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HOUSE OF COMMONS

20th Parliament, 5th Session
1949

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

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Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Supreme Court Act.

First reading, January 28, 1949.

THE MINISTER OF JUSTICE.

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

THE HOUSE OF COMMONS OF CANADA

BILL 2.

An Act to amend the Supreme Court Act.

R.S., c. 35;
1928, c. 9; †
1929, c. 58;
1930, c. 44;
1937, c. 42.

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

1. Section nine of the *Supreme Court Act*, chapter thirty-five of the Revised Statutes of Canada, 1927, is repealed 5 and the following substituted therefor:—

Tenure of office.

“9. (1) Subject to subsection two, the judges shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons. 10

(2) A judge shall cease to hold office upon attaining the age of seventy-five years.”

2. Sections thirty-six and thirty-eight to forty-four of the said Act and section thirty-seven of the said Act, as enacted by section one of chapter forty-two of the statutes 15 of 1937, are repealed and the following substituted therefor:—

Appeals from final judgments.

“36. Subject to sections forty and forty-four an appeal to the Supreme Court of Canada lies from a final judgment or a judgment granting a motion for a nonsuit or directing 20 a new trial of the highest court of final resort in a province, or a judge thereof, pronounced in

(a) a judicial proceeding where the amount or value of the matter in controversy in the appeal exceeds two thousand dollars, or 25

(b) proceedings for or upon a writ of *habeas corpus* or *mandamus*.

Appeals from references by Lieutenant Governor in Council.

“37. An appeal lies to the Supreme Court of Canada from an opinion pronounced by the highest court of final resort in a province on any matter referred to it for hearing 30 and consideration by the Lieutenant Governor in Council of that province where by the statutes of that province it

EXPLANATORY NOTES.

1. Section nine now reads as follows:

"9. The judges shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons, *Provided that each judge, whether heretofore appointed or hereafter to be appointed, shall cease to hold office upon attaining the age of seventy-five years, or immediately, if he has already attained that age.*"

The proposed amendment deletes the portions now inapplicable.

2. Appeals without leave are now governed by sections thirty-six, thirty-nine and forty-two which read as follows:

"36. Subject to sections *thirty-eight and thirty-nine hereof*, an appeal shall lie to the Supreme Court from any judgment of the highest court of final resort now or hereafter established in any province of Canada pronounced in a judicial proceeding, whether such court is a court of appeal or of original jurisdiction (except in criminal causes and in proceedings for or upon a writ of habeas corpus, certiorari or prohibition arising out of a criminal charge, or in any case of proceedings for or upon a writ of habeas corpus arising out of any claim for extradition made under any treaty) where such judgment is,

(a) a final judgment; or

(b) a judgment granting a motion for a nonsuit or directing a new trial."

"39. Except as otherwise provided by sections thirty-seven and forty-four, notwithstanding anything in this Act contained, no appeal shall lie to the Supreme Court from a judgment rendered in any provincial court in any proceeding unless

(a) the amount or value of the matter in controversy in the appeal exceeds the sum of two thousand dollars; or

(b) special leave to appeal is obtained as hereinafter provided."

"42. Nothing in the three sections last preceding shall affect appeals in cases of mandamus and habeas corpus."

The new section thirty-six combines the principle of these three sections into one section. There is no change in substance except that an appeal may be brought from the final judgment of a single judge.

"37. The new section thirty-seven is substantially the same as the present section forty-three which reads as follows:

"43. An appeal *shall* lie to the Supreme Court from an opinion pronounced by the highest court of final resort in any province on any matter referred to it for hearing and consideration by the Lieutenant Governor in Council of *such* province *whenever it has been* by the statutes of the *said* province declared that *such* opinion is to be deemed a judgment of the *said* highest court of final resort and that an appeal *shall* lie therefrom as from a judgment in an action".

is declared that the opinion is to be deemed a judgment of the highest court of final resort and that an appeal lies therefrom as from a judgment in an action.

Appeals with
leave of
provincial
court.

“**38.** Subject to sections forty and forty-four an appeal to the Supreme Court of Canada lies with leave of the highest court of final resort in a province from a final judgment of that court where, in the opinion of that court, the question involved in the appeal is one that ought to be submitted to the Supreme Court for decision. 5

Appeals per
saltum.

“**39.** Subject to sections forty and forty-four an appeal 10 to the Supreme Court of Canada lies in respect of a question of law alone with leave of the highest court of final resort in a province from a final judgment of another court of that province, the judges of which are appointed by the Governor General, pronounced in a judicial proceeding 15 where the amount or value of the matter in controversy in the appeal exceeds two thousand dollars and an appeal lies to that court of final resort, if the consent in writing of the parties or their solicitors, verified by affidavit, is filed with the Registrar of the Supreme Court and with the registrar, 20 clerk or prothonotary of the court from which the appeal is to be taken.

Exceptions.

“**40.** No appeal to the Supreme Court of Canada lies under section thirty-six, thirty-eight or thirty-nine from a judgment in a criminal cause, in proceedings for or upon 25 a writ of *habeas corpus*, *certiorari* or prohibition arising out of a criminal charge, or in proceedings for or upon a writ of *habeas corpus* arising out of a claim for extradition made under a treaty.

Appeals
with leave
of Supreme
Court.

“**41.** (1) Subject to subsection three and to section 30 forty-four an appeal lies to the Supreme Court of Canada with leave of that court from any final or other judgment of the highest court of final resort in a province, or a judge thereof, in which judgment can be had in the

“38. Section thirty-eight replaces in part the present section forty-one, which reads as follows:

“41. Special leave to appeal may be granted in any case within section thirty-six by the highest court of final resort having jurisdiction in the province in which the judicial proceeding was originally instituted: Provided that in any case whatever where the matter in controversy on the appeal will involve

- (a) the validity of an Act of the Parliament of Canada or of the legislature of any province of Canada or of an Ordinance or Act of the council or Legislative body of any territory of Canada; or
- (b) any fee of office, duty, rent or revenue, or any sum of money payable to His Majesty; or
- (c) the taking of any annual rent, customary or other fee, or, other matters by which rights in future of the parties may be affected; or
- (d) the title to real estate or some interest therein; or
- (e) the validity of a patent; and
- (f) in cases which originated in a court of which the judges are appointed by the Governor General and in which the amount or value of the matter in controversy in the appeal will exceed the sum of one thousand dollars;

if a special leave to appeal has been refused by the highest court of final resort in the province the Supreme Court may nevertheless grant such leave during the period fixed by section sixty-four or within thirty days thereafter, or within such further extended period as the Court or a judge may upon cause shown in the particular case, either before or after the expiry of the said thirty days, fix or allow.”

There is no change in substance.

“39. This is a revision of the present section thirty-seven, as enacted by 1937, chapter 42, which reads as follows:

“37. (1) Subject to section thirty-eight hereof, where the amount or value of the matter in controversy in the appeal exceeds the sum of two thousand dollars, an appeal shall lie directly to the Supreme Court in respect of a question of law alone from a final judgment pronounced in a judicial proceeding by a provincial court of which the judges are appointed by the Governor General, upon leave being granted to that effect by the highest court of final resort in the province in which the proceedings were originally instituted, and provided that the consent in writing of the parties, or their solicitors, verified by affidavit is filed with the Registrar of the Supreme Court and with the registrar, clerk or prothonotary of the court to be appealed from.

(2) No such leave shall be granted by the highest court of final resort unless an appeal would lie to such court of final resort and also to the Supreme Court from the judgment of such court pronounced in such appeal.

(3) Save as provided by this section, but subject to section forty-four, no appeal shall lie to the Supreme Court except from the highest court of final resort having jurisdiction in the province in which the proceedings were originally instituted.”

There is no change in substance.

“40. This section re-enacts the exceptions contained in the present section thirty-six. There is no change in substance.

“41. This section is new but it includes the right of the Supreme Court of Canada to grant leave to appeal under the present section forty-one. This section confers upon the Supreme Court jurisdiction to grant leave to appeal from any judgment, except judgments on indictments. These are dealt with specially by sections 1023 and 1025 of the *Criminal Code*.

particular case sought to be appealed to the Supreme Court of Canada, whether or not leave to appeal to the Supreme Court of Canada has been refused by any other court.

When leave granted.

(2) Leave to appeal under this section may be granted 5 during the period fixed by section sixty-four or within thirty days thereafter or within such further extended time as the Supreme Court or a judge may either before or after the expiry of the said thirty days fix or allow.

Appeals in respect of offences.

(3) No appeal to the Supreme Court of Canada lies under 10 this section from the judgment of any court acquitting or convicting or setting aside or affirming a conviction or acquittal of an indictable offence or, except in respect of a question of law or jurisdiction, of an offence other than an indictable offence. 15

Extending time for allowing appeal.

(4) Whenever the Supreme Court of Canada has granted leave to appeal the Supreme Court or a judge may, notwithstanding anything in this Act, extend the time within which the appeal may be allowed.

Appeals under other Acts.

“42. Notwithstanding anything in this Act the Supreme 20 Court has jurisdiction as provided in any other Act conferring jurisdiction.

Amount or value in controversy.

“43. Where the right to appeal or to apply for special leave to appeal is dependent on the amount or value of the matter in controversy the amount or value may be proved 25 by affidavit, and it shall not include interest subsequent to the day on which the judgment to be appealed from was pronounced or any costs.

No appeal from discretionary orders.

“44. No appeal lies to the Supreme Court of Canada from a judgment or order made in the exercise of judicial 30 discretion except in proceedings in the nature of a suit or proceeding in equity originating elsewhere than in the province of Quebec and except in proceedings for or upon a writ of *mandamus*.”

3. Section fifty-four of the said Act is repealed and the 35 following substituted therefor:—

Judgment to be final.

“54. (1) The Supreme Court shall have, hold and exercise exclusive ultimate appellate civil and criminal jurisdiction within and for Canada; and the judgment of the Court shall, in all cases, be final and conclusive. 40

No appeals to His Majesty in Council.

(2) Notwithstanding any royal prerogative or anything contained in any Act of the Parliament of the United Kingdom or any Act of the Parliament of Canada or any Act of the legislature of any province of Canada or any other statute or law, no appeal lies or shall be brought 45 from or in respect of the judgment of any court, judge or

Leave to appeal may be granted notwithstanding that a provincial court has refused leave.

It is not necessary that the court appealed from should be the highest court of last resort having jurisdiction in the province generally. It is sufficient if the judgment is of the highest court in which judgment can be had in the particular matter.

Appeals would also be permissible in prosecutions under provincial statutes, but only on questions of law or jurisdiction. At the present time these prosecutions cannot, as a rule, reach the provincial Court of Appeal.

All appeals in connection with prerogative writs whether arising out of criminal charge or not can, under the proposed amendment, reach the Supreme Court with leave.

“42. This section is substantially the same as the present section forty-four, which reads as follows:—

“44. Notwithstanding anything in this Act contained the court shall also have jurisdiction as provided in any other Act conferring jurisdiction.”

“43. This is substantially the same as the present section forty, which reads as follows:—

“40. Where the right to appeal or to apply for special leave to appeal is dependent on the amount or value of the matter in controversy *such* amount or value may be proved by affidavit, and it shall not include interest subsequent to the *date* on which the judgment to be appealed from was pronounced or any costs.”

“44. This is substantially the same as the present section thirty-eight which reads as follows:

“38. No appeal shall lie to the Supreme Court from any judgment or order made in the exercise of judicial discretion except in proceedings in the nature of a suit or proceeding in equity originating elsewhere than in the province of Quebec.”

Mandamus is added because in some cases it is a discretionary writ.

3. This is new. The amendment will abolish appeals to the Privy Council.

judicial officer in Canada to any court of appeal, tribunal or authority by which, in the United Kingdom, appeals or petitions to His Majesty in Council may be ordered to be heard.

Repeal of
U.K. Acts.

(3) *The Judicial Committee Act, 1833*, chapter forty-one 5
of the statutes of the United Kingdom of Great Britain
and Ireland, 1833, and *The Judicial Committee Act, 1844*,
chapter sixty-nine of the statutes of the United Kingdom
of Great Britain and Ireland, 1844, and all orders, rules or
regulations made under the said Acts are hereby repealed 10
in so far as the same are part of the law of Canada."

Section
repealed.

4. Section sixty-five of the said Act is repealed.

5. Section eighty-five of the said Act is repealed and the following substituted therefor:

Entry of
appeals
on list,
and order
of hearing.

"85. The appeals set down for hearing shall be entered 15
by the Registrar on a list divided into five parts, and
numbered as follows:—Number one, Election Cases; Num-
ber two, Western Provinces Cases; Number three, Mari-
time Provinces Cases; Number four, Quebec Province
Cases; Number five, Ontario Province Cases; and the 20
Registrar shall enter all Election Appeals on part numbered
one, all appeals from the Yukon Territory and the Prov-
inces of British Columbia, Alberta, Saskatchewan and
Manitoba on part numbered two, all appeals from the
Provinces of Nova Scotia, New Brunswick, Prince Edward 25
Island and Newfoundland on part numbered three, all
appeals from the Province of Quebec on part numbered
four, and all appeals from the Province of Ontario on part
numbered five; and such appeals shall be heard and
disposed of in the order in which they are so entered, unless 30
otherwise ordered by the Chief Justice or one of the puisne
judges at his direction."

6. Section one hundred and four of the said Act is amended by adding thereto, immediately after paragraph (a) of subsection one thereof, the following paragraph: 35

In forma
pauperis.

"(aa) for allowing appeals *in forma pauperis* by leave,
notwithstanding section seventy;"

Rights
saved.

7. Notwithstanding anything in section three of this Act, an appeal from or in respect of a judgment pronounced in 40

(a) a judicial proceeding that was commenced prior to the coming into force of this Act, or

(b) a reference made by the Governor in Council or by the Lieutenant-Governor in Council of a province prior to the coming into force of this Act, 45

lies or may be brought as if that section had not been enacted.

4. Section sixty-five is unnecessary. It reads:

"65. No appeal upon a special case, or from the judgment upon a motion to enter a verdict or non-suit upon a point reserved at the trial or from the judgment upon a motion for a new trial, shall be allowed, unless notice thereof is given in writing to the opposite party, or his attorney of record, within twenty days after the decision complained of, or within such further time as the court appealed from, or a judge thereof, allows."

5. The proposed amendments add Newfoundland to the enumerated provinces, and substitute the words underlined for the word "court" so that the Chief Justice or a puisne judge by his direction can fix the order of hearing.

6. This permits the Supreme Court, to make rules for appeals *in forma pauperis*. The opening words of section 104 (1) read:

"104. The judge of the Supreme Court, or any five of them, may, from time to time, make general rules and orders....."

7. This preserves the right of appeal in respect of litigation already in process.

Coming
into force.

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

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Criminal Code (Illegal Organizations)
and The Canadian Citizenship Act (Loss of Canadian
Citizenship).

First reading, January 28, 1949.

Mr. LACROIX.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Criminal Code (Illegal Organizations) and The Canadian Citizenship Act (Loss of Canadian Citizenship).

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.

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 sections:—

“98. (1) The Communist Party of Canada, the Labor-Progressive Party of Canada and any association, society, group or organization which has similar aims or purposes, or which is under the control of the Communist Party of Canada or the Labor-Progressive Party of Canada or which is primarily operated to give aid and support to a communist political organization, a communist foreign government or the world communist movement, or the views and policies of which are in general adopted and advanced because such views or policies are those of a communist political organization, a communist foreign government, or such world communist movement, are declared to be, and shall be deemed to be illegal organizations: Provided that no association, society, group or organization, except the Communist Party of Canada, and the Labor-Progressive Party shall be deemed to be an illegal organization unless a Superior Court of criminal jurisdiction has previously, upon a reference submitted by the Governor in Council, expressed the opinion that the said association, society, group or organization is an illegal association within the meaning of this section.

(2) Every person who, after the coming into force of this section or after the court of criminal jurisdiction has expressed the opinion mentioned in subsection one of this section, as the case may be, continues to be or becomes an officer or member of such an illegal organization, or professes

Illegal
organiza-
tions.

Proviso.

Members
guilty of an
offence.

EXPLANATORY NOTE.

The Communist Party of Canada and the Labor-Progressive Party of Canada and organizations with similar objectives and advocating the use of similar means of overthrowing constituted authority as developed in Canada under our Constitution are a menace to the safety of the State and should be outlawed by adequate provision of the *Criminal Code*. The Government, with the approval of Parliament, thought it necessary and expedient for the safety of the State to outlaw the Communist Party during the war. Such organizations constitute a great threat to the safety of our national institutions in peace time and should be suppressed in like manner. With this object in view it is proposed by this Bill to declare the named Parties, illegal organizations, under the *Criminal Code*.

Similar Bills were introduced in the House of Commons on the 31st of March, 1947, and also on the 10th of December, 1947. The difference between the first and second Bills is that in the first case it was left to the Governor in Council to declare groups or associations to be illegal associations whereas in the second Bill a Superior Court of criminal jurisdiction is substituted for the Governor in Council.

The Bill of this year goes further than the two Bills of 1947 and of 1947-48 in that it is further proposed to insert a new section 98A in the *Criminal Code* and also to amend *The Canadian Citizenship Act* by providing for revocation of Canadian citizenship for offences referred to in proposed sections 98 and 98A.

- Penalty. to be such, or who advocates or defends the acts, principles or policies of such illegal organization shall be guilty of an offence under this section and liable to a fine not exceeding five thousand dollars, or to imprisonment for not more than twenty years, or to both fine and imprisonment. 5
- Evidence of membership. (3) In any prosecution under this section, if it is proved that the person charged has
- (a) attended meetings of an illegal organization; or
 - (b) distributed literature of an illegal organization by circulation through the mails of the Post Office of 10 Canada, or otherwise; or
 - (c) knowingly permitted, as the owner, lessee, agent or superintendent of any building, room, premises or place, any meeting of an illegal organization;
- it shall be *prima facie* evidence that said person is a member 15 of such illegal organization.
- Property may be seized and forfeited. (4) Any property, real or personal, belonging or suspected of belonging to such illegal organization, or held or suspected to be held by any person for or on behalf thereof may, without warrant, be seized or taken possession of by any 20 person thereunto authorized by the Commissioner of the Royal Canadian Mounted Police, and may thereupon be forfeited to His Majesty.
- Disqualifi- cation as to House and Senate. (5) No person who is a member of an illegal organization shall be eligible to be a candidate to serve as a member of 25 the House of Commons nor to sit as a member of the Senate or House of Commons.
- Certain prohibited acts. “9SA. (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 30 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 estab- 35 lishment 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, 40 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. 45

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."

5

Section amended.

2. Subsection one of section twenty-one of *The Canadian Citizenship Act*, chapter fifteen of the statutes of 1946, is amended by adding at the end thereof the following paragraph:—

Loss of Canadian citizenship.

"(e) has been convicted of an offence under sections 10 ninety-eight or ninety-eight A of the *Criminal Code*."

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting a National Flag for Canada.

First reading, January 28, 1949.

MR. BEAUDRY.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting a National Flag for Canada.

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

- Short title. **1.** This Act may be cited as *The Canadian National Flag Act*. 5
- National flag. **2.** The flag, the description of which is contained in the Schedule to this Act, is hereby declared to be the national flag of Canada.
- Coming into force. **3.** This Act shall come into force on the first day of July, 1949. 10

SCHEDULE.

Azure, a fess gules, upon which at the fess point an escutcheon argent imperially crowned, upon which three maple leaves conjoined on the one stem gules, the escutcheon surrounded by a wreath of ten maple leaves vert.

EXPLANATORY NOTES.

In less technical terms the description contained in the Schedule to this Act means that the flag suggested consists of three horizontal bands: one blue, one red and one blue (azure, a fess gules). In the very centre of the flag, and in the centre of the red band, is the service badge of the men who served in the last war (less the motto) in the Schedule described as "upon which at the fess point an escutcheon argent imperially crowned, upon which three maple leaves conjoined on the one stem gules". Finally, this escutcheon is to be surrounded by ten green maple leaves representing the ten provinces of Canada.

Meaning of words:

azure—blue

fess—horizontal band across flag

gules—red

argent—silver

vert—green

5.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Civil Service Act. (Examinations).

First reading, January 31, 1949.

Mr. ARSENAULT.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to amend the Civil Service Act. (Examinations).

R.S., c. 22;
1929, c. 38;
1932, c. 40;
1938, c. 7;
1947, c. 53.

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

1. Section twenty-nine of the *Civil Service Act*, chapter twenty-two of the Revised Statutes of Canada, 1927, as enacted by section six of chapter fifty-three of the statutes of 1947, is amended by adding thereto the following subsection:—

Preference to competitors speaking both languages.

“(3) Subject to the preferences provided in subsections one and two of this section, the Commission, in preparing the list therein mentioned, shall, for appointments to positions in the province of Quebec, give preference to the competitors who have, by the examination, been shown to be capable of speaking and writing correctly the French language and who have been shown at the same time to have a working knowledge of the English language, and shall for appointments to positions in the other provinces give preference to the competitors who have, by the examination, been shown to be capable of speaking and writing correctly the English language and who have been shown at the same time to have a working knowledge of the French language.”

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EXPLANATORY NOTE.

1. Section twenty-nine, which it is proposed to amend by adding a new subsection three, at present reads as follows:—

“29. (1) Immediately after each examination, the Commission shall prepare a list of the competitors eligible for appointment as a result of that examination and shall cause the list to be published in the *Canada Gazette*.

(2) In preparing the list mentioned in this section, the Commission shall place the competitors who have, by the examination, been shown to possess the necessary qualifications, on the list in accordance with the following provisions:—

(a) those who are in receipt of a pension

(i) by reason of their service in World War I, or

(ii) by reason of their service only in World War II, and who at the commencement of such service were domiciled in Canada,

who have from causes attributable to such service lost capacity for physical exertion to an extent which makes them unfit efficiently to pursue the avocations which they were pursuing before the war, and who have not been successfully re-established in some other avocation, shall be placed, in order of merit, ahead of other competitors;

(b) those who are veterans and who do not come within the provisions of paragraph (a) of this subsection, or who are widows of veterans, shall be placed, in order of merit, on the list immediately following the competitors, if any, mentioned in paragraph (a) of this subsection;

(c) those who do not come within the provisions of paragraph (a) or (b) of this subsection shall be placed, in order of merit, on the list following those competitors mentioned in paragraph (b) of this subsection, but if there are no such competitors, then following the competitors, if any, mentioned in paragraph (a) of this subsection.”

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend An Act respecting the Revised
Statutes of Canada.

First reading, January 31, 1949.

MR. ARSENAULT.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend An Act respecting the Revised Statutes of Canada.

1947-48, c. 67.

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 five of *An Act respecting the Revised Statutes of Canada*, chapter sixty-seven of the statutes of 1947-48, is repealed and the following substituted therefor:— 5

Powers of Commission as to alterations.

“5. (1) The Commission in consolidating the said statutes, and in incorporating therewith the Acts or parts of Acts passed subsequent thereto and selected for inclusion therein, as above provided, may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what it deems to be the intention of Parliament or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors and whenever in the said statutes or acts, or amendments thereto, the expression “Dominion of Canada” is used, there shall be substituted therefor the expression “Canada” and whenever the word “Dominion” is used, there shall be substituted therefor the word “Canada” or “Canadian” or “Federal”, respectively, or such other adequate word as the context requires.” 10 15 20

EXPLANATORY NOTE.

The change proposed to be made to subsection one of section five of the Act respecting the Revised Statutes of Canada adopted at the last session of Parliament consists in the addition thereto of the words underlined on the opposite page. The reason for this amendment is obvious. In view of the actual constitutional position, Canada, like the other countries of the Commonwealth of Nations, has ceased to be a Dominion and is now a sovereign state and the word Dominion should be eliminated from our statutes. The Commission is necessarily given a certain latitude in the choice of the proper words to be employed in substitution.

7.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act to amend The Dominion Elections Act, 1938.
(Election Expenses).

First reading, February 2, 1949.

Honourable Mr. POWER.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act to amend The Dominion Elections Act, 1938.
(Election Expenses).

1938, c. 46;
1947-48, c. 46.

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

1. Section sixty-two of *The Dominion Elections Act, 1938*, and section sixty-three of the said Act, as amended by section thirty-seven of chapter forty-six of the statutes of 1947-48, are repealed and the following substituted therefor:—

“OFFICIAL AGENT AND ELECTION EXPENSES OF CANDIDATES.

Appointment
of official
agent and
acceptance
of office.

62. (1) Every candidate shall appoint an official agent who is an elector and is in this Act termed “the official agent,” who shall hold office during the pleasure of the candidate, and whose name, address and occupation shall be declared to the returning officer, in the nomination paper in Form No. 24, by or on behalf of the candidate, on or before nomination day and shall be published in the Notice of Grant of a Poll in Form No. 27. The acceptance of the appointment by such official agent shall also be declared in the said nomination paper in Form No. 24.

Procedure
where
official
agent is
superseded.

(2) If, after the Notice of Grant of a Poll has been published, the person appointed official agent for any candidate dies, is removed from office, becomes unable to act, or refuses to act, another appointment shall at once be made, and a separate written declaration of the name, address and occupation of the newly appointed official agent together with his acceptance of the appointment (in the terms used in the nomination paper for such purpose) shall be delivered or transmitted to the returning officer. Forthwith upon receipt of such notice, the returning officer shall transmit a copy thereof to the Chief Electoral Officer. The

EXPLANATORY NOTES.

This Bill is an exact copy of the draft bill recommended to the favourable consideration of the House by the Special Committee on Electoral Matters of 1939, in the third report of the Committee presented by Mr. Bothwell. The report was presented on May 4, 1939, and debated. The recommendation of the Committee was concurred in on May 15, 1939.

No further action was taken on the draft bill during the First Session of 1939, nor in subsequent sessions.

The draft bill represented a compromise between the views of those who sponsored the "Political Expenditures Act of 1938" and the somewhat less radical views of the members of the Committee on Electoral Matters.

The objects of this Bill are:

(1) To provide that the source and distribution of all contributions and expenditures for federal election purposes shall be readily traceable and given publicity, whether such funds be devoted to constituency organizations or to those operating in a wider sphere;

(2) To limit the expenditure of any candidate for membership in the House of Commons and to provide greater publicity to contributions received and expenditures incurred in promoting the return of any such candidate.

The method is to rewrite two sections: section 62 and section 63 of *The Dominion Elections Act 1938*, as amended by section 37 of chapter 46 of the statutes of 1947-1948. These sections are rewritten so as to clarify and strengthen the provisions dealing with contributions to and expenditures made by an official agent.

(3) To provide for public knowledge of candidates returns of contributions and expenditures by (a) inspection of such returns at the Returning Officer's office, (b) publication in the *Canada Gazette*, and (c) publication by the Chief Electoral Officer of a report giving a summary of receipts and expenditures of each candidate.

(4) To provide for enquiry by the Chief Electoral Officer upon complaint that the declaration of the official agent is incorrect or does not conform to requirements of the Act. The limitation of election expenses which can be lawfully incurred in any constituency is set at a sum equal to twenty cents for each name on the official list of electors for the electoral district for the current election.

Section 63A is entirely new and deals with contributions to and expenses of party organizations, "General Campaign Funds". These must be (a) reported in detail to the Chief Electoral Officer, (b) published in the *Canada Gazette* and, (c) published in a report to Parliament made by the Chief Electoral Officer.

returning officer shall also at the same time transmit a copy of such declaration to every candidate in the applicable electoral district.

Duties and responsibilities of superseded official agent.

(3) Whenever an official agent has been removed from office, is unable to act, or refuses to act, and has been superseded by another official agent, the former shall at once deliver to the candidate all money and its equivalent, and all books and papers in his possession in relation to the pending election, and shall prepare a complete return of election receipts and expenses in Form No. 57 (with the details prescribed in subsection (1) of section sixty-three of the Act) for the time he has acted as official agent, and transmit one copy thereof to the returning officer, one copy to the candidate and one copy to the Chief Electoral Officer; and if such official agent shall neglect or refuse to so furnish such return and copies thereof, he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Election officers ineligible as official agents. Penalty.

(4) No election officer shall be eligible to act as the official agent of any candidate in the management or conduct of his election, and if any such officer shall so act he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Duties and liabilities of official agent during tenure of office.

(5) Until written notice of the death or removal of the official agent from such office has been transmitted by the candidate to the Chief Electoral Officer, or until his written resignation has been transmitted by the official agent himself to the Chief Electoral Officer, every such official agent shall be subject to the duties and liabilities imposed upon official agents by the provisions of this Act.

Official agent to receive all election contributions.

(6) No person or combination of persons other than the official agent of a candidate shall, in connection with and during any election, receive as a contribution towards the election expenses of such candidate any money whether as contribution, gift, loan, advance or otherwise, except as provided by the next following subsection.

Candidates and others to remit election contributions to the official agent.

(7) Every person, including the candidate himself, who receives a contribution towards the election expenses of such candidate, shall, within seven days after receipt of such contribution, transmit or deliver the said contribution to the official agent of such candidate, and, in all cases in which the contribution is more than fifty dollars, give the name and address of the person making such contribution. Every person who contravenes the provision of this subsection is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Penalty.

No payment to be made except through official agent.

(8) Subject to the subsequent provisions of this section, no payment and no advance or deposit shall be made before, during or after an election by a candidate or by any agent

on behalf of a candidate or by any other person, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the official agent: Provided that this subsection shall not be deemed to apply to payment

5

(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding one thousand dollars;

(b) by any person, out of his own money, for any small expense legally incurred by him, if no part of the 10 sum so paid is repaid to him.

Penalty for
contravention.

(9) Every person who pays in contravention of the next preceding subsection any money or its equivalent is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 15

When no
action against
candidate.

(10) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate unless made by the candidate himself or by his official agent or by a sub-agent of the official agent thereto authorized in 20 writing: Provided that inability to enforce such contract against the candidate shall not relieve him from the consequences of any corrupt or illegal practice committed by his agent.

Proviso.

Bill of
particulars.

(11) Every payment made by or through an official agent 25 in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than ten dollars, be vouched for by a bill stating the particulars and by a receipt.

Claims to be
sent in within
one month.

(12) All persons who have bills, charges or claims upon 30 any candidate for or in relation to any election shall send in such bills, charges or claims within one month after polling day at the applicable election, to the official agent of the candidate, or, if such agent is dead or legally incapable, to the candidate in person; otherwise such persons shall be 35 barred of the right to recover such claims or any part thereof.

If no agent.

Penalty for
illegal
payment.

(13) Subject to such exception as may be allowed in pursuance of this Act, an official agent who pays a claim in contravention of this enactment is guilty of an illegal practice and of an offence against this Act punishable on 40 summary conviction as in this Act provided.

Death of
claimant.

(14) In the event of the death, within such month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in the bill, charge or claim within one month after his obtaining 45 probate or letters of administration, or of his becoming otherwise able to act as legal representative; otherwise the right to recover such bill, charge or claim shall be barred as aforesaid.

Payment
within fifty
days.

(15) All expenses incurred by or on behalf of a candidate on account of or in respect of the conduct or management of an election shall be paid within fifty days after the day of polling at such election, and not otherwise; and, subject to such exception as may be allowed in pursuance of this Act, an official agent who makes a payment in contravention of this provision is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 5

Penalty.

Payment
of lawful
claims sent
in after time
prescribed.

(16) Notwithstanding anything in this section contained cause being at any time shown to the satisfaction of the judge, on application by the claimant, or by the candidate or his official agent, such judge may by order give leave for the payment by a candidate through his official agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although sent in to the candidate and not to the official agent. 15

Election
not void in
certain cases.

(17) Where the judge reports that it has been proved by a candidate that any payment made by an official agent in contravention of this section was made without the sanction or connivance of such candidate the election of such candidate shall not be void nor shall he be subject to any incapacity by reason only of such payment having been made in contravention of this section. 20 25

Action for
recovery.

(18) If the official agent in the case of any claim sent in to him within the time limited by this Act disputes it, or refuses or fails to pay it within the period of fifty days after polling day at the applicable election, the claim shall be deemed to be a disputed claim and the claimant may bring an action to recover the same in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act requiring claims to be paid by the official agent. 30 35

Exception.

Candidate's
personal
expenses.

(19) The candidate may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding one thousand dollars, but any further personal expenses so incurred by him shall be paid by his official agent. 40

Written
statement.

(20) The candidate shall send to his official agent for transmission to the Chief Electoral Officer within the time limited by this Act for sending in claims a detailed statement in Form No. 57A of the amount of personal expenses paid by such candidate. 45

Petty
expenses.

(21) Any person may, if so authorized in writing by the official agent, pay any necessary expenses for stationery, postage, telegrams and other petty expenses to a total

amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the official agent.

Statement of
particulars
and vouchers.

(22) A statement giving detailed particulars of payments made by any person so authorized shall be sent to the official agent within the time limited by this Act for the sending in of claims and shall be vouched for by a bill containing the receipt of that person. 5

Books of
account.

(23) Every official agent shall keep a book or books in which a record of each individual sum of money received or expended by him as such official agent shall be entered in appropriate order with full particulars of the name and address of the person from whom such money has been received or to whom it has been paid, and the purpose for which such money was paid. 10 15

Safe-keeping
and pro-
duction
of books
of account.

(24) No book of account or of record relating to the business of an official agent shall be destroyed without the written permission of the Chief Electoral Officer, and all such books shall be produced for examination on the order of a Superior Court or a judge thereof, or upon the written request of the Chief Electoral Officer. Any official agent 20

Penalty.

who illegally destroys, neglects or refuses to produce such books of account or record upon the order of the judge, or upon the written request of the Chief Electoral Officer, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided. 25

Return of
election
expenses by
official agent.

63. (1) Within two months after the day of polling at the election, every official agent shall transmit to the Chief Electoral Officer a true signed return in Form No. 57, in this Act referred to as a return of election receipts and expenses, containing detailed statements of 30

(a) each individual payment made by the official agent;
(b) the statement of personal expenses, if any, paid by the candidate; 35

(c) the disputed claims, so far as the official agent is aware;

(d) the unpaid claims, if any, in respect of which application has been or is about to be made pursuant to subsection sixteen of section sixty-two of this Act, so far as the official agent is aware; 40

(e) all moneys, securities and equivalent of money received by or promised to the official agent by the candidate or any other person, organization or corporation, for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, and, in respect of every contribution of more than fifty dollars, naming and stating the address of every person, organization or 45

corporation from whom or from which the same may have been received or by whom or by which such promise was made, showing as to each sum whether it was received or merely promised, whether in money or otherwise and whether as contribution, loan, advance, deposit or otherwise. 5

Vouchers and
declaration.

(2) The return so transmitted shall be accompanied by a declaration made by the official agent before the returning officer, a notary public or a justice of the peace in Form No. 58, which declaration is in this Act referred to as a declaration respecting election receipts and expenses. 10

Candidate's
declaration.

(3) At the same time the official agent transmits the said return, or within seven days thereafter, he shall transmit or cause to be transmitted to the Chief Electoral Officer and to the returning officer a declaration in Form No. 59, which declaration the candidate shall make and deliver or transmit to the official agent in duplicate. The official agent shall at the same time send a copy of the detailed statement of receipts and expenses, the disputed claims, the unpaid claims and the candidate's statement, together with the original bills and vouchers relating thereto, to the returning officer who shall preserve all such returns, declarations, bills and vouchers, and at all reasonable times during four months next after they have been delivered to him permit any elector to inspect them and to make extracts therefrom on payment of a fee of twenty cents; and after the expiration of such four months' period, transmit all bills and vouchers relating thereto to the Chief Electoral Officer, and all other documents may be destroyed, or, if after four months and before destruction the candidate or his official agent applies for their return, they shall be returned to the candidate. 15
20
25
30

Bills, etc., to
be preserved.

After four
months to be
destroyed or
returned.

Supple-
mentary
return in case
of death of
creditor.

(4) Whenever by reason of the death of a creditor no bill has been sent in within such period of two months, the official agent shall, within one month after such bill has been sent in, and likewise with respect to all payments approved by a judge pursuant to subsection sixteen of section sixty-two of this Act shall, within one week after such approval, as fully as possible comply with the provisions of this section by means of a supplementary return. 35
40

Penalty for
member
sitting in
contravention.

(5) If the said return of election receipts and expenses, declaration of the official agent and declaration of the candidate are not transmitted before the official agent and declaration of the candidate are not transmitted before the expiration of the time limited for that purpose, the Chief Electoral Officer shall forthwith notify the elected candidate of the official agent's failure to transmit such return and declarations, and shall at the same time draw his attention to the provisions of this subsection, and the candidate shall not after receipt of such notification, sit or vote in the 45
50

House of Commons as a member thereof until either such return and declarations have been transmitted or until the date of the allowance of such an authorized excuse for the failure to transmit the same, as in this Act mentioned, and if he sits or votes in contravention of this enactment 5 he shall, in addition to any other penalty prescribed by this Act, be liable on summary conviction to a fine of not less than five hundred dollars, and not more than one thousand dollars.

Default in delivering statements.

(6) If without such authorized excuse as in this Act 10 mentioned a candidate or an official agent fails to comply with the foregoing requirements of this section, he is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Furnishing false statements.

(7) If any official agent knowingly makes a false declara- 15 tion respecting election receipts and expenses he is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided.

If candidate out of Canada.

(8) Where a candidate is out of Canada at the time when such return is so transmitted to the Chief Electoral 20 Officer, the statement required by this section may be made by him within fourteen days after his return to Canada, and in that case shall be forthwith transmitted to the Chief Electoral Officer, but the delay hereby authorized in making such statement shall not exonerate the official 25 agent from complying with the provisions of this Act as to the return and declaration respecting election receipts and expenses.

Statement of payments.

(9) Where after the date at which the return respecting election receipts and expenses is transmitted leave is given 30 pursuant to subsection sixteen of section sixty-two of this Act, for any claims to be paid, the official agent shall, within seven days after the payment thereof, transmit to the Chief Electoral Officer a supplementary return of the sums paid in pursuance of such leave, accompanied by a 35 copy of the order of the judge giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section.

Return and declaration not transmitted.

(10) Where the return and declarations respecting election receipts and expenses of a candidate at an election have not 40 been transmitted as required by this Act, or, being transmitted, contain some error or false statement, then,

If on account of candidate's illness, etc.

(a) if the candidate applies within ninety days after 45 polling day at an election to the judge and shows that the failure to transmit such return and declarations or any of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, illness or misconduct of his official agent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a 50

like nature, and not by reason of any want of good faith on the part of the applicant; or

Or agent's illness, etc.

(b) if the official agent of the candidate applies within ninety days after an election to the judge and shows that the failure to transmit the return of election receipts and expenses and declarations which he was required to transmit, or any part thereof, or any error or false statement therein, arose by reason of his illness or of the illness of any prior official agent of the candidate or of the absence, illness or misconduct of any clerk or officer of an official agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; the judge may, after such notice of the application in the electoral district and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise as to the judge seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration as to the judge seems just.

Judge may order official agent to appear, etc.

(11) Where it appears to the judge that any person being or having been an official agent has refused or failed to make such return and declaration or to supply such particulars as will enable the candidate and his official agent respectively to comply with the provisions of this Act as to the return of election receipts and expenses and declarations, the judge before making an order allowing the excuse as in this section mentioned shall order such person to attend before him, and on such person's attendance shall, unless cause is shown to the contrary, order him to transmit forthwith such return and declarations to the Chief Electoral Officer in the manner prescribed by this Act, or to deliver a statement of the particulars required to be contained in the return, as to the judge seems just, and to prepare such statement and deliver the same within such time and to such person and in such manner as the judge may direct, or may order such person to be examined with respect to such particulars, and if the person so ordered does not comply with such order he is guilty of an illegal practice and of an offence against this Act punishable as in this Act provided.

When order conditions relief of applicant or of candidate.

(12) The order may make the allowance conditional upon the making of the return of election receipts and expenses and declarations in the Forms provided in this Act for such purposes, in a modified form, or within an extended time not exceeding two weeks after the date of such order and upon the compliance with such other terms as to the judge seems best calculated for carrying into effect the object of this Act; and an order allowing an authorized

excuse shall relieve the applicant for the order from any liability or consequence under this or any other Act in respect of the matters excused by the order; and where it is proved by the candidate to the judge that any act or omission of the official agent in relation to the return and declarations respecting election receipts and expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the judge shall relieve the candidate from the consequences of such act or omission on the part of his official agent. 5 10

Date of allowance.

(13) The date of the order shall for the purposes of this section be deemed the date of the allowance of the excuse.

Examination and custody of election returns, etc.

(14) The Chief Electoral Officer shall examine every return of election receipts and expenses and the declarations made by official agents and candidates, received by him in connection with any election, as hereinbefore provided, forthwith after receipt thereof, and if any such return or declaration conforms to the requirements of this Act, he shall file it with the records of his office, and it, together with the bills and vouchers relating thereto after they have been transmitted to him by the returning officer pursuant to subsection (3) of this section, shall be available for public inspection during office hours for a period of one year immediately following the applicable election. 20 25

Procedure when official agent fails to make a return.

(15) If, on the expiration of such period of two months after the day of polling at an election an official agent has failed to transmit a return of election receipts and expenses and the declarations, or any of them, the Chief Electoral Officer shall notify such official agent and the candidate, by registered mail, of such omission and shall request such official agent to transmit to him such return or declaration within twenty days after receipt of such notice and failure to comply with such request shall be an illegal practice and an offence against this Act punishable on summary conviction as in this Act provided. 30 35

Procedure when return not properly completed.

(16) If an official agent has transmitted a return of election receipts and expenses and declarations, any of which do not conform to the requirements of this Act, the Chief Electoral Officer shall notify such official agent to transmit to him an amended return or declaration, as the case may be, within twenty days after receipt of such notice, and failure so to do shall be an illegal practice and an offence against this Act punishable on summary conviction as in this Act provided. 40 45

Extension period for filing returns, etc.

(17) For the carrying out of the provisions of the last two preceding subsections, and notwithstanding anything in this Act contained, the Chief Electoral Officer may extend the period during which a return of election receipts and 50

expenses and declarations must be transmitted to him by the official agent of a candidate, for a further period not exceeding one month.

Report to
Speaker.

(18) The Chief Electoral Officer shall, before or within ten days after the commencement of any session of Parliament, make a report to the Speaker of the House of Commons as to any official agent who, without an authorized excuse, has failed to transmit a return of election receipts and expenses and declarations (or an amended return, as hereinbefore provided) after being requested so to do by the Chief Electoral Officer pursuant to subsections fifteen and sixteen of this section. 5 10

Enquiry
by Chief
Electoral
Officer in
certain cases.

(19) Upon a written complaint signed by at least ten electors that any return of election receipts and expenses or declaration made by an official agent at an election in the electoral district in which they are qualified to vote is to their personal knowledge incorrect, or does not conform to the requirements of this Act (which complaint shall state in detail the grounds of objection, shall be sworn to by all of the subscribers before one of the persons mentioned in section one hundred and four of this Act, and shall be transmitted to the Chief Electoral Officer within six months after polling day at the applicable election), the Chief Electoral Officer shall, if he considers the complaint of a sufficiently serious nature, make or cause to be made such enquiry as appears to be called for in the circumstances. A complete report on any enquiry held pursuant to this subsection shall be transmitted to the Speaker of the House of Commons within ten days after such report is complete if Parliament is then sitting or, if Parliament is not then sitting, within ten days after the commencement of the next session of Parliament. The person or persons transmitting a complaint to the Chief Electoral Officer shall deposit with him the sum of two hundred dollars, and if, upon inquiry, it appears that the complaint was not well founded, the sum of two hundred dollars deposited as aforesaid or so much thereof as is required for the purpose, shall be applied to pay the expenses of the inquiry, and the balance remaining, after paying such expenses, shall be returned to the person or persons who made such deposit. If it appears that the complaint was well founded the sum of two hundred dollars shall be returned to the person or persons who deposited the same. 15 20 25 30 35 40

Publication
of summary.

(20) A summary of the return of election receipts and expenses received from the official agent of each candidate by the Chief Electoral Officer, pursuant to subsection one of this section, shall be published forthwith in an ordinary issue of the *Canada Gazette* by the Chief Electoral Officer. 45

Publication
of report.

(21) The Chief Electoral Officer shall, immediately after each general election, cause a report to be printed, giving (by electoral districts arranged alphabetically for 50

the various provinces) a summary of the election receipts and expenses of each candidate, as published in the *Canada Gazette*, and shall also at the beginning of each year cause to be printed a similar report relating to by-elections held during the previous year. 5

Limitation of election expenses.

(22) With the exception of personal expenses lawfully incurred by a candidate, no election expense shall be incurred or authorized by a candidate or by his official agent in respect of any candidature as a member to serve in the House of Commons of Canada in excess of a sum equal to twenty cents for each name on the official list of electors for the electoral district for the current election. 10

Exceptions.

For the purpose of this subsection, the electoral districts of Yukon Territory, Cariboo, Comox-Alberni and Skeena shall be deemed to have twenty thousand electors. 15

Names and addresses to be transmitted to Chief Electoral Officer.

63A. (1) Every political organization shall have a President or Chairman and a Treasurer, and the name and address of each such President, or Chairman and Treasurer shall be transmitted by the latter by mail to the Chief Electoral Officer forthwith upon his appointment. (For the purpose of this section the term "political organization" means any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates in more than one electoral district within a province or in more than one province.) 20 25

Treasurer of a political organization defined.

(2) Every person who accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates in more than one electoral district in a province or in more than one province shall be deemed to be a treasurer of a political organization within the meaning of this section, and shall be subject to all the duties and liabilities imposed upon treasurers of political organizations herein. Such person shall transmit his name and address to the Chief Electoral Officer forthwith upon receipt of his first contribution or making his first expenditure. 30 35

What accounts to be kept.

(3) The treasurer of a political organization shall keep an itemized and exact account of

- (a) all contributions made in money or its equivalent to such organization; 40
- (b) the name and address of every person making any such contribution, and the date thereof;
- (c) all expenditures made by or on behalf of such organization; 45
- (d) the name and address of every person to whom such expenditure is made, and the date thereof.

Treasurer
to keep
receipts.

(4) Every treasurer of a political organization shall obtain and keep a receipted bill, stating the particulars for every expenditure exceeding ten dollars in amount made by him for or on behalf of his political organization.

All receipted bills and accounts of a political organization shall be kept for two years by the treasurer thereof. 5

Statement to
be filed as to
particulars of
receipts and
expenditures.

(5) Every treasurer of a political organization shall, within thirty days after polling day at an election, file with the Chief Electoral Officer a statement containing:

(a) the name and address of the contributor of every sum of five hundred dollars or more in money or its equivalent in value contributed; 10

(b) the total sum of the contributions received and not stated in paragraph (a);

(c) the name and address of every person or association to whom or to which in the aggregate ten dollars or more has been paid between the date of the issue of the writ and the date of polling at an election, with the amount, date and purpose of such expenditure; 15

(d) the total sum of all expenditures made between the date of the issue of such writ and polling day. 20

Penalty for
contravention.

(6) Every treasurer of a political organization who fails to transmit to the Chief Electoral Officer the statements required by this section is guilty of a corrupt practice and of an offence against this Act. 25

Publication
of summary.

(7) A summary of the statement transmitted by the treasurer of a political organization to the Chief Electoral Officer pursuant to subsection four of this section, shall be published forthwith in an ordinary issue of the *Canada Gazette* by the Chief Electoral Officer. 30

Summary to
be included
in report.

(8) The Chief Electoral Officer shall, immediately after each election cause a summary of the said statement, as published in the *Canada Gazette*, to be included in the report to be printed by him pursuant to subsection twenty-one of section sixty-three of this Act." 35

Section 70 (5)
amended.

2. Subsection five of section seventy of the said Act is amended by inserting the words "section sixty-two, section sixty-three" after the words "fifty-two" in the sixth line thereof.

Form 57A.

3. The said Act is further amended by inserting the following Form immediately after Form 57: 40

“FORM No. 57A.

CANDIDATE'S STATEMENT AS TO PERSONAL EXPENSES

I,of.....
.....in the Province of.....
..... a candidate for
(occupation)
the election of a member to serve in the House of Commons
of Canada, for the electoral district of.....
....., held on the.....

day of.....19....., hereby
certify that the following is a correct and complete state-
ment of personal expenses paid by me in connection with
my aforementioned candidature:—

- 1. Travelling expenses:—
- 2. Hotel and living expenses:—
- 3. Telegraph, Telephone and Postage:—
- 4. Clerical assistance:—

Total:—

Signed in the
presence of



.....
Candidate's signature. ”

8.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend the Dominion Elections Act (Single Transferable Vote).

First reading, February 2, 1949.

MR. BENIDICKSON.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act to amend the Dominion Elections Act (Single Transferable Vote).

1938, c. 46;
1947-48, c. 46.

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 subsection one of section eighteen of the *Dominion Elections Act*, chapter forty-six of the statutes of 1938, is repealed, and the following substituted therefor;— 5

Proclamation
by returning
officer.

“(c) the time when and the place where the returning officer will finally determine the number of votes to be counted for the several candidates.” 10

2. Subsections thirteen (as enacted by section fourteen of chapter forty-six of the statutes of 1947-48) and fourteen of section twenty-one of the said Act are repealed and the following substituted therefor:—

Return of
deposits.

“(13) The sum so deposited by any candidate shall be returned to him by the Comptroller of the Treasury if 15

(a) he is elected, or

(b) at an election to which the provisions of this Act relating to the transfer of votes do not apply, he has received a number of votes at least equal to one-half the number of votes received by any candidate elected, or 20

(c) at an election to which the provisions of this Act relating to the transfer of votes apply, there has, before he has been declared to have failed of election or before the final declaration of the election, which ever is the earlier, been counted for him a number of votes at least equal to one-third of the quota required for election 25

EXPLANATORY NOTES.

The purpose of this Bill is to make to the Dominion Elections Act the amendments necessary to provide for the single transferable vote at any election when three or more candidates have been nominated and only one member is to be returned.

1. This is a purely verbal amendment. The words "add up the votes given" now in the Act are inapplicable to single transferable vote elections, and the words "finally determine the number of votes to be counted", applicable to both kinds of elections, are substituted.

Subsection one of section eighteen, of which paragraph (c) is repealed, reads as follows:—

"18. (1) Within two days after the receipt of the writ of election or within two days after he has been notified by the Chief Electoral Officer of the issue of such writ, whichever shall be the sooner, the returning officer shall publish a proclamation in Form No. 4 under his hand in the English and French languages in every electoral district in the provinces of Quebec and Manitoba, and in the English language only in other electoral districts, and shall mail one copy of such proclamation to the various postmasters of the post offices situated within his electoral district, and such proclamation shall indicate

- (a) the place and time fixed for the nomination of candidates (which shall be held at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district);
- (b) the day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;
- (c) the time when and the place where the returning officer will *add up the number of votes cast for the several candidates*;
- (d) what portion or portions of the electoral district are to be deemed to be urban and rural polling divisions, respectively; and
- (e) an exact description of the place in the electoral district where the returning officer has established his office.

The returning officer shall at the same time notify in writing each postmaster of the provisions of subsection five of this section."

2. The new provision in this section is that providing for the forfeiture of deposits in single transferable vote elections when the candidate has failed to obtain a number of votes equal to one-third of the quota. (Clause (c).)

The subsections repealed read as follows:—

"(13) The sum so deposited by any candidate shall be returned to him by the Comptroller of the Treasury in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case provided in subsection fourteen of this section, it shall belong to His Majesty for the public uses of Canada.

and if at any election the candidate has died before the close of the poll, the Comptroller of the Treasury shall return the sum so deposited to the legal representative of such candidate.

(14) Any deposit not hereby directed to be returned, shall form part of the Consolidated Revenue Fund of Canada." 5

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

"(3) No elector shall vote more than once in the same electoral district at the same election or in more than one electoral district on the same day." 10

One man
one vote.

4. Paragraph (b) of subsection two of section forty-four of the said Act is repealed and the following substituted therefor:—

"(b) show his ballot paper, when marked, so as to permit to be known how or for whom he voted." 15

Secrecy at
the poll.

5. Subsection three of section forty-five of the said Act is amended by striking out all the words from the beginning thereof to the word "vote" inclusive on the sixth line, and substituting the following therefor:— 20

"(3) Upon receiving his ballot every voter (except the illiterate and blind voters hereinafter provided for) shall forthwith go into one of the voting compartments and shall there mark his ballot by making, with a black lead pencil, either the figure 1 or a cross anywhere in the space in which is printed the name of the candidate whom he most desires to elect, and he may, in addition, with a black lead pencil, make, anywhere in each or all of the spaces in which are printed the names of any or all of the other candidates, the successive figures 2, 3 and so forth in the order of his desire to elect the said candidates respectively," 25 30

How ballots
marked.

6. (1) Paragraph (f) of subsection one of section fifty of the said Act is repealed and the following substituted therefor:—

Counting
the votes
by the
deputy
returning
officer.

(14) The sum so deposited shall, in case of the death of any candidate after being nominated and before the closing of the poll, be returned to the personal representatives of such candidate or to such other person or persons as may be determined by the Treasury Board."

3. The new subsection is identical with the old except that the latter concludes with an unnecessary provision inferentially forbidding a voter to mark his ballot for more than one candidate, and therefore inapplicable in single transferable vote elections.

The subsection repealed reads as follows:—

"(3) No elector shall vote more than once in the same electoral district at the same election nor in more than one electoral district on the same day, *but each elector may vote for as many candidates as are required to be elected to represent the electoral district in which he votes.*"

4. This is also a verbal amendment of the same general character, though the present provision deals with the showing of a ballot after it has been marked.

The paragraph repealed reads as follows:—

(b) show this ballot paper, when marked, so as to *allow the name of the candidate for whom he has voted to be known;*"

5. This introduces the new way of marking ballots for several candidates in succession.

The sentence repealed reads as follows:—

"The elector, on receiving the ballot paper, shall forthwith proceed into one of the polling compartments and there mark his ballot paper by making a cross with a black lead pencil within the white space containing the name of the candidate or of each of the candidates for whom he intends to vote,"

6. The new subsection is the same as the present provision down to clause (f) where a change is necessary to direct deputy returning officers how to count ballots marked for several candidates in succession.

“(f) state aloud the name of the candidate for whom each ballot is to be counted; that is to say, the candidate against whose name the voter has placed a cross, if any cross appears on the ballot, or if none, the candidate against whose name the voter has placed the figure 1 and recording same on one of the tally sheets supplied, giving full opportunity to those present to examine each ballot paper. The poll clerk and as many as three witnesses shall be supplied with a tally sheet upon which they may keep their own score as each vote is called out by the deputy returning officer.” 5

(2) The said section fifty is further amended by adding the following subsection thereto:—

If more than one candidate to be elected.

“(1a) If more than one candidate is to be elected, each ballot may be counted for as many candidates as are to be so, and if the voter has voted for at least one candidate by making a cross or the figure 1 but has not by crosses or figures 1 voted for as many candidates as are to be elected, then the ballot shall be counted in succession for the candidates against whose names the figures 2, 3 and so forth have been placed until it has been counted for as many candidates as are to be elected.” 15 20

7. (1) Subsection two of section fifty of the said Act, as amended by section thirty of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor:— 25

What ballot to be rejected.

“(2) In counting the votes the deputy returning officer shall reject all ballot papers

- (a) which have not been supplied by him,
- (b) which have not been marked for any candidate either with a cross alone or the figure 1 alone, or 30
- (c) marked with a cross or the figure 1 for two or more candidates (unless the number of candidates against whose names the crosses or figures 1 appear is not greater than the number of candidates to be elected), 35 or
- (d) marked with a cross for one candidate and the figure 1 for another (unless the number of candidates against whose names the crosses and figures 1 appear is not greater than the number of candidates to be elected), or 40
- (e) upon which there is any writing or mark by which the elector could be identified, but no ballot paper shall be rejected on account of any writing, number, or mark placed thereon by the deputy returning officer.” 45

Statement of the poll by deputy.

(2) Subsection eight of section fifty is amended by adding after the words “Form No. 54” in the second line the following words “where there are not more than two candidates and, where there are more than two candidates, shall in addition make the necessary number of copies of the extra statement of the Poll in form No. 54A.” 50

7. Having regard to the introduction of a new manner of marking ballots, a new provision is necessary to deal with the rejection of ballots irregularly marked. The proposed subsection is intended accurately to state the whole law on the subject of the rejection of ballots.

8. Section fifty-one of the said Act is amended by inserting the following subsection immediately after subsection one thereof:—

Proceedings
after return
of ballot
boxes.

“(1a) At every election at which only one candidate is to be elected and there are no more than two candidates, the provisions of subsections two, three, four, five, six and seven of section fifty-one and those of section fifty-two shall apply.” 5

9. The said Act is amended by inserting the following section immediately after section fifty-two thereof:— 10

Transferable
vote
elections.

“52A. (1) The provisions of this Act relating to the transfer of votes shall apply to every election at which only one candidate is to be elected and there are three or more candidates; this section shall have effect in every such election. 15

Arrangements
for count.

“(2) At the place mentioned in the notice of poll the returning officer shall provide proper equipment for the counting and distribution of the ballots. He shall attend there with the ballot boxes at the time fixed and shall be accompanied by the election clerk and such assistants 20 as will be required for the purpose of the count.

Presence
of candidates
and agents.

“(3) Every candidate shall be entitled to be present and to be represented or accompanied by an agent. Every candidate or agent so entitled to be present shall, at all times during the counting of the ballots, have access to the 25 returning officer, and shall have the right at any time, on his request to the returning officer and under the returning officer's direction, to examine any ballot or packet of ballots and to count the number of ballots in any packet.

Presence
of electors.

“(4) In addition to the candidates and their agents, 30 any electors who may conveniently be accommodated shall be permitted to be present, but shall not be entitled to have access to the returning officer or his assistants, unless any candidate is neither present nor represented, in which case any one elector may undertake to act as agent for the 35 absent and unrepresented candidate, unless such candidate has in writing waived his right to be represented.

Objections.

“(5) Every objection made by a candidate or his agent to the conduct of the proceedings, and the returning officer's decision thereon, shall forthwith be communicated to all 40 such candidates and agents for candidates as may be present at the time of the objection or decision.

Counting
ballot boxes.

“(6) The ballot boxes received from the polling stations shall first be counted or examined to determine whether 45 all of them have been returned, and if not, for what polling stations, if any, the ballot boxes are missing. If any are missing, the returning officer shall adjourn the examination of the ballots to another day and hour which he shall then

8. This merely inserts an introductory clause limiting the present provisions as to the summing up of the votes by the returning officer to those elections to which the single transferable vote provisions are inapplicable.

9. This introduces in twenty-eight subsections detailed provisions for the returning officers' examination of the ballots in single transferable vote elections.

52A. (1) This subsection defines the elections to which these and the other provisions dealing with single transferable vote elections shall apply.

(2) This subsection directs the provision by the returning officer of the necessary accommodation for the count and the employment of the necessary clerks. The number of clerks required will depend upon the number of votes cast, and sometimes upon the result as ascertained at the polls.

(3) and (4) These subsections describe the persons entitled to be present at the count and their respective rights.

(5) This subsection emphasizes the judicial character of the returning officer's functions by directing that his rulings are to be notified to all candidates and their representatives.

(6) This subsection deals with the preliminary examination of the ballot boxes.

and there specify, the day selected being the earliest at which in the returning officer's opinion the return of the missing ballot boxes can be secured, and the ballot boxes received shall continue to be stored and safeguarded in the same way as in the interval between their receipt by the returning officer and the day first fixed for the examination of the ballots. 5

Missing ballot boxes to be obtained.

"(7) If the examination of the ballots is postponed, the returning officer shall take steps to insure that, at the time fixed by the adjournment, either the missing ballot boxes have been received or there are then present the deputy returning officers who acted at the polling stations in question, and such other witnesses as are necessary adequately to explain the non-arrival of the boxes. 10

If not count to proceed.

"(8) If, at the time and place fixed by the adjournment, it is established to the satisfaction of the returning officer that the boxes have been lost or destroyed, the examination of the ballots shall proceed as if the polls in question had not been opened, but otherwise the examination of the ballots shall be further adjourned. 15 20

Adjournment of count.

"(9) No adjournment of the examination of the ballots shall exceed seven days, and no more than three adjournments shall be made. After three adjournments, the examination of the ballots shall be proceeded with as if the loss or destruction of the ballot boxes had been established. 25

Opening ballot boxes.

"(10) When all the ballot boxes have been received or accounted for, the ballot boxes received shall be opened successively in any order which may be convenient, and their contents examined. The opening of the boxes and the examination of the contents shall be so carried out that the candidates and their agents may satisfy themselves that each box has been properly sealed at the poll and by the returning officer, and as to the condition in which the papers contained in each are found. The envelopes containing the counted and rejected ballots and those containing the statement of the poll shall be laid aside separately unopened, and the envelopes containing the poll books and other papers relating to the poll shall be forthwith placed in mail bags provided for the purpose, each of which shall, when full, be closed and sealed with sealing wax by the returning officer. 30 35 40

Irregularities of papers.

"(11) If the condition of the papers contained in any ballot box is irregular, the fact shall be recorded, and the proceedings may either be adjourned and deputy returning officers and others called to give evidence as to any such irregularity (subject to the same conditions in all respects as if the ballot box had not been received), or may be proceeded with without further enquiry or subject to such further later enquiry as the returning officer may decide to be necessary in the circumstances, but if any such 45 50

(7) This subsection defines the returning officer's duties in the event of its being necessary to adjourn the count because ballot boxes are missing.

(8) This subsection prevents the election being voided by the loss of a ballot box.

(9) This subsection limits the number and length of permissible adjournments of the count.

(10) This subsection provides for the disposition of such of the contents of the ballot boxes as are not required to be looked at for the purposes of the count.

(11) This subsection specifies the procedure to be followed when irregular returns have been made by deputy returning officers.

further later enquiry is to be made, it shall be completed before the commencement of any stage of the count which might be affected by the irregularity.

Examination
of statements
of poll.

“(12) When the tally of the necessary envelopes is completed, or when all adjournments required or authorized 5 have expired, the statements of the poll shall first be examined and the number of first preference votes cast for each candidate at each poll and of ballot papers rejected at each poll shall be recorded. If it thereupon appears that a candidate has received a number of first preference 10 votes sufficient to elect him as hereinafter provided, he shall forthwith be declared elected without any examination of the ballots, unless a request for such examination is made by or on behalf of any candidate.

Examination
of ballots.

“(13) If such a request is made, or if no candidate has 15 received a number of first preference votes sufficient to elect him, the examination of the ballots shall proceed forthwith and shall continue from day to day without other interruptions than such as are necessary for rest and refreshment, and at least between the hours of nine in 20 the morning and six in the evening of every week-day which is not a public holiday, with the exception of not more than one hour for meals. During the count the ballots and other papers shall be continuously under the observation of the returning officer, the election clerk or 25 a watchman appointed by the returning officer.

Rejected
ballots.

“(14) The rejected ballots shall first be examined, and any which appear to have been improperly rejected shall be retained to be counted, a note being made on each that the returning officer has reversed the decision of the deputy 30 returning officer to reject it. The rejected ballots which appear to have been properly rejected at each poll shall be returned to the respective envelopes in which they were found, and these shall forthwith be placed in mail bags which, when full, shall be sealed with sealing wax 35 by the returning officer.

Counted
ballots.

“(15) The envelopes containing the ballots counted by the deputy returning officers shall then be opened, the ballots in each examined and counted, and the number of votes for each candidate compared with that given in the 40 statement of the poll in question. If any substantial discrepancy is discovered between the ballots returned from any polling station and the statement of the poll thereat, the returning officer may adjourn the count pending enquiry or proceed with it without enquiry, or subject to 45 later enquiry, on the same conditions in all respects as if the papers in the ballot box had been found to be irregular on the preliminary examination of its contents.

Determina-
tion of
quota.

“(16) When the whole number of valid ballots cast and the number of first preference votes received by each 50 candidate have been determined and recorded, the quota

(12) This subsection provides that no examination of ballots need be made when this would be a useless proceeding.

(13) This subsection directs that the count, once begun, shall proceed from day to day, at least between specified hours.

(14) This subsection directs the necessary re-examination of ballots rejected by deputy returning officers.

(15) This subsection provides for the checking of the number of ballots against the statements prepared by the deputy returning officers.

(16) This subsection specifies how the quota is to be determined.

Candidate who reaches quota elected. Elimination of lowest candidates.	necessary for election shall be ascertained by adding one to the quotient (neglecting any fraction) obtained by dividing by two the total number of valid ballots cast.	5
Death of candidate.	“(17) Any candidate who attains the quota shall forthwith be declared elected.	
Stages of count.	“(18) If no candidate has received the quota (that is to say, an absolute majority) of first preference votes, the candidates from time to time standing lowest in the poll shall in successive stages be eliminated by declaration of failure of election, and the ballots counted for them distributed among the continuing candidates according to the next available preference marked on each, until a candidate has been or should be declared elected as hereinafter provided.	10
Distribution of ballots for counting.	“(19) Preferences marked for any candidate who has died after the close of the poll shall be neglected.	15
Marking ballots to show stage of count.	“(20) The examination of the ballots according to the first preference thereon is hereafter referred to as the first stage of the count, and each subsequent stage thereof, consisting of the distribution of the ballots so far counted for any eliminated candidate or of the final declaration of election as hereinafter set out, shall be designated successively by its consecutive number.	20
Non-transferable ballots.	“(21) At each stage of the count, including the first stage, the returning officer shall assign certain packages of ballots to be examined, counted and distributed independently by at least two of his assistants, who shall sign a joint statement of the result they reach if they agree with one another, and if not, the returning officer shall either himself decide the difference between them after hearing the candidates or the agents of the candidates concerned, if any, or, if the difference is one merely of figures, he shall direct the mode in which the right figures are to be determined.	25
Figure 2 may follow cross.	“(22) Ballots representing the votes transferred from one candidate to another at any stage of the count after the first shall be marked plainly with the number of that stage.	35
Procedure.	“(23) A ballot shall not be transferable if all the numbers marked against the names of the several candidates successively down to and including the next continuing candidate are not consecutive. For the purpose of this subsection the figure 2 may, on ballots upon which the first preference is indicated by a cross and there is no figure 1, be taken as the next consecutive number after the cross.	40
	“(24) The choice from time to time, after the first stage of the count, of the procedure to be followed in the next stage shall be made as follows:	45
	(a) The ballots so far counted for the candidate then standing lowest in the poll shall first be distributed.	

(17) This subsection directs that any candidate who has attained the quota shall be elected.

(18) This subsection provides for the successive elimination of unsuccessful candidates.

(19) This subsection directs the preferences expressed for candidates who have died since the close of the poll are to be disregarded. If a candidate died before the close of the poll, a new poll is held as directed in s. 42 of the principal Act.

(20) This subsection merely defines what are the "stages of the count" in order to simplify the expressions used in subsequent provisions.

(21) This subsection directs that each packet of ballots is to be counted independently by two of the assistants.

(22) This subsection provides for the recording of transfers of votes upon the ballots transferred.

(23) This subsection defines non-transferable ballots.

(24) This subsection provides for ties and declarations of election when further transfers would be useless.

(b) If the number of votes so far counted for the two or more lowest candidates are equal, there shall be first distributed the ballots so far counted for the candidate who received the smallest number of votes at the last preceding stage at which the candidates in question had an unequal number of votes, but if the number of votes counted for them has been the same at all the preceding stages, the returning officer shall select at his discretion the candidate whose ballots are to be first distributed.

(c) If the sum of the votes counted for the two or more lowest candidates is less than the whole number of votes so far counted for the candidate then standing next above such two or more lowest candidates, the whole of the votes so far counted for such two or more lowest candidates shall be distributed together.

(d) If there has been counted for the candidate standing highest in the poll a number of votes exceeding the sum of all those so far counted for all the other continuing candidates, the candidate so standing highest in the poll shall be declared elected without any further distribution of votes.

Notice to
be given.

“(25) The result of any distribution of ballots, the number of non-transferable ballots and the names of the candidates from and to whom every transfer of votes has been made shall be recorded and public notice thereof given by the returning officer.

Mistakes or
miscalculations.

“(26) If, at any time before any such notice has been given, any candidate or the agent of any candidate considers that a mistake has been made in the distribution or any calculation based thereon, and requests that it be made over again, it shall be so made, but such second distribution or calculation shall be final unless the result differs from that obtained on the first.

Objections by
candidates.

“(27) If at any time an objection has been made by or on behalf of any candidate to the conduct of the proceedings, the returning officer shall, at the request of such candidate, include a statement of it and of his decision thereon in the public notice next following such decision.

Result sheet.

“(28) After each stage of the count the returning officer shall complete and publish a result sheet showing the standing of the several candidates at each successive stage of the count and the number of votes, if any, transferred to each candidate at each stage.”

10. Section fifty-four of the said Act is amended by inserting the following subsection immediately after subsection eight thereof:—

Recount in
transferable
vote
elections.

“(8a) If the election is one to which the provisions of this Act relating to the transfer of votes apply and the ballots have been examined by the returning officer as

(25) This subsection provides for public notification of the result of each stage of the count.

(26) This subsection limits the time within which objections to the procedure may be made and alleged mistakes corrected.

(27) This subsection provides for public notice of objections and rulings thereon being given upon request.

(28) This subsection provides for the publication of a complete result sheet after each stage of the count.

10. This amendment makes, in respect to a recount before the county judge, a provision necessary to prevent the result being affected by chance.

hereinbefore provided, the proceedings before the judge shall be limited to the consideration of the validity of objections made on the part of any candidate in the course of the examination of the ballots by the returning officer, and to such subsequent proceedings before the returning officer as depended upon or were effected by his decision thereon, and, except so far as required by any variation by the judge of any such decision, the ballots shall follow the same course on the recount as upon the count by the returning officer." 5 10

Statement to Comptroller of the Treasury.

11. Subsection five of section fifty-six of the said Act, as enacted by section thirty-four of chapter forty-six of the statutes of 1947-48, amended by striking out the word "cast" in the ninth line thereof and substituting therefor the word "counted". 15

Form 4 amended.

12. Form 4 in Schedule One of the said Act, is amended by striking out the third paragraph thereof and substituting the following:—
"And that in case a poll is held, I shall at o'clock in the noon, on the (insert the date fixed for the final addition of the votes) day of, 19, at (describe the place at which the votes will be finally added up), in the town (or city or village) of open the ballot boxes, determine the number of votes to be counted for the several candidates and return the candidate elected." 20 25

Form 34 amended.

13. Form 34 in Schedule One of the said Act, as enacted by section forty-seven of chapter forty-six of the statutes of 1947-48, is amended by striking out the second and fifth paragraphs thereof and substituting the following:— 30
"The voter will go into one of the compartments and with a black lead pencil there provided, mark his ballot by making anywhere in the space in which is printed the name of the candidate whom he most desires to elect either a cross or the figure 1 (thus X or 1), and he may, in addition, 35 make anywhere in each or all of the places in which are printed the names of any or all the other candidates, the successive figures 2, 3 and so forth in the order of his desire to elect the said candidates respectively."
"A ballot will be void and will not be counted if a cross 40 or figure 1 appears in the spaces in which are printed the names of more candidates than are to be elected, or upon which any letters, words or signs other than a cross and figures appear, or which are marked otherwise than with a black lead pencil, or in such an apparently deliberately 45 peculiar way as to indicate a probability of their having been so marked in order to permit of the identification of the voter by a description of the peculiarity." 50

11. This is a purely verbal amendment, substituting the words "votes counted for each candidate" for the words "votes cast for each candidate".

12. This merely amends Form 4 to correspond with the provisions of the new clause inserted by section 1 of the Bill.

13. This merely amends Form 34 to conform to the new provisions inserted by sections 5 and 7 of the Bill.

Form 54
amended.

14. Form fifty-four in Schedule One of the said Act, is repealed and the following substituted therefor:—

“FORM No. 54

STATEMENT OF THE POLL.

(Sec. 50 (8))

Electoral district of..... Polling station No.....

Number of ballot papers received from the returning officer.....		
Number of ballot papers counted for.....		
“ “ “ “		
Number of *REJECTED ballot papers.....		
(* A REJECTED ballot paper means a ballot paper which has been handed by the deputy returning officer to an elector to cast his vote but which, at the close of the poll, has been found in the ballot box unmarked or so improperly marked that it cannot be counted.)		
Total number of ballot papers found in ballot box.....		
Number of unused ballot papers.....		
Number of **SPOILED ballot papers.....		
(** A SPOILED ballot paper means a ballot paper which, on polling day, has not been deposited in the ballot box but has been found by the deputy returning officer to be soiled or improperly printed, or which has been handed by the deputy returning officer to an elector to cast his vote, and (a) has been spoiled in marking by the elector, and (b) has been handed back to the deputy returning officer and exchanged for another.)		
Total.....		

Number of names on official list of electors used at the poll.....

I hereby certify that the above statement is correct.

Dated at..... }
 this..... day of....., 19..... } Deputy returning officer. ”

14. This merely amends Form 54 to apply equally to elections under the present and the new systems.

“FORM No. 54A

(Section 50 (8))

EXTRA STATEMENT BY RETURNING OFFICER OF THE RESULT OF THE POLL AT AN ELECTION WHERE ONE MEMBER TO BE ELECTED, AND THERE ARE MORE THAN TWO CANDIDATES

The Electoral Division of.....

Election held on the..... day of....., 19.....

Names of candidates	First count	Second Count		Third Count		Candi- date elected
		Transfer of —Votes	Result	Transfer of —Votes	Result	
A.....						
B.....						
C.....						
D.....						
Preference exhausted.....						
TOTAL.....						

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Criminal Code. (Portrayal
of Crimes).

First reading, February 2, 1949.

MR. FULTON.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act to amend the Criminal Code. (Portrayal
of Crimes).

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.

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 two hundred and seven of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by adding thereto the following: 5

Portrayal
of crimes by
pictures in
magazines,
etc., tending
to induce
violence.

“(d) prints, publishes, sells or distributes any magazine, periodical or book which exclusively or substantially comprises matter depicting pictorially the commission of crimes, real or fictitious, and thereby tending or likely to induce or influence youthful persons to violate the law or to corrupt the morals of such persons.” 10

EXPLANATORY NOTES.

This Act is designed to amend the Criminal Code to cover the case of those magazines and periodicals commonly called "crime comics", the publication of which is presently legal, but which it is widely felt tend to the lowering of morals and to induce the commission of crimes by juveniles.

The purpose is to deal with these publications not by imposing a direct censorship or by blanket prohibition, but rather by providing in general terms that the publication and distribution as defined in the Act shall be illegal and thus leaving it for decision by the court and/or jury, in accordance with the normal principles prevailing at a criminal trial to determine whether or not the publication in question falls within the definition.

10.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to amend The Income Tax Act.

First reading, February 4, 1949.

MR. KNOWLES.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

1947-48, c. 52.

An Act to amend The Income Tax Act.

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 5 repealed and the following substituted therefor:

Communica-
tion 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 10 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 15 Senate or to the House of Commons any information with respect to corporations obtained under the provisions of this Act.”

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.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to approve the Terms of Union of Newfoundland
with Canada.

First reading, February 7, 1949.

THE PRIME MINISTER.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to approve the Terms of Union of Newfoundland
with Canada.

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

Agreement
approved.

1. The agreement set out in the Schedule to this Act is
hereby approved.

SCHEDULE.

TERMS OF UNION OF NEWFOUNDLAND WITH CANADA.

MEMORANDUM OF AGREEMENT ENTERED INTO ON THE ELEVENTH DAY OF DECEMBER, 1948, BETWEEN CANADA AND NEWFOUNDLAND.

WHEREAS a delegation appointed from its members by the National Convention of Newfoundland, a body elected by the people of Newfoundland, consulted in 1947 with the Government of Canada to ascertain what fair and equitable basis might exist for the union of Newfoundland with Canada;

WHEREAS, following discussions with the delegation, the Government of Canada sent to His Excellency the Governor of Newfoundland for submission to the National Convention a statement of terms which the Government of Canada would be prepared to recommend to the Parliament of Canada as a fair and equitable basis for union, should the people of Newfoundland desire to enter into confederation;

WHEREAS the proposed terms were debated in the National Convention in Newfoundland and were before the people of Newfoundland when, by a majority at a referendum held on the twenty-second day of July, 1948, they expressed their desire to enter into confederation with Canada;

WHEREAS the Governments of the United Kingdom, Canada and Newfoundland agreed after the referendum that representatives of Canada and Newfoundland should meet and settle the final terms and arrangements for the union of Newfoundland with Canada;

AND WHEREAS authorized representatives of Canada and authorized representatives of Newfoundland have settled the terms hereinafter set forth as the Terms of Union of Newfoundland with Canada;

It is therefore agreed as follows:

TERMS OF UNION.

UNION.

1. On, from, and after the coming into force of these Terms (hereinafter referred to as the date of Union), Newfoundland shall form part of Canada and shall be a province thereof to be called and known as the Province of Newfoundland.

2. The Province of Newfoundland shall comprise the same territory as at the date of Union, that is to say, the island of Newfoundland and the islands adjacent thereto, the Coast of Labrador as delimited in the

report delivered by the Judicial Committee of His Majesty's Privy Council on the first day of March, 1927, and approved by His Majesty in His Privy Council on the twenty-second day of March, 1927, and the islands adjacent to the said Coast of Labrador.

APPLICATION OF THE BRITISH NORTH AMERICA ACTS.

3. The British North America Acts, 1867 to 1946, shall apply to the Province of Newfoundland in the same way, and to the like extent as they apply to the provinces heretofore comprised in Canada, as if the Province of Newfoundland had been one of the provinces originally united, except in so far as varied by these Terms and except such provisions as are in terms made or by reasonable intendment may be held to be specially applicable to or only to affect one or more and not all of the provinces originally united.

REPRESENTATION IN PARLIAMENT.

4. The Province of Newfoundland shall be entitled to be represented in the Senate by six members, and in the House of Commons by seven members out of a total membership of two hundred and sixty-two.

5. Representation in the Senate and in the House of Commons shall from time to time be altered or readjusted in accordance with the British North America Acts, 1867 to 1946.

6. (1) Until the Parliament of Canada otherwise provides, the Province of Newfoundland shall for the purposes of the election of members to serve in the House of Commons, be divided into the electoral divisions named and delimited in the Schedule to these Terms, and each such division shall be entitled to return one member.

(2) For the first election of members to serve in the House of Commons, if held otherwise than as part of a general election, the Governor General in Council may cause writs to be issued and may fix the day upon which the polls shall be held, and, subject to the foregoing, the laws of Canada relating to by-elections shall apply to an election held pursuant to any writ issued under this Term.

(3) The Chief Electoral Officer shall have authority to adapt the provisions of The Dominion Elections Act, 1938, to conditions existing in the Province of Newfoundland so as to conduct effectually the first election of members to serve in the House of Commons.

PROVINCIAL CONSTITUTION.

7. The Constitution of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, is revived at the date of Union and shall, subject to these Terms and the British North America Acts, 1867 to 1946, continue as the Constitution of the Province of Newfoundland from and after the date of Union, until altered under the authority of the said Acts.

Executive.

8. (1) For the Province of Newfoundland there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council by instrument under the Great Seal of Canada.

(2) Pending the first appointment of a Lieutenant-Governor for the Province of Newfoundland and the assumption of his duties as such, the Chief Justice, or if the office of Chief Justice is vacant, the senior judge, of the Supreme Court of Newfoundland, shall execute the office and functions of Lieutenant-Governor under his oath of office as such Chief Justice or senior judge.

9. The Constitution of the Executive Authority of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, shall, subject to these Terms and the British North America Acts, 1867 to 1946, continue as the Constitution of the Executive Authority of the Province of Newfoundland from and after the date of Union, until altered under the authority of the said Acts.

10. The Lieutenant-Governor in Council shall as soon as may be after the date of Union adopt and provide a Great Seal of the Province of Newfoundland and may from time to time change such seal.

11. All powers, authorities, and functions that under any statute were at or immediately prior to the date of Union vested in or exercisable by the Governor of Newfoundland, individually, or in Council, or in Commission,

(a) as far as they are capable of being exercised after the date of Union in relation to the Government of Canada, shall be vested in and shall or may be exercised by the Governor General, with the advice, or with the advice and consent, or in conjunction with, the King's Privy Council for Canada or any member or members thereof, or by the Governor General individually, as the case requires, subject nevertheless to be abolished or altered by the Parliament of Canada under the authority of the British North America Acts, 1867 to 1946; and

(b) as far as they are capable of being exercised after the date of Union in relation to the Government of the Province of Newfoundland, shall be vested in and shall or may be exercised by the Lieutenant-Governor of the Province of Newfoundland, with the advice, or with the advice and consent, or in conjunction with, the Executive Council of the Province of Newfoundland or any member or members thereof, or by the Lieutenant-Governor individually, as the case requires, subject nevertheless to be abolished or altered by the Legislature of the Province of Newfoundland under the authority of the British North America Acts, 1867 to 1946.

12. Until the Parliament of Canada otherwise provides, the powers, authorities, and functions vested in or imposed on any member of the Commission of Government of Newfoundland, as such member or as a Commissioner charged with the administration of a Department

of the Government of Newfoundland, at or immediately prior to the date of Union in relation to matters other than those coming within the classes of subjects by the British North America Acts, 1867 to 1946, assigned exclusively to the Legislature of a province, shall in the Province of Newfoundland be vested in or imposed on such person or persons as the Governor General in Council may appoint or designate.

13. Until the Legislature of the Province of Newfoundland otherwise provides, the powers, authorities, and functions vested in or imposed on any member of the Commission of Government of Newfoundland, as such member or as a Commissioner charged with the administration of a Department of the Government of Newfoundland, at or immediately prior to the date of Union in relation to matters coming within the classes of subjects by the British North America Acts, 1867 to 1946, assigned exclusively to the Legislature of a province, shall in the Province of Newfoundland be vested in or imposed on such person or persons as the Lieutenant-Governor in Council may appoint or designate.

Legislature.

14. (1) Subject to paragraph two of this Term, the Constitution of the Legislature of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, shall, subject to these Terms and the British North America Acts, 1867 to 1946, continue as the Constitution of the Legislature of the Province of Newfoundland from and after the date of Union, until altered under the authority of the said Acts.

(2) The Constitution of the Legislature of Newfoundland in so far as it relates to the Legislative Council shall not continue, but the Legislature of the Province of Newfoundland may at any time re-establish the Legislative Council or establish a new Legislative Council.

15. (1) Until the Legislature of the Province of Newfoundland otherwise provides, the powers, authorities, and functions vested in or imposed on a Minister or other public officer or functionary under any statute of Newfoundland relating to the Constitution of the Legislature of Newfoundland as it existed immediately prior to the sixteenth day of February, 1934, shall, subject to these Terms and the British North America Acts, 1867 to 1946, be vested in or imposed on such person or persons as the Lieutenant-Governor in Council may appoint or designate.

(2) Until the Legislature of the Province of Newfoundland otherwise provides,

(a) the list of electors prepared pursuant to The List of Electors Act, 1947, shall be deemed to be the list of electors for the purposes of The Election Act, 1913, subject to the provisions of The Election Act, 1913, respecting supplementary lists of electors;

(b) the franchise shall be extended to female British subjects who have attained the full age of twenty-one years and are otherwise qualified as electors;

- (c) the Coast of Labrador together with the islands adjacent thereto shall constitute an additional electoral district to be known as Labrador and to be represented by one member, and residents of the said district who are otherwise qualified as electors shall be entitled to vote; and
- (d) the Lieutenant-Governor in Council may by proclamation defer any election in the electoral district of Labrador for such period as may be specified in the proclamation.

16. The Legislature of the Province of Newfoundland shall be called together not later than four months after the date of Union.

EDUCATION.

17. In lieu of section ninety-three of the British North America Act, 1867, the following Term shall apply in respect of the Province of Newfoundland:

In and for the Province of Newfoundland the Legislature shall have exclusive authority to make laws in relation to education, but the Legislature will not have authority to make laws prejudicially affecting any right or privilege with respect to denominational schools, common (amalgamated) schools, or denominational colleges, that any class or classes of persons have by law in Newfoundland at the date of Union, and out of public funds of the Province of Newfoundland, provided for education,

- (a) all such schools shall receive their share of such funds in accordance with scales determined on a non-discriminatory basis from time to time by the Legislature for all schools then being conducted under authority of the Legislature; and
- (b) all such colleges shall receive their share of any grant from time to time voted for all colleges then being conducted under authority of the Legislature, such grant being distributed on a non-discriminatory basis.

CONTINUATION OF LAWS.

General.

18. (1) Subject to these Terms, all laws in force in Newfoundland at or immediately prior to the date of Union shall continue therein as if the Union had not been made, subject nevertheless to be repealed, abolished, or altered by the Parliament of Canada or by the Legislature of the Province of Newfoundland according to the authority of the Parliament or of the Legislature under the British North America Acts, 1867 to 1946, and all orders, rules, and regulations made under any such laws shall likewise continue, subject to be revoked or amended by the body or person that made such orders, rules, or regulations or the body or person that has power to make such orders, rules, or regulations after the date of Union, according to their respective authority under the British North America Acts, 1867 to 1946.

(2) Statutes of the Parliament of Canada in force at the date of Union, or any part thereof, shall come into force in the Province of Newfoundland on a day or days to be fixed by Act of the Parliament of Canada or by proclamation of the Governor General in Council issued from time to time, and any such proclamation may provide for the repeal of any of the laws of Newfoundland that

- (a) are of general application;
- (b) relate to the same subject-matter as the statute or part thereof so proclaimed; and
- (c) could be repealed by the Parliament of Canada under paragraph one of this Term.

(3) Notwithstanding anything in these Terms, the Parliament of Canada may with the consent of the Legislature of the Province of Newfoundland repeal any law in force in Newfoundland at the date of Union.

(4) Except as otherwise provided by these Terms, all courts of civil and criminal jurisdiction and all legal commissions, powers, authorities, and functions, and all officers and functionaries, judicial, administrative, and ministerial, existing in Newfoundland at or immediately prior to the date of Union, shall continue in the Province of Newfoundland as if the Union had not been made, until altered, abolished, revoked, terminated, or dismissed by the appropriate authority under the British North America Acts, 1867 to 1946.

Supply.

19. Any statute of Newfoundland enacted prior to the date of Union for granting to His Majesty sums of money for defraying expenses of, and for other purposes relating to, the public service of Newfoundland, for the financial year ending the thirty-first day of March, one thousand nine hundred and fifty, shall have effect after the date of Union according to its terms, until otherwise provided by the Legislature of the Province of Newfoundland.

Patents.

20. (1) Subject to this Term, Canada will provide that letters patent for inventions issued under the laws of Newfoundland prior to the date of Union shall be deemed to have been issued under the laws of Canada, as of the date and for the term thereof.

(2) Canada will provide further that in the event of conflict between letters patent for an invention issued under the laws of Newfoundland prior to the date of Union and letters patent for an invention issued under the laws of Canada prior to the date of Union

- (a) the letters patent issued under the laws of Newfoundland shall have the same force and effect in the Province of Newfoundland as if the Union had not been made, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if the Union had not been made; and

(b) the letters patent issued under the laws of Canada shall have the same force and effect in any part of Canada other than the Province of Newfoundland as if the Union had not been made, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in any part of Canada other than the Province of Newfoundland as if the Union had not been made.

(3) The laws of Newfoundland existing at the date of Union shall continue to apply in respect of applications for the grant of letters patent for inventions under the laws of Newfoundland pending at the date of Union, and any letters patent for inventions issued upon such applications shall, for the purposes of this Term, be deemed to have been issued under the laws of Newfoundland prior to the date of Union; and letters patent for inventions issued under the laws of Canada upon applications pending at the date of Union shall, for the purposes of this Term, be deemed to have been issued under the laws of Canada prior to the date of Union.

(4) Nothing in this Term shall be construed to prevent the Parliament of Canada from providing that no claims for infringement of a patent issued in Canada prior to the date of Union shall be entertained by any court against any person for anything done in Newfoundland prior to the date of Union in respect of the invention protected by such patent, and that no claims for infringement of a patent issued in Newfoundland prior to the date of Union shall be entertained by any court against any person for anything done in Canada prior to the date of Union in respect of the invention protected by such patent.

Trade Marks.

21. (1) Canada will provide that the registration of a trade mark under the laws of Newfoundland prior to the date of Union shall have the same force and effect in the Province of Newfoundland as if the Union had not been made, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if the Union had not been made.

(2) The laws of Newfoundland existing at the date of Union shall continue to apply in respect of applications for the registration of trade marks under the laws of Newfoundland pending at the date of Union and any trade marks registered upon such applications shall, for the purposes of this Term, be deemed to have been registered under the laws of Newfoundland prior to the date of Union.

Fisheries.

22. (1) In this Term, the expression "Fisheries Laws" means the Act No. 11 of 1936, entitled "An Act for the creation of the Newfoundland Fisheries Board", the Act No. 14 of 1936, entitled "An Act to Prevent the Export of Fish Without Licence", the Act No. 32 of 1936,

entitled "An Act to Amend the Newfoundland Fisheries Board Act (No. 11 of 1936)", the Act No. 37 of 1938, entitled "An Act Further to Amend the Newfoundland Fisheries Board Act, 1936", the Act No. 10 of 1942, entitled "An Act Respecting Permits for the Exportation of Salt Fish", the Act No. 39 of 1943, entitled "An Act Further to Amend the Newfoundland Fisheries Board Act, 1936", the Act No. 16 of 1944, entitled "An Act Further to Amend the Newfoundland Fisheries Board Acts, 1936-38", and the Act No. 42 of 1944, entitled "An Act Further to Amend the Newfoundland Fisheries Board Act, 1936", in so far as they relate to the export marketing of salted fish from Newfoundland to other countries or to any provinces of Canada.

(2) Subject to this Term, all Fisheries Laws and all orders, rules, and regulations made thereunder shall continue in force in the Province of Newfoundland as if the Union had not been made, for a period of five years from the date of Union and thereafter until the Parliament of Canada otherwise provides, and shall continue to be administered by the Newfoundland Fisheries Board; and the costs involved in the maintenance of the Board and the administration of the Fisheries Laws shall be borne by the Government of Canada.

(3) The powers, authorities, and functions vested in or imposed on the Governor in Commission or the Commissioner for Natural Resources under any of the Fisheries Laws shall after the date of Union respectively be vested in or imposed on the Governor General in Council and the Minister of Fisheries of Canada or such other Minister as the Governor General in Council may designate.

(4) Any of the Fisheries Laws may be repealed or altered at any time within the period of five years from the date of Union by the Parliament of Canada with the consent of the Lieutenant-Governor in Council of the Province of Newfoundland and all orders, rules, and regulations made under the authority of any Fisheries Laws may be revoked or altered by the body or person that made them or, in relation to matters to which paragraph three of this Term applies, by the body or person that under the said paragraph three has power to make such orders, rules, or regulations under the Fisheries Laws after the date of Union.

(5) The Chairman of the Newfoundland Fisheries Board or such other member of the Newfoundland Fisheries Board as the Governor General in Council may designate shall perform in the Province of Newfoundland the duties of Chief Supervisor and Chief Inspector of the Department of Fisheries of the Government of Canada, and employees of the Newfoundland Fisheries Board shall become employees in that Department in positions comparable to those of the employees in that Department in other parts of Canada.

(6) Terms eleven, twelve, thirteen and eighteen are subject to this Term.

FINANCIAL TERMS.

Debt.

23. Canada will assume and provide for the servicing and retirement of the stock issued or to be issued on the security of Newfoundland pursuant to The Loan Act, 1933, of Newfoundland and will take over the Sinking Fund established under that Act.

Financial Surplus.

24. (1) In this Term the expression "financial surplus" means the balances standing to the credit of the Newfoundland Exchequer at the date of Union (less such sums as may be required to discharge accounts payable at the date of Union in respect of appropriations for the public services) and any public moneys or public revenue (including loans and advances referred to in Term twenty-five) in respect of any matter, thing, or period prior to the date of Union recovered by the Government of the Province of Newfoundland subsequent to the date of Union.

(2) Newfoundland will retain its financial surplus subject to the following conditions:

- (a) one-third of the surplus shall be set aside during the first eight years from the date of Union, on deposit with the Government of Canada, to be withdrawn by the Government of the Province of Newfoundland only for expenditures on current account to facilitate the maintenance and improvement of Newfoundland public services, and any portion of this one-third of the surplus remaining unspent at the end of the eight-year period shall become available to the Province of Newfoundland without the foregoing restriction;
- (b) the remaining two-thirds of the surplus shall be available to the Government of the Province of Newfoundland for the development of resources and for the establishment or extension of public services within the Province of Newfoundland; and
- (c) no part of the surplus shall be used to subsidize the production or sale of products of the Province of Newfoundland in unfair competition with similar products of other provinces of Canada, but nothing in this paragraph shall preclude the Province of Newfoundland from assisting industry by developmental loans on reasonable conditions or by ordinary provincial administrative services.

(3) The Government of the Province of Newfoundland will have the right within one year from the date of Union to deposit with the Government of Canada all or any part of its financial surplus held in dollars and on the thirty-first day of March and the thirtieth day of September in each year to receive with respect thereto interest at the rate of two and five-eighths per centum per annum during a maximum period of ten years from the date of Union on the minimum balance outstanding at any time during the six-month period preceding payment of interest.

Loans.

25. (1) The Province of Newfoundland will retain its interest in, and any securities arising from or attaching to, any loans or advances of public funds made by the Government of Newfoundland prior to the date of Union.

(2) Unless otherwise agreed by the Government of Canada, paragraph one of this Term shall not apply to any loans or advances relating to any works, property, or services taken over by Canada pursuant to Term thirty-one or Term thirty-three.

Subsidies.

26. Canada will pay to the Province of Newfoundland the following subsidies:

(a) an annual subsidy of \$180,000 and an annual subsidy equal to 80 cents per head of the population of the Province of Newfoundland (being taken at 325,000 until the first decennial census after the date of Union), subject to be increased to conform to the scale of grants authorized by the British North America Act, 1907, for the local purposes of the Province and the support of its Government and Legislature, but in no year shall sums payable under this paragraph be less than those payable in the first year after the date of Union; and

(b) an additional annual subsidy of \$1,100,000 payable for the like purposes as the various fixed annual allowances and subsidies provided by statutes of the Parliament of Canada from time to time for the Provinces of Nova Scotia, New Brunswick, and Prince Edward Island or any of them and in recognition of the special problems of the Province of Newfoundland by reason of geography and its sparse and scattered population.

Tax Agreement.

27. (1) The Government of Canada will forthwith after the date of Union make an offer to the Government of the Province of Newfoundland to enter into a tax agreement for the rental to the Government of Canada of the income, corporation income, and corporation tax fields, and the succession duties tax field.

(2) The offer to be made under this Term will be similar to the offers to enter into tax agreements made to other provinces, necessary changes being made to adapt the offer to circumstances arising out of the Union, except that the offer will provide that the agreement may be entered into either for a number of fiscal years expiring at the end of the fiscal year in 1952, as in the case of other provinces, or for a number of fiscal years expiring at the end of the fiscal year in 1957, at the option of the Government of the Province of Newfoundland, but if the Government of the Province of Newfoundland accepts the latter option the agreement will provide that the subsequent entry into a tax agreement by the Government of Canada with any other province will not entitle the Government of the Province of Newfoundland to any alteration in the terms of its agreement.

(3) The offer of the Government of Canada to be made under this Term may be accepted by the Government of the Province of Newfoundland within nine months after the date of the offer but if it is not so accepted will thereupon expire.

(4) The Government of the Province of Newfoundland shall not by any agreement entered into pursuant to this Term be required to impose on any person or corporation taxation repugnant to the provisions of any contract entered into with such person or corporation before the date of the agreement and subsisting at the date of the agreement.

(5) If the Province of Newfoundland enters into a tax agreement pursuant to this Term the subsidies payable under Term twenty-six will, as in the case of similar subsidies to other provinces, be included in the computation of tax agreement payments.

Transitional Grants.

28. (1) In order to facilitate the adjustment of Newfoundland to the status of a province of Canada and the development by the Province of Newfoundland of revenue-producing services, Canada will pay to the Province of Newfoundland each year during the first twelve years after the date of Union a transitional grant as follows, payment in each year to be made in equal quarterly instalments commencing on the first day of April, namely,

First year.....	\$6,500,000
Second year.....	6,500,000
Third year.....	6,500,000
Fourth year.....	5,650,000
Fifth year.....	4,800,000
Sixth year.....	3,950,000
Seventh year.....	3,100,000
Eighth year.....	2,250,000
Ninth year.....	1,400,000
Tenth year.....	1,050,000
Eleventh year.....	700,000
Twelfth year.....	350,000

(2) The Government of the Province of Newfoundland will have the right to leave on deposit with the Government of Canada any portion of the transitional grant for the first eight years with the right to withdraw all or any portion thereof in any subsequent year and on the thirty-first day of March and the thirtieth day of September in each year to receive in respect of any amounts so left on deposit interest at the rate of two and five-eighths per centum per annum up to a maximum period of ten years from the date of Union on the minimum balance outstanding at any time during the six-month period preceding payment of interest.

Review of Financial Position.

29. In view of the difficulty of predicting with sufficient accuracy the financial consequences to Newfoundland of becoming a province of Canada, the Government of Canada will appoint a Royal Commission within eight years from the date of Union to review the financial position of the Province of Newfoundland and to recommend the form and scale of additional financial assistance, if any, that may be required by the Government of the Province of Newfoundland to enable it to continue public services at the levels and standards reached subsequent to the date of Union, without resorting to taxation more burdensome, having regard to capacity to pay, than that obtaining generally in the region comprising the Maritime Provinces of Nova Scotia, New Brunswick, and Prince Edward Island.

MISCELLANEOUS PROVISIONS.

Salaries of Lieutenant-Governor and Judges.

30. The salary of the Lieutenant-Governor and the salaries, allowances, and pensions of the judges of such superior, district, and county courts as are now or may hereafter be constituted in the Province of Newfoundland shall be fixed and provided by the Parliament of Canada.

Public Services, Works and Property.

31. At the date of Union, or as soon thereafter as practicable, Canada will take over the following services and will as from the date of Union relieve the Province of Newfoundland of the public costs incurred in respect of each service taken over, namely,

- (a) the Newfoundland Railway, including steamship and other marine services;
- (b) The Newfoundland Hotel, if requested by the Government of the Province of Newfoundland within six months from the date of Union;
- (c) postal and publicly-owned telecommunication services;
- (d) civil aviation, including Gander Airport;
- (e) customs and excise;
- (f) defence;
- (g) protection and encouragement of fisheries and operation of bait services;
- (h) geological, topographical, geodetic, and hydrographic surveys;
- (i) lighthouses, fog alarms, buoys, beacons, and other public works and services in aid of navigation and shipping;
- (j) marine hospitals, quarantine, and the care of ship-wrecked crews;
- (k) the public radio broadcasting system; and
- (l) other public services similar in kind to those provided at the date of Union for the people of Canada generally.

32. (1) Canada will maintain in accordance with the traffic offering a freight and passenger steamship service between North Sydney and

Port aux Basques, which, on completion of a motor highway between Corner Brook and Port aux Basques, will include suitable provision for the carriage of motor vehicles.

(2) For the purpose of railway rate regulation the Island of Newfoundland will be included in the Maritime region of Canada, and through-traffic moving between North Sydney and Port aux Basques will be treated as all-rail traffic.

(3) All legislation of the Parliament of Canada providing for special rates on traffic moving within, into, or out of, the Maritime region will, as far as appropriate, be made applicable to the Island of Newfoundland.

33. The following public works and property of Newfoundland shall become the property of Canada when the service concerned is taken over by Canada, subject to any trusts existing in respect thereof, and to any interest other than that of Newfoundland in the same, namely,

- (a) the Newfoundland Railway, including rights of way, wharves, drydocks, and other real property, rolling stock, equipment, ships, and other personal property;
- (b) the Newfoundland Airport at Gander, including buildings and equipment, together with any other property used for the operation of the Airport;
- (c) the Newfoundland Hotel and equipment;
- (d) public harbours, wharves, break-waters, and aids to navigation;
- (e) bait depots and the motor vessel *Malakoff*;
- (f) military and naval property, stores, and equipment;
- (g) public dredges and vessels except those used for services that remain the responsibility of Newfoundland and except the nine motor vessels known as the Clarenville boats;
- (h) the public telecommunication system, including rights of way, land lines, cables, telephones, radio stations, and other real and personal property;
- (i) real and personal property of the Broadcasting Corporation of Newfoundland; and
- (j) subject to the provisions of Term thirty-four, customs houses, and post-offices and generally all public works and property, real and personal, used primarily for services taken over by Canada.

34. Where at the date of Union any public buildings of Newfoundland included in paragraph (j) of Term thirty-three are used partly for services taken over by Canada and partly for services of the Province of Newfoundland the following provisions shall apply:

- (a) where more than half the floor space of a building is used for services taken over by Canada the building shall become the property of Canada and where more than half the floor space of a building is used for services of the Province of Newfoundland the building shall remain the property of the Province of Newfoundland;
- (b) Canada shall be entitled to rent from the Province of Newfoundland on terms to be mutually agreed such space in the buildings

owned by the Province of Newfoundland as is used for the services taken over by Canada and the Province of Newfoundland shall be entitled to rent from Canada on terms to be mutually agreed such space in the buildings owned by Canada as is used for the services of the Province of Newfoundland;

- (c) the division of buildings for the purposes of this Term shall be made by agreement between the Government of Canada and the Government of the Province of Newfoundland as soon as practicable after the date of Union; and
- (d) if the division in accordance with the foregoing provisions results in either Canada or the Province of Newfoundland having a total ownership that is substantially out of proportion to the total floor space used for its services an adjustment of the division will be made by mutual agreement between the two Governments.

35. Newfoundland public works and property not transferred to Canada by or under these Terms will remain the property of the Province of Newfoundland.

36. Without prejudice to the legislative authority of the Parliament of Canada under the British North America Acts, 1867 to 1946, any works, property, or services taken over by Canada pursuant to these Terms shall thereupon be subject to the legislative authority of the Parliament of Canada.

Natural Resources.

37. All lands, mines, minerals, and royalties belonging to Newfoundland at the date of Union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the Province of Newfoundland, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

Veterans.

38. Canada will make available to Newfoundland veterans the following benefits, on the same basis as they are from time to time available to Canadian veterans, as if the Newfoundland veterans had served in His Majesty's Canadian forces, namely,

- (a) The War Veterans' Allowance Act, 1946, free hospitalization and treatment, and civil service preference will be extended to Newfoundland veterans who served in the First World War or the Second World War or both;
- (b) Canada will assume as from the date of Union the Newfoundland pension liability in respect of the First World War, and in respect of the Second World War Canada will assume as from the date of Union the cost of supplementing disability and dependants' pensions paid by the Government of the United Kingdom or an Allied country to Newfoundland veterans up to the level of the Canadian rates of pensions, and, in addition, Canada will pay pensions arising from disabilities that are pensionable under Canadian law but not pensionable either under the laws of the United Kingdom or under the laws of an Allied country;

- (c) The Veterans' Land Act, 1942, Part IV of the Unemployment Insurance Act, 1940, The Veterans' Business and Professional Loans Act, and The Veterans Insurance Act will be extended to Newfoundland veterans who served in the Second World War;
- (d) a re-establishment credit will be made available to Newfoundland veterans who served in the Second World War equal to the re-establishment credit that might have been made available to them under The War Service Grants Act, 1944, if their service in the Second World War had been service in the Canadian forces, less the amount of any pecuniary benefits of the same nature granted or paid by the Government of any country other than Canada;
- (e) Canada will assume, as from the date of Union, the cost of vocational and educational training of Newfoundland veterans of the Second World War on the same basis as if they had served in His Majesty's Canadian forces; and
- (f) sections six, seven, and eight of The Veterans Rehabilitation Act will be extended to Newfoundland veterans of the Second World War who have not received similar benefits from the Government of any country other than Canada.

Public Servants.

39. (1) Employees of the Government of Newfoundland in the services taken over by Canada pursuant to these Terms will be offered employment in these services or in similar Canadian services under the terms and conditions from time to time governing employment in those services, but without reduction in salary or loss of pension rights acquired by reason of service in Newfoundland.

(2) Canada will provide the pensions for such employees so that the employees will not be prejudiced, and the Government of the Province of Newfoundland will reimburse Canada for the pensions for, or at its option make to Canada contributions in respect of, the service of these employees with the Government of Newfoundland prior to the date of Union, but these payments or contributions will be such that the burden on the Government of the Province of Newfoundland in respect of pension rights acquired by reason of service in Newfoundland will not be increased by reason of the transfer.

(3) Pensions of employees of the Government of Newfoundland who were retired on pension before the service concerned is taken over by Canada will remain the responsibility of the Province of Newfoundland.

Welfare and Other Public Services.

40. Subject to these Terms, Canada will extend to the Province of Newfoundland, on the same basis and subject to the same terms and conditions as in the case of other provinces of Canada, the welfare and other public services provided from time to time by Canada for the people of Canada generally, which, in addition to the veterans' benefits, unemployment insurance benefits, and merchant seamen

benefits set out in Terms thirty-eight, forty-one, and forty-two respectively, include family allowances under The Family Allowances Act, 1944, unemployment insurance under The Unemployment Insurance Act, 1940, sick mariners' benefits for merchant seamen and fishermen under the Canada Shipping Act, 1934, assistance for housing under The National Housing Act, 1944, and, subject to the Province of Newfoundland entering into the necessary agreements or making the necessary contributions, financial assistance under The National Physical Fitness Act for carrying out plans of physical fitness, health grants, and contributions under the Old Age Pensions Act for old age pensions and pensions for the blind.

Unemployment Insurance.

41. (1) Subject to this Term, Canada will provide that residents of the Province of Newfoundland in insurable employment who lose their employment within six months prior to the date of Union and are still unemployed at that date, or who lose their employment within a two-year period after that date, will be entitled for a period of six months from the date of Union or six months from the date of unemployment, whichever is the later, to assistance on the same scale and under the same conditions as unemployment insurance benefits.

(2) The rates of payment will be based on the individual's wage record for the three months preceding his loss of employment, and to qualify for assistance a person must have been employed in insurable employment for at least thirty per centum of the working days within the period of three months preceding his loss of employment or thirty per centum of the working days within the period since the date of Union, whichever period is the longer.

Merchant Seamen.

42 (1) Canada will make available to Newfoundland merchant seamen who served in the Second World War on British ships or on ships of Allied countries employed in service essential to the prosecution of the war, the following benefits, on the same basis as they are from time to time available to Canadian merchant seamen, as if they had served on Canadian ships, namely,

(a) disability and dependants' pensions will be paid, if disability occurred as a result of enemy action or counter-action, including extraordinary marine hazards occasioned by the war, and a Newfoundland merchant seaman in receipt of a pension from the Government of the United Kingdom or an Allied country will be entitled, during residence in Canada, to have his pension raised to the Canadian level; and

(b) free hospitalization and treatment, vocational training, The Veterans' Land Act, 1942, and The Veterans Insurance Act will be extended to disability pensioners.

(2) Vocational training, Part IV of The Unemployment Insurance Act, 1940, and The Veterans Insurance Act will be extended to Newfoundland merchant seamen who were eligible for a Special Bonus or a War Service Bonus, on the same basis as if they were Canadian merchant seamen.

(3) The Unemployment Insurance Act, 1940, and The Merchant Seamen Compensation Act will be applied to Newfoundland merchant seamen as they are applied to other Canadian merchant seamen.

Citizenship.

43. Suitable provision will be made for the extension of the Canadian citizenship laws to the Province of Newfoundland.

Defence Establishments.

44. Canada will provide for the maintenance in the Province of Newfoundland of appropriate reserve units of the Canadian defence forces, which will include the Newfoundland Regiment.

Economic Survey.

45. (1) Should the Government of the Province of Newfoundland institute an economic survey of the Province of Newfoundland with a view to determining what resources may profitably be developed and what new industries may be established or existing industries expanded, the Government of Canada will make available the services of its technical employees and agencies to assist in the work.

(2) As soon as may be practicable after the date of Union, the Government of Canada will make a special effort to collect and make available statistical and scientific data about the natural resources and economy of the Province of Newfoundland, in order to bring such information up to the standard attained for the other provinces of Canada.

Oleomargarine.

46. (1) Oleomargarine or margarine may be manufactured or sold in the Province of Newfoundland after the date of the Union and the Parliament of Canada shall not prohibit or restrict such manufacture or sale except at the request of the Legislature of the Province of Newfoundland, but nothing in this Term shall affect the power of the Parliament of Canada to require compliance with standards of quality applicable throughout Canada.

(2) Unless the Parliament of Canada otherwise provides or unless the sale and manufacture in; and the interprovincial movement between, all provinces of Canada other than Newfoundland, of oleomargarine and margarine, is lawful under the laws of Canada, oleomargarine or margarine shall not be sent, shipped, brought, or carried from the Province of Newfoundland into any other province of Canada.

Income Taxes.

47. In order to assist in the transition to payment of income tax on a current basis Canada will provide in respect of persons (including corporations) resident in Newfoundland at the date of Union, who were not resident in Canada in 1949 prior to the date of Union, and in respect of income that under the laws of Canada in force immediately prior to the date of Union was not liable to taxation, as follows:

- (a) that prior to the first day of July, 1949, no payment will be required or deduction made from such income on account of income tax;
- (b) that for income tax purposes no person shall be required to report such income for any period prior to the date of Union;
- (c) that no person shall be liable to Canada for income tax in respect of such income for any period prior to the date of Union; and
- (d) that for individuals an amount of income tax for the 1949 taxation year on income for the period after the date of Union shall be forgiven so that the tax on all earned income and on investment income of not more than \$2,250 will be reduced to one-half the tax that would have been payable for the whole year if the income for the period prior to the date of Union were at the same rate as that subsequent to such date.

Statute of Westminster.

48. From and after the date of Union the Statute of Westminster, 1931, shall apply to the Province of Newfoundland as it applies to the other Provinces of Canada.

Saving.

49. Nothing in these Terms shall be construed as relieving any person from any obligation with respect to the employment of Newfoundland labour incurred or assumed in return for any concession or privilege granted or conferred by the Government of Newfoundland prior to the date of Union.

Coming into Force.

50. These Terms are agreed to subject to their being approved by the Parliament of Canada and the Government of Newfoundland; shall take effect notwithstanding the Newfoundland Act, 1933, or any instrument issued pursuant thereto; and shall come into force immediately before the expiration of the thirty-first day of March, 1949, if His Majesty has theretofore given His Assent to an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland confirming the same.

Signed in duplicate at Ottawa this eleventh day of December, 1948.

On behalf of Canada:

"LOUIS S. ST. LAURENT"

"BROOKE CLAXTON"

On behalf of Newfoundland:

"ALBERT J. WALSH"

"F. GORDON BRADLEY"

"PHILIP GRUCHY"

"JOHN B. McEVoy"

"JOSEPH R. SMALLWOOD"

"G. A. WINTER"

SCHEDULE.

In this Schedule the expression "District" means District as named and delimited in the Act 22 George V, Chapter 7 entitled "An Act to amend Chapter 2 of the Consolidated Statutes of Newfoundland (Third Series) entitled 'Of the House of Assembly'".

Grand Falls-White Bay shall consist of the Districts of White Bay, Green Bay, and Grand Falls, and all the territory within a radius of five miles of the Railway Station at Gander, together with the Coast of Labrador and the Islands adjacent thereto.

Bonavista-Twillingate shall consist of the Districts of Twillingate, Fogo, Bonavista North, and Bonavista South, but shall not include any part of the territory within a radius of five miles from the Railway Station at Gander.

Trinity-Conception shall consist of the Districts of Trinity North, Trinity South, Carbonear-Bay de Verde, Harbour Grace, and Port de Grave.

St. John's East shall consist of the District of Harbour Main-Bell Island and that part of the Province bounded as follows, that is to say: By a line commencing at a point where the centre line of Beck's Cove Hill intersects the North shore of the Harbour of St. John's, thence following the centre line of Beck's Cove Hill to the centre of Duckworth Street, thence westerly along the centre line of Duckworth Street to the centre of Theatre Hill, thence following the centre line of Theatre Hill to the centre of Carter's Hill, thence following the centre line of Carter's Hill and Carter's Street to the centre of Freshwater Road, thence following the centre line of Freshwater Road to its intersection with the centre of Kenmount Road, and thence along the centre line of Kenmount Road to its intersection with the North Eastern boundary of the District of Harbour Main-Bell Island, thence along the said North Eastern boundary of the District of Harbour Main-Bell Island to the shore of Conception Bay and thence following the coastline around Cape St. Francis and on to the Narrows of St. John's Harbour and continuing along by the North Shore of St. John's Harbour to a point on the North shore of the said Harbour intersected by the centre line of Beck's Cove Hill, the point of commencement.

St. John's West shall consist of the Districts of Placentia-St. Mary's and Ferryland, and that part of the Province bounded as follows, that is to say: By a line commencing at the Motion Head of Petty Harbour and running in a straight line to the Northern Goulds Bridge (locally known as Doyle's Bridge) thence following the centre line of Doyle's Road to Short's Road, thence in a straight line to a point one mile west of Quigley's, thence in a straight line to the point where the North Eastern boundary of the District of Harbour Main-Bell Island intersects Kenmount Road, thence along the centre line of Kenmount Road and Freshwater Road to Carter's Street,

thence down the centre line of Carter's Street and Carter's Hill to Theatre Hill and thence along the centre line of said Theatre Hill to the centre line of Duckworth Street and thence easterly along the centre line of Duckworth Street to the top of Beck's Cove Hill, thence from the centre line of said Beck's Cove Hill to the shore of St. John's Harbour and thence following the shore of St. John's Harbour and, passing through the Narrows by the North of Fort Amherst and thence following the coastline Southerly to the Motion Head of Petty Harbour, the point of commencement.

Burin-Burgeo shall consist of the Districts of Placentia West, Burin, Fortune Bay, Bay-Hermitage and Burgeo and LaPoile and all the unorganized territory bounded on the North and West by the District of Grand Falls, on the South by the Districts of Burgeo and LaPoile and Fortune Bay, Bay-Hermitage, on the East by the Districts of Trinity North, Bonavista South and Bonavista North.

Humber-St. George's shall consist of the Districts of St. George's-Port au Port, Humber, and St. Barbe, and all the unorganized territory bounded on the North by the District of Humber, on the East by the District of Grand Falls, on the South by the District of Burgeo and LaPoile, and on the West by the District of St. George's-Port au Port.

12.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Statute Law.

First reading, February 7, 1949.

THE MINISTER OF JUSTICE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Statute Law.

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 Statute Law Amendment (Newfoundland) Act*.

5

INTERPRETATION ACT.

2. Paragraph twenty-six of section thirty-seven of the *Interpretation Act*, chapter one of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subparagraph:

“(ff) in the province of Newfoundland, the Supreme Court of Newfoundland;”

SAVINGS BANKS ACT.

3. Subsection two of section eight of the *Savings Banks Act*, chapter fifteen of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Conclusive evidence for limited time.

“(2) In order to allow a reasonable time for the receipt of the acknowledgment, the entry by the proper officer in the depositor’s book shall also be conclusive evidence of the title, as respects a deposit made in any part of Canada other than the province of British Columbia, Saskatchewan, Alberta or Newfoundland, or the Northwest or Yukon Territories, for ten days from the making of the deposit, and as respects a deposit made in the province of British Columbia, Saskatchewan, Alberta or Newfoundland, or the Northwest or Yukon Territories, for eighteen days from the making of the deposit.”

25

EXPLANATORY NOTES.

The purpose of this Bill is to implement the Terms of Union of Newfoundland with Canada, and to adapt the statute law to the new province. The statutes amended by this Bill appear in the same order as in the Revised Statutes of Canada, 1927, and subsequent enactments. Many of the proposed amendments are self-explanatory.

2. Section 37 (26) of the *Interpretation Act* defines the expression "superior court".

3. The only change is the addition of the underlined words.

BOARDS OF TRADE ACT.

4. (1) Paragraph (a) of section two of the *Boards of Trade Act*, chapter nineteen of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

"board of trade"

"(a) 'board of trade' includes chamber of commerce, 5
and, for the purposes of the appointment of weighers of grain under the provisions of this Act, means any board of trade or chamber of commerce incorporated under the provisions of any Act of the Parliament of Canada, or of the legislature of the late province of 10
Canada, or of the legislature of any province of Canada;"

(2) Subparagraph (ii) of paragraph (c) of section two of the said Act is repealed and the following substituted therefor:—

In Saskatch-
ewan,
Alberta and
Newfound-
land.

"(ii) in the provinces of Saskatchewan, Alberta and 15
Newfoundland, also any electoral district, as constituted for elections to the legislative assembly for either of the said provinces, within and for which a board of trade is established;" 20

(3) Section forty-eight of the said Act is repealed and the following substituted therefor:—

Existing
Boards of
Trade.

"48. Any existing board of trade heretofore incorporated by or under any Act of the Parliament of Canada, or any Act of the legislature of the former province of Canada, or 25
of any province of Canada, may apply under the provisions of this Part for establishing such board of trade under the provisions of this Part."

CIVIL SERVICE ACT.

5. (1) Subparagraphs (ii) to (v) of paragraph (g) of section two of the *Civil Service Act*, chapter twenty-two of 30
the Revised Statutes of Canada, 1927, as enacted by section one of chapter fifty-three of the statutes of 1947, are repealed and the following substituted therefor:

"(ii) during World War II was on active service

(A) in the naval, military or air forces of His 35
Majesty or any of His Majesty's Allies and at the commencement of his active service was domiciled in Canada or Newfoundland,
or

(B) in the naval, military or air forces of Canada, 40
and, not being domiciled in Canada at the commencement of his active service, is a Canadian Citizen,

and who, in the course of such service, performed duties outside of the Western Hemisphere, or on 45

4. (1) Paragraph (a) of section 2 of the *Boards of Trade Act* now reads as follows:

“(a) ‘board of trade’ includes chamber of commerce, and, for the purposes of the appointment of weighers of grain under the provisions of this Act, means any board of trade or chamber of commerce incorporated under the provisions of any Act of the Parliament of Canada, or of the legislature of any province now forming part of Canada.”

(3) Section 48 of the *Boards of Trade Act* now reads as follows:

“48. Any existing board of trade heretofore incorporated by or under any Act of the Parliament of Canada, or any Act of the legislature of the former province of Canada, or of any province now forming part of Canada, may apply under the provisions of this part for establishing such board of trade under the provisions of this Part.”

5. Paragraph (g) of section 2 of the *Civil Service Act* defines “veteran” and section 29 provides the veterans’ preference. The proposed amendments will extend the preference to Newfoundland veterans as required by Term 38 (a) of the Terms of Union.

- the high seas in a ship or other vessel service in which was, at the time he performed those duties, classed as "sea time" for the purpose of the advancement of naval ratings, or which would have been so classed had the ship or other vessel been in the service of the naval forces of Canada; 5
- (iii) during World War II served as a member of the Women's Royal Naval Services or as a member of the South African Military Nursing Service outside of the Western Hemisphere and who, at the commencement of her service during World War II, was domiciled in Canada or Newfoundland; 10
- (iv) has been certified by the Under Secretary of State for External Affairs as having been enrolled in Canada or Newfoundland by United Kingdom 15 authorities for special duty during World War II in war areas outside of the Western Hemisphere, and who served outside of the Western Hemisphere, and at the time of his enrolment was domiciled in Canada or Newfoundland; 20
- (v) during World War II served outside of the Western Hemisphere with the naval, military or air forces of His Majesty raised in Canada or Newfoundland as a representative of Canadian 25 Legion War Services Inc., The National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, and who was authorized so to serve by the appropriate naval, military or air force authority and 30 who, at the commencement of his service with those forces during World War II, was domiciled in Canada or Newfoundland;"

(2) Subparagraph (ii) of paragraph (a) of subsection two of section twenty-nine of the said Act, as enacted by chapter fifty-three of the statutes of 1947, is repealed and the following substituted therefor:

Order of merit.

"(ii) by reason of their service only in World War II, and who at the commencement of such service were domiciled in Canada or Newfoundland," 40

(3) Subsection one of section thirty-three of the said Act, as enacted by chapter forty of the statutes of 1932, is repealed and the following substituted therefor:

Qualifications.

"**33.** (1) No person shall, without the authority of the Governor in Council, be admitted to any examination 45 unless he is a natural born or naturalized British subject, and also has been a resident of Canada or Newfoundland for at least five years."

CIVIL SERVICE SUPERANNUATION ACT.

6. The *Civil Service Superannuation Act*, chapter twenty-four of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after section eleven F thereof, the following section:

Newfound-
land
Government
employees.

"11G. (1) This section applies in respect of a person 5
who was an employee of the Government of Newfoundland
in a service that has been taken over by Canada pursuant
to the Terms of Union of Newfoundland with Canada and
who became an employee of the Government of Canada
pursuant to an offer of employment made in accordance 10
with the Terms of Union.

Regulations.

(2) The Governor in Council, on the recommendation of
the Treasury Board, may

(a) make regulations to give effect to the Terms of
Union of Newfoundland with Canada with respect 15
to persons to whom this section applies or to make
applicable to them the provisions of this Act, *mutatis
mutandis*, in a like manner as if their employment
with the Government of Newfoundland had been
employment with the Government of Canada; or 20

(b) direct that an allowance or gratuity be paid under
this Act to a person to whom this section applies where
such an allowance or gratuity is payable in accordance
with the Terms of Union of Newfoundland with Canada
and fix the amount thereof. 25

Amount
payable.

(3) Any amount payable to a person to whom this
section applies pursuant to this section shall be charged
against the Superannuation Account in the Consolidated
Revenue Fund, and any amount paid by the Government
of Newfoundland to the Government of Canada pursuant 30
to the Terms of Union of Newfoundland with Canada by
way of reimbursement for pensions to or as contributions in
respect of persons to whom this section applies shall be
credited to the Superannuation Account in the Consolidated
Revenue Fund." 35

CURRENCY ACT.

7. The *Currency Act*, chapter forty of the Revised
Statutes of Canada, 1927, is amended by adding thereto,
immediately after section eleven thereof, the following
section:

Newfound-
land coins
to be legal
tender.

"11A. (1) Notwithstanding anything in this Act, the 40
gold, silver, copper, bronze or other metal coins struck by
authority of the Crown for circulation in Newfoundland
on or before the thirty-first day of March, nineteen hundred
and forty-nine, shall pass current at their nominal value
and shall be deemed to be coins made pursuant to the 45
authority of this Act.

Obligations
in Newfound-
land payable
in currency
of Canada.

(2) All sums of money payable on or after the first day of
April, nineteen hundred and forty-nine, under any Act or

6. This amendment is required by Term 39 (2) of the Terms of Union.

law in force in Newfoundland passed before that day or under any obligations incurred before that day and which were intended to be and if Newfoundland had not become a province of Canada would have been payable in the currency of Newfoundland shall on and after that day be represented and payable by equal sums in the currency of Canada." 5

CUSTOMS ACT.

Repeal.

8. Paragraph (*j*) of section two hundred and eighty-four of the *Customs Act*, chapter forty-two of the Revised Statutes of Canada, 1927, is repealed. 10

CUSTOMS AND FISHERIES PROTECTION ACT.

9. Subsection one of section three of the *Customs and Fisheries Protection Act*, chapter forty-three of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Licences to fishing vessels to enter ports.

"**3.** (1) The Governor in Council may, from time to time, 15 authorize the issue of licences to

(*a*) United States fishing vessels, enabling them to enter any port on the Atlantic coast of Canada, and

(*b*) any fishing vessels, enabling them to enter any port in the province of Newfoundland, 20

during the periods mentioned in such licences, for the purposes of

(*c*) the purchase of bait, ice, seines, lines and all other supplies and outfits; and

(*d*) the transshipment of catch, and the shipping of 25 crews."

CUSTOMS TARIFF.

Section repealed.

10. Section eight of the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, is repealed.

DOMINION CONTROVERTED ELECTIONS ACT.

11. Paragraph (*d*) of subsection one of section two of the *Dominion Controverted Elections Act*, chapter fifty of 30 the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after subparagraph (*ix*) thereof, the following paragraph:

"Court."

"(*ixa*) In the province of Newfoundland, the Supreme Court of Newfoundland; 35

EXPERIMENTAL FARM STATIONS ACT.

Establishment of experimental farm stations.

12. Subsection one of section three of the *Experimental Farm Stations Act*, chapter sixty-one of the Revised Statutes of Canada, 1927, is amended by adding thereto the following paragraph:

"(*f*) the province of Newfoundland." 40

8. Section 284(j) of the *Customs Act* reads as follows:

"284. The Governor in Council may, from time to time, and in the manner hereinafter provided, in addition to the other purposes and matters in this Act mentioned, make regulations for or relating to the following purposes and matters:—

.....

(j) Exempting goods from duty as being the growth, produce or manufacture of Newfoundland, if such exemption is provided for by any Act relating to Customs, and for regulating the mode of proving such exemption;"

9. This amendment carries out the provisions of item 2 of paragraph (xii) of the Memorandum of December 11, 1948.

10. Section 8 of the *Customs Tariff* reads as follows:

"8. Notwithstanding anything in this Act, fish and other products of the fisheries of Newfoundland may be imported into Canada free of Customs duty until otherwise determined by the Governor in Council, by order published in the *Canada Gazette*."

11. Paragraph (d) of section 2(1) of the *Dominion Controverted Elections Act* defines "the court".

12. This amendment authorizes the Governor in Council to establish a farm station for the Province of Newfoundland.

MARITIME FREIGHT RATES ACT.

Application
to New-
foundland.

13. (1) Subject to this section, the *Maritime Freight Rates Act*, chapter seventy-nine of the Revised Statutes of Canada, 1927, applies *mutatis mutandis* to all lines of railway in the Island of Newfoundland that are subject to the legislative authority of the Parliament of Canada. 5

Lines of
railway.

(2) For the purposes of the said Act the lines of railway situated within the Island of Newfoundland, including the steamship services between Port aux Basques and North Sydney, that are entrusted to the Canadian National Railway Company for management and operation shall 10
from the date of and during the period of such entrustment be deemed to be included in the lines of railway collectively designated as the "Eastern lines"; the Island of Newfoundland shall be deemed to be included in the expression "select territory" and through traffic moving by water 15
between Port aux Basques and North Sydney shall be treated as all rail traffic.

Tariffs
of tolls.

(3) Upon entrustment to Canadian National Railway Company of the lines of railway mentioned in subsection two, Canadian National Railway Company shall forthwith 20
file with The Board of Transport Commissioners for Canada tariffs of tolls applicable to the carriage of traffic within, to and from the Island of Newfoundland and such tariffs, in so far as preferred movements are concerned, shall 25
comply as far as appropriate with the provisions of the said Act.

When
tariffs
effective.

(4) Notwithstanding the provisions of sections three hundred and thirty, three hundred and thirty-one, three hundred and thirty-four and three hundred and thirty-five of the *Railway Act*, the tariffs initially filed under subsection 30
three shall be effective from the date of entrustment.

FUGITIVE OFFENDERS ACT.

14. Paragraph (a) of section two of the *Fugitive Offenders Act*, chapter eighty-one of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after the words "the Supreme Court of Alberta" the following: 35

"in the province of Newfoundland, the Supreme Court of Newfoundland,"

"Court"
defined.

IMMIGRATION ACT.

Domicile.

15. For the purposes of the *Immigration Act*, chapter ninety-three of the Revised Statutes of Canada, 1927, domicile in Newfoundland prior to the first day of April, 40
nineteen hundred and forty-nine, shall be deemed to be domicile in Canada, and the expressions "land" and "enter" include lawful admission into Newfoundland under the laws of Newfoundland.

13. This amendment is required by Term 32 of the Terms of Union.

14. Section 2(a) of the *Fugitive Offenders Act* defines "court".

LEPROSY ACT.

Before
whom
information
laid.

16. Paragraph (c) of section eleven of the *Leprosy Act*, chapter one hundred and nineteen of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

“(c) in the province of Saskatchewan, Alberta or New- 5
foundland, before a judge of a superior court;”

LIVE STOCK SHIPPING ACT.

17. Paragraph (e) of section two of the *Live Stock Shipping Act*, chapter one hundred and twenty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor: 10

“ship
carrying
live stock.”

“(e) ‘ship carrying live stock’ means any ship employed in carrying live stock from any port or place in Canada to any port or place out of Canada, not being a port or place in the United States of America, St. Pierre or Miquelon, Bermuda, the West Indian Islands, Mexico, 15 or South America.”

MILITIA PENSION ACT.

18. Section fifty-three of the *Militia Pension Act*, chapter one hundred and thirty-three of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after paragraph (g) thereof, the following 20 paragraph:

Service
included.

“(gg) providing that service in any of the forces of Newfoundland and service prior to the first day of April, nineteen hundred and forty-nine, with the Government of Newfoundland may be included for 25 the purpose of making contributions and of computing pensions, allowances and gratuities under this Act;”

OLD AGE PENSIONS ACT.

Residence
defined.

19. For the purposes of the *Old Age Pensions Act*, chapter one hundred and fifty-six of the Revised Statutes of Canada, 1927, residence and presence in Newfoundland 30 shall respectively be deemed to be residence and presence in Canada.

PENSION ACT.

Domicile.

20. (1) For the purposes of sections forty-five, forty-six and forty-six A of the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, 35 domicile in Newfoundland shall be deemed to be domicile in Canada.

16. Section 11 of the *Leprosy Act* defines the courts in the various provinces where an information can be laid in cases of suspected leprosy.

17. Section 2(e) of the *Live Stock Shipping Act* reads as follows:

“(e) ‘ship carrying live stock’ means any ship employed in carrying live stock from any port or place in Canada to any port or place out of Canada, not being a port or place in the United States of America, Newfoundland, St. Pierre or Miquelon, Bermuda, the West Indian Islands, Mexico, or South America.”

20. This amendment is required by Term 38(a) of the Terms of Union. Sections 45, 46 and 46A provide supplementary pensions for persons who served in the forces of the United Kingdom or in allied forces.

Personnel deemed members of forces.

(2) A member of the naval or military forces of Newfoundland in World War I or World War II shall be deemed to be a member of the forces for the purposes of section eleven of the *Pension Act*.

British subject resident and domiciled in Newfoundland etc. deemed member of the forces.

(3) A British subject resident and domiciled in Newfoundland at the time of enlistment who served in the naval, military or air forces of His Majesty or in any of the naval, military or air forces of any of the countries allied with His Majesty during World War II shall be deemed to be a member of the forces for the purposes of section eleven of the *Pension Act*, if the disability in respect of which the application for pension is made is not pensionable by virtue of subsection one or two of this section.

ROYAL CANADIAN MOUNTED POLICE ACT.

21. Subparagraphs (i) and (ii) of paragraph (j) of subsection one of section ninety-one of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, as enacted by section ten of chapter twenty-eight of the statutes of 1948, are repealed and the following substituted therefor:

"service."

"(j) 'service' means time served in the Force and includes for the purpose of making contributions under this Part and of computing pensions, allowances or gratuities

(i) time served in the Civil Service or the permanent naval, military or air forces of Canada or Newfoundland;

(ii) time served on active service in the naval, military or air forces of His Majesty raised in Canada or Newfoundland during time of war; and"

EXCISE TAX ACT.

Non-application of tax on certain goods.

22. (1) Section one hundred and three A of the *Excise Tax Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, does not apply in respect of exported goods in customs bonded or sufferance warehouses in Newfoundland on the first day of April, nineteen hundred and forty-nine, or in transit from Canada to Newfoundland on or before the first day of March, nineteen hundred and forty-nine, for which no entry for consumption in Newfoundland has been passed before the said first day of April.

(2) Paragraph (a) of section thirteen of the said Act, as enacted by section one of chapter fifty-four of the statutes of 1932, is repealed and the following substituted therefor:

Section 11 of the *Pension Act* provides pensions generally in respect of military service.

22. Section 103A provides that sales tax is not payable on goods exported. Under the proposed amendment the exemption will not apply to shipments from Canada to Newfoundland unless the export is fully completed prior to Union.

THE JUVENILE DELINQUENTS ACT, 1929.

25. Paragraph (j) of section two of *The Juvenile Delinquents Act, 1929*, chapter forty-six of the statutes of 1929, is amended by adding thereto, immediately after the words "Supreme Court of Alberta" the following:

"in the Province of Newfoundland, a Judge of the Supreme Court of Newfoundland;" 5

THE UNFAIR COMPETITION ACT, 1932.

26. *The Unfair Competition Act, 1932*, chapter thirty-eight of the statutes of 1932, is amended by adding thereto, immediately after section sixty thereof, the following section:

Registrations
in New-
foundland.

"**60A.** (1) The registration of a trade mark under the laws of Newfoundland prior to the first day of April, nineteen hundred and forty-nine, shall have the same force and effect in the Province of Newfoundland as if Newfoundland had not become part of Canada, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if Newfoundland had not become part of Canada. 10 15

Laws of
Newfound-
land appli-
cable.

(2) The laws of Newfoundland as they existed immediately prior to the expiration of the thirty-first day of March, nineteen hundred and forty-nine, shall continue to apply in respect of applications for the registration of trade marks under the laws of Newfoundland pending at that time and any trade marks registered under such applications shall, for the purposes of this section, be deemed to have been registered under the laws of Newfoundland prior to the first day of April, nineteen hundred and forty-nine." 20 25

THE FISHERIES ACT, 1932.

27. In its application to the coasts of Newfoundland subsection three of section fifty-six of *The Fisheries Act, 1932*, chapter forty-two of the statutes of 1932, shall be construed as if the words "three miles" were substituted for the words "twelve miles". 30

"Three
miles" for
"twelve
miles",
limit.

THE CANADIAN AND BRITISH INSURANCE COMPANIES ACT, 1932.

28. (1) Paragraph (b) of subsection one of section two of *The Canadian and British Insurance Companies Act, 1932*, chapter forty-six of the statutes of 1932, as enacted by section two of chapter twenty-seven of the statutes of 1934, is repealed and the following substituted therefor: 35

25. Section 2(j) of *The Juvenile Delinquents Act, 1929*, defines "Supreme Court judge".

26. This amendment is required by Term 21 of the Terms of Union.

27. This amendment carries out item 1 of paragraph (xii) of the Memorandum of December 11, 1948.

"British
company."

"(b) 'British company' means any corporation incorporated under the laws of the United Kingdom of Great Britain and Northern Ireland or any British Dominion or possession other than Canada, Newfoundland or a province of Canada, for the purpose of carrying on the business of insurance;" 5

(2) Paragraphs (l) and (m) of subsection one of section two of the said Act, as re-lettered by section two of chapter twenty-seven of the statutes of 1934, are repealed and the following substituted therefor: 10

"policy in
Canada."

"(l) 'policy in Canada' as regards life insurance, means any policy issued or effected by a company registered under this Act upon the life of any person resident in Canada or Newfoundland at the time such policy was issued or effected; and, as regards fire insurance, means any policy issued or effected by such a company upon any property within Canada or Newfoundland; and, as regards any other class of insurance, means any policy issued or effected by such a company in the transaction of its business of insurance in Canada or Newfoundland;" 15 20

"provincial
company."

(m) 'provincial company' means a company incorporated under the laws of any province of Canada, of Newfoundland or of any former province of British North America now forming part of Canada other than the late Province of Canada for the purpose of carrying on the business of insurance;" 25

THE FOREIGN INSURANCE COMPANIES ACT, 1932.

29. Paragraph (p) of subsection one of section two of *The Foreign Insurance Companies Act, 1932*, chapter forty-seven of the statutes of 1932, is repealed and the following substituted therefor: 30

"policy in
Canada."

"(p) 'policy in Canada', as regards life insurance, means any policy issued or effected by a company registered under this Act upon the life of any person resident in Canada or Newfoundland at the time such policy was issued or effected; and, as regards fire insurance, means any policy issued or effected by such a company upon any property within Canada or Newfoundland; and, as regards any other class of insurance, means any policy issued or effected by such a company in the transaction of its business of insurance in Canada or Newfoundland;" 35 40

THE COMPANIES' CREDITORS ARRANGEMENT ACT, 1933.

30. Paragraph (a) of section two of *The Companies' Creditors Arrangement Act, 1933*, chapter thirty-six of the statutes of 1932-33, is repealed and the following substituted therefor:

"Court." " (a) "Court" means in Ontario, the Supreme Court; 5
in Quebec, the Superior Court; in Nova Scotia, New
Brunswick, British Columbia, Prince-Edward Island,
Alberta and Newfoundland, the Supreme Court for
each of those provinces; in Manitoba, the Court of
King's Bench; in Saskatchewan, the Court of King's 10
Bench; and in the Yukon Territory, the Territorial
Court;"

THE COMPANIES ACT, 1934.

31. Paragraph (d) of section three of *The Companies Act, 1934*, chapter thirty-three of the statutes of 1934, is repealed and the following substituted therefor: 15

"court." " (d) "court" means in Ontario, the Supreme Court; in
Quebec, the Superior Court; in Nova Scotia, New
Brunswick, British Columbia, Prince Edward Island,
Alberta and Newfoundland, the Supreme Court in and 20
for each of those provinces, respectively; in Manitoba,
the Court of King's Bench; in Saskatchewan, the Court
of King's Bench; and in the Yukon Territory, the
Territorial Court;"

BANK OF CANADA ACT.

32. (1) Subsection one of section five of the *Bank of Canada Act*, chapter forty-three of the statutes of 1934, as 25
enacted by the *Bank of Canada Act Amendment Act, 1938*,
chapter forty-two of the statutes of 1938, is repealed and the
following substituted therefor:

Board of
Directors. "5. (1) The Bank shall be under the management of a
Board of Directors composed of a Governor, a Deputy 30
Governor and twelve directors appointed in accordance
with the provisions of this Act. There may also be an
Assistant Deputy Governor who shall not as such be a
member of the Board.

(2) Subsection one of section nine of the said Act, as 35
enacted by the said *Bank of Canada Act Amendment Act, 1938*,
is repealed and the following substituted therefor:

Directors. "9. (1) The Minister with the approval of the Governor
in Council shall as of the first day of March in each year
appoint for terms of three years each a sufficient number of 40
directors to provide that there shall be twelve directors:

32. Subsection (1) of section 9 of the *Bank of Canada Act* now reads as follows:

"9. (1) The Minister with the approval of the Governor in Council shall as of the first day of March in each year appoint for terms of three years each a sufficient number of directors to provide that there shall be *eleven* directors: *Provided, however, that every director holding office at the date of the coming into force of this subsection shall continue as a director up to and including the last day of February in the year of the expiration of the term of office for which he was elected or appointed.*"

Proviso.

Provided that one director shall be appointed forthwith upon the coming into force of this subsection for a term of office expiring on the last day of February, nineteen hundred and fifty-one."

CANADA SHIPPING ACT, 1934.

33. (1) *The Canada Shipping Act, 1934*, chapter forty-four of the statutes of 1934, is amended by adding thereto, immediately after section one hundred and eighteen thereof, the following sections:

Newfound-land masters and mates entitled to certificates.

"**118A.** (1) Every British subject who immediately prior to the expiration of the thirty-first day of March, nineteen hundred and forty-nine, held a certificate of competency as master or mate of a foreign-going or home-trade ship valid under the laws of Newfoundland is entitled upon the surrender of the certificate to receive a certificate of competency granted under this Part as master or mate of a foreign-going or home-trade ship, as the case may be.

Newfound-land certificates may be accepted in lieu of certificates under this Part.

(2) Subject to such conditions as the Minister may impose, a certificate granted under the laws of Newfoundland as master or mate of a foreign-going or home-trade ship may be accepted in lieu of a certificate as master or mate granted under this Part and may be suspended or cancelled by the Minister under like conditions as in the case of a certificate issued under this Part.

Requirements for Newfoundland residents for certificates.

"**118B.** Every British subject who immediately prior to the expiration of the thirty-first day of March, nineteen hundred and forty-nine, was a resident of Newfoundland and who

(a) served as master or mate of a foreign-going or home-trade ship of over ten tons, gross tonnage, before that date for a full period of twelve months within the five years immediately preceding the date of his application for a certificate of service;

(b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship; and

(c) passes the prescribed examination; is entitled, according to his service and the waters served in, to either a foreign-going or home-trade certificate of service as master or mate of a steamship or a sailing ship, as the case may be, exceeding ten tons, gross tonnage."

(2) The portion of subsection one of section three hundred and five of the said Act, as enacted by section one of chapter six of the statutes of 1938, that precedes paragraph (a) thereof, is repealed and the following substituted therefor:

Duty on all vessels unless exempted.

"**305.** (1) There shall be levied and collected on every ship arriving in any port in the provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island, British

33. The proposed new sections of the *Canada Shipping Act, 1934*, carry out paragraph (xvii) of the Memorandum of December 11, 1948.

Columbia or Newfoundland or in any port on Hudson Bay or James Bay in the provinces of Manitoba or Ontario, hereinafter called 'the said provinces', a duty of two cents for every ton which such ship measures, register tonnage: Provided that such duty shall not be levied or collected on". 5

THE EXCISE ACT, 1934.

Duty to be levied on certain goods.

34. (1) Any goods mentioned in subsection one of section fifty-seven of *The Excise Act, 1934*, chapter fifty-two of the statutes of 1934, as enacted by section two of chapter forty-eight of the statutes of 1946, that were exported in bond to Newfoundland before the first day of April, nineteen hundred and forty-nine, and

(a) are in customs bonded or sufferance warehouses in Newfoundland on the said first day of April; or

(b) are in transit from Canada to Newfoundland on or before the thirty-first day of March, nineteen hundred and forty-nine;

shall be deemed to be goods in warehouse under the said Act and are liable to the duties imposed by the Schedule to that Act, and the full amount of such duties accruing upon such goods shall be paid before the goods are removed from warehouse for consumption. 20

Collection of duties.

(2) The duties imposed by subsection two of section one hundred and seventy-five of the said Act and by the Schedule to the said Act shall be levied and collected upon all malt that is in any customs bonded or sufferance warehouse or brewery in Newfoundland on the first day of April, nineteen hundred and forty-nine. 25

THE PATENT ACT, 1935.

35. *The Patent Act, 1935*, chapter thirty-two of the statutes of 1935, is amended by adding thereto, immediately after section seventy-seven thereof, the following heading and section: 30

"NEWFOUNDLAND PATENTS.

Patents issued in Newfoundland.

77A. (1) Patents issued under the laws of Newfoundland prior to the first day of April, nineteen hundred and forty-nine, shall be deemed to have been issued under the laws of Canada, as of the date and for the term thereof. 35

(2) In the event of conflict between patents issued under the laws of Newfoundland prior to the first day of April, nineteen hundred and forty-nine, and patents issued under the laws of Canada prior to that date

34. (1) Section 57 of *The Excise Act, 1934* exempts from duty goods exported in bond. Under the proposed amendment the exemption will not apply unless export from Canada to Newfoundland was fully completed before Union.

(2) Subsection (2) of section 175 of *The Excise Act, 1934*, reads as follows:

"(2) There shall be imposed, levied and collected upon all malt brought into a brewery the duty of excise set out in the schedule to this Act, which shall be paid to the collector as herein provided."

35. This amendment is required by Term 20 of the Terms of Union.

(a) the patents issued under the laws of Newfoundland shall have the same force and effect in the Province of Newfoundland as if Newfoundland had not become part of Canada, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in the Province of Newfoundland as if Newfoundland had not become part of Canada; and 5

(b) the patents issued under the laws of Canada shall have the same force and effect in any part of Canada other than the Province of Newfoundland as if Newfoundland had not become part of Canada, and all rights and privileges acquired under or by virtue thereof may continue to be exercised or enjoyed in any part of Canada other than the Province of Newfoundland as if Newfoundland had not become part of Canada. 10 15

(3) The laws of Newfoundland as they existed immediately prior to the expiration of the thirty-first day of March, nineteen hundred and forty-nine, shall continue to apply in respect of applications for patents under the laws of Newfoundland pending at that time, and any patents issued upon such applications shall, for the purposes of this section, be deemed to have been issued under the laws of Newfoundland prior to the first day of April, nineteen hundred and forty-nine; and patents issued under the laws of Canada upon applications pending immediately prior to the expiration of the said thirty-first day of March shall, for the purposes of this section, be deemed to have been issued under the laws of Canada prior to the said first day of April. 20 25 30

(4) No claims for infringement of a patent issued in Canada prior to the first day of April, nineteen hundred and forty-nine, shall be entertained by any court against any person for anything done in Newfoundland prior to that date in respect of the invention protected by such patent, and no claims for infringement of a patent issued in Newfoundland prior to that date shall be entertained by any court against any person for anything done in Canada prior to that date in respect of the invention protected by such patent." 35 40

THE TRANSPORT ACT, 1938.

36. (1) Paragraph (i) of subsection one of section two of *The Transport Act, 1938*, chapter fifty-three of the statutes of 1938, is repealed and the following substituted therefor:

"Maritime Provinces."

"(i) "Maritime Provinces" means the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland." 5

(2) Paragraph (b) of subsection four of section twelve of the said Act is repealed and the following substituted therefor: 10

Not applicable to ships plying between certain ports.

"(b) between ports or places in Hudson Bay, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland, and the Gulf and River St. Lawrence east of the western point of the Island of Orleans, or between any two or more places therein;" 15

THE PENITENTIARY ACT, 1939.

37. (1) Notwithstanding anything in *The Penitentiary Act, 1939*, chapter six of the statutes of 1939, every person who is sentenced by any court in Newfoundland to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the place operated by the province of Newfoundland at St. John's for the confinement of prisoners, and shall be subject to the statutes, rules, regulations and other laws pertaining to the management and control of that place of confinement. 20

Place of imprisonment.

Agreement to pay maintenance costs.

(2) Subject to the approval of the Governor in Council, the Minister of Justice may enter into an agreement with the province of Newfoundland providing for the payment to the province of the cost of maintaining persons who are or have been sentenced to imprisonment for life, or for a term of years, not less than two. 25 30

THE UNEMPLOYMENT INSURANCE ACT, 1940.

38. For the purposes of Part IV of *The Unemployment Insurance Act, 1940*, chapter forty-four of the statutes of 1940, as enacted by section twenty-four of chapter sixty-eight of the statutes of 1946,

Newfoundland veterans.

36. Section twelve of *The Transport Act, 1938*, exempts from the application of Part I of the Act ships engaged in the transport of goods and passengers between certain named places.

37. This amendment carries out paragraph (xvi) of the Memorandum of December 11, 1948.

38. Part IV of *The Unemployment Insurance Act, 1940*, contains special provisions respecting veterans. The proposed amendment extends the Act to Newfoundland veterans as required by Term 38(c) of the Terms of Union.

- (a) active service by a person in any of the naval or military forces of Newfoundland, or by a person who was recruited in Newfoundland in any naval, military or air forces raised in Newfoundland by or on behalf of the United Kingdom, shall be deemed to be active service in the Canadian forces; 5
- (b) residence and domicile in Newfoundland shall respectively be deemed to be residence and domicile in Canada.

THE VETERANS' LAND ACT, 1942.

Newfound-
land
veterans.

39. For the purposes of *The Veterans' Land Act, 1942*, 10
chapter thirty-three of the statutes of 1942, the expression
"naval, military or air force of Canada" includes any of
the naval or military forces of Newfoundland, and domicile
or residence in Newfoundland shall be deemed to be domicile
or residence in Canada, but any benefits that would other- 15
wise be available to a member of the forces of Newfoundland
under section nine or section thirty-five of that Act shall
be reduced by the amount of similar benefits that he may
have received from a government other than that of Canada.

THE NATIONAL PHYSICAL FITNESS ACT.

Financial
assistance to
Newfound-
land.

40. The sum of two hundred and twenty-five thousand 20
dollars specified in section seven of *The National Physical
Fitness Act*, chapter twenty-nine of the statutes of 1943-44,
is increased to two hundred and thirty-two thousand
dollars and for the purposes of the said section the popula- 25
tion of Newfoundland shall be included in the population
of Canada and shall be taken at three hundred and
twenty-five thousand until the first decennial census after
the first day of April, nineteen hundred and forty-nine.

THE FAMILY ALLOWANCES ACT, 1944.

Application
to children
born in New-
foundland.

41. For the purposes of *The Family Allowances Act*, 30
1944, chapter forty of the statutes of 1944-45,
(a) a child in Newfoundland in respect of whom an
application for registration has been received and
approved as prescribed by regulations to be made by
the Governor in Council for Newfoundland, prior to
the first day of April, nineteen hundred and forty-nine, 35
shall be deemed to have been registered immediately
prior to the expiration of the thirty-first day of March,
nineteen hundred and forty-nine;
(b) birth, residence and domicile in Newfoundland shall
respectively be deemed to be birth, residence and 40
domicile in Canada; and

39. This extends *The Veterans Land Act, 1942*, to Newfoundland veterans as required by Term 38(c) of the Terms of Union.

40. Section 7 of *The National Physical Fitness Act* reads as follows:

"7. Where a province establishes an organization for the purpose of co-operating with the Council in carrying out the provisions of this Act, and such province undertakes to develop a plan of physical fitness satisfactory to the Minister, the Minister may, with the approval of the Governor in Council, enter into an agreement covering any period with such province to provide, out of the Fund, financial assistance for the purpose of assisting such province in carrying out such plan, but the amount of such financial assistance in any year shall not exceed a sum which bears the same proportion to the sum of two hundred and *twenty-five* thousand dollars as the population of such province as shown by the last decennial census bears to the population of Canada as shown by such census, or an amount equal to one-half of the moneys actually expended by such province in carrying out such plan, whichever is the less."

41. This carries out paragraph (xiii) of the Memorandum of December 11, 1948.

(c) the expression "Naval, Military or Air Forces of Canada" includes any of the naval or military forces of Newfoundland.

THE FISHERIES PRICES SUPPORT ACT, 1944.

Fisheries
Prices
Support
Board.

42. Subsection one of section three of *The Fisheries Prices Support Act, 1944*, chapter forty-two of the statutes of 1944-45, is repealed and the following substituted therefor: 5

"**3.** (1) There shall be, under the direction of the Minister, a Fisheries Prices Support Board consisting of not more than six members, including a chairman and a vice-chairman, to be appointed by the Governor in Council and who shall hold office during pleasure." 10

THE NATIONAL HOUSING ACT, 1944.

Newfound-
land
veterans.

43. A person who served on active service
(i) in any of the naval or military forces of Newfoundland or, having been recruited in Newfoundland, in any of the naval, military or air forces raised in Newfoundland by or on behalf of the United Kingdom, or 15
(ii) in any other naval, military or air forces of His Majesty and at the time of his enlistment therein was domiciled in Newfoundland, 20

shall be deemed to be a veteran for the purposes of section four B of *The National Housing Act, 1944*, chapter forty-six of the statutes of 1944-45.

THE VETERANS INSURANCE ACT.

Newfound-
land
veterans.

44. For the purposes of subparagraph (i) of paragraph 25 (j) of section two of *The Veterans Insurance Act*, chapter forty-nine of the statutes of 1944-45, service by a person in the naval or military forces of Newfoundland and service by a person recruited in Newfoundland in any naval, military or air forces raised in Newfoundland by or on behalf of the United Kingdom, shall be deemed to be service in the naval, military or air forces of Canada and, for the purposes of subparagraph (ii) of that paragraph, domicile in Newfoundland shall be deemed to be domicile in Canada. 30

THE WAR SERVICE GRANTS ACT, 1944, AND THE VETERANS REHABILITATION ACT.

35

Re-
establishment
Credits to
Newfound-
land
veterans.

45. (1) Subject to the provisions of *The War Service Grants Act, 1944*, chapter fifty-one of the statutes of 1944-45, every Newfoundland veteran who does not elect to take

42. The proposed amendment increases the membership from five to six.

43. Section four B of *The National Housing Act*, as enacted by section thirteen of chapter sixty-one of the statutes of 1946, authorizes the corporation to give veterans priority in the purchase of houses constructed pursuant to agreements made by the corporation with contractors under that section.

44. This extends *The Veterans Insurance Act* to Newfoundland veterans as required by Term 38(c) of the Terms of Union.

45. This carries out the provisions of paragraphs (d) and (f) of Term 38 of the Terms of Union.

benefits under *The Veterans' Land Act, 1942*, except section thirteen thereof, or any educational, vocational or technical training benefits under the provisions of *The Veterans Rehabilitation Act* shall, in order to assist in his re-establishment, be eligible for a re-establishment credit equal to the re-establishment credit that might have been made available to him under *The War Service Grants Act, 1944*, if he had been a member of the forces as therein defined, less the amount of any pecuniary benefits of the same nature granted or paid by the government of any country other than that of Canada.

Newfound-
land
veterans.

(2) For the purposes of sections six, seven, eight and nine of *The Veterans Rehabilitation Act*, chapter thirty-five of the statutes of 1945, a Newfoundland veteran who has been discharged shall be deemed to be a veteran as defined in that Act.

"Newfound-
land
veteran."

(3) In this section the expression "Newfoundland veteran" means a person who served on active service

(a) in any of the naval or military forces of Newfoundland or having been recruited in Newfoundland in any of the naval, military or air forces raised in Newfoundland by or on behalf of the United Kingdom; or

(b) in any other naval, military, or air forces of His Majesty and at the time of his enlistment therein was domiciled in Newfoundland; or

(c) in any of the naval, military or air forces of the nations allied with His Majesty in active operations against the enemy in World War II, if he was domiciled in Newfoundland at the time of his enlistment therein and was domiciled and resident in Newfoundland within two years from the date of his discharge therefrom or the eighth day of May, nineteen hundred and forty-five, whichever is the later.

THE CANADIAN CITIZENSHIP ACT.

46. *The Canadian Citizenship Act*, chapter fifteen of the statutes of 1946, is amended by adding thereto, immediately after section forty-four thereof, the following section:

British
subjects
born,
naturalized
or domiciled
in New-
foundland.

"**44A.** (1) A person who was a British subject on the first day of April, nineteen hundred and forty-nine and

(i) was born in Newfoundland;

(ii) was naturalized under the laws of Newfoundland; or

(iii) was domiciled in Newfoundland on the said first day of April;

is a Canadian citizen.

(2) A person who is a Canadian citizen by virtue of paragraph (i) of subsection one is a natural born Canadian citizen.

46. This carries out Term 43 of the Terms of Union.

(3) A person who is a Canadian citizen by virtue of paragraph (ii) of subsection one shall be deemed to have been naturalized under the laws of Canada, and a certificate of naturalization issued under the laws of Newfoundland shall be deemed to have been issued under the laws of Canada at the date thereof. 5

(4) A person who is a Canadian citizen by virtue of paragraph (iii) of subsection one, shall be deemed to have become a Canadian citizen on the day he acquired domicile in Newfoundland. 10

(5) For the purposes of this Act, residence in Newfoundland, shall be deemed to be residence in Canada."

THE CIVILIAN WAR PENSIONS AND ALLOWANCES ACT.

Person
deemed a
Canadian
national.

47. For the purposes of Part I of *The Civilian War Pensions and Allowances Act*, chapter forty-three of the statutes of 1946, a person who served upon a certified non-Canadian ship and at the time he entered such service was domiciled in Newfoundland shall be deemed to be a Canadian national, and a ship engaged in the fishing industry of Newfoundland in Newfoundland tidal waters shall be deemed to be a ship engaged in the fishing industry of Canada in Canadian tidal waters. 15 20

THE EXPLOSIVES ACT, 1946.

Newfound-
land
licences
valid.

48. A licence or permit issued under the Act of Newfoundland relating to the manufacture, storage, importation and sale of explosives, chapter fifty-four of the Consolidated Statutes of Newfoundland, 1916, shall be deemed to be a licence or permit issued under *The Explosives Act, 1946*, chapter seven of the statutes of 1946, for the purposes stated in the licence or permit, as the case may be. 25

THE VETERANS' BUSINESS AND PROFESSIONAL LOANS ACT.

Newfound-
land
veterans.

49. A person who served on active service
(i) in any of the naval or military forces of Newfoundland or, having been recruited in Newfoundland, in any of the naval, military or air forces raised in Newfoundland by or on behalf of the United Kingdom; or 30
(ii) in any other naval, military or air forces of His Majesty and at the time of his enlistment therein was domiciled in Newfoundland; 35

and is resident and domiciled in Canada, has not elected to take benefits under *The Veterans' Land Act, 1942*, and who would have been eligible for a gratuity under *The War* 40

47. This amendment is required by paragraph (a) of Term 42(1) of the Terms of Union. Paragraph (b) of the same Term will then be automatically effective. Term 42(2) of the Terms of Union requires no amendment because the enactments by their terms apply to persons who received the Bonuses. Term 42(3) requires no amendment because the enactments permit of future application to Newfoundland Merchant Seamen.

49. This extends *The Veterans' Business and Professional Loans Act* to Newfoundland veterans as required by Term 38(c) of the Terms of Union.

Service Grants Act, 1944, if such service had been service in the Canadian forces, shall be deemed to be a veteran for the purposes of *The Veterans' Business and Professional Loans Act*, chapter sixty-nine of the statutes of 1946.

THE WAR VETERANS ALLOWANCE ACT, 1946.

Newfound-land veterans.

50. For the purposes of paragraphs (b) and (c) of section four and section nine of *The War Veterans Allowance Act, 1946*, chapter seventy-five of the statutes of 1946, His Majesty's Canadian forces include His Majesty's forces raised in Newfoundland, and for the purposes of paragraph (d) of section four and paragraph (b) of section nine of the said Act domicile in Newfoundland shall be deemed to be domicile in Canada. 5 10

THE JUDGES ACT, 1946.

51. (1) Section six of *The Judges Act, 1946*, chapter fifty-six of the statutes of 1946, is amended by adding thereto the following:

Salary.

"Three District Judges of the Admiralty District of Newfoundland, each.....333.33" 15

(2) The said Act is further amended by adding thereto, immediately after section sixteen thereof, the following section:

Salaries.

"**16A.** The salaries of the judges of the Supreme Court of Newfoundland are as follows: 20

	Per annum
(a) The Chief Justice.....	\$13,333.33
(b) Two other Judges.....	12,000.00"

Right of election.

(3) A judge of the Supreme Court of Newfoundland may make an election under section twenty-six of the said Act on or before the thirtieth day of June, nineteen hundred and forty-nine. 25

Prior service may be counted.

(4) For the purposes of sections twenty-two to twenty-eight of the said Act, the period during which a judge of the Supreme Court of the Province of Newfoundland held office as a judge of the Supreme Court of Newfoundland prior to the first day of April, nineteen hundred and forty-nine, shall be included in calculating the period during which he continued in office as a judge of a superior court. 30 35

THE REPRESENTATION ACT, 1947.

Newfound-land Representation.

52. The representation in the House of Commons provided for by Term four of the Terms of Union of Newfoundland with Canada shall be added to the representation provided for in section two of *The Representation Act, 1947*, chapter seventy-one of the statutes of 1947, and the Schedule to the said Terms of Union shall be added to the Schedule to the said Act.

50. This amendment extends *The War Veterans Allowance Act, 1946*, to Newfoundland veterans, as required by Term 38(a) of the Terms of Union.

51. This amendment is required by Term 30 of the Terms of Union.

THE EMERGENCY EXCHANGE CONSERVATION ACT.

Bringing
certain goods
from New-
foundland to
other
provinces
deemed to be
importation.

53. (1) For the purposes of *The Emergency Exchange Conservation Act*, chapter seven of the statutes of 1947-48, as amended by chapter forty-eight of the statutes of 1947-48, during the period of twelve months beginning on the first day of April, nineteen hundred and forty-nine, the bringing of goods listed in Schedule I, II or III of that Act, that had been imported into Newfoundland before that day and are not the growth, produce or manufacture of Newfoundland, from the Province of Newfoundland into any other province is deemed to be an importation of those goods into that province from the country of which the goods are the growth, produce or manufacture; and no person shall so bring or attempt so to bring any such goods into any such other province except in accordance with a permit issued under that Act, in a like manner and subject to like conditions as if they were imported from that country. 5 10 15

Regulations.

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

Coming
into force.

54. This Act shall come into force immediately prior to the expiration of the thirty-first day of March, nineteen hundred and forty-nine. 20

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

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

First reading, February 14th, 1949.

MR. WRIGHT.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

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

1935, c. 53;
1939, c. 39;
1940, c. 25;
1942-43, c. 4;
1947, c. 15;
1947-48, c. 4.

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

1. Paragraph (b) of subsection one of section twenty-one of *The Canadian Wheat Board Act, 1935*, chapter fifty-three of the statutes of 1935, as enacted by section two of chapter four of the statutes of 1948, is repealed and the following substituted therefor: 5

Payment to
producers.

“(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, Vancouver or Churchill 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 during the period commencing on the first day of August, nineteen hundred and forty-six, and ending on the thirty-first day of July, nineteen hundred and fifty, such sum certain shall, in the case of grade No. 1 Manitoba Northern be not less than one dollar and thirty-five cents per bushel, and in the case of each other grade, such other 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 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, it shall not be 10 15 20 25 30

Proviso.

EXPLANATORY NOTES.

The only change made by this bill is to insert the words "or Churchill" in the appropriate place in two sections of the Act, as underlined herewith.

The effect of this change will be to permit producers in the area accessible to the Port of Churchill to get the advantage of the cheaper freight rate to Churchill, wherever such cheaper rates apply. The implementation of this provision will not involve any increase in expenditure either by the Government or by The Canadian Wheat Board.

reduced during that pool period and 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." 5

2. Subsection three of section twenty-two of the said Act, as enacted by section five of chapter fifteen of the statutes of 1947, is repealed and the following substituted therefor: 10

Determina-
tion of
amounts
to which
producers
entitled.

"(3) The Board shall, with the approval of the Governor in Council, determine and fix the amounts to which producers are entitled per bushel according to grade and quality under certificates issued pursuant to this Part, it being the true intent and meaning of this Part that each producer shall receive in respect of wheat sold and delivered to the Board during each crop year for the same grade thereof, the same price basis Fort William/Port Arthur, Vancouver or Churchill and that each such price shall bear a proper price relationship to that for each other grade." 15 20

19.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend The Industrial Relations and Disputes
Investigation Act. (Deduction of union dues).

First reading, February 16, 1949.

MR. WILLIAMS.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

1947-48, c. 54. An Act to amend The Industrial Relations and Disputes Investigation Act. (Deduction of union dues).

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

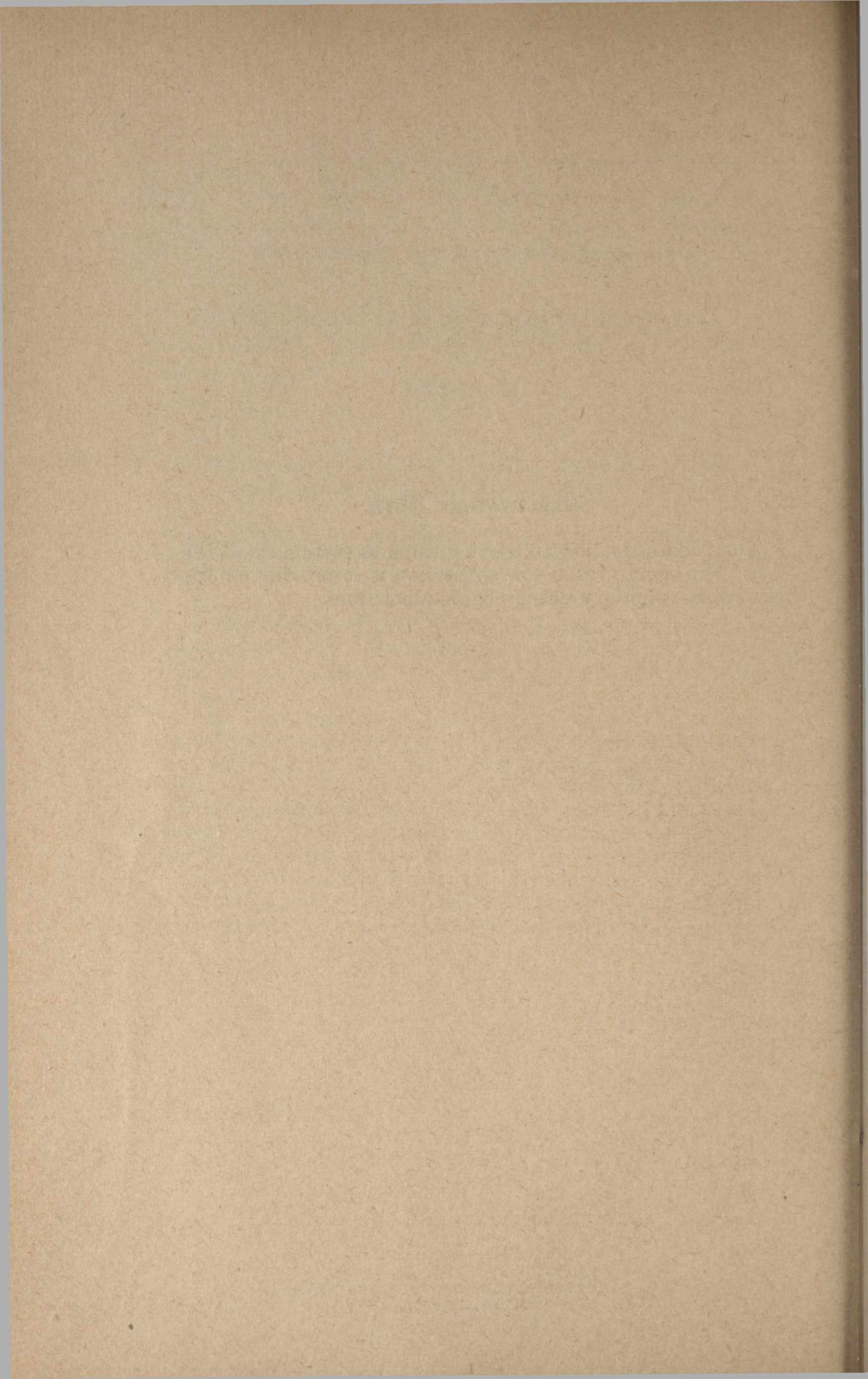
1. Section six of *The Industrial Relations and Disputes Investigation Act*, chapter fifty-four of the statutes of 1947-48, is amended by adding thereto the following subsection: 5

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 10 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 15 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 revocable voluntary check-off of union dues.



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend The Industrial Relations and Disputes
Investigation Act. (Enforcement).

First reading, February 16, 1949.

MR. GILLIS.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
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THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Enforcement).

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. Sections forty-three to forty-six, inclusive, of *The Industrial Relations and Disputes Investigation Act*, 5 chapter fifty-four of the statutes of 1947-48, are repealed and the following section substituted therefor:

Application to the Board.

“**43.** (1) Any employer or trade union may apply to the Board for an order that any person, employee, trade union, employer or employers’ organization has violated 10 a provision of this Act.

Notice to appear.

(2) Upon receipt of such an application, the Board shall by notice in writing, direct the party making the complaint and the party against whom the complaint has been made to appear before it and shall hear and receive such evidence 15 as may be presented to it.

Order of the Board.

(3) After hearing the evidence, as aforesaid, the Board may, if it is of the opinion that there has been a violation of the provisions of this Act, issue an order indicating the precise nature of the violation. 20

Enforcement.

(4) Where an order is made by the Board pursuant to subsection three of this section, the Chief Executive Officer of the Board or anyone acting through or under him, may file such order, duly certified by the Chairman of the Board, in the Magistrate’s Court of the jurisdiction in which the 25 violation referred to in the said order took place, and the Magistrate of the said Court shall, by summons issued in the usual manner, thereupon direct the person, employee, trade union, employer or employers’ organization against whom the order was made to appear before him and shall 30 impose upon such person, employee, trade union, employer or employers’ organization the penalty or compensation

EXPLANATORY NOTE.

The sections to be repealed and replaced by the section appearing in the text at present read as follows:—

“43. (1) Where the Minister receives a complaint in writing from a party to collective bargaining that any other party to such collective bargaining has failed to comply with paragraph (a) of section fourteen of this Act or with paragraph (a) of section fifteen of this Act, he may refer the same to the Board.

(2) Where a complaint from a party to collective bargaining is referred to the Board pursuant to subsection one of this section, the Board shall inquire into the complaint and may dismiss the complaint or may make an order requiring any party to such collective bargaining to do such things as in the opinion of the Board are necessary to secure compliance with paragraph (a) of section fourteen or paragraph (a) of section fifteen of this Act.

(3) Every employer, employers' organization, trade union or other person in respect of whom an order is made under this section, shall comply with such order.

44. (1) A person claiming to be aggrieved because of an alleged violation of any of the provisions of this Act may make a complaint in writing to the Minister and the Minister, upon receipt of such complaint, may require an Industrial Inquiry Commission appointed by him pursuant to section fifty-six of this Act or a Conciliation Officer to investigate and make a report to him in respect of the alleged violation.

(2) Upon receipt of a report pursuant to subsection one of this section, the Minister shall furnish a copy to each of the parties affected and if the Minister considers it desirable to do so, shall publish the same in such manner as he sees fit.

(3) The Minister shall take into account any report made pursuant to this section or any action taken by the Board upon a complaint referred to it under this Act in granting or refusing to grant consent to prosecute under section forty-six of this Act.

45. (1) A prosecution for an offence under this Act may be brought against an employers' organization or a trade union and in the name of the organization or union and for the purpose of such a prosecution a trade union or an employers' organization shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employers' organization or trade union within the scope of his authority to act on behalf of the organization or union shall be deemed to be an act or thing done or omitted by the employers' organization or trade union.

(2) An information or complaint in respect of a contravention of the provisions of this Act may be for one or more offences, and no information, complaint, warrant, conviction or other proceedings in a prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences.

46. (1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

(2) A consent by the Minister indicating that he has consented to the prosecution of a person named therein for an offence under this Act alleged to have been committed, or in the case of a continuing offence, alleged to have commenced, on a date therein set out, shall be a sufficient consent for the purposes of this section to the prosecution of the said person for any offence under this Act committed by or commencing on the said date.”

provided in this Act for the violation specified in the order of the Board. For the purpose of any proceedings taken under this subsection the fact of the violation shall be sufficiently proved in any court of law by the filing of the said order of the Board certified by the Chairman of the Board. 5

If order
ambiguous.

(5) If, in the opinion of a Magistrate, the order of the Board is ambiguous or its meaning not clear in any particular, he may refer to the Board any question or matter for clarification by the said Board. 10

Appeal by
the Board.

(6) The Board may appeal from the decision or judgment of a Magistrate.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to amend The Industrial Relations and Disputes
Investigation Act. (Definition of employee).

First reading, February 16, 1949.

MR. KNOWLES.

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THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act to amend The Industrial Relations and Disputes Investigation Act. (Definition of employee).

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:

“employee”.

1. Paragraph (i) of subsection one of section two of *The Industrial Relations and Disputes Investigation Act*, chapter 5 fifty-four of the statutes of 1947-48, is repealed and the following substituted therefor:

(i) “employee” means a person employed to do skilled or unskilled manual, clerical or technical work, but does not include

(i) a manager or superintendent;

(ii) a member of the medical, dental, architectural, engineering or legal profession qualified to practise under the laws of a province and employed in that capacity;”

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EXPLANATORY NOTES.

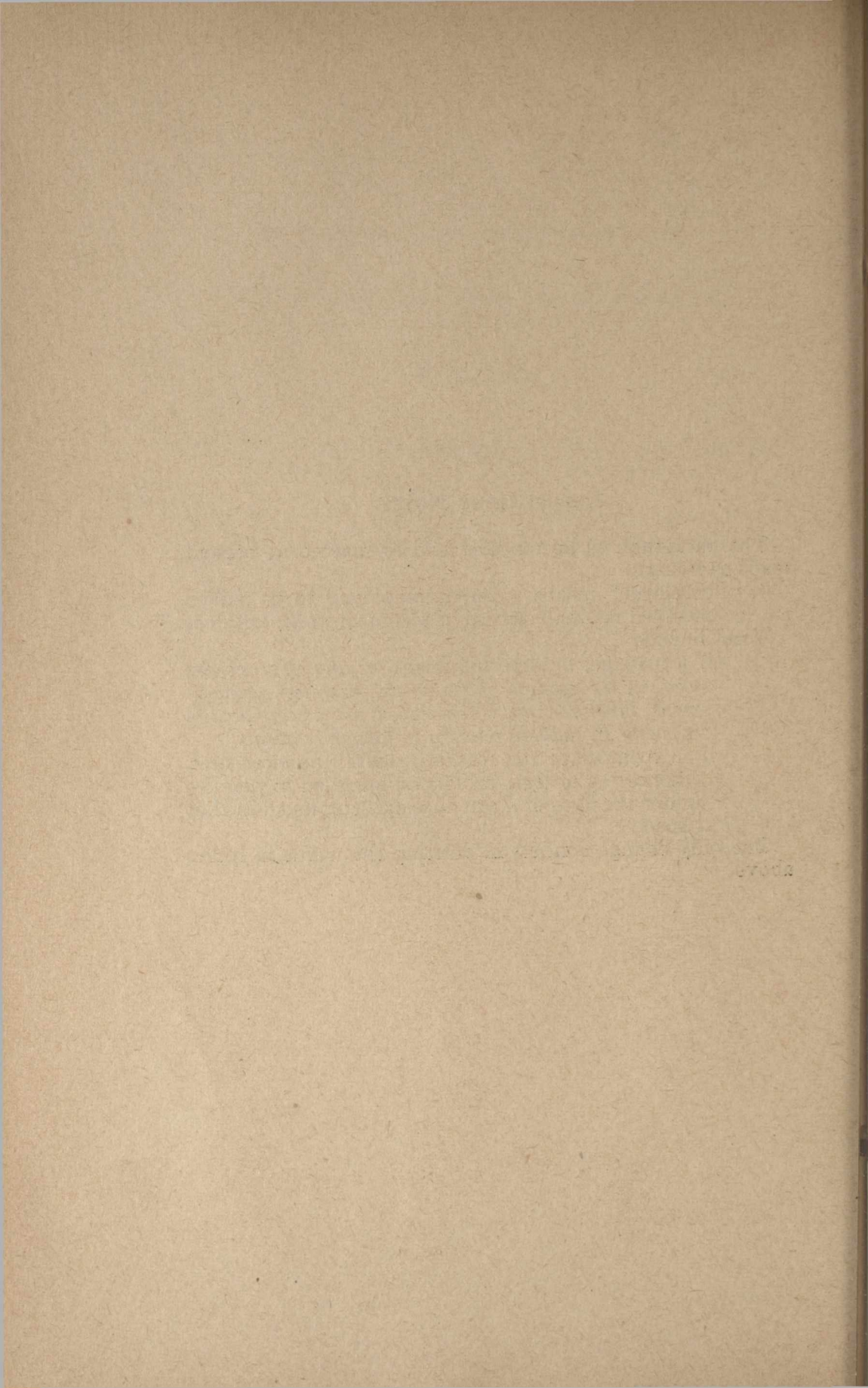
The paragraph to be repealed and re-enacted at present reads as follows:

(i) "employee" means a person employed to do skilled or unskilled manual, clerical or technical work, but does not include

(i) a manager or superintendent, *or any other person who, in the opinion of the Board, exercises management functions or is employed in a confidential capacity in matters relating to labour relations;*

(ii) a member of the medical, dental, architectural, engineering or legal profession qualified to practise under the laws of a province and employed in that capacity;"

The only change consists in deleting the words in italics above.



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to provide against the deception of purchasers or users of margarine, oleomargarine or other butter substitutes.

First reading, February 17, 1949.

MR. CRUICKSHANK.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to provide against the deception of purchasers or users of margarine, oleomargarine or other butter substitutes.

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

Sale.
Artificial
colouring.

1. No person shall sell, or offer for sale, margarine, oleomargarine, butterine or other substitute for butter, manufactured wholly or in part from any fat other than that of milk or cream, which is coloured artificially so as to resemble butter in appearance to such an extent as to mislead or deceive the purchaser thereof. 5

Sale.
Labelling.

2. No person shall sell or offer for sale margarine, oleomargarine, butterine, or other substitute for butter as aforesaid unless it or the container in which it is offered for sale is clearly marked, branded, stamped, impressed or labelled with the name or description of the commodity. 10

Offering for
consumption
at eating
places.

3. No person shall offer the commodity referred to in the preceding sections for consumption at any hotel, restaurant or other public eating place where meals are supplied for a charge unless on the bill of fare or menu or by some other means due notice is given the purchaser or consumer that such commodity is margarine, oleomargarine, butterine, or other butter substitute manufactured wholly or in part from any fat other than that of milk or cream. 15
20

Offence.

Penalty.

4. Every person who contravenes any provision of this Act 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 six months or to both fine and imprisonment. 25

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Criminal Code. (Pistols, Air-guns,
Motor vehicles, Level crossings and the Payment of
Fines).

First reading, February 17, 1949.

Mr. CHURCH.

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CONTROLLER OF STATIONERY

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

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;
1948-49, c. 39.

An Act to amend the Criminal Code. (Pistols, Air-guns, Motor vehicles, Level crossings and the Payment of Fines).

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-four of the Criminal Code, chapter thirty-six of the Revised Statutes of Canada, 1927, as enacted by section one of chapter twenty-five of the statutes of 1932-33, is repealed and the following substituted therefor:— 5

Pointing
firearm,
pistol or air-
gun.

“124. Everyone who, without lawful excuse, points at another person any firearm, pistol 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 one year, with or without hard labour.” 15

Manufacture
or import of
air-gun.

“124A. Every one who manufactures or assembles in Canada or brings or causes to be brought into Canada any air-gun for sale or use is guilty of an offence and liable on summary conviction to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.” 20

2. Section one hundred and twenty-six of the said Act, as enacted by section nine of chapter forty-four of the statutes of 1938, is amended by adding thereto the following subsection:— 25

Pistol to
include any-
thing of
shape or
form and size
of pistol.

“(3) Reference in this section or in sections one hundred and twenty-two and one hundred and twenty-four of this Act to any pistol shall mean and include anything of the shape or form and size of a pistol and notwithstanding that the same is not designed as, or capable of being used as, a firearm or air-gun.” 30

EXPLANATORY NOTES.

1. The purpose of the amendments to section 124 is to make it an offence to point, or use in a hold-up, not only an ordinary firearm but a pistol, or anything in the shape, form or size of a pistol and to prohibit the manufacture and importation of air-guns.

2. Extends the definition of "pistol".

3. Subsection two of section two hundred and eighty-five of the said Act, as enacted by section eight of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:—

Liability of driver of motor vehicle for failure to stop after accident.

“(2) Whenever, owing to the presence of a motor vehicle on the highway, an accident has occurred to any person or to any horse or vehicle in charge of any person, any person driving the motor vehicle shall be guilty of an offence and liable, either on indictment or on summary conviction to imprisonment for a term not less than six months and not exceeding twelve months if, with intent to escape liability either civil or criminal, he fails to stop his vehicle, tender assistance, and give his name and address. Such failure shall be prima facie evidence of an intent as aforesaid and such motor car shall be seized by any 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.”

4. Subsection four of section two hundred and eighty-five of the said Act, as enacted by section six of chapter eleven of the statutes of 1930, as amended by section four of chapter fifty-six of the statutes of 1935 and by section ten of chapter fifty-five of the statutes of 1947, is repealed and the following substituted therefor:—

Driving while under influence of alcohol or narcotic.

“(4) Everyone who, while under the influence of alcohol or of any narcotic, drives any motor vehicle or automobile is guilty of an offence, and liable,

(a) upon indictment, for a first offence to imprisonment for a term not exceeding six months and not less than two months, and for each subsequent offence to any term not exceeding two years and not less than six months; or

(b) upon summary conviction, for a first offence to a term of imprisonment not exceeding three months and not less than thirty days, for a second offence to a term of imprisonment not exceeding six months and not less than two months, and for each subsequent offence to a term of imprisonment not exceeding two years and not less than six 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.

3. The appalling fatal accidents and injuries from highway traffic and level crossings in Canada is mounting steadily and has become a public scandal as almost every highway is coloured red with the slaughter. Nothing is done to avert these accidents as the mad race for speed goes on. Casualties from such accidents are almost as numerous as those from the second world war in persons so killed or injured.

The purpose of this amendment is to increase the penalty from "a fine not exceeding one thousand dollars and costs or to imprisonment for a term not exceeding six months" to a term of "not less than six months and not exceeding twelve months", without the option of a fine, and to "seizure and forfeiture" of the driver's car.

4. Subsection four at present reads 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, and 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."

Proviso.

Provided that any person who while under the influence of alcohol or 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." 5

5. The said section two hundred and eighty-five is further amended by adding thereto the following subsections:— 10

Hit-and-run drivers.

"(6A.) If an accident occurs on a highway, every person in charge of a vehicle who is directly or indirectly a party to the accident shall remain at or return immediately to the scene of the accident and render all possible assistance and give in writing upon request to any one sustaining loss or injury or to any constable or any officer appointed for the carrying out of the provisions of this Act or to any witness, his name and address, and also the name and address of the owner of such vehicle, and the number of the permit, if any. Any person who violates any of the provisions of this subsection shall incur a penalty of not less than six months' imprisonment and not more than one year's imprisonment, and the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted, shall be seized, impounded and taken into custody of the law and be forfeited to and become the property of the Crown in right of Canada. 15 20 25

Penalty.

Failure to stop at level crossing.

(6B.) The operator of a motor vehicle on a street, road, highway, or other public place who neglects to come to a full stop before reaching a level crossing where a railway crosses such street, road, highway or other public place, and who does not look and listen for an approaching train before passing the level crossing shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars." 30 35

6. Subsection seven of the said section two hundred and eighty-five, as enacted by section twelve of chapter fifty-five of the statutes of 1947, is amended by adding after the word "six" in the second line thereof the words and letters "six A" and "six B". 40

7. Section two hundred and eighty-five of the said Act, as amended by section six of chapter eleven of the statutes of 1930, by section eight of chapter forty-seven of the statutes of 1934, by section four of chapter fifty-six of the statutes of 1935, by section nine of chapter twenty-nine of the statutes of 1936, by sections fifteen and sixteen of 45

5. The new sub-section 6A deals with the case of what is commonly known as hit-and-run-drivers.

The purpose of the new subsection 6B is to force operators of motor vehicles to stop, look and listen at all level crossings.

6. This amendment brings the hit-and-run driver under subsection (7) providing that an order may be made prohibiting the convicted person from driving a motor vehicle for any period not exceeding three years.

chapter forty-four of the statutes of 1938, by section six of chapter thirty of the statutes of 1939, by section nine of chapter twenty-three of the statutes of 1943-44, by sections eight, nine, ten, eleven and twelve of the statutes of 1947 and by sections three, four, five and six of this Act, is further amended by adding thereto the following subsections:—

Causing death in a culpably negligent manner.

“(10) Any person who, by the operation or use of any vehicle in a culpably negligent manner, but not wilfully or wantonly, occasions the death of another person, shall, upon conviction, be liable to imprisonment for a term not exceeding three months or to a fine of not more than one hundred dollars, or to both. The term “vehicle” shall be held to include every conveyance in, on or about which persons or property may be transported upon land, or upon, under or through water or in or through the air.

In any prosecution under this subsection, whether or not the accused was driving in a culpably negligent manner shall be a question of fact for the jury, and shall not depend upon the rate of speed fixed by law for operating such vehicle.

Person having caused death not to drive for two years.

“(11) Everyone is guilty of an indictable offence and liable to six months' imprisonment and a fine not exceeding one hundred dollars who, having caused the death of any person while driving an automobile or motor vehicle, thereafter drives an automobile or motor vehicle at any time during the next ensuing two years, notwithstanding that such death was not caused entirely or partially by fault of such driver.”

8. The said Act is further amended by inserting therein, immediately after section six hundred and forty-four, the following section:—

Trial of young persons.

“644A. In the event of the trial of a young person apparently or actually between the ages of sixteen and nineteen years, except in such cases as are already provided for by *The Juvenile Delinquents Act, 1929*, section ten of the said Act shall apply *mutatis mutandis*, and if a defending counsel has not been previously engaged, the trial shall not proceed until the Court, judge or justice has required a duly qualified counsel to defend the accused, after notice to the parents or guardian of the accused.”

9. Subsection three of section nine hundred and fifty-one of the said Act, as enacted by section twenty-nine of chapter fifty-five of the statutes of 1947, is repealed, and the following substituted therefor:—

Charge of manslaughter arising out of operation of motor

“(3) Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury, and in the province of Alberta a judge having jurisdiction and sitting without a jury, if satisfied that the accused is not guilty of man-

7. (10) The purpose of subsection ten is to provide that if a person is responsible for the death of another on account of the operation of a vehicle in a culpably negligent manner such person, although not guilty of wilfully or wantonly driving, should be punished for this minor offence.

(11) This subsection is for the purpose of preventing a person who has caused the death of another while driving an automobile from driving during the next ensuing two years.

8. The purpose of this amendment is to provide that in the trial of a youth under nineteen years of age, due notice of the charge shall be served on the parents or guardian and that the accused shall not be condemned without having been represented by counsel.

At present many of these young people are being condemned—the gaols are filled with them—in a rather mechanical way, without any defence or without being able to state their case properly, or to consult their friends or family, being simply railroaded into prison.

Section ten of The Juvenile Delinquents Act referred to, reads as follows:—

“10. (1) Due notice of the hearing of any charge of delinquency shall be served on the parent or parents or the guardian of the child, or if there be neither parent nor guardian, or if the residence of the parent or parents or guardian be unknown; then on some near relative living in the city, town or county, if any there be, whose whereabouts is known, and any person so served shall have the right to be present at the hearing.

(2) The judge may give directions as to the persons to be served under this section, and such directions shall be conclusive as to the sufficiency of any notice given in accordance therewith.”

9. The purpose of this amendment is to define the powers of the jury in cases of manslaughter arising out of the operation of motor vehicles. The only change consists of the word underlined on the opposite page and is necessitated by the insertion of subsection ten in section 285. (See section five of this Bill.)

vehicle,
criminal or
culpable
negligence
proved.

slaughter but is guilty of an offence under subsection six or ten of section two hundred and eighty-five, may find him guilty of one of those offences, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts.”

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10. The said Act is further amended by inserting, immediately after section nine hundred and fifty-one, the following as section 951A:—

Jury to
decide
whether
guilty or
not guilty.

“**951A.** Notwithstanding any law, statute, usage, custom or doctrine of law as to the function of the judge or of the jury, on the trial by jury of any person charged with causing death or injury to another the judge shall, in every such case, leave it to the jury to decide the question of fact as to whether the accused is guilty or not guilty on the evidence adduced.”

15

11. Section one thousand and twenty-nine of the said Act is repealed, and the following is substituted therefor:—

Fine or
penalty in
discretion
of court.

“**1029.** Wherever a fine may be awarded or a penalty imposed for any offence, the amount of such fine or penalty shall, within such limits, if any, as are prescribed in that behalf, be in the discretion of the court or person passing sentence or convicting, as the case may be, and it shall also be in the discretion of the said court or person imposing such fine or penalty to allow time for payment of the same or to order that the same may be paid by instalments at the times and in the amounts and under such conditions as the case may require.”

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25

Payment
deferred or
made by
instalments.

12. The said Act is further amended by inserting therein the following sections as sections 1029A, 1029B and 1029C:—

Obligation
to allow
time for
payment
of fines.

“**1029A.** (1) A warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction shall not be issued forthwith unless the court which passed the sentence is satisfied that he is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason expressly desires that no time shall be allowed.”

35

05

Representa-
tions made
by defendant.

(2) Where any such person desires to be allowed time for payment the court in deciding what time shall be allowed shall consider any representation made by him, but the time allowed shall not be less than fourteen clear days: Provided that if before the expiration of the time

45

10. On the trial with a jury of persons who cause death or serious injury, it is desirable that the functions of the jury should not be curtailed or abolished. There has been much criticism of many cases of gross negligence having been taken from the jury. The jury are required to take the law to be what the judge says it is, and, owing to the many cases withdrawn by order of the judge, trial by jury in those cases is negatived, and there are so many loopholes that many persons guilty of gross negligence get off. The increased accidents require that the law should be brought up to date to meet the changing conditions, while preserving also the liberty of the subject.

11. The object of this amendment is to provide that fines imposed under the Criminal Code may be paid on time or by instalment, to be laid down by the magistrates or judges after inquiring into the ability of the accused to pay.

Many people on relief and out of work, or on part time, cannot pay their fines and have to go to jail, many of them first offenders with families and some returned soldiers, which is another way of imposing imprisonment for debt.

Section 1029 as amended, and the following sections that are added (1029A to 1029C and 1057A and 1057B) follow the provisions of the law of England, 1935 (25-26 Geo. V), chapter 46, known as Money Payments (Justices Procedure Act), 1935.

12. Sections 1029A to 1029C are entirely new.

allowed the person convicted surrenders himself to any court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, that court may if it thinks fit forthwith issue a warrant committing him to prison. 5

Offenders between 16 and 21.

(3) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit, and subject to any rules made under section five hundred and seventy-six of this Act, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and in such case before issuing a warrant committing the offender to prison in respect of non-payment of the sum a court of summary jurisdiction shall consider any report as to the conduct and means of the offender, which may be made by the person under whose supervision the offender has been placed. 10 15 20

Allowance of further time.

“1029B. Where time has been allowed for payment of a sum adjudged to be paid by a conviction or order of a court of summary jurisdiction, further time may, subject to any rules made under section five hundred and seventy-six of this Act, on an application by or on behalf of the offender, be allowed by a court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, or the court may, subject as aforesaid, direct payment by instalments of the sum so adjudged to be paid. 25 30

Reduction of imprisonment on part payment of sums adjudged to be paid.

“1029C. (1) Where a term of imprisonment is imposed by a court of summary jurisdiction in respect of the non-payment of any sum of money adjudged to be paid by a conviction or order of that or any other court of summary jurisdiction, that term shall, on payment of a part of such sum to any person authorized to receive it, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid: Provided that, in reckoning the number of days by which any term of imprisonment would be reduced under this section, the first day of imprisonment shall not be taken into account. 35 40

Rules of court.

(2) Provision may be made by rules under section five hundred and seventy-six of this Act as to the application of sums paid under this and the two preceding sections, and for determining the persons authorized to receive such payments and the conditions under which such payments may be made.” 45

Repeal.

13. Section 1035A, as enacted by section thirty-two of chapter fifty-five of the statutes of 1947 is repealed. 50

13. The section to be repealed deals with reduction of imprisonment on part payment of the sum adjudged to be paid. The provisions of the new sections 1029A, 1029B and 1029c are substituted therefor.

14. The said Act is further amended by inserting therein the following sections as sections 1057A and 1057B:—

Power to order detention for one day in precincts of court.

“1057A. Where a court of summary jurisdiction, has power to pass a sentence of imprisonment, the court, in lieu of passing a sentence of imprisonment, may order that the offender be detained within the precincts of the court, or at any police station, till such hour, not later than six in the evening on the day on which he is convicted, as the court may direct: 5

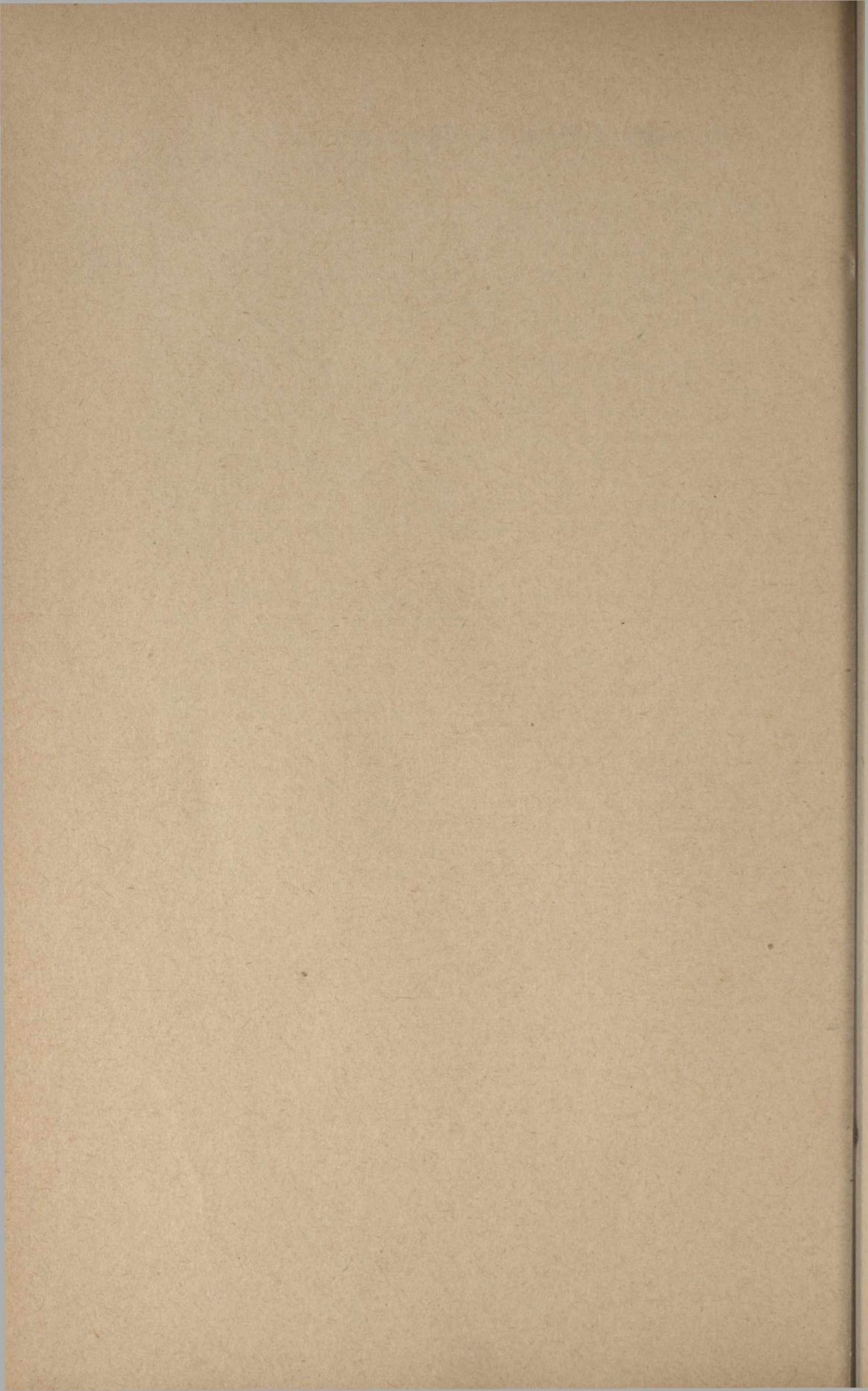
Provided that a court of summary jurisdiction shall, before making an order of detention under this section, take into consideration the distance between the place of detention and the offender’s abode (if his abode is known to, or ascertainable by, the court), and shall not make any such order of detention under this section as will deprive the offender of a reasonable opportunity of returning to his abode on the day on which such order of detention is made. 10 15

“1057B. (1) No person shall be sentenced to imprisonment by a court of summary jurisdiction for a period of part of one day. 20

Substitution of police custody for imprisonment in case of short sentences.

(2) Where a person is liable to be sentenced to imprisonment by a court of summary jurisdiction, the court may, if any suitable places are available for the purpose, order the person to be detained within the precincts of the court or at any police station for such period not exceeding part of one day as the court thinks fit, and the order shall be delivered with the offender to the person in charge of the place where the offender is to be detained, and shall be a sufficient authority for his detention in that place in accordance with the tenor thereof.” 25 30

14. Sections 1057A and 1057B are new.



24.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend the Criminal Code. (Juries)

First reading, February 17, 1949.

MR. CHURCH.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend the Criminal Code. (Juries).

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, c. 39.

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 immediately after section nine hundred and twenty-two the following as section 922A:—

Jury trial of female person.

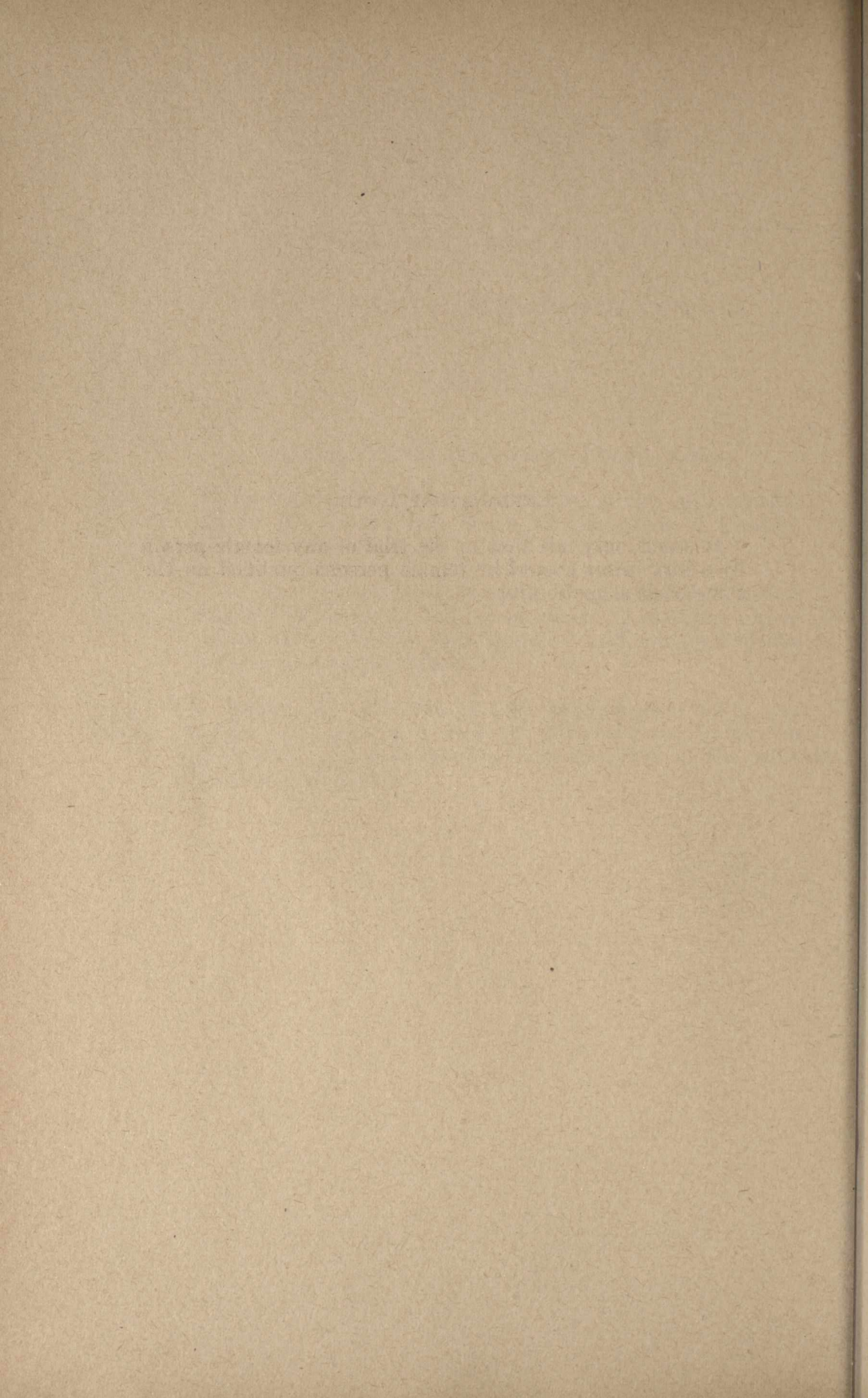
“922A. On the trial of any female person by a jury under any provision of this Act, jurors chosen to try the issue shall be female persons duly qualified on the same basis as male jurors.”

5

10

EXPLANATORY NOTE.

It seems only fair that in the trial of any female person by a jury jurors should be female persons qualified on the same basis as male jurors.



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 27.

An Act to amend The Dominion Elections Act, 1938.
(Age of Voters.)

First reading, February 18, 1949.

Mr. ARGUE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 27.

An Act to amend The Dominion Elections Act, 1938.
(Age of Voters.)

1938, c. 46;
1947-48, c. 46.

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

1. (1) Paragraph (a) of subsection one of section fourteen of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed and the following substituted therefor: 5

Qualification
of electors.

“(a) is of the full age of eighteen years or will attain such age on or before polling day at such election;” 10

Subsection
repealed.

(2) Subsection three of section fourteen of the said Act, as enacted by section six of chapter forty-six of the statutes of 1947-48, is repealed.

Form
amended.

2. Form No. 16 of Schedule One to the said Act, as enacted by section forty-seven of chapter forty-six of the statutes of 1947-48, is amended by substituting the words, “of the full age of eighteen years” for the words, “of the full age of twenty-one years” where these words are found in the “application” and in the “alternative application” under the said Form. 15 20

Schedule
Three
amended.

3. Schedule Three of the said Act, as enacted by section forty-eight of chapter forty-six of the statutes of 1947-48, is amended by substituting the words, “the full age of eighteen years” for the words, “the full age of twenty-one years” in the second line of subsection one of section twenty-one and in the ninth line of subsection one of section thirty-four of *The Canadian Defence Service Voting Regulations* in the said Schedule. 25

EXPLANATORY NOTE.

The purpose of this Bill is to provide that the age of voters under *The Dominion Elections Act, 1938*, be eighteen years in lieu of twenty-one as at present.

1. (2) This subsection which allowed members of the naval, military or air forces of Canada to vote at a Dominion election although they had not attained the full age of twenty-one years is not necessary if the voting age is made eighteen in lieu of twenty-one.

Form
amended.

4. Form No. 7 of Schedule Three to the said Act, as enacted by section forty-eight of chapter forty-six of the statutes of 1947-48, is amended by striking out item 5 thereof and substituting the following therefor:

"5. That I have attained the full age of eighteen years." 5

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

An Act to provide for the Marketing of Agricultural Products
in Interprovincial and Export Trade.

AS PASSED BY THE HOUSE OF COMMONS,
8th APRIL, 1949.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

An Act to provide for the Marketing of Agricultural Products
in Interprovincial and Export Trade.

Preamble.

WHEREAS it is desirable to improve the methods and practices of marketing agricultural products of Canada; and whereas the legislatures of several of the provinces have enacted legislation respecting the marketing of agricultural products locally within the province; and whereas it is desirable to co-operate with the provinces and to enact a measure respecting the marketing of agricultural products in interprovincial and export trade: 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 Agricultural Products Marketing Act*.

Governor in Council may grant authority to provincial boards to exercise powers of regulation outside the province.

2. (1) The Governor in Council may by order grant authority to any board or agency authorized under the law of any province to exercise powers of regulation in relation to the marketing of any agricultural product locally within the province, to regulate the marketing of such agricultural product outside the province in interprovincial and export trade and for such purposes to exercise all or any powers like the powers exercisable by such board or agency in relation to the marketing of such agricultural product locally within the province.

Revocation.

(2) The Governor in Council may by order revoke any authority granted under subsection one.

Regulations.

3. The Governor in Council may make regulations prescribing the terms and conditions governing the granting and revocation of authority under section two and generally may make regulations for carrying the purposes and provisions of this Act into effect.

Offence.

4. Every person who violates any regulation, or any order, rule or regulation made by any board or agency under this Act with reference to the marketing of an agricultural product outside the province in interprovincial and export trade, is guilty of an offence and is liable on 5

Penalty.

summary conviction to a fine not exceeding five hundred dollars or to imprisonment not exceeding three months or to both fine and imprisonment.

85.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 85.

An Act to amend The Foreign Exchange
Control Act.

First reading, March 18, 1949.

THE MINISTER OF FINANCE.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 85.

An Act to amend The Foreign Exchange
Control Act.

1946, c. 53;
1947-48, c. 51.

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, is repealed 5
and the following substituted therefor:

“**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-one.”

Continuance.

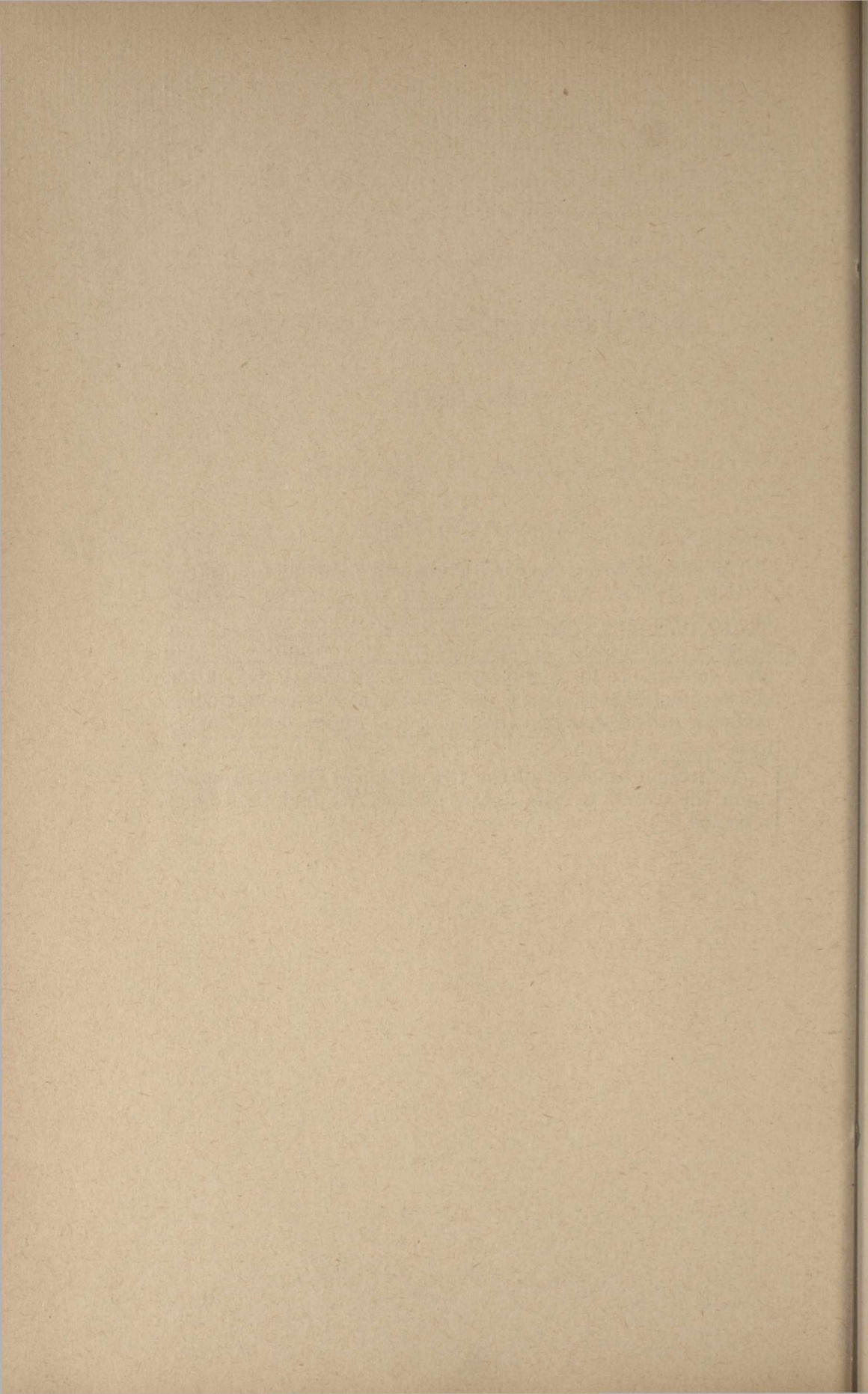
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EXPLANATORY NOTES.

The section to be repealed at present reads as follows:—

“**73.** (1) This Act shall come into force on the first day of January, one thousand nine hundred and forty-seven, or such earlier date as may be fixed by proclamation and 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 forty-nine.”

(2) Section nineteen of the *Interpretation Act* shall apply upon the expiry of this Act as if this Act had then been repealed.”



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

An Act to amend The Continuation of Transitional
Measures Act, 1947.

First reading, March 18, 1949.

THE MINISTER OF JUSTICE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 86.

An Act to amend The Continuation of Transitional Measures Act, 1947.

1947, c. 16;
1947-48, c. 5.

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

1. Section seven of *The Continuation of Transitional Measures Act, 1947*, chapter sixteen of the statutes of 1947, as enacted by chapter five of the statutes of 1947-48, is repealed and the following substituted therefor:

Duration
of Act.

"7. Subject as hereinafter provided, this Act shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and fifty or on the thirty-first day of March, one thousand nine hundred and fifty, whichever date is the earlier: Provided that, if at any time while this Act is in force, Addresses are presented to the Governor General by the Senate and House of Commons, respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period."

Proviso.

2. Notwithstanding anything in the said Act or in any order or regulation set out in the Schedule thereto, the Wartime Prices and Trade Board shall not

Powers of
Wartime
Prices and
Trade Board
restricted.

(a) exercise any of its powers under paragraph (f) of subsection one of section four of the Wartime Prices and Trade Regulations; or

(b) grant leave to prosecute any person for violation of subsection one of section eight of the Wartime Prices and Trade Regulations;

with respect to any goods or services other than the goods and services with respect to which an order of the Board was made under that paragraph and is in force at the commencement of this Act.

EXPLANATORY NOTES.

1. Section 7 of *The Continuation of Transitional Measures Act, 1947*, at present reads as follows:

"7. Subject as hereinafter provided, this Act shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and *forty-nine* or on the thirty-first day of March, one thousand nine hundred and *forty-nine*, whichever date is the earlier: Provided that, if at any time while this Act is in force, Addresses are presented to the Governor General by the Senate and House of Commons respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period."

The words "forty-nine" (in italics above) are deleted and the word "fifty" (underlined on the opposite page) substituted therefor.

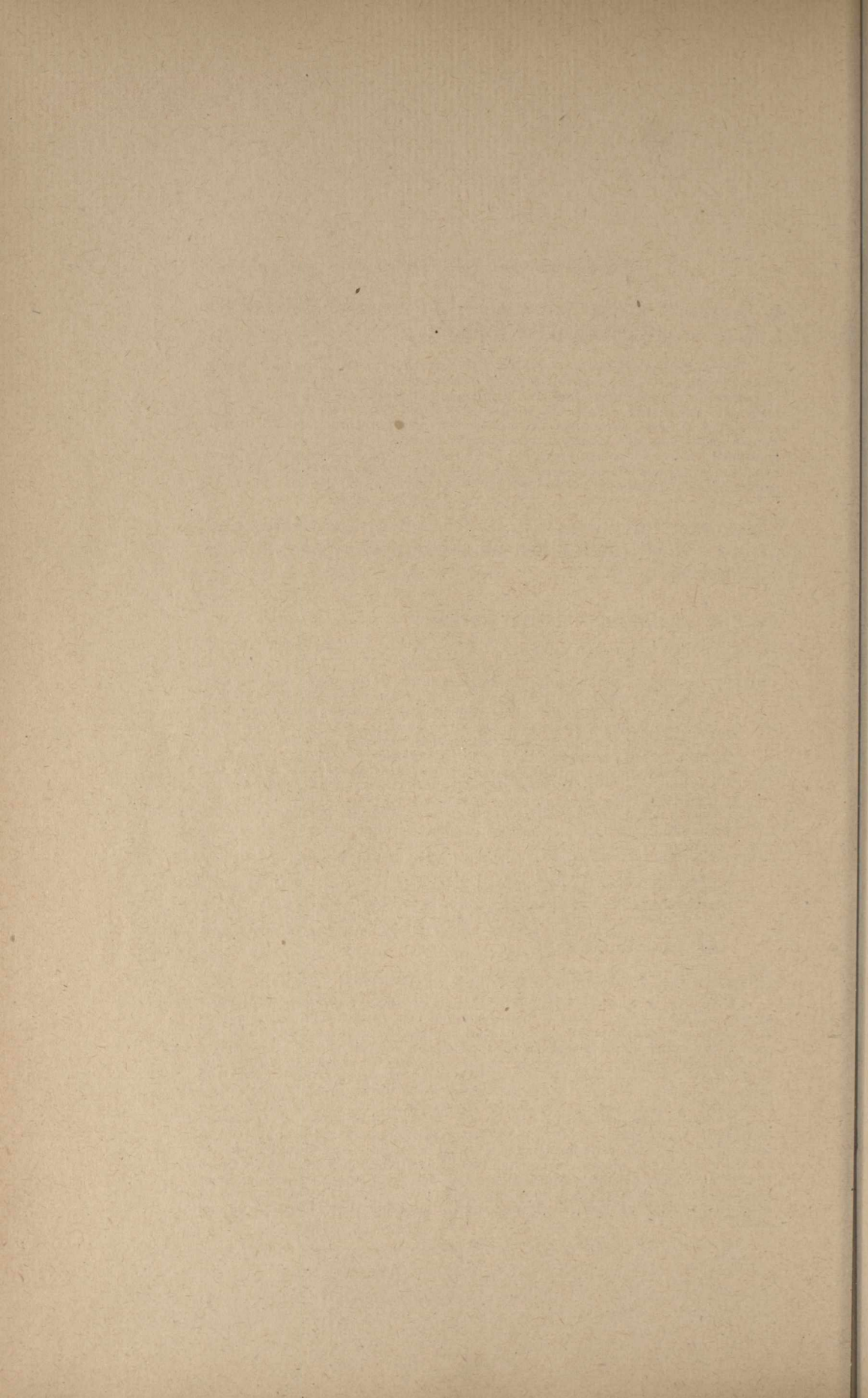
2. The regulations referred to read:

"4. (1) The Board shall have power

.....
(f) to fix specific or maximum or minimum prices or specific or maximum or minimum markups at which any goods or services may be sold or offered for sale by or to any person; to prescribe the manner in which any such price or markup shall be ascertained; to prescribe what shall constitute or be included in any price or markup; to prohibit purchase or sale at prices which are at variance with the prices or markups so fixed or prescribed; and to require any person to refund to any other person any amount received or collected in excess of any price or markup fixed by these regulations or by or under the provisions of any order; and, in any case in which any person, at any time after an order is made by which he is prohibited from selling any goods or services before the maximum price or maximum markup at which he may sell such goods or services has been fixed by or under authority of the Board, has sold or sells any such goods or services in contravention of such order, the Board shall have power to require such person to refund to the buyer of those goods or services the amount whereby the price at which such person sold such goods or services exceeds the maximum price at which he may sell such goods or services that is fixed by or under authority of the Board subsequent to such sale."

Subsection (1) of section 8 reads as follows:

"8. (1) No person shall sell or offer for sale or supply any goods or services at a price that is higher than is reasonable and just, or withhold any goods or services from sale or supply for a price that is higher than is reasonable and just and, in any case where a person engaged in business accused under this provision has not kept such books of account as are necessary to exhibit or explain his transactions, the onus shall be upon such accused person to establish that the price is reasonable and just; provided that if a specific or maximum price has been fixed by the Governor in Council or has been fixed or concurred in by or on behalf of or under authority of the Board for the sale or supply of such goods or services, any price in excess of the price so fixed or concurred in shall be conclusively deemed to be higher than is reasonable and just; and provided further that if a specific or maximum markup has been fixed or concurred in by or on behalf of or under authority of the Board for the sale or supply of such goods or services, any price which includes a markup in excess of the markup so fixed or concurred in shall be conclusively deemed to be higher than is reasonable and just."



122.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act to amend The Canadian Commercial
Corporation Act.

First reading, March 23, 1949.

THE MINISTER OF TRADE AND COMMERCE.

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

THE HOUSE OF COMMONS OF CANADA

BILL 122.

An Act to amend The Canadian Commercial Corporation Act.

1946, c. 40;
1947, c. 51.

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

1. Subsection two of section eight of *The Canadian Commercial Corporation Act*, chapter forty of the statutes of 1946, is repealed and the following substituted therefor: 5

Loans
to the
Corporation.

“(2) The Governor in Council may from time to time authorize the Minister of Finance to advance out of any unappropriated moneys in the Consolidated Revenue Fund amounts to the Corporation by way of loan on such terms and conditions as the Governor in Council may determine but the aggregate of the loans made under this subsection outstanding at any time shall not exceed ten million dollars. 10

Corporation
to retain
moneys
subject to
repayment
of loans.

(2a) Subject to repayment of the loans made under subsection two, the Corporation shall retain, for the purposes of this Act, all moneys received by it in the course of its business. 15

Recovery of
expenditures.

(2b) In any transactions entered into by the Corporation under any provisions of this Act for or on behalf of or for the purposes of any person or any department or agency of the Government of Canada, the Corporation and such person, department or agency may agree upon the amounts to be paid to the Corporation to compensate it for the costs and proportioned operating expenses incurred by it in such transactions, and such compensation may be recovered by the Corporation and shall be paid to it by such person, department or agency.” 25

Repeal
section 19.

2. Section nineteen of the said Act is repealed.

EXPLANATORY NOTES.

1. In clause one, the proposed subsection (2) of section 8 of the Act is new. Its purpose is to enable temporary financing of transactions entered into by the Corporation.

Subsection (2a) re-enacts present subsection (2), necessarily amended as underlined.

Subsection (2b) is new. Its purpose is to clarify the intent of the Act that the funds provided by the Act to enable the corporation to operate constitute a revolving fund, disbursement from which, in agency transactions for the purposes of governmental departments or bodies, is recoverable from them out of their appropriations for such purposes.

2. The repeal of section 19 of the Act has the effect of continuing without specific time limit the life of the corporation.

123.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 123.

An Act to amend The Mail Contracts Supplemental
Payments Act.

First reading, March 23, 1949.

THE POSTMASTER GENERAL.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 123.

An Act to amend The Mail Contracts Supplemental Payments Act.

1947, c. 8.

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

Supplemental payments may be included in renewal of mail contracts.

R.S., c. 161.

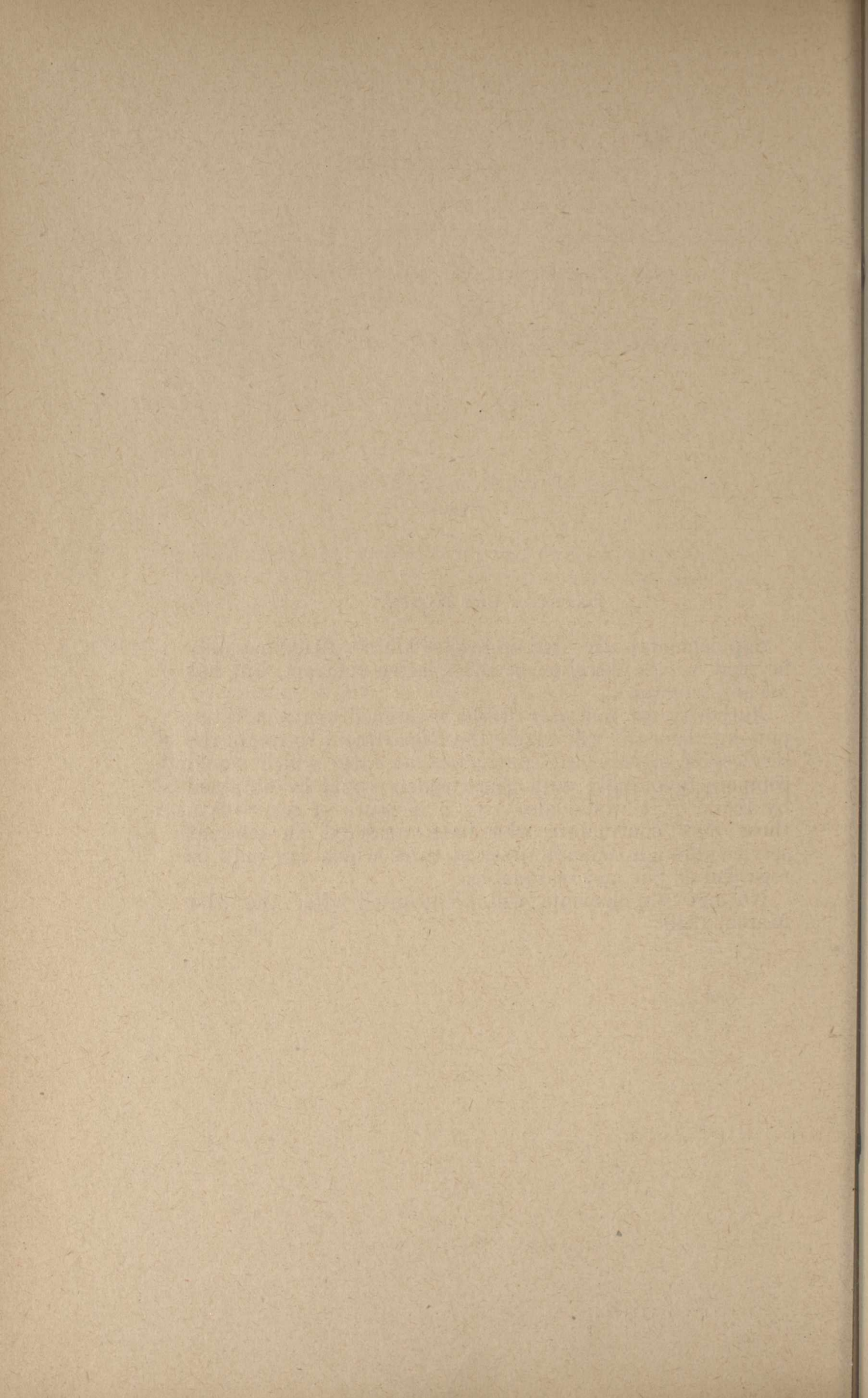
1. The supplemental payments authorized under *The Mail Contracts Supplemental Payments Act*, chapter eight 5 of the statutes of 1947, in respect of a mail contract expiring on or after the first day of April, nineteen hundred and forty-nine, may for the purposes of renewal of the contract under section seventy-seven of the *Post Office Act* be incorporated with payments required to be made under the 10 contract.

EXPLANATORY NOTES.

Supplements authorized up to 31st March, 1949, may only be paid for the duration of the relative contract, but not for any renewal.

Authority for renewals at the combined contract rates, plus supplements, will enable the Department to retain the services of experienced contractors at rates which would compare favourably with those which would be obtained by tender. It would also give a measure of security to those mail contractors who have rendered an efficient service through difficult times at rates which can only be regarded as fair and reasonable.

No new supplements will be granted after the 31st March, 1949.



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 126.

An Act to amend The Agricultural Products Act.

First reading, March 24, 1949.

THE MINISTER OF AGRICULTURE.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 126.

An Act to amend The Agricultural Products Act.

1947, c. 10;
1947-48, c. 1.

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

1. Section eleven of *The Agricultural Products Act*, chapter ten of the statutes of 1947, as enacted by section 5 one of chapter one of the statutes of 1947-48, is repealed and the following substituted therefor:

Expiration
of Act.

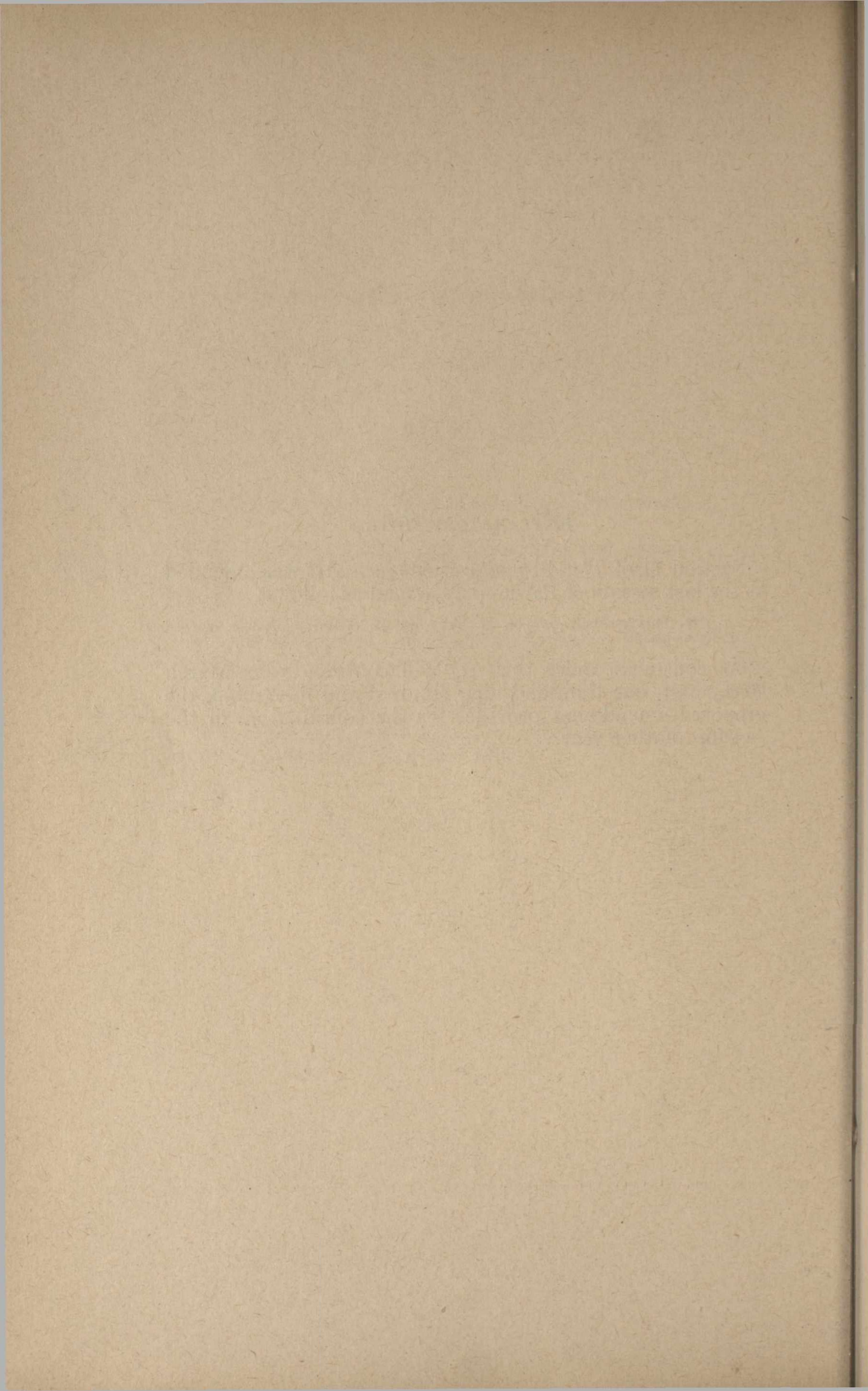
“11. This Act shall expire on the thirty-first day of March, nineteen hundred and fifty.”

EXPLANATORY NOTE.

Section 11 of *The Agricultural Products Act* was amended at the last session of Parliament to read as follows:

“11. This Act shall expire on the thirty-first day of March, nineteen hundred and *forty-nine*.”

As contracts under this Act will continue after March thirty-first, one thousand nine hundred and forty-nine, the proposed amendment provides for the continuation of the Act for another year.



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1950.

AS PASSED BY THE HOUSE OF COMMONS,
29th MARCH, 1949.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 174.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1950.

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, 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, 1949.*

\$230,145,541
granted for
1949-50.

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 thirty million, one hundred and forty-five thousand, five hundred and forty-one dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, 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, as laid before the House of Commons at the present session of Parliament.

\$1,791,333.33
granted for
1949-50.

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, seven hundred and ninety-one thousand, three hundred and thirty-three dollars 5 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 forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one-third of the 10 amount of each of the several items to be voted set forth in Schedule A to this Act.

\$301,339.50
granted for
1949-50.

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 15 exceeding in the whole three hundred and one thousand, three hundred and thirty-nine dollars and fifty cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of 20 March, one thousand nine hundred and fifty, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule B to this Act.

\$2,168,752.75
granted for
1949-50.

5. From and out of the Consolidated Revenue Fund, 25 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 two million, one hundred and sixty-eight thousand, seven hundred and fifty-two dollars and seventy-five cents towards defraying the several charges and 30 expenses of the public service from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth 35 in Schedule C to this Act.

Power to
raise sums
required for
redeeming
loans or
obligations.
1931, c. 27.

6. (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* 40 *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 45 paying or redeeming loans or obligations of Canada maturing or callable in the fiscal year ending March 31, 1950.

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.

7. 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. 5

SCHEDULE A

Based on the Main Estimates, 1949-50. The amount hereby granted is \$1,791,333.33, being one-third of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	AGRICULTURE		
43	Freight Assistance on Western Feed Grains.....	4,750,000 00	
	TRADE AND COMMERCE		
419	Canadian International Trade Fair, 1949.....	624,000 00	
			*\$5,374,000 00

* Net total \$1,791,333.33

SCHEDULE B

Based on the Main Estimates, 1949-50. The amount hereby granted is \$301,339.50, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	EXTERNAL AFFAIRS		
57	Canadian Representation at International Conferences.....	225,000 00	
	LEGISLATION		
	THE SENATE		
161	General Administration.....	306,617 00	
	HOUSE OF COMMONS		
164	General Administration—Estimates of the Clerk.....	800,730 00	
165	Estimates of the Sergeant-at-Arms.....	475,690 00	
			*\$1,808,037 00

* Net total \$301,339.50

SCHEDULE C

Based on the Main Estimates, 1949-50. The amount hereby granted is \$2,168,752.75, being one-twelfth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
AGRICULTURE					
EXPERIMENTAL FARMS SERVICE					
15	Branch Farms and Stations and Illustration Stations.....	3,819,403	00		
EXTERNAL AFFAIRS					
53	Representation Abroad.....	5,172,363	00		
MINES AND RESOURCES					
MINES, FORESTS AND SCIENTIFIC SERVICES BRANCH					
181	Forest Research and Investigations.....	762,990	00		
182	Forest Products Research.....	535,030	00		
188	Geological Surveys.....	1,130,365	00		
197	To provide for studies and surveys of the Columbia River Watershed in Canada.....	350,000	00		
198	Lake of the Woods Control Board.....	11,880	00		
LANDS AND DEVELOPMENT SERVICES BRANCH					
Northwest Territories and Yukon Services—					
Mackenzie Division—					
208	Forest Conservation, including Wood Buffalo Park....	336,395	00		
Roads, Buildings and Water Systems—					
210	Construction and Improvements—				
	Buildings.....	681,128	00		
National Parks Services—					
219	National Parks and Historic Sites Services.....	10,062,324	00		
TRADE AND COMMERCE					
415	Trade Commissioner Service.....	2,125,495	00		
Standards Division—					
421	Electricity and Gas Inspection Services.....	483,800	00		
423	Weights and Measures Inspection Services.....	553,860	00		
					*\$26,025,033 00

* Net Total \$2,168,752.75

188.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

An Act to amend the Railway Act.

First reading, April 1st, 1949.

Mr. ADAMSON.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 188.

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.

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 two hundred and eighty-seven of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes, 1927, is amended by adding immediately after paragraph (*k*) the following paragraph as paragraph (*l*) and re-lettering present paragraph (*l*) as paragraph (*m*):

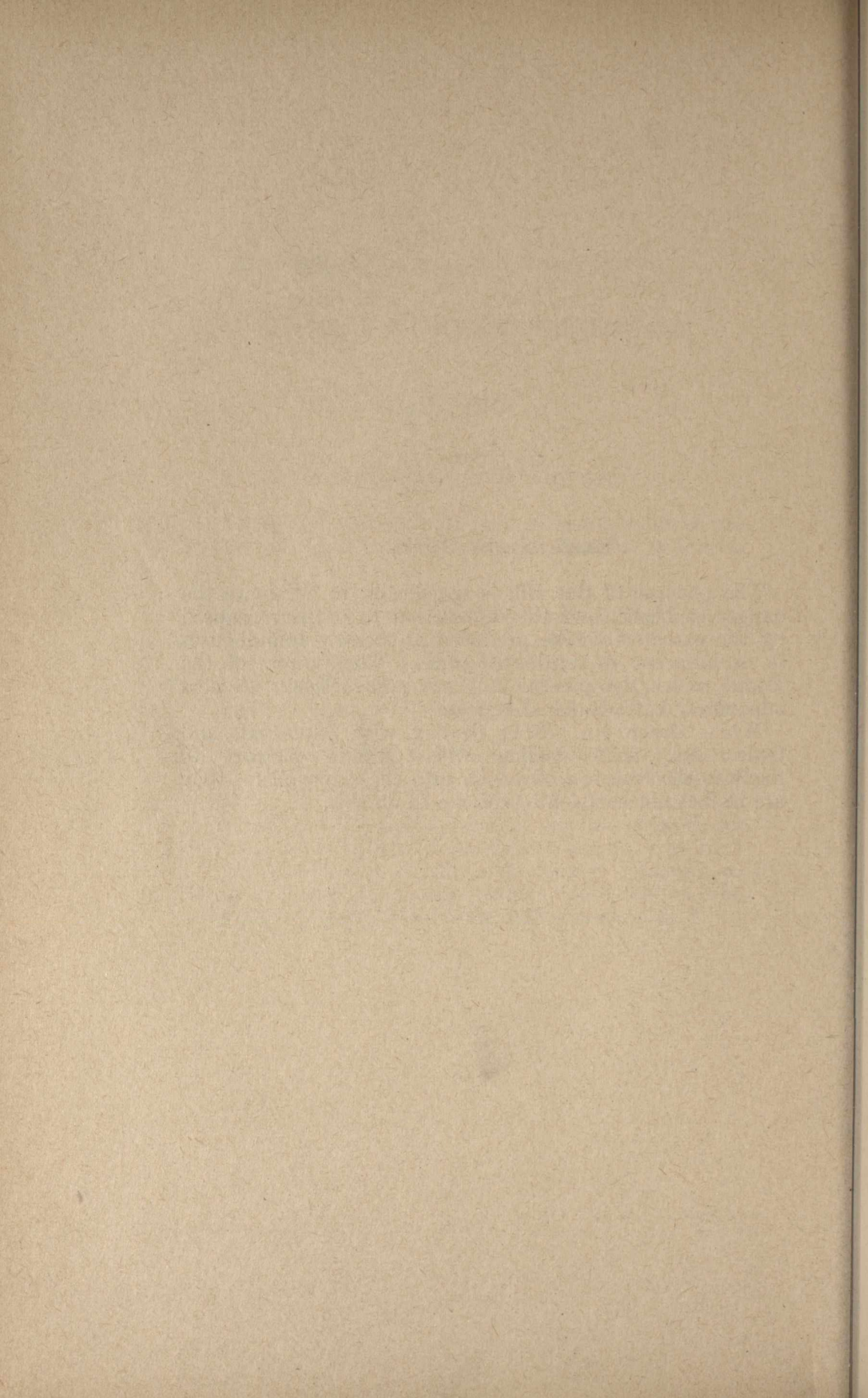
Regulations
of Board.

“(l) when requested by the Municipal Council representing the municipality in which railway roundhouses are situated, respecting the control of smoke and soot admitted into the atmosphere on account of servicing of locomotives in such roundhouses and may at such request specifically require any railway company to instal a steam generating plant to provide for the servicing of locomotives in the said roundhouses.”

EXPLANATORY NOTES.

The purpose of this Bill is specifically to eliminate the danger to health and the destruction to property caused by the excessive smoke produced at railway roundhouses in or adjacent to residential areas. The powers of the Board under the present Act are not sufficient to deal adequately with smoke abatement.

While Order No. 70714 dealing with Montreal, and Order No. 5678 dealing with Ontario purport to regulate the emission of smoke into the atmosphere, they are in fact not sufficiently specific to do this.



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 189.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1950.

AS PASSED BY THE HOUSE OF COMMONS,
1st APRIL, 1949.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 189.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1950.

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, 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, 1949.*

\$5,227,302
granted for
1949-50.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole five million, two hundred and twenty-seven thousand and three hundred and two dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one sixth of the amount of each of the items to be voted, set forth in the Supplementary Estimates (Newfoundland) for the fiscal year ending the thirty-first day of March, one thousand nine hundred and fifty, as laid before the House of Commons at the present session of Parliament.

\$5,411,631.17
granted for
1949-50.

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 five million, four hundred and eleven thousand, six hundred and thirty-one dollars and 5
seventeen cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being seven-twelfths 10
of the amount of each of the several items to be voted set forth in Schedule A to this Act.

\$401,400
granted for
1949-50.

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 15
exceeding in the whole four hundred and one thousand, four hundred dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and 20
fifty, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule B to 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 25
Commons of Canada during the first fifteen days of the next session of Parliament.

SCHEDULE A

Based on the Supplementary Estimates (Newfoundland), 1949-50. The amount hereby granted is \$5,411,631.17, being seven-twelfths of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FINANCE		
673	To authorize and provide for payment in such amount as may be necessary in respect to those matters supplementary to the Terms of Union of Newfoundland with Canada, specified in paragraph XXIII of the Note dated December 11, 1948, of the Prime Minister of Canada to the Chairman of the Newfoundland Delegation, entitled "Statements on Questions Raised by the Newfoundland Delegation during the Negotiations for the Union of Newfoundland with Canada", tabled in the House of Commons on the 27th day of January, 1949.....	\$5,500,000	
	TRANSPORT		
	AIR SERVICE		
721	Civil Aviation Division— Airways and Airports—Operation and Maintenance— Civil Aviation Services.....	3,777,082	\$9,277,082

* Net Total \$5,411,631.17

SCHEDULE B

Based on the Supplementary Estimates (Newfoundland), 1949-50. The amount hereby granted is \$401,400, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES		
677	To provide for maintenance and extension of Bait Service.	408,400	
	LABOUR		
	B—UNEMPLOYMENT INSURANCE ACT, 1940		
681	To authorize and provide for payment of unemployment assistance to residents of Newfoundland who have been employed in employment that would have been insurable employment within the meaning of the <i>Unemployment Insurance Act, 1940</i> , if it had been employment in Canada, or who have been employed in insurable employment within the meaning of the said Act, for at least thirty per cent of the working days within the period of three months preceding their loss of employment or thirty per cent of the working days within the period since the date of Union, whichever period is the longer, and who lose their employment within six months prior to the date of Union and are still unemployed at that date, or who lose their employment within a two-year period after that date, such assistance to be payable during a period of six months from the date of Union or from the date of unemployment, whichever is the later, on the same scale and under the same conditions as unemployment insurance benefits under the said Act and regulations made thereunder, and on rates based on the individual's wage record for the three months preceding his loss of employment; but no person shall receive such assistance and unemployment insurance benefits concurrently; and such assistance shall be deemed to be a benefit or payment within the meaning of section sixty-seven of the said Act; the Governor in Council is authorized to make such regulations as he may deem necessary to administer this vote and give effect to the purposes and terms thereof.	2,000,000	
			\$2,408,400

* Net total \$401,400.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1949.

AS PASSED BY THE HOUSE OF COMMONS,
7th APRIL, 1949.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 232.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1949.

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 forty-nine, 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, 1949.* 15

\$100,898,573.87
granted for
1948-49.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred million, eight hundred and ninety-eight thousand, five hundred and seventy-three dollars and eighty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-eight, to the thirty-first day of March, one thousand nine hundred and forty-nine, not otherwise provided for, and being the amount of each of the items voted, set forth in the Schedule to this Act. 20 25

3. Notwithstanding the provisions of *The Consolidated Revenue and Audit Act, 1931*, the amount appropriated by this Act shall be deemed to have been made in and be chargeable to the fiscal year ending the 31st March, 1949.

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. 30

SCHEDULE

Based on the Further Supplementary Estimates, 1948-49. The amount hereby granted is \$100,898,573.87, being the amount of each 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, 1949, and the purpose for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	AGRICULTURE		
	ADMINISTRATION SERVICE		
563	Departmental Administration—Further amount required.....	2,500 00	
564	Publicity and Extension Division—Further amount required....	1,410 00	
	SCIENCE SERVICE		
565	Science Service Administration—Further amount required....	17,000 00	
566	Botany and Plant Pathology—Further amount required.....	4,000 00	
567	Plant Protection—Further amount required.....	12,500 00	
	PRODUCTION SERVICE		
	Health of Animals—		
568	Administration of the Animal Contagious Diseases Act, and Meat and Canned Foods Act—Further amount required.....	54,000 00	
569	Compensation for Animals Slaughtered—Further amount required.....	100,000 00	
570	Live Stock and Poultry—Further amount required.....	7,700 00	
	MARKETING SERVICE		
571	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates— Further amount required.....	75,335 00	
	SPECIAL		
572	To provide assistance for the replacement of maple production equipment—Further amount required.....	61,729 00	
573	To provide for assistance to the Province of Nova Scotia in the removal of aged apple trees and of least desirable varieties in Nova Scotia under such terms and conditions as may be approved by the Governor in Council—Further amount required.....	1,000,000 00	
574	To provide assistance to the producers of raspberries in British Columbia, under such terms and conditions as may be approved by the Governor in Council.....	425,000 00	
			1,761,174 00
	CIVIL SERVICE COMMISSION		
575	Salaries and Contingencies of the Commission—Further amount required.....		14,000 00
	EXTERNAL AFFAIRS		
	THE CANADIAN GOVERNMENT'S ASSESSMENT FOR MEMBERSHIP IN THE FOLLOWING INTERNATIONAL OR COMMONWEALTH ORGANIZATIONS		
576	Inter-Allied Reparation Agency.....	27,500 00	
577	International Civil Aviation Organization.....	196,200 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
	EXTERNAL AFFAIRS—Concluded	\$ cts.	\$ cts.
	PENSIONS AND OTHER BENEFITS		
578	To authorize payments from the Consolidated Revenue Fund to Mrs. Helen Young Roy, wife of the late Honourable Phillippe Roy, Canadian Minister to France, of an annuity at the rate of \$1,666.66 to commence on December 10th, 1948, and to continue during her lifetime or until her remarriage. Portion payable for the period December 10th, 1948, to March 31st, 1949, inclusive.....	515 20	224,215 20
	FINANCE		
	SUPERANNUATION AND RETIREMENT BENEFITS		
579	Government's contribution to the Superannuation Fund—Further amount required.....	320,000 00	
	GENERAL		
580	To authorize payment to Norman Bell of compensation at the rate of \$18 per week in respect of injuries received while employed in the Overseas Office of the Comptroller of the Treasury, effective March 22, 1948.....	962 00	
581	To provide for the expenses of the Comptroller of the Treasury's Office—Further amount required.....	75,000 00	
	DEMobilIZATION AND RECONVERSION		
582	To reimburse the Canadian Wheat Board in respect of carrying charges and other incidental expenses incurred by the said Board in respect of wheat sold for domestic requirements pursuant to Order in Council P.C. 3222 dated July 30, 1946..	1,218,833 10	
583	To reimburse the Canadian Wheat Board for payments in respect of flour or food containing wheat for human consumption in Canada, pursuant to Order in Council P.C. 3376 dated July 28, 1948, as amended, for the period ending March 31, 1949.....	17,200,000 00	18,814,795 10
	FISHERIES		
584	Departmental Administration—Further amount required.....	5,000 00	
585	Fisheries Research Board of Canada—Construction and Improvements—Further amount required.....	50,000 00	
	SPECIAL		
586	To provide for assistance in meeting transportation costs of frozen herring that may be purchased in British Columbia by persons, associations or companies for bait in the 1948-49 winter Fishery off Nova Scotia.....	66,000 00	121,000 00
	LABOUR		
587	Departmental Administration—Further amount required.....	17,500 00	
588	International Labour Conference—Further amount required.....	5,000 00	
	UNEMPLOYMENT INSURANCE ACT, 1940		
589	Administration, including expenditures incurred in connection with the activities of the National Employment Service as delegated by the Minister of Labour in accordance with Section 88 of the Act—Further amount required.....	25,000 00	
590	Government's contribution to Unemployment Insurance Fund—Further amount required.....	3,103,000 00	3,150,500 00

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
LEGISLATION			
HOUSE OF COMMONS			
591	General Administration—Estimates of the Clerk—Further amount required.....	75,000 00	
592	Estimates of the Sergeant-at-Arms—Further amount required.....	6,000 00	
GENERAL			
593	Printing of Parliament, including salaries of staff of the Joint Distribution Office—Further amount required.....	25,000 00	106,000 00
MINES AND RESOURCES			
594	Departmental Administration—Further amount required.....	9,200 00	
MINES, FORESTS AND SCIENTIFIC SERVICES BRANCH			
595	Bureau of Mines— Investigations of Radio-active Ores—Further amount required.....	25,000 00	
596	Dominion Forest Service— Forest Products Research—Further amount required.....	20,000 00	
597	Surveys and Mapping Bureau— Map Compilation and Reproduction—Further amount required.....	26,271 00	
598	Dominion Water and Power Bureau— To provide for studies and surveys of the Columbia River Watershed in Canada—Further amount required.....	30,000 00	
LANDS AND DEVELOPMENT SERVICES BRANCH			
599	Northwest Territories and Yukon Services— Mackenzie Division—Roads, Buildings and Water Systems— Construction and Improvements— Roads—Further amount required.....	100,000 00	
600	Buildings—Further amount required.....	38,150 00	
INDIAN AFFAIRS BRANCH			
601	Welfare— Welfare of Indians—Further amount required.....	100,000 00	
602	Education— Indian Education—Further amount required.....	17,500 00	
603	To reimburse the Blackfoot Band of Indians for an expenditure in 1930 out of band funds for the reconstruction of the Old Sun Residential School, with interest at 5 per cent per annum.....	156,669 00	522,790 00
NATIONAL DEFENCE			
PENSIONS AND OTHER BENEFITS			
604	Militia Pension Act— Government's Contribution to the Permanent Forces Pension Fund—Further amount required.....	3,894,493 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	NATIONAL DEFENCE— <i>Concluded</i>		
	DEMobilIZATION AND RECONVERSION		
605	To provide for additional expenditures against the authorized commitment programme in connection with the orderly establishment and organization of the Defence Forces of the Navy, Army and Air Services on a peacetime basis and to authorize further commitments for future years of \$11,708,000—Further amount required.....	19,622,583 00	
606	To authorize payment to the International Committee of the Red Cross of \$98,081.58, being moneys held in trust on behalf of former German and Italian prisoners of war and Japanese internees.....	1 00	
			23,517,077 00
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
608	General Administration—Further amount required.....	7,500 00	
609	Inspection, Investigation and Audit Services—Further amount required.....	25,000 00	
610	Ports, Outports and Preventive Stations, including pay for overtime of officers notwithstanding anything in the Civil Service Act, and temporary buildings and rentals—Further amount required.....	79,500 00	
			112,000 00
	POST OFFICE		
611	Departmental Administration—Further amount required.....	35,400 00	
612	Railway Mail Service—Further amount required.....	160,000 00	
613	Air and Land Mail Services—Further amount required.....	100,000 00	
614	Audit of Revenue, Money Order, Postal Note and Savings Bank Business ; issue of Postage Stamps and Postal Notes—Further amount required.....	78,000 00	
	PENSIONS AND OTHER BENEFITS		
615	To authorize the Governor in Council to grant, subject to the Civil Service Superannuation Act, except paragraph (c) of subsection (2) of section 9 thereof, (a) to Gladys Irene Alice Preece, widow of the late Harry Askam Preece, who was a contributor under the Civil Service Superannuation Act and who died on November 24, 1947, an annual allowance at the rate of \$377.78; commencing November 25, 1947; and (b) to Harry Manning Preece, minor son of the late Harry Askam Preece, an annual allowance at the rate of \$75.56, commencing November 25, 1947.....	1 00	
			373,401 00
	PRIVY COUNCIL OFFICE		
	FEDERAL DISTRICT COMMISSION		
616	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.....		55,000 00

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC ARCHIVES		
617	General Administration and Technical Services—Further amount required.....		1,650 00
	PUBLIC PRINTING AND STATIONERY		
618	Canada Gazette—Further amount required.....	25,000 00	
619	Distribution of Official Documents—Further amount required.....	12,000 00	37,000 00
	PUBLIC WORKS		
	ARCHITECTURAL BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	<i>New Brunswick</i>		
620	West Saint John—Terminal Building for Customs and Immigration—Further amount required.....	125,000 00	
	<i>Ontario</i>		
621	Ottawa—Central Experimental Farm—Addition and alterations to Chemistry Building.....	17,000 00	
	Ottawa—East Block—Improvements—Further amount required.....	90,000 00	
	Ottawa—National Research Building—Improvements and repairs—Further amount required.....	50,000 00	
	Ottawa—Parliament Buildings—Carving.....	12,000 00	
	Sault Ste. Marie—Public Building—Further amount required....	200,000 00	
	ENGINEERING BRANCH		
	Construction, Repairs and Improvements— Harbours and Rivers		
	<i>Nova Scotia</i>		
622	Digby—Repairs to piers—Further amount required.....	4,000 00	
	Inverness—Maintenance of harbour entrance—Further amount required.....	3,000 00	
	West Dublin—Dredging—Further amount required.....	15,000 00	
	<i>Quebec</i>		
623	Cross Point—Jetty extension—Further amount required.....	15,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken—Further amount required....	65,000 00	
	Les Eboulements—Breakwater—Further amount required.....	5,400 00	
	Petite Rivière Est—Harbour Improvements—Further amount required.....	21,000 00	
	Sorel—Harbour repairs—Further amount required.....	10,000 00	
	<i>Ontario</i>		
624	Morson—Wharf replacement—Further amount required.....	2,500 00	
	Oshawa—Revetment wall extension.....	14,000 00	
	Port Arthur—Breakwater—Further amount required.....	110,000 00	
	Trenton—Wharf Extension.....	6,000 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS— <i>Concluded</i>		
	ENGINEERING BRANCH— <i>Concluded</i>		
	Construction, Repairs and Improvements— Harbours and Rivers— <i>Concluded</i>		
	<i>Saskatchewan, Alberta and Northwest Territories</i>		
625	Fort Fitzgerald, Alberta—Wharf repairs and extension— Further amount required.....	30,000 00	
	<i>British Columbia and Yukon</i>		
626	Bear River, Bedwell Sound—Float..... Fraser River (Kirkland Island)—Extension of channel protec- tion—Further amount required..... Gibsons' Landing—Dredging..... Ucluelet West—Floats—Further amount required.....	7,000 00 66,000 00 17,000 00 1,200 00	886,100 00
	RECONSTRUCTION AND SUPPLY		
627	Canadian Government Travel Bureau—To assist in promoting the Tourist Business in Canada—Provided in Main Esti- mates under Trade and Commerce—Further amount required.....	87,000 00	
	GENERAL		
628	National Film Board, including the Motion Picture Bureau— Provided in Main Estimates under National Revenue— Distribution of Films—Further amount required.....	20,000 00	107,000 00
	ROYAL CANADIAN MOUNTED POLICE		
	PENSIONS AND OTHER BENEFITS		
629	To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty— —Further amount required.....		11,343 84
	SECRETARY OF STATE		
630	Departmental Administration—Further amount required.....	1,200 00	
631	Citizenship Branch—Further amount required.....	3,779 00	
	PATENT AND COPYRIGHT OFFICE		
632	Patent Record Division—Further amount required.....	15,000 00	19,979 00
	TRADE AND COMMERCE		
633	Departmental Administration—To provide for an additional Deputy Minister for the Department of Trade and Com- merce for a period not exceeding two years commencing February 1, 1949, to be appointed by the Governor in Coun- cil, 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 Com- merce, such powers, duties and functions of the Minister of Trade and Commerce as may be specified by such Minis- ter, at a salary of \$12,000 per annum; Order in Council P.C. 132/1088 of March 9, 1949, appointing Sydney David Pierce as such Associate Deputy Minister on the terms therein set forth, is ratified; amount required for the 1948-49 fiscal year.....	2,000 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
	TRADE AND COMMERCE— <i>Concluded</i>	\$ cts.	\$ cts.
634	Exhibitions— Exhibitions Generally—Further amount required.....	146,404 00	
	DOMINION BUREAU OF STATISTICS		
635	Statistics—Further amount required.....	41,533 00	
	CANADA GRAIN ACT		
636	Operation and Maintenance, including inspection, weighing, registration, etc.—Further amount required.....	19,300 00	
	SPECIAL		
637	To reimburse the Canadian Commercial Corporation for ex- penses incurred in purchasing materials, supplies and equip- ment, etc., on behalf of the Department of National Defence, under Chapter 51, Statutes of 1947—Further amount re- quired.....	208,000 00	
638	To reimburse the Canadian Commercial Corporation for amounts advanced by it as working capital under mortgage security to George T. Davie and Sons Limited (losses on which advances cannot yet be estimated) for the purpose of enabling that company to complete and to deliver ships to the Ming Sung Industrial Company Limited, which pur- chased such ships with funds derived mainly from a loan for this purpose guaranteed by Canada under Part II of the Export Credits Insurance Act.....	850,000 00	
639	To reimburse the Canadian Wheat Board for expenses incurred from August 1, 1947 to July 31, 1948, in regulating deliveries of grain, allocation of railway cars and administration of regulations relating to maximum prices of grain.....	128,367 54	
640	To reimburse the Canadian Wheat Board for the deficit in- curred from the operations of the Wheat Board on the 1947 crop account, flax division, for the period August 1, 1947 to July 31, 1948, pursuant to regulations passed under the Cana- dian Wheat Board Act, 1935, as amended, and approved by Orders in Council P.C. 3038 of July 31, 1947 and P.C. 829 of February 26, 1948.....	4,454,250 44	
	DEMobilIZATION AND RECONVERSION		
	(Provided in Main Estimates under Reconstruction and Supply)		
641	To provide for the cost of replacement, repair, reconditioning and salvage of essential buildings, machinery and equipment destroyed or partially destroyed by fire at the Canadian Arsenals Limited, Dominion Arsenals (Val Rose) Plant, Quebec City.....	275,000 00	
642	Incentive Bonus to Industry to expedite the production of stra- tegic building materials—Further amount required.....	135,000 00	
			6,259,854 98
	TRANSPORT		
643	Departmental Administration—Further amount required.....	25,000 00	
	CANALS SERVICE		
644	Canals Service—Administration—Further amount required....	3,000 00	
645	Canals—Operation and Maintenance—Further amount required..	71,470 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
<i>TRANSPORT—Continued</i>			
<i>MARINE SERVICE</i>			
646	Construction, Maintenance and Supervision of Aids to Navigation, including salaries and allowances to Lightkeepers—Further amount required.....	62,700 00	
647	Miscellaneous Services relating to Navigation and Shipping, including grant of \$3,500 to L'Ecole d'Arts et Metiers de Rimouski, Quebec—Further amount required.....	3,500 00	
648	To provide for the repayment to a proper authority or to the Government of the United Kingdom of excepted expenses, as defined in section 296(5) of the Canada Shipping Act, incurred by the said Government for the relief, maintenance and repatriation of distressed seamen left behind out of Canada from ships registered in Canada, or of distressed Canadian seamen left behind out of Canada from ships other than of Canadian registry.....	1,900 00	
649	Steamship Inspection—Further amount required.....	5,000 00	
650	River St. Lawrence Ship Channel—Contract Dredging in the St. Lawrence River and Montreal Harbour, including cost of administration—Capital—Further amount required.....	206,600 00	
<i>CANADIAN MARITIME COMMISSION</i>			
<i>Mail Subsidies and Steamship Subventions</i>			
<i>Western Local Services</i>			
651	Prince Rupert, B.C., and Queen Charlotte Islands, service between—Further amount required.....	147,935 00	
	Vancouver and Northern Ports of British Columbia, service between—Further amount required.....	171,065 00	
	Victoria and West Coast Vancouver Island, service between—Further amount required.....	60,000 00	
<i>Eastern Local Services</i>			
652	Campobello, N.B., and Lubec, Maine, service between—Further amount required.....	333 33	
	Mulgrave and Arichat, N.S., service between—Further amount required.....	2,000 00	
	Mulgrave and Canso, N.S., service between—Further amount required.....	12,500 00	
	Mulgrave and Guysboro, N.S., calling at intermediate ports, service between—Further amount required.....	2,500 00	
	Pictou, Mulgrave and Cheticamp, N.S., service between—Further amount required.....	2,500 00	
	Pictou, Souris and the Magdalen Islands, service between—Further amount required.....	28,000 00	
	Quebec, Natashquan and Harrington, service between—Further amount required.....	320,500 00	
	Quebec, or Montreal and Gaspé, calling at way ports, service between—Further amount required.....	66,500 00	
	Rimouski, Matane and points on the North Shore of the St. Lawrence, service between—Further amount required.....	50,500 00	
	Sydney and Bras d'Or Lake ports, West Coast of Cape Breton, and Prince Edward Island, service between—Further amount required.....	5,000 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRANSPORT—Continued		
	RAILWAY SERVICE		
	Maritime Freight Rates Act—		
653	Additional amount in excess of the sum of \$4,800,000 already appropriated to authorize and provide for the payment from time to time during the fiscal year 1948-49 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 1948 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.....	557,571 80	
654	Additional amount in excess of the sum of \$1,150,000 already appropriated to authorize and provide for the payment from time to time during the fiscal year 1948-49, 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 1948 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; Temiscouata Railway Company—Further amount required.....	98,486 22	
	PENSIONS AND OTHER BENEFITS		
655	Additional amount in excess of \$480 already appropriated to recoup the Workmen's Compensation Board of British Columbia in continuation of a pension granted and to be paid by that Board up to the 31st March, 1949, in the sum of \$50 per month from May 1, 1948, to the widow of the late E. J. McCoskrie who was formerly employed as Port Warden at Prince Rupert, B.C., and who was killed while in the performance of his duties—Further amount required.....	110 00	
	AIR SERVICE		
	Civil Aviation Division		
656	Contribution to the International Civil Aviation Organization as Canada's portion of the financial assistance to the Government of Iceland in respect of the provision, operation and maintenance of certain Air Navigation Services.....	122,000 00	
	Radio Division		
657	Issue of Radio Receiving Licences—(Transport Department only)—Further amount required.....	23,800 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	TRANSPORT—Concluded		
	GENERAL		
658	Expenses of the Royal Commission on National Transportation	10,000 00	
	DEMobilIZATION AND RECONVERSION		
659	Acquisition of properties in Canada for U.S. Authorities—Further amount required.....	16,250 00	2,076,721 35
			58,177,101 47
	GOVERNMENT OWNED ENTERPRISES		
	DEFICITS		
	Transport		
660	Additional amount in excess of the sum of \$904,000 already appropriated, to provide for the payment during the fiscal year 1948-49 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 1948—Further amount required.....	315,880 75	
661	Amount required to provide for the payment during the fiscal year 1948-49 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) arising in the calendar year 1948; this amount to be applied in the repayment of accountable advances made to the National Company from the Consolidated Revenue Fund, under authority, of the Canadian National Railways' Financing and Guarantee Act, 1948—Canadian National Railways, exclusive of Eastern Lines Eastern Lines.....	\$19,244,635 35 14,288,105 77	33,532,741 12
662	To hereby authorize and provide for payment during the fiscal year 1948-49 to Trans-Canada Air Lines to be applied by Trans-Canada Air Lines in payment of the 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 1948; this amount to be applied in the repayment of accountable advances made to the Company from the Consolidated Revenue Fund under authority of the Canadian National Railways' Financing and Guarantee Act, 1948— Trans-Canada Air Lines..... Trans-Canada (Atlantic) Limited.....	\$1,183,022 16 1,750,218 22	2,933,240 38

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
	GOVERNMENT OWNED ENTERPRISES— <i>Concluded</i>	\$ cts.	\$ cts.
	DEFICITS— <i>Concluded</i>		
	NATIONAL HARBOURS BOARD		
663	To provide for payment to National Harbours Board, of the amount hereinafter set forth, to be applied in payment of the deficits (exclusive of interest on Dominion Government Advances and depreciation on capital structures) arising in the calendar year 1948, in the operation of the following—		
	Quebec Harbour..... \$156,400 83		
	Prescott Elevator..... 38,709 32		
		195,110 15	
			36,976,972 40
	LOANS AND INVESTMENTS		
	TRADE AND COMMERCE		
664	To provide for the purchase and placing in storage of strategic reserves of materials.....	3,250,000 00	
665	To provide for advances to Canadian Arsenals Limited to increase the working capital fund for the operations of the Company.....	2,500,000 00	
			5,750,000 00
			100,898,573 87

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

An Act to Declare the Meat Packing Industry Works
for the General Advantage of Canada.

First reading, April 25, 1949.

Mr. STEWART.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 233.

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 5
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, under- 10
takings 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.

The first part of the book is devoted to a general survey of the history of the subject. It begins with a discussion of the early attempts to explain the origin of life, and then proceeds to a consideration of the more recent theories. The author then turns to a detailed examination of the various forms of life, and discusses the evolution of each. The book is written in a clear and concise style, and is well illustrated with diagrams and photographs. It is a valuable work for anyone interested in the history of life on earth.

234.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 234.

An Act to amend The Judges Act, 1946.

AS PASSED BY THE HOUSE OF COMMONS,
25th APRIL, 1949.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 234.

An Act to amend The Judges Act, 1946.

1946, c. 56;
1947, c. 36;
1947-48, cc.
55, 66.

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

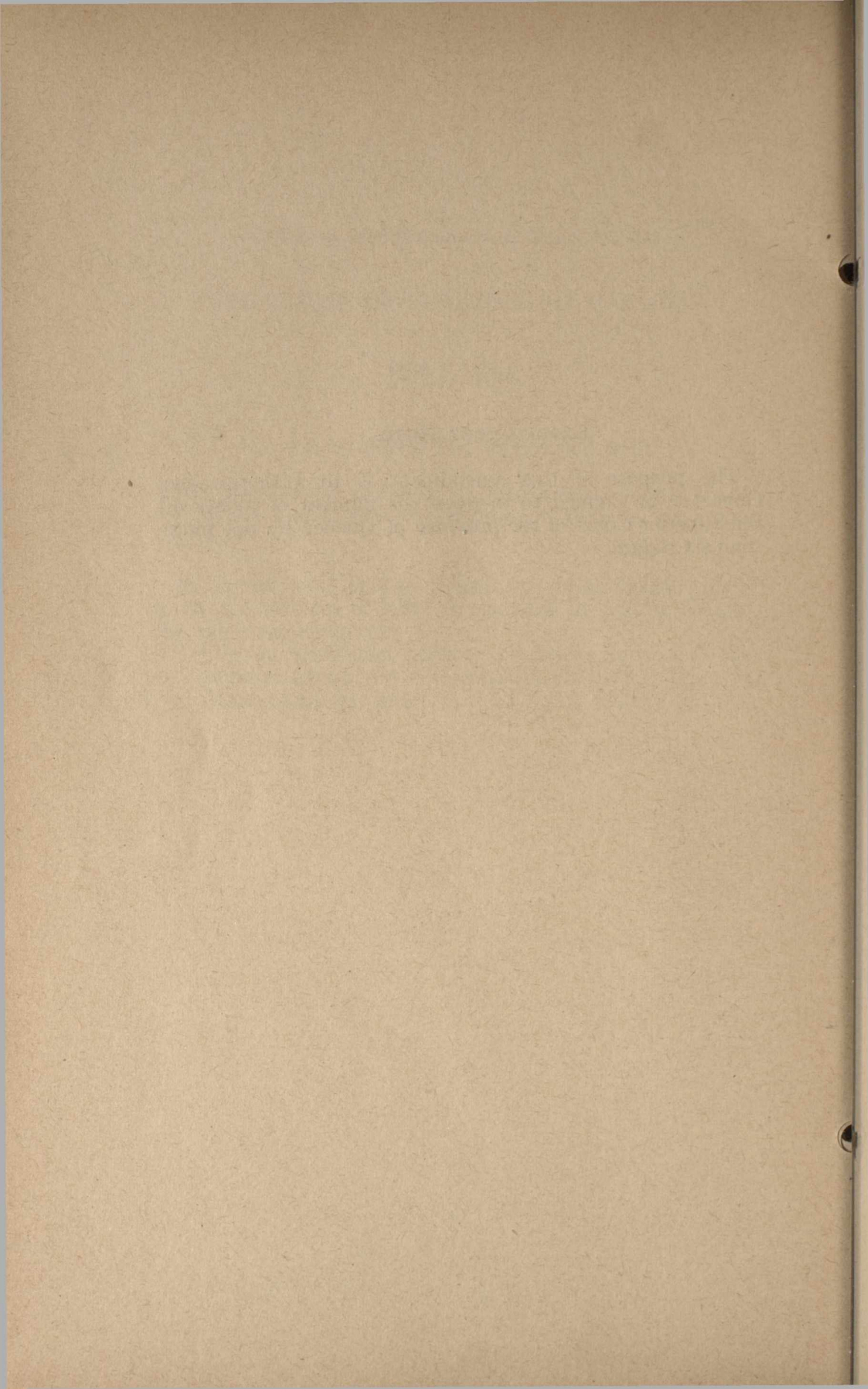
1. Section nine of *The Judges Act, 1946*, chapter fifty-six of the statutes of 1946, is amended by adding thereto 5 the following paragraph:

Additional
judges of
Superior
Court.

“(f) Such additional number of puisne judges of the Superior Court, not exceeding six, as the Governor in Council may fix, each 12,000.00”

EXPLANATORY NOTE.

The purpose of this amendment is to authorize the Governor in Council to increase the number of judges of the Superior Court of the province of Quebec by not more than six judges.



235.

Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 235.

An Act to amend The Family Allowances Act, 1944.

AS PASSED BY THE HOUSE OF COMMONS,
25th APRIL, 1949.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 235.

An Act to amend The Family Allowances Act, 1944.

1944-45, c. 40;
1946, c. 50.

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

Residence
of child.

1. Subparagraph (ii) of paragraph (b) of section two of *The Family Allowances Act, 1944*, chapter forty of the statutes of 1944-45, is repealed and the following substituted therefor: 5

“(ii) who has been a resident of Canada for one year immediately prior to the date of registration; or”

Proviso
repealed.

2. The proviso to section three of the said Act is repealed. 10

Coming
into force.

3. This Act shall be deemed to have come into force on the first day of the month in which it is assented to.

EXPLANATORY NOTES.

The purpose of this Bill is to shorten from three to one year the residence period required as one of the conditions of eligibility of a child, and also to remove the decreasing scale provided in the amount of allowance payable when more than four children are maintained.

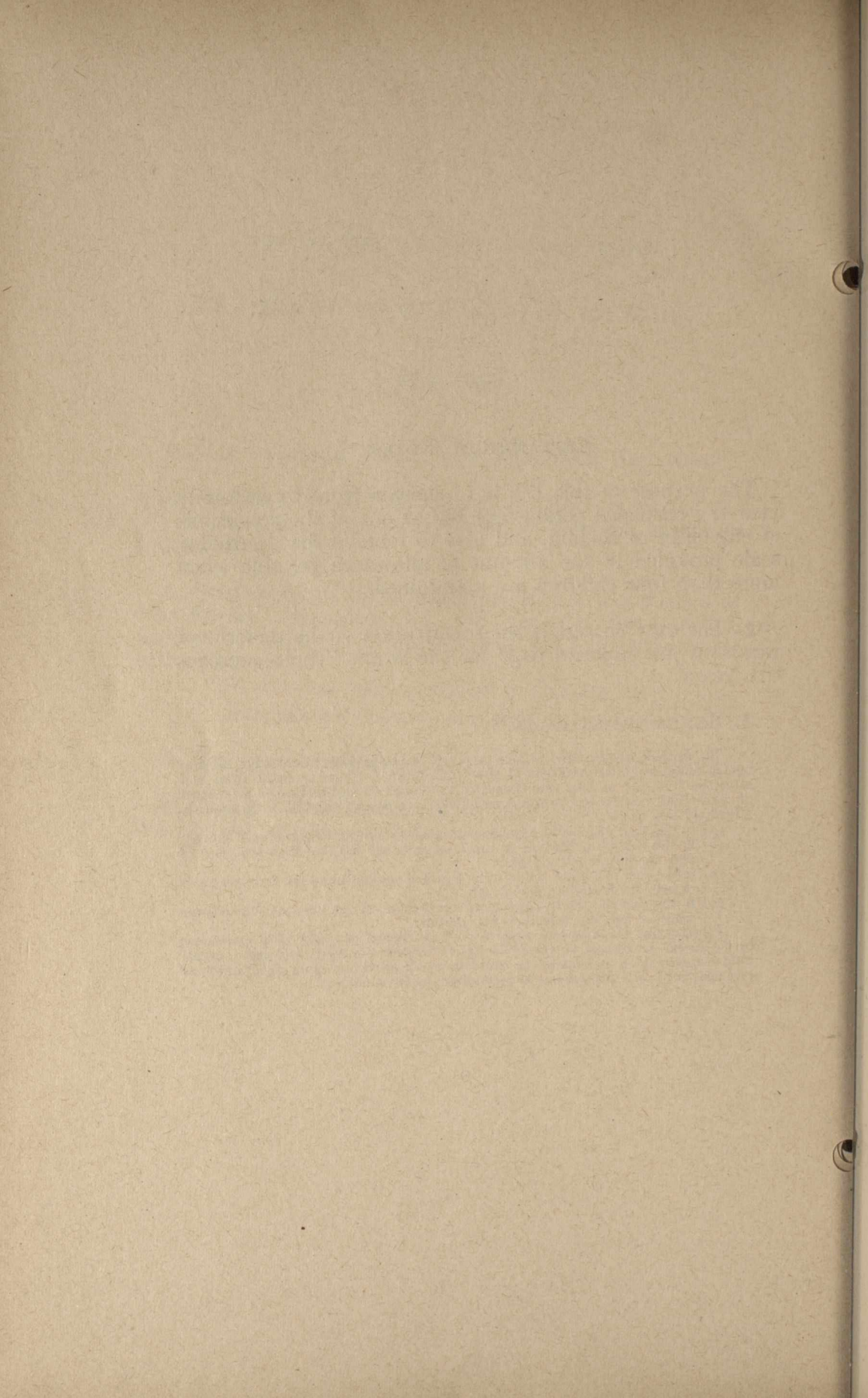
1. The only change is the substitution of the underlined words on the opposite page for the words "three consecutive years".

2. Section 3 now reads:—

"3. Subject as provided in this Act and in regulations, there may be paid out of unappropriated moneys in the Consolidated Revenue Fund from and after the first day of July, one thousand nine hundred and forty-five, in respect of each child resident in Canada maintained by a parent, the following monthly allowance:—

- (a) in the case of a child less than six years of age, five dollars per month;
- (b) in the case of a child six or more years of age but less than ten years of age, six dollars per month;
- (c) in the case of a child ten or more years of age but less than thirteen years of age, seven dollars per month;
- (d) in the case of a child thirteen or more years of age but less than sixteen years of age, eight dollars per month:

Provided that the allowance payable shall, in respect of a fifth child maintained by the parent, be reduced by one dollar and in respect of a sixth child and a seventh child respectively so maintained, by two dollars and in respect of an eighth child and each additional child respectively so maintained, by three dollars."



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 237.

An Act to amend the Old Age Pensions Act.

AS PASSED BY THE HOUSE OF COMMONS,
27th APRIL, 1949.

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

5th Session, 20th Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 237.

An Act to amend the Old Age Pensions Act.

R.S., c. 156;
1931, c. 42;
1937, c. 13;
1947, c. 67.

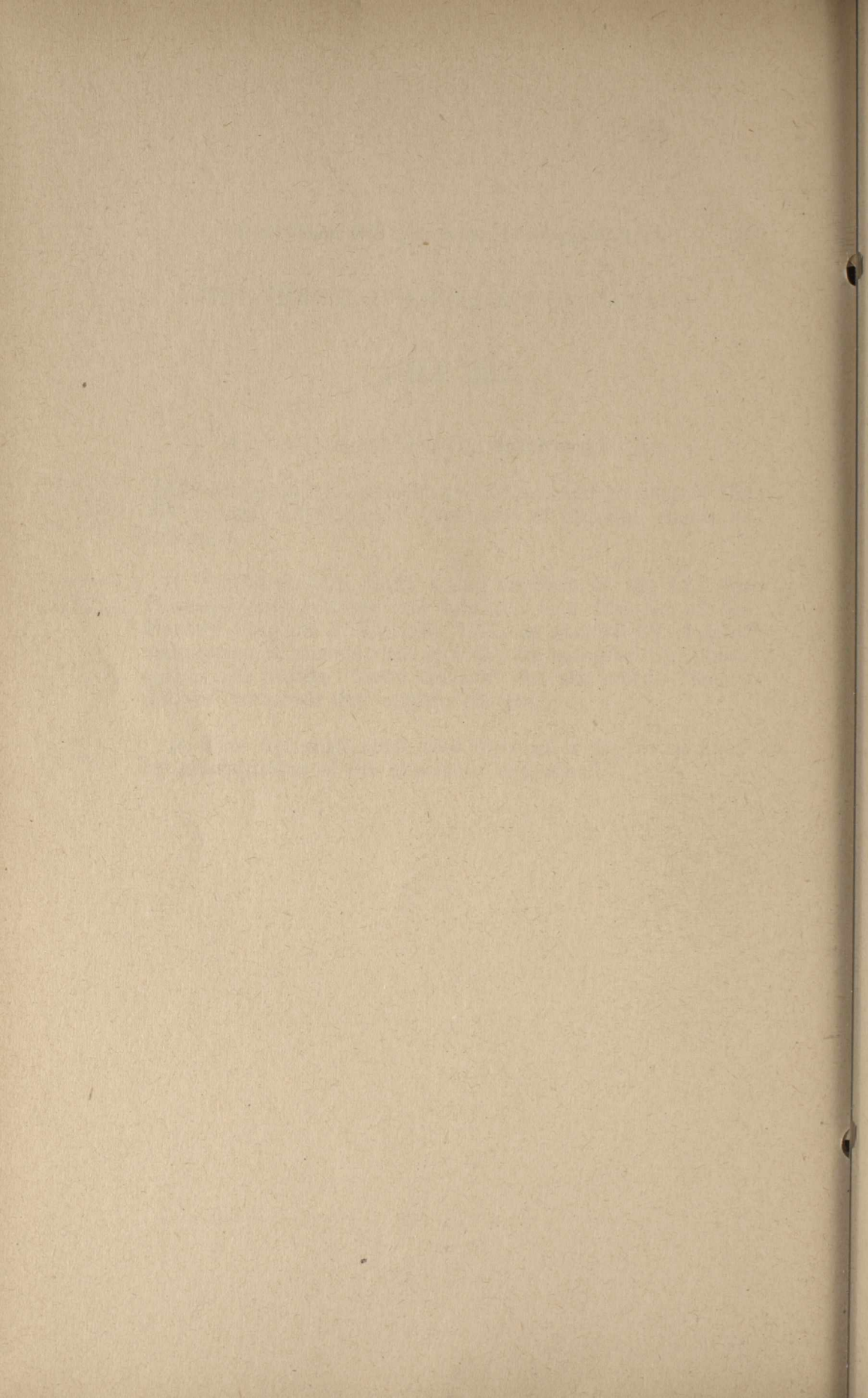
HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Amount of
Dominion
contribution.

1. Sections eight, eight A and thirteen of the *Old Age Pensions Act*, chapter one hundred and fifty-six of the Revised Statutes of Canada, 1927, as enacted by chapter sixty-seven of the statutes of 1947, are amended by substituting the words "forty dollars" for the words "thirty dollars" wherever they appear therein. 5

Coming
into force.

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



Fifth Session, Twentieth Parliament, 13 George VI, 1949.

THE HOUSE OF COMMONS OF CANADA.

BILL 248.

An Act for granting to His Majesty certain sums of money
for the public service of the financial year ending
the 31st March, 1950.

AS PASSED BY THE HOUSE OF COMMONS,
APRIL 30th, 1949.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 248.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1950.

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, 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, 1949.*

\$460,291,082
granted for
1949-50.

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 sixty million, two hundred and ninety-one thousand and eighty-two dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one-third 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, as laid before the House of Commons at the present session of Parliament.

\$541,666.67
granted for
1949-50.

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 five hundred and forty-one thousand six hundred and sixty-six dollars and sixty-seven cents 5
towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being five-twelfths of the amount of the 10
item to be voted set forth in Schedule A to this Act.

\$6,390,980.33
granted for
1949-50.

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 six million, three hundred and 15
ninety thousand, nine hundred and eighty 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 forty-nine, to the thirty-first 20
day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule B to this Act.

\$4,213,181.17
granted for
1949-50.

5. From and out of the Consolidated Revenue Fund, there may be paid and applied, in addition to the amount 25
granted therefor by section two of this Act, a sum not exceeding in the whole four million, two hundred and thirteen thousand, one hundred and eighty-one dollars and seventeen cents towards defraying the several charges and 30
expenses of the public service from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth 35
in Schedule C to this Act.

\$7,362,243.33
granted for
1949-50.

6. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole seven million, three hundred and sixty-two thousand two hundred and forty-three dollars and thirty-three cents 40
towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one third of the amount of each 45
of the items to be voted, with the exception of items 673 and 721, set forth in the Supplementary Estimates (Newfoundland) for the fiscal year ending the thirty-first day of

March, one thousand nine hundred and fifty, as laid before the House of Commons at the present session of Parliament.

\$414,855.83
granted for
1949-50.

7. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor by section six of this Act, a sum not exceeding in the whole four hundred and fourteen thousand, eight hundred and fifty-five dollars and eighty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty-nine, to the thirty-first day of March, one thousand nine hundred and fifty, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule D to this Act.

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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, 1949-50. The amount hereby granted is \$541,666.67, being five-twelfths of the amount of the item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
452	To provide for the cost of replacement, repair, reconditioning and salvage of essential buildings, machinery and equipment destroyed by fire at the Dominion Arsenals Plant of Canadian Arsenals Limited		*1,300,000

*Net total \$541,666.67.

SCHEDULE B

Based on the Main Estimates, 1949-50. The amount hereby granted is \$6,390,980.33, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
29	Marketing of Agricultural Products.....	75,000	
36	To reclaim and to prevent the flooding of valuable Agricultural lands in the valley of the Lillooet River, near Pemberton, B.C.....	312,000	
	FISHERIES		
104	Fish Culture Development.....	693,400	
105	Oyster and Clam Culture.....	73,700	
107	Fisheries Research Board of Canada—Construction and Improvements.....	181,800	
	LABOUR		
146	International Labour Conferences.....	58,205	
	MINES AND RESOURCES		
174	International Boundary Commission.....	47,397	
181	Forest Research and Investigations.....	762,990	
182	Forest Products Research.....	535,030	
188	Geological Surveys.....	1,130,365	
190	Topographical Surveys.....	1,196,240	
191	Canadian Hydrographic Service.....	3,478,314	
192	Geodetic Survey of Canada.....	662,775	
193	Legal Surveys.....	499,136	
196	Dominion Water and Power Bureau.....	513,700	
197	To provide for studies and surveys of the Columbia River Watershed in Canada.....	350,000	
		11,880	
198	Lake of the Woods Control Board.....		
199	To provide for the expenses incurred under the agreement between the Dominion, Ontario and Manitoba, confirmed by the Lac Seul Conservation Act, 1928.....	17,750	
201	To provide for excavation of a flood channel at Dalles Rapids in Winnipeg River in Ontario.....	170,000	
202	Geographical Bureau.....	136,200	
	LOANS AND INVESTMENTS		
	Veterans Affairs—Soldier Settlement and Veterans Land Act		
562	To provide for purchase of land and permanent improvements, etc.....	27,440,000	
			*38,345,882

* Net total \$6,390,980.33.

SCHEDULE C

Based on the Main Estimates, 1949-50. The amount hereby granted is \$4,213,181.17, being one-twelfth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
SCIENCE SERVICE			
5	Science Service Administration.....	680,070	
8	Botany and Plant Pathology.....	1,154,500	
10	Agricultural Entomology.....	1,321,926	
11	Forest Entomology.....	1,087,490	
12	Plant Protection.....	639,320	
EXPERIMENTAL FARMS SERVICE			
15	Branch Farms and Stations and Illustration Stations.....	3,819,403	
PRODUCTION SERVICE			
17	Health of Animals—Administration of Animal Contagious Diseases Act and Meat and Canned Foods Act.....	2,868,297	
MARKETING SERVICE			
24	Agricultural Economics.....	390,120	
25	Dairy Products.....	594,077	
28	Live Stock and Live Stock Products.....	1,113,750	
SPECIAL			
33	To provide for assistance to encourage the improvement of cheese and cheese factories.....	1,700,000	
DEMobilIZATION AND RECONVERSION			
43	Freight Assistance on Western Feed Grains.....	4,750,000	
FISHERIES			
106	Fisheries Research Board of Canada—Operation and Maintenance.....	1,132,040	
JUSTICE			
PENITENTIARIES			
138	Operation and maintenance of penitentiaries.....	6,107,490	

SCHEDULE C—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR		
151	To provide for expenses relating to Placement of Labour Planning; Co-ordination of Stevedoring, etc.....	127,420	
	ROYAL CANADIAN MOUNTED POLICE		
392	General Administration.....	297,007	
393	Land Services.....	13,647,074	
394	Marine Services.....	1,331,070	
395	Aviation Services.....	189,677	
	TRADE AND COMMERCE		
419	Canadian International Trade Fair, 1949.....	624,000	
	VETERANS AFFAIRS		
	Soldier Settlement and Veterans Land Act—		
545	To provide for the cost of administration of Veterans Land Act; Soldier Settlement and British Family Settlement.....	4,447,443	
548	To provide for the payment of grants to Veterans settled on Provincial Lands in accordance with agreements with Provincial Governments, etc.....	2,536,000	
			*50,558,174

* Net total \$4,213,181.17

SCHEDULE D

Based on the Supplementary Estimates (Newfoundland), 1949-50. The amount hereby granted is \$414,855.83, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1950, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
667	Freight Assistance on Western Feed Grains.....	250,000	
	FISHERIES		
675	Fisheries Research Board of Canada—Operation and Maintenance.....	239,135	
	LABOUR		
	UNEMPLOYMENT INSURANCE ACT, 1940		
681	To authorize and provide for payment of unemployment assistance to residents of Newfoundland who have been employed in employment that would have been insurable within the meaning of the Unemployment Insurance Act, 1940, if it had been employment in Canada, or who have been employed in insurable employment within the meaning of the said Act, for at least thirty per cent of the working days within the period of three months preceding their loss of employment or thirty per cent of the working days within the period since the date of Union, whichever period is the longer, and who lose their employment within six months prior to the date of Union and are still unemployed at that date, or who lose their employment within a two-year period after that date, such assistance to be payable during a period of six months from the date of Union or from the date of unemployment, whichever is the later, on the same scale and under the same conditions as unemployment insurance benefits under the said Act and regulations made thereunder, and on rates based on the individual's wage record for the three months preceding his loss of employment; but no person shall receive such assistance and unemployment insurance benefits concurrently; and such assistance shall be deemed to be a benefit or payment within the meaning of section sixty-seven of the said Act; the Governor in Council is authorized to make such regulations as he may deem necessary to administer this vote and give effect to the purposes and terms thereof.....	2,000,000	
			*2,489,135

* Net total \$414,855.83

