry Branch		
116	Branch Administration	81,971	
	Forest Research Division—		
117	Operation and Maintenance	842,803	
118	Construction or Acquisition of Buildings, Works, Land and New Equipment	53,170	
119	Forestry Operations Division, including Forest Insects Control Board	53,853	
	Forest Products Division—		
120	Operation and Maintenance	909,034	
121	Construction or Acquisition of Buildings, Works, Land and New Equipment	35,915	
122	Grant to Canadian Forestry Association	6,000	
123	Grant to Pulp and Paper Research Institute of Canada	100,000	
	Dominion Dockies Forest Conservation Board—		
124	Salaries and expenses of Federal members of the Board	16,080	
125	Federal contribution towards annual maintenance, including capital and expenses	175,000	
	Canadian Government Travel Bureau		
126	To assist in promoting the Tourist Business in Canada	1,308,197	
	Housing		
127	Emergency Shelter Administration	250,000	
			18,877,175

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT—*Concluded*		
	ENGINEERING AND WATER RESOURCES BRANCH—*Concluded*		
	Trans-Canada Highway Division—		
403	Administration, Operation and Maintenance	353,269	
404	To provide for surveys of the Trans-Canada Highway through National Parks	12,000	
405	To provide for general investigations by the Northwest Territories Power Commission of the electric power requirements of settlements and industries in the Northwest Territories and the Yukon Territory (Revote)	1,000	
406	To recoup the Minister of Finance for advances to be made to the Northwest Territories Power Commission during the fiscal year 1950–51 for power developments as provided under Section 17(2) of the Northwest Territories Power Commission Act, Chapter 64, Statutes of 1948	110,000	
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
407	Branch Administration	16,194	
408	Lands Division—Administration of Territorial and Public Lands; Seed Grain Collections	278,883	
	Northern Administration Division—		
409	Administration	266,724	
	Northwest Territories, including Wood Buffalo Park and Eskimo Affairs—		
410	Operation and Maintenance	976,366	
411	Construction or Acquisition of Buildings, Works, Land and New Equipment	237,215	
	Forest Conservation and Wildlife Management including Wood Buffalo Park—		
412	Operation and Maintenance	276,633	
413	Construction or Acquisition of Buildings, Works, Land and New Equipment	64,804	
	Yukon Territory, including Forest Conservation—		
414	Operation and Maintenance	475,717	
415	Construction or Acquisition of Buildings, Works, Land and New Equipment	190,450	
	FORESTRY BRANCH		
416	Branch Administration	81,971	
	Forest Research Division—		
417	Operation and Maintenance	842,803	
418	Construction or Acquisition of Buildings, Works, Land and New Equipment	53,176	
419	Forestry Operations Division, including Forest Insects Control Board	63,858	
	Forest Products Division—		
420	Operation and Maintenance	500,034	
421	Construction or Acquisition of Buildings, Works, Land and New Equipment	35,945	
422	Grant to Canadian Forestry Association	6,000	
423	Grant to Pulp and Paper Research Institute of Canada	100,000	
	Eastern Rockies Forest Conservation Board—		
424	Salaries and expenses of Federal members of the Board	16,680	
425	Federal contribution towards annual maintenance, including staff and expenses	175,000	
	CANADIAN GOVERNMENT TRAVEL BUREAU		
426	To assist in promoting the Tourist Business in Canada	1,503,197	
	HOUSING		
427	Emergency Shelter Administration	250,000	
			18,677,175

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	ROYAL CANADIAN MOUNTED POLICE		
428	General Administration	356,361	
	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—		
429	Operation and Maintenance	21,278,916	
430	Construction or Acquisition of Buildings, Works, Land and New Equipment	3,251,129	
	Marine Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—		
431	Operation and Maintenance	1,092,030	
432	Construction or Acquisition of New Equipment	28,700	
	Aviation Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—		
433	Operation and Maintenance	182,696	
434	Construction or Acquisition of New Equipment	21,000	
435	Grant to the Chief Constables' Association of Canada	500	
	PENSIONS AND OTHER BENEFITS		
436	Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates	6,133	
437	Pension to Basil Burke Currie	685	
438	Pension to Annie A. Greer	254	
			26,218,404
	SECRETARY OF STATE		
439	Departmental Administration	196,501	
440	Companies Branch	82,371	
441	Trade Marks Branch, including a contribution of $2,400 to the International Office for the Protection of Industrial Property	85,517	
442	Bureau for Translations	816,683	
443	Canada Temperance Act	1,000	
	PATENT AND COPYRIGHT OFFICE		
444	Administration Division	48,452	
445	Patent Division	729,899	
446	Copyright and Industrial Designs Division, including a contribution of $2,100 to the Union Office for the Protection of Literary and Artistic Works	20,828	
447	Patent Record Division	72,474	
	GENERAL		
448	Bibliographic Centre (National Library)	48,221	
			2,101,946
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
449	Departmental Administration	513,280	
450	Commodities and Allocations, including assistance in the development of markets and new industry, the procurement of supplies, and contributions as detailed in the Estimates	596,973	
451	Trade Commissioner Service, including payment of compensation to Trade Commissioners for damage to and loss of furniture and effects, under regulations approved by the Governor in Council	1,963,751	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE—*Continued*		
	GENERAL ADMINISTRATION—*Concluded*		
452	Information Division, including publicity and advertising in Canada and abroad	165,697	
453	Economic Research and Forecasting Divisions, including conducting of investigations and reporting upon current economic conditions and outlook	193,824	
454	International Trade Relations Division, including investigating and reporting on commercial relations and foreign tariffs and a contribution of $6,300 to the International Customs Tariffs Bureau	151,889	
	EXHIBITIONS		
455	Exhibitions generally	257,122	
456	Canadian International Trade Fair, 1951, including authority to refund from revenue deposits received for contracts for space (Revote $85,000)	606,053	
	STANDARDS DIVISION		
457	Administration, including administration of the Precious Metals Marking Act	110,923	
458	Electricity and Gas Inspection Services, including administration of the Electricity and Fluid Exportation Act—Operation and Maintenance	565,429	
459	Laboratory—Operation and Maintenance	72,121	
460	Weights and Measures Inspection Services—Operation and Maintenance	637,985	
	DOMINION BUREAU OF STATISTICS		
461	Administration	146,755	
462	Statistics, including contribution of $3,000 to the Inter-American Statistical Institute	3,828,828	
463	Census of Population and Agriculture and the 1951 Census of Distribution	7,015,851	
	WHEAT AND GRAIN DIVISION		
464	Salaries and other expenses	27,488	
465	To provide for the Canadian Government's annual assessment for membership in the International Wheat Council	25,000	
	CANADA GRAIN ACT		
466	Administration	129,399	
467	Board of Grain Commissioners—Operating and Maintenance Expenses including inspection, weighing, registration, etc.	2,613,807	
468	Canadian Government Elevators—Operation and Maintenance Expenses (Revote $100,760)	625,467	
469	Construction of Safety Devices, and Acquisition of New Equipment (Revote $64,368)	64,368	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE—*Concluded*		
	SPECIAL		
470	To provide for payments by the Government of Canada under agreement dated July 10, 1950, between the Government of Canada and the Government of Manitoba, establishing the Greater Winnipeg Dyking Board	1,275,000	
			21,587,010
	TRANSPORT		
	A—DEPARTMENT		
471	Departmental Administration	1,199,818	
	CANAL SERVICES		
	Canal Services—		
472	Administration	107,134	
473	Operation and Maintenance	4,523,107	
474	Construction or Acquisition of Buildings, Works, Land and New Equipment	3,500,000	
475	To provide for expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations	10,000	
	MARINE SERVICES		
476	Marine Services Administration, including Agencies	513,944	
	Marine Service Steamers—		
477	Administration	50,112	
478	Operation, Maintenance and Repairs	4,490,072	
479	Construction or Acquisition of Vessels, as detailed in the Estimates—Capital	2,254,800	
	Aids to Navigation—		
480	Administration, Operation and Maintenance	4,215,904	
481	Construction or Acquisition of Buildings, Works, Land and New Equipment	692,540	
	Nautical Services—		
482	Administration	152,950	
483	Operation and Maintenance, including grants and contributions, as detailed in the Estimates; rewards for saving life from vessels in distress; subsidies to salvage companies, and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in Section 296 of the Canada Shipping Act	390,591	
484	Construction or Acquisition of Buildings, Works, Land and New Equipment	21,500	
485	Pilotage Service, including authority for temporary recoverable advances not exceeding $13,000	367,363	
486	Steamship Inspection and the carrying out of the provisions of the conventions for the safety of life at sea and load lines	461,408	
487	Marine Signal Service	173,981	
	River St. Lawrence Ship Channel Service—		
488	Administration, Operation and Maintenance	922,291	
489	Contract Dredging—Capital	2,013,409	
	RAILWAY AND STEAMSHIP SERVICES		
490	Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department	52,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	RAILWAY AND STEAMSHIP SERVICES—*Concluded*		
	Hudson Bay Railway—		
491	To provide for the difference between the expenditures for operation and maintenance, and revenue accruing from operation during the year ending March 31, 1952, not exceeding	250,000	
492	Construction or Acquisition of Buildings and Works—Capital	40,000	
	Prince Edward Island Car Ferry and Terminals—		
493	To provide for the payment during the fiscal year 1951-52 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport made from time to time by the National Company to the Minister of Finance and to be applied by the National Company in payment of the deficit (certified by the auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1951	1,280,000	
494	Construction and Improvement of Terminal Facilities—Capital (Revote)	75,000	
495	Canadian National (West Indies) Steamships, Limited—To provide for the payment from time to time to the Canadian National (West Indies) Steamships, Limited (hereinafter called "The Company") of the amount of the deficit occurring during the year ending December 31st, 1951 in the operations of the Company and the vessels under the control of the Company, as certified by the Auditors of the Company, and upon applications made by the Company to the Minister of Finance and approved by the Minister of Transport, not exceeding	845,000	
496	Strait of Canso—Transportation improvements and facilities—Capital (Revote)	1,000,000	
	Canadian Government Railways—		
497	Enlargement of Dock and Terminal Facilities at North Sydney, N.S.—Capital	1,660,000	
498	Construction of New Dock and Terminal Facilities at Port-aux-Basques, Nfld.—Capital	500,000	
499	Construction or Acquisition of Auto-Ferry Vessels, as detailed in the Estimates—Capital	2,550,000	
500	Ogden Point Piers, Victoria, B.C.—Construction or Acquisition of Buildings, Works and Land—Capital	55,000	
501	Maritime Freight Rates Act—For the payment to the Railway Companies operating in the select territory designated by the Act, during the fiscal year 1951-52, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by Auditors of the said Company respecting the Eastern Lines of the Canadian National Railways, and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the Calendar Year 1951, (Chap. 79, Statutes of 1927, as amended)	9,125,000	
	PENSIONS AND OTHER BENEFITS		
502	Amount required to pay pensions at the rate of $300 per annum to former pilots: Alphonse Asselin; Arthur Baquet; Adelard Delisle; Raoul Lachance; Jules Lamarre; Wilhelm Langlois; George Larochelle; Auguste Santerre	2,400	

Item No.	Service	Amount	Total
		$	$

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	PENSIONS AND OTHER BENEFITS—*Concluded*		
503	Railway Employees' Provident Fund—To supplement pension allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payment during the period January 1, 1951, to March 31, 1952, the sum of $30 per month instead of $20 as fixed by the said Act.....	14,250	
	AIR SERVICES		
	Telecommunications Division		
	Airways and Airports—Radio Aviation Services—		
504	Administration, Operation and Maintenance.....	4,707,545	
505	Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital.....	1,499,200	
	Radio Act and Regulations—		
506	Administration, Operation and Maintenance, including contributions as Canada's share of the administrative costs of various international radio, telegraph and telephone conferences, as detailed in the Estimates.....	898,836	
507	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	52,850	
	Radio Aids to Marine Navigation—		
508	Administration, Operation and Maintenance.....	1,819,983	
509	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	200,000	
	Suppression of Radio Interferences—		
510	Administration, Operation and Maintenance.....	378,803	
511	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	27,600	
512	Issue of Radio Receiving Licences— (Transport Department only).....	719,668	
	Telegraph and Telephone Service—		
513	Administration, Operation and Maintenance.....	1,440,729	
514	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	450,100	
	Northwest Communication System—		
515	To provide for the difference between the expenditures for operation and maintenance and revenue accruing from operations during the year ending March 31, 1952.....	100,659	
516	Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital.....	361,478	
	Meteorological Division		
	Meteorological Services—		
517	Administration, Operation and Maintenance.....	6,116,836	
518	Construction or Acquisition of Buildings, Works, Land and New Equipment.....	449,350	
	Civil Aviation Division		
519	Control of Civil Aviation, including the Administration of the Aeronautics Act and Regulations issued thereunder.....	768,060	
	Airways and Airports—		
	Operation and Maintenance—		
520	Civil Aviation Services.....	8,808,885	
521	Airway and Airport Traffic Control	1,203,247	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—Department—*Concluded*		
	Air Services—*Concluded*		
	Civil Aviation Division—*Concluded*		
	Airways and Airports—*Concluded*		
	Construction Services—		
522	Administration	749,582	
523	Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital	6,498,350	
524	Grants to Organizations for the development of Civil Aviation, in the amounts detailed in the Estimates	310,000	
525	Contributions, subject to the approval of the Governor in Council, to assist municipalities in the development of and improvement to airports, the sites of which have been provided by such municipalities	130,000	
526	Contributions, as specified in the details of the Estimates, to other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities	244,920	
	Administrative Division		
527	Air Services Administration	215,705	
	B—General		
	Air Transport Board		
528	Salaries and Other Expenses, including the Canadian Delegation to the International Civil Aviation Organization	247,741	
	Board of Transport Commissioners for Canada		
	Board of Transport Commissioners for Canada—		
529	Administration, Operation and Maintenance	681,220	
	Canadian Maritime Commission		
530	Administration	166,799	
531	Steamship Subventions, as detailed in the Estimates	3,779,875	
532	Assistance for Canadian flag ocean shipping industry	375,000	
	National Harbours Board		
533	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1951 on any or all of the following accounts:—		
	Reconstruction and Capital Expenditures—		
	Halifax $1,243,000		
	Quebec 22,000		
	Port Colborne 112,000		
	Churchill 161,000		
	Generally Unforeseen and Miscellaneous 200,000	1,738,000	
534	To provide for payment to National Harbours Board of the amount hereinafter set forth, to be applied in payment of the deficit (exclusive of interest on Dominion Government advances and depreciation on capital structures) arising in the calendar year 1951, in the operation of the Churchill Harbour	128,800	
			88,779,395

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS		
535	Departmental Administration	2,208,070	
536	District Services—		
	Administration	2,672,171	
537	Veterans' Welfare Services	3,288,364	
	Treatment Services—		
538	Operation of Hospitals and Administration	36,249,295	
539	Medical Research and Education	375,000	
540	Hospital Construction, Improvements, New Equipment and Acquisition of Land	4,217,900	
541	Prosthetic Services—		
	Supply, Manufacture and Administration	1,018,130	
	Canadian Pension Commission—		
542	Administration Expenses, including Salaries for the Chairman of the Canadian Pension Commission at $2,000 per annum and the Deputy Chairman and each of the other Commissioners, including ad hoc Commissioners, at $1,000 per annum additional to the salaries provided under Chap. 157, R.S. 1927, as amended	2,144,434	
543	Veterans Bureau	490,177	
544	War Veterans' Allowance Board—Administration	187,268	
545	Veterans' Insurance	88,367	
	PENSIONS AND OTHER BENEFITS		
546	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order P.C. 45/8848 of 22nd November, 1944, which shall be subject to the Pension Act	97,105,000	
547	Newfoundland Special Awards	30,000	
548	War Veterans' Allowances	26,585,000	
549	Assistance Fund (War Veterans' Allowances)	850,000	
550	Unemployment Assistance	50,000	
551	Hospital and Other Allowances	3,100,000	
552	Gallantry Awards—World War 2	18,000	
	MISCELLANEOUS PAYMENTS		
553	Employers Liability Compensation	180,000	
554	Last Post Fund	135,000	
555	Grant to Canadian Legion	9,000	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
556	To provide for the cost of administration of Veterans' Land Act; Soldier Settlement and British Family Settlement	4,606,624	
557	To provide for the upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities	80,000	
558	To provide for the payment of grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under Section 35 of the Veterans' Land Act, 1942, as amended, and payment of grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Resources and Development under Section 35 of the Veterans' Land Act, 1942, as amended	1,100,000	
559	To provide for the payment of grants to Indian veterans settled on Indian Reserve Lands under Section 35A of the Veterans' Land Act, 1942, as amended	300,000	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS—*Concluded*		
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT—*Concluded*		
560	To provide for the reduction of indebtedness to the Director of Soldier Settlement of a settler under the Soldier Settlement Act, in respect of a property in his possession, the title of which is held by the Director, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property and his ability to repay his indebtedness to the Director, under regulations approved by the Governor in Council	150,000	
561	To authorize and provide, subject to the approval of the Governor in Council, for necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act to correct defects for which neither the veteran nor the contractor can be held financially responsible and for such other work on other properties as may be required to protect the interest of the Director therein	15,000	
562	To authorize and provide, subject to the approval of the Governor in Council in each case, for the completion of necessary remedial work to houses and services constructed under the 1945 building program	34,400	
	TERMINABLE SERVICES		
563	Post Discharge Rehabilitation Benefits, including the training of Merchant Seamen and Salt Water Fishermen Pensioners	6,412,500	
			193,699,700
			2,441,816,446
	LOANS, INVESTMENTS AND ADVANCES		
	CANADIAN BROADCASTING CORPORATION		
564	Loans to the Canadian Broadcasting Corporation repayable with interest at a rate to be fixed by the Governor in Council on such terms and conditions as the Governor in Council may determine and to be applied in payment of expenditures to cover capital costs of television installations and to support the development of the service. Such loans, with interest, shall be a charge on the revenues of the Canadian Broadcasting Corporation next after the charge imposed under the provisions of Section 17 of the Canadian Broadcasting Act, 1936	1,500,000	
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
565	To provide for advances to Central Mortgage and Housing Corporation for the acquisition of land, the installation of services and improvements in respect thereof, the purchase of building materials and the construction or conversion of housing projects for veterans and for residents of Deep River, Ontario, under the authority of Section 34 of the National Housing Act, 1944	12,700,000	
	EXTERNAL AFFAIRS		
566	To authorize and provide for working capital advances in the current and subsequent fiscal years to maintain cash and bank balances at Department of External Affairs posts abroad, subject to regulations of the Treasury Board, the amount of advances hereby authorized outstanding at any time not to exceed	300,000	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	LOANS AND INVESTMENTS—*Concluded*		
	RESOURCES AND DEVELOPMENT		
567	To provide for advances to the Northwest Territories Power Commission for the construction on the Mayo River, Yukon Territory, of a storage and hydro-electric development, to serve the Mayo mining district	1,200,000	
	TRANSPORT		
	Air Services		
568	To authorize and provide for a revolving fund for the purchase of materials and supplies to be held in Northwest Communications System Stores for use on both Capital and Maintenance Works	100,000	
	National Harbours Board		
569	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1951 on any or all of the following accounts: Reconstruction and Capital Expenditures— Montreal $1,279,968 Vancouver $ 150,000 $1,429,968 *Less* amount to be expended from Replacement Funds $ 203,000	1,226,968	
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans' Land Act		
570	To provide for protection of security—Soldier Settlement, and refunds of surplus to veterans	25,000	
571	To provide for purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment, refund of surplus to veterans (Section 19); and for protection of security under the Veterans' Land Act	23,685,000	
			40,736,968
	Total		*2,482,553,414

* Net total $1,852,975,067

SCHEDULE B

Based on the Further Supplementary Estimates, 1951-52. The amount hereby granted is $195,172,180 being the amount of each of the items in the Estimates contained in this Schedule.

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE		
	SCIENCE SERVICE		
	Science Service Administration—		
651	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	536,000	
	Animal and Poultry Pathology—		
652	Operation and Maintenance—Further amount required	8,500	
653	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	83,600	
	Botany and Plant Pathology—		
654	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	14,300	
	Forest Entomology—		
655	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	85,000	
	EXPERIMENTAL FARMS SERVICE		
	Central Experimental Farm—		
656	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	36,300	
	Branch Farms and Stations and Illustration Stations—		
657	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	267,210	
	PRODUCTION SERVICE		
	Health of Animals—		
658	Administration of Animal Contagious Diseases Act, and Meat and Canned Foods Act—Further amount required	53,894	
659	To provide for payment of compensation to owners of animals affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and Regulations thereunder, in the amounts detailed in the Estimates	5,001	
660	Grants to Agricultural Organizations, as detailed in the Estimates—Further amount required	7,000	
	MARKETING SERVICE		
661	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates—Further amount required	88,355	
	TERMINABLE SERVICES		
662	Freight Assistance on Western Feed Grains—Further amount required	10,500,000	
	SPECIAL		
663	Prairie Farm Rehabilitation Act and Water Storage—Further amount required	65,000	
664	Land Protection, Reclamation and Development in British Columbia under such terms and conditions as may be approved by the Governor in Council—Further amount required	132,600	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	AGRICULTURE—*Concluded*		
	SPECIAL—*Concluded*		
665	Land Protection and Reclamation; Clearing and Settlement of New Lands under such terms and conditions as may be approved by the Governor in Council—Further amount required	100,000	
666	Maritime Marshland Rehabilitation Act—Further amount required	408,800	
667	Assiniboine River—Surveys, Dyking and Cut-off	75,000	
668	Amount required to recoup the Agricultural Prices Support Account to cover the net operating loss of the Agricultural Prices Support Board during the fiscal year 1950–51	1,743,515	
669	To provide assistance in apple tree removal in the Province of Nova Scotia under such terms and conditions as may be approved by the Governor in Council	200,000	
			14,410 075
	CANADIAN BROADCASTING CORPORATION		
	CANADIAN BROADCASTING CORPORATION		
670	To provide for an interim grant to the Canadian Broadcasting Corporation pending amendment of the Canadian Broadcasting Act	1,500,000	
	INTERNATIONAL SHORTWAVE BROADCASTING STATION		
671	Construction or Acquisition of Buildings, Works, Land and New Equipment, including Supervision (Revote)—Further amount required	235,678	
			1,735,678
	CITIZENSHIP AND IMMIGRATION		
	CITIZENSHIP		
672	Citizenship Branch—Further amount required	24,484	
	IMMIGRATION BRANCH		
673	Administration of the Immigration Act—Further amount required	50,000	
674	Field and Inspectional Service Abroad—Operation and Maintenance—Further amount required	366,168	
675	To provide an amount, additional to the sum provided by Item 62 of the Main Estimates, 1951–52, required to extend to December 31, 1951, the period during which payments may be made to Trans-Canada Airlines of the difference in cost between air transportation and minimum tourist class ocean transportation for immigrants transported from the United Kingdom by Trans-Canada Airlines during such extended period—Further amount required	955,312	
	INDIAN AFFAIRS BRANCH		
	Indian Agencies—		
676	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	105,400	
	Education—Day and Residential Schools—		
677	Operation and Maintenance—Further amount required	485,405	
678	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	265,223	
			2,251,992

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	CIVIL SERVICE COMMISSION		
679	Salaries and Contingencies of the Commission — Further amount required		10,000
	DEFENCE PRODUCTION		
	DEPARTMENT		
680	Departmental Administration and payments to Canadian Commercial Corporation and other corporate agencies for services provided in connection with defence purchasing and production—Further amount required	1,000,000	
681	To provide capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Companies under direction of the Minister of Defence Production, subject to approval of Treasury Board—Further amount required	50,000,000	51,000,000
	EXTERNAL AFFAIRS		
	A—DEPARTMENT AND MISSIONS ABROAD		
682	Representation Abroad—Operational—including payment of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff appointed as directed by the Governor General in Council, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments—Further amount required	110,000	
683	To provide for official hospitality—Further amount required by reason of the visit of the President of France	20,000	
	B—GENERAL		
	The Canadian Government's Assessment for Membership in International or Commonwealth Organizations		
684	Further amount required to supplement Votes 95-98 inclusive, and 100-105 inclusive, in the Main Estimates to meet fluctuations in exchange	40,000	
685	Contribution to the North Atlantic Treaty Organization to meet the Canadian Government's share of the cost of civil administration	320,000	
	Terminable Services		
686	Contribution to the United Nations International Children's Emergency Fund	500,000	
687	To provide for and authorize grants or loans to governments of countries in South and South East Asia to assist in the economic development of such countries, and special administrative expenses in connection therewith	25,000,000	
688	To provide for the purchase and transportation to Yugoslavia of relief supplies	45,000	26,035,000

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FINANCE		
	GENERAL ADMINISTRATION		
689	Comptroller of the Treasury— Central Office and Branch Offices Administration—Further amount required to organize for payment of universal old age pensions	643,700	
	GRANTS TO UNIVERSITIES		
690	To provide grants to universities and equivalent institutions of higher learning in amounts not exceeding in total for each province 50 cents per head of population of that province, as determined by the Dominion Bureau of Statistics, and in accordance with regulations to be made by the Governor in Council on the recommendation of the Minister of Finance, who is authorized to consult a committee drawn from the National Conference of Canadian Universities in regard to the apportionment of such grants among institutions within each province on the general principle of making such grants proportionate to the enrolment of students at the university level and pursuing courses recognized as leading to a university degree	7,100,000	
			7,743,700
	FISHERIES		
	GENERAL SERVICES		
691	Industrial Development Service—Further amount required	15,000	
692	To provide for transportation, dressing and dyeing and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to Provisional Fur Seal Agreement between Canada and the United States by exchange of Notes dated December 26th, 1947—Further amount required	300,000	
	FIELD SERVICES		
	Protection Branch—		
693	Operation and Maintenance—Further amount required	165,605	
694	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	105,125	
	FISHERIES RESEARCH BOARD		
	Fisheries Research Board—		
695	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	147,000	
	INTERNATIONAL COMMISSIONS		
696	To provide for Canadian share of expenses of the International Commission for the Northwest Atlantic Fisheries appointed pursuant to International Conventions for the investigation, protection, and conservation of the fisheries of the Northwest Atlantic Ocean, dated at Washington, February 8th, 1949—Further amount required	15,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	FISHERIES—*Concluded*		
	SPECIAL		
697	To provide for administration expenses of the Fisheries Prices Support Act, 1944—Further amount required	7,300	
698	To provide for assistance in the construction of vessels of the dragger and/or long liner type, subject to such terms and conditions as may be approved by the Governor in Council—Further amount required	50,000	
699	Amount required to recoup Fisheries Prices Support Account, to cover the net operating loss of the Fisheries Prices Support Board during the fiscal year 1950-51	88,641	
700	To provide for acquisition of lands required by the International Pacific Salmon Fisheries Commission, as required by Article VIII of Treaty dated May 26, 1930, between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries of the Fraser River System	200	
			893,871
	JUSTICE		
	A—DEPARTMENT		
701	Departmental Administration—Further amount required	6,000	
702	Supreme Court of Canada—Administration—Further amount required	8,000	
703	To provide for the Revision, Classification and Consolidation of the Public General Statutes of Canada—Further amount required	200,000	
704	To provide for the Revision of the Criminal Code—Further amount required	20,000	
	B—PENITENTIARIES		
	OFFICE OF THE COMMISSIONER OF PENITENTIARIES		
705	Operation and maintenance of penitentiaries, including supplies and services relating thereto; administration, operation, repair and upkeep of buildings, works and equipment; maintenance, discharge and transfer of convicts; compensation to discharged convicts permanently disabled while in penitentiaries—Further amount required	125,291	
706	Construction, Improvements and New Equipment, including provision for the establishment and construction of a new institution in the Province of Quebec for the confinement and reformation of Federal prisoners and to increase the authority for commitments against future years from $200,000, included in Vote 184, Main Estimates, 1951-52, to $400,000—Further amount required	556,380	
			915,671
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
707	Departmental Administration—Further amount required	13,057	
708	Annuities Act—Administration—Further amount required	50,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Continued*		
	A—DEPARTMENT—*Continued*		
	GENERAL ADMINISTRATION—*Concldued*		
	Annuities Act—*Concluded*		
709	To provide, notwithstanding the Government Annuities Act, authority for payment out of the Government Annuities Fund to Fred Clare and Celia Clare, purchasers of Canadian Government Annuity Contracts Nos. 313,519 and 313,520 of the premiums paid with respect to said contracts less amounts of the instalments of annuity paid under the contracts.....	1	
710	Notwithstanding the Government Annuities Act, to authorize the Minister of Labour in consequence of the transfer of employees from the original employers to the new employers specified in the Details of the Estimates to enter into contracts with the original employers and the new employers, to provide that the new employers shall, effective on the dates respectively specified in the Details become parties to Group Annuity Contracts specified in the said Details respectively in the place of the original employers with respect to employees to whom those contracts applied and who were transferred to the new employers and for the application of the contracts in respect of service with the original employers and the new employers and for such other terms as the Minister deems necessary for the maintenance and continuity of pension rights of the employees under those contracts, and to provide for payments in the current and subsequent fiscal years in accordance with the contracts so entered into out of the Government Annuities Account.....	1	
711	To authorize payments after as well as before the end of the current fiscal year out of the Government Annuities fund in discharge of obligations purported to have been made with respect to hourly-rate employees under paragraph 2 of subsection *(b)* of section 3 of Group Annuity Contract G565 entered into under the Government Annuities Act with the Subsidiary Companies of General Motors Corporation (U.S.A.) operating in Canada.....	1	
	VOCATIONAL TRAINING CO-ORDINATION ACT, 1942		
	Expenditures for vocational training under the Vocational Training Co-ordination Act, 1942, and agreements between the Dominion and Provinces approved by the Governor in Council, including vocational school assistance, projects for training of persons to fit them for gainful employment, or for defence industries, youth training, apprenticeship training, vocational training at secondary school level, foremanship and supervisory training and for training of members of His Majesty's Forces and other persons to fit them for skilled Armed Service occupations and to authorize the Minister of Labour to enter into an agreement with any Province on terms approved by the Governor in Council for such expenditures, as well as to provide for undischarged commitments of previous years—		
712	Training Payments to the Provinces—Further amount required.....	320,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LABOUR—*Concluded*		
	A—Department—*Concluded*		
	Terminable Services		
713	To provide for expenses that may be incurred in the arranging for and the movement of workers from outside Canada to work on farms and other essential industry in Canada when Canadian labour is not available to meet the need; including costs connected with the supervision and welfare of persons already immigrated to Canada under former authorized labour movements and administrative expenses connected therewith—Further amount required	131,200	
714	To authorize the Minister of Labour to arrange for a program of Rehabilitation for the Physically Handicapped, including the appointment of an Advisory Committee, and to provide for expenditures in connection therewith	48,000	
715	To provide for expenditures to be incurred on preparatory work to implement recommendations made by the National Advisory Council on Manpower	30,000	
	Special		
716	To authorize and provide for Federal contributions to reimburse the Province of Quebec for one half the expenditure for reconstruction of buildings of Technical and Marine Schools, Rimouski, Quebec, and one half the cost of re-equipping the Technical School in accordance with the agreement entered into between the Minister of Labour and the Province of Quebec (Revote)	65,419	
	B—Unemployment Insurance Act, 1940		
717	To reimburse the Unemployment Insurance Fund under Section 87F(1) of the Unemployment Insurance Act, 1940, as amended by Statute of 1950	40,000	
			697,679
	LEGISLATION		
	The Senate		
718	To provide for the payment of the full sessional indemnity for the Third and Fourth Sessions of the Twenty-First Parliament, to Members of the Senate for days lost through absence caused by public business, by illness, or on account of death. Payments to be made as the Treasury Board may direct	19,000	
719	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the Senate who attended the first part of the present session which commenced on January 30, 1951, and ended on March 21, 1951, of an amount representing the actual transportation and living expenses of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on March 21, 1951, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during the present session	5,000	
720	General Administration—Further amount required	18,193	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	LEGISLATION—*Concluded*		
	HOUSE OF COMMONS		
721	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or Order of the House, or on account of death, during the Third and Fourth Sessions of the Twenty-First Parliament notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, an Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct	18,500	
722	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the House of Commons who attended the first part of the present session, which commenced on January 30, 1951, and ended on March 21, 1951, of an amount representing the actual transportation and living expensse of such Member while on the journey between Ottawa and his place of residence after the Easter adjournment of Parliament on March 21, 1951, and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on that date, or at any other one time during the present session	20,000	
723	General Administration—Estimates of the Clerk—Further amount required	45,000	
724	Estimates of the Sergeant-at-Arms—Further amount required.	61,600	
			187,293
	MINES AND TECHNICAL SURVEYS		
	MINES BRANCH		
	Mineral Resources Investigations—		
725	Administration, Operation and Maintenance—Further amount required	50,177	
	Investigations of Radioactive Ores—		
726	Administration, Operation and Maintenance—Further amount required	15,025	
	GEOLOGICAL SURVEY OF CANADA		
727	Geological Surveys—Administration, Operation and Maintenance—Further amount required	150,314	
			215,516
	NATIONAL DEFENCE		
	PENSIONS AND OTHER BENEFITS		
728	To authorize the Governor in Council to increase the pension granted to SP 38171 Warrant Officer Class I William Edward Tyrell under the Militia Pension Act effective January 25, 1950, by including for purposes of calculation of his pension the amount of Dependents Allowance which would have been paid to his wife had she not been a member of the Women's Royal Canadian Naval Service during the period July 28, 1945 to October 20, 1945	1	
729	To authorize payment to Stuart Davis Houston under the Pension Act and the Veteran's Affairs Act of such benefits as would be awarded under the said Acts if the disabling condition had been incurred by him during service in World War 2	1,128	
	Militia Pension Act—		
730	Government's contribution to the Permanent Forces Pension Fund—Further amount required	14,030,538	
			14,031,667

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
	Health Services		
731	Immigration Medical Services—Further amount required....	154,460	
732	Industrial Health—Further amount required.....	17,200	
	WELFARE BRANCH		
733	Old Age Pensions and Pensions to the Blind—Administration—Further amount required.....	31,260	
734	Old Age Security—To conduct the necessary registration for universal old age pensions and to organize and administer the payment of such pensions.....	508,500	711,420
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
735	Ports, Outports and Preventive Stations—Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	.....	138,700
	POST OFFICE		
736	Departmental Administration—Further amount required.....	59,000	
737	Operations—Including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, also including Administration—Further amount required.....	2,411,975	
738	Transportation—Movement of Mail by Land, Air and Water, including Administration—Further amount required.....	100,000	2,570,975
	PRIVY COUNCIL		
	PRIVY COUNCIL OFFICE		
739	General Administration—Further amount required.....	.....	75,000
	PUBLIC PRINTING AND STATIONERY		
740	Printing and Binding the Annual Statutes—Further amount required.....	10,000	
741	Plant Equipment and Replacements—Further amount required.	138,650	
742	Distribution of Official Documents—Further amount required..	10,000	
743	Printing and Binding Official Publications for sale and distribution to Departments and the Public—Further amount required.....	200,000	358,650

SCHEDULE B—Continued

No.	Service	Amount	Total
	$	$	$

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS		
	ARCHITECTURAL BRANCH		
744	Ottawa—Maintenance and Operation of Public Buildings and Grounds, including repairs and upkeep, rents, furnishings, heating, etc.—Further amount required	431,794	
745	Maintenance and Operation of Public Buildings and Grounds, other than at Ottawa, including repairs and upkeep, rents, furnishings, heating, etc.—Further amount required	180,007	
	Acquisition, Construction and Improvements of Public Buildings		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
746	Newfoundland	142,000	
747	Nova Scotia	140,000	
748	Prince Edward Island	12,000	
749	New Brunswick	21,000	
750	Quebec	238,000	
751	Ottawa	30,000	
752	Ontario (Other than Ottawa)	267,000	
753	Manitoba	300,000	
754	Alberta	100,000	
755	British Columbia	1	
	ENGINEERING BRANCH		
	Dredging		
756	Maintenance and Operation of Plant and Contract and Day Labour Works, in the amounts by Divisions as detailed in the Estimates—Further amount required	125,700	
757	New Plant, in the amounts by Divisions as detailed in the Estimates—Further amount required	16,000	
	Locks and Dams		
758	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	15,000	
	Acquisition, Construction and Improvements of Harbour and River Works		
	Construction, acquisition, major repairs and improvements of, and plans and sites for harbour and river works listed in the Details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects—Further amounts required—		
759	Newfoundland	137,600	
760	Nova Scotia	600,000	
761	Prince Edward Island	263,000	
762	New Brunswick	186,000	
763	Quebec	809,000	
764	Ontario	990,000	
765	Manitoba	10,000	
766	Saskatchewan, Alberta and Northwest Territories	125,000	
767	British Columbia and Yukon	1,400,000	
768	Harbours and Rivers Generally— Repairs and upkeep for the maintenance of services, including reconstruction and replacements as detailed in the Estimates, no new works to be undertaken—Further amount required	85,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	PUBLIC WORKS—*Concluded*		
	ENGINEERING BRANCH—*Concluded*		
	Generally		
769	Protection Works Generally—To provide for remedial works where damages are caused by, or endanger, navigation or Federal Government structures—Further amount required.	200,000	
	GENERAL		
770	National Gallery of Canada—Further amount required.....	10,000	
771	Miscellaneous works not otherwise provided for, not more than $7,000 to be expended upon any one work—Further amount required.....	50,000	
772	Portrait of the Late Sir Charles Fitzpatrick (Revote $1,500)...	1,700	
			6,885,802
	RESOURCES AND DEVELOPMENT		
	NATIONAL PARKS BRANCH		
	National Parks and Historic Sites Services—		
773	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	219,000	
	ENGINEERING AND WATER RESOURCES BRANCH		
	Water Resources Division—		
	Water Resources Division, including the Administration of the Dominion Water Power and Irrigation Acts—		
774	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required.....	10,000	
	Projects Division—		
775	To provide for a contribution to the cost of constructing a mining road between Black Bay and Ace Lake in Saskatchewan in accordance with the terms of an agreement to be entered into between Canada and the Province of Saskatchewan.....	50,000	
	Trans-Canada Highway Division—		
776	Notwithstanding the Trans-Canada Highway Act, to authorize and provide for a payment to the provinces of British Columbia and New Brunswick, which have entered into an Agreement with Canada for construction of a part of the Trans-Canada Highway, in respect of construction of the Highway carried out between December 10, 1949, and the day on which these provinces respectively signed the Agreement with Canada, in accordance with the regulations of the Governor in Council; the amount paid to each province, however, not to exceed fifty per centum of the cost to the province of the said construction as determined by the Governor in Council; the maximum amount authorized to be expended by Section 7 of the Trans-Canada Highway Act to be decreased to the extent of any amount paid pursuant to this Vote.....	210,000	

No. of Vote	Service	Amount	Total
		$	$

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	RESOURCES AND DEVELOPMENT—*Concluded*		
	NORTHERN ADMINISTRATION AND LANDS BRANCH		
	Northern Administration Division—		
777	Administration—Further amount required	7,350	
	Northwest Territories, including Wood Buffalo Park and Eskimo Affairs—		
778	Operation and Maintenance—Further amount required	22,900	
779	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	16,740	
	Yukon Territory, including Forest Conservation—		
780	Operation and Maintenance—Further amount required	95,300	
781	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	35,000	
	FORESTRY BRANCH		
	Forestry Operations Division, including Forest Insects Control Board—		
782	Administration, Operation and Maintenance—Further amount required	25,000	
783	To provide for contributions to the provinces for assistance in forest inventory and reforestation in accordance with agreements to be entered into by Canada and the provinces	1,025,000	
			1,716,290
	ROYAL CANADIAN MOUNTED POLICE		
	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—		
784	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	810,070	
	Aviation Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses—		
785	Operation and Maintenance—Further amount required	13,523	
			823,593
	TRADE AND COMMERCE		
	GENERAL ADMINISTRATION		
786	Departmental Administration including authority for an additional Deputy Minister for the Department of Trade and Commerce, to be appointed by the Governor in Council, to be called the Associate Deputy Minister of Trade and Commerce; to hold office during pleasure and to have and exercise under the Deputy Minister of Trade and Commerce such powers, duties and functions of the Minister of Trade and Commerce as may be specified by such Minister, at a salary of $12,000 per annum; Order in Council P.C. 1481 of March 22, 1951, appointing Mitchell W. Sharp as such Associate Deputy Minister on the terms therein set forth, is ratified—Further amount required	40,800	
787	Trade Commissioner Service, including payment of compensation to Trade Commissioners for damage to and loss of furniture and effects, under regulations approved by the Governor in Council—Further amount required	98,700	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRADE AND COMMERCE—*Concluded*		
	EXHIBITIONS		
788	Exhibitions Generally—Further amount required	55,000	
789	Canadian International Trade Fair, 1952—To provide for preparatory expenses of a Canadian International Trade Fair in 1952, the remaining amount required to be provided in the Main Estimates for 1952-53	312,020	
	STANDARDS DIVISION		
790	Weights and Measures Inspection Services—Operation and Maintenance—Further amount required	10,600	
	DOMINION BUREAU OF STATISTICS		
791	Census of Population and Agriculture and the 1951 Census of Distribution—Further amount required	261,000	
	CANADA GRAIN ACT		
792	Canadian Government Elevators—Operation and Maintenance—Further amount required	80,000	
	SPECIAL		
793	To provide for payments by the Government of Canada under agreement dated July 10, 1950, between the Government of Canada and the Government of Manitoba, establishing the Greater Winnipeg Dyking Board (Revote)—Further amount required	430,793	
			1,288,913
	TRANSPORT		
	A—DEPARTMENT		
794	Departmental Administration—Further amount required	70,779	
	CANAL SERVICES		
	Canal Services—		
795	Operation and Maintenance—Further amount required	155,000	
796	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	1,489,597	
797	To provide for expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations—Further amount required	5,000	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Continued*		
	A—DEPARTMENT—*Continued*		
	MARINE SERVICES		
	Marine Service Steamers—		
798	Operation, Maintenance and Repairs—Further amount required	320,355	
799	Construction or Acquisition of Vessels and New Equipment—Capital—Further amount required	139,500	
	Aids to Navigation—		
800	Administration, Operation and Maintenance—Further amount required	60,000	
	Nautical Services—		
801	Operation and Maintenance, including grants and contributions, as detailed in the Estimates; rewards for saving life from vessels in distress; subsidies to salvage companies, and the payment of expenses, including excepted expenses, incurred in respect of Canadian distressed seamen as defined in Section 296 of the Canada Shipping Act—Further amount required	27,765	
	Pilotage Service—		
802	Construction or Acquisition of Buildings, Works and New Equipment	119,500	
	River St. Lawrence Ship Channel Service—		
803	Administration, Operation and Maintenance — Further amount required	500,000	
804	To provide for the replacement of machinery and equipment destroyed by fire in May, 1950, at L'Ecole d'Arts et Metiers de Rimouski, Que: Gross estimated cost ..... $150,950 Less: Proceeds of insurance, on machinery and equipment so destroyed, which the Department is hereby authorized to pay out of the Department of Transport Suspense Account for the purposes of this Vote 60,000	90,950	
	RAILWAY AND STEAMSHIP SERVICES		
	Canadian Government Railways—		
805	Construction of New Dock and Terminal Facilities at Port-aux-Basques, Nfld.—Capital—Further amount required	500,000	
806	To provide towards the cost of surveys of Newfoundland Railway properties entrusted to the Canadian National Railway Company	15,000	
	AIR SERVICES		
	Telecommunications Division		
	Airways and Airports—Radio Aviation Services—		
807	Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital—Further amount required	494,000	
	Radio Act and Regulations—		
808	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	57,700	
	Northwest Communication System—		
809	Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital—Further amount required	131,254	

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$	$
	TRANSPORT—*Concluded*		
	A—DEPARTMENT—*Concluded*		
	AIR SERVICES—*Concluded*		
	Meteorological Division		
	Meteorological Services—		
810	Construction or Acquisition of Buildings, Works, Land and New Equipment—Further amount required	14,000	
	Civil Aviation Division		
	Airways and Airports—		
811	Airway and Airport Traffic Control—Further amount required	82,018	
	Construction Services—		
812	Construction or Acquisition of Buildings, Works, Land and New Equipment—Capital—Further amount required	629,400	
813	Contributions, subject to the approval of the Governor in Council, to assist municipalities in the development of and improvement to airports, the sites of which have been provided by such municipalities—Further amount required	15,000	
814	Contributions, as specified in the details of the Estimates, to other Governments or International Agencies for the operation and maintenance of airports, air navigation and airways facilities—Further amount required	17,210	
815	Contribution towards the cost of construction of a landing strip in Goldfields, Saskatchewan area, provided Eldorado Mining and Refining Limited enters into an Agreement with His Majesty to furnish the site and to undertake the construction	80,000	
	B—GENERAL		
	CANADIAN MARITIME COMMISSION		
816	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required	8,000	
817	Steamship Subventions for Ocean Services—		
	Pacific Ocean—		
	Canada, New Zealand and Australia, service between, and if either or both the Governments of Australia and of New Zealand should request or authorize the Canadian Maritime Commission to act on its or their behalf in contracting for this service, the Canadian Maritime Commission is hereby empowered so to act	166,667	
			5,188,695
	VETERANS AFFAIRS		
818	Departmental Administration—Further amount required	37,000	
819	Canadian Pension Commission—Administration Expenses—Further amount required	47,000	
	PENSIONS AND OTHER BENEFITS		
820	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order P.C. 45/8848 of 22nd November, 1944, which shall be subject to the Pension Act—Further amount required	1,570,000	

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		$	$
	VETERANS AFFAIRS—*Concluded*		
	PENSIONS AND OTHER BENEFITS—*Concluded*		
821	Assistance Fund (War Veterans' Allowances)—Further amount required	100,000	
822	To provide financial assistance after the thirty-first day of May, 1951, in accordance with regulations to be made by the Governor in Council, to unemployable veterans who are in receipt of pensions under the Pension Act for a disability which is a factor contributing to their unemployability; such financial assistance to be exempt from income tax under the provisions of the Income Tax Act	2,000,000	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
823	To authorize and provide, subject to the approval of the Governor in Council in each case, for the completion of necessary remedial work to houses and services constructed under the 1945 building program (Revote)—Further amount required	32,000	
			3,786,000
			143,672,180
	LOANS, INVESTMENTS AND ADVANCES		
	CENTRAL MORTGAGE AND HOUSING CORPORATION		
824	To provide for the restoration of the special account in the Consolidated Revenue Fund established by Section 35 of the National Housing Act by the amount paid out of the special account in respect of housing projects undertaken jointly with the governments of the provinces during the fiscal year 1950–51	1,500,000	
	DEFENCE PRODUCTION		
825	To authorize a further amount of $50,000,000 for the purpose of increasing from $100,000,000 to $150,000,000 the amount by which expenditures charged to the Defence Production Revolving Fund may in the current and subsequent fiscal years exceed receipts shown therein, as provided for in Section 16 of the Defence Production Act	50,000,000	
			51,500,000
	Total		195,172,180