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Canada. Laws, Statutes, etc.

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• CANADA  
HOUSE OF COMMONS

21st Parliament, 5th Session  
1951

BILLS (First Reading)

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| 12. Railway Act amdt. Mr. Chevrier  | 34. International rapids power development. Mr. Chevrier                            |
| 13. Old age security. Mr. Martin  | 35. Redistribution commission. Mr. Power  |
| 14. Canada lands surveys. Mr. Prudham   | 36. Combines Investigation Act amdt. Mr. Garson                                     |
| 15. North Atlantic treaty organization. Mr. Pearson   | 37. Church of England synod in Canada. Mr. Fulford ( <i>missing</i> )               |
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| 17. Canadian Broadcasting Act amdt. Mr. McCann  | 39. Evangelical Mennonite Brethren of Canada. Mr. Diefenbaker ( <i>missing</i> )    |
| 18. Agricultural products board. Mr. Gardiner   | 40. Sisters of Charity of the House of Providence. Mr. Henderson ( <i>missing</i> ) |
| 19. Bills of Exchange Act amdt. Mr. Abbott  | 41. Dominion Elections Act amdt. Mr. Harris (Grey-Bruce)                            |
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15-16 GEORGE VI, 1951.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 2.**

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

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First reading, October 12, 1951.

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MR. MACDOUGALL.

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

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1951

THE HOUSE OF COMMONS OF CANADA.

**BILL 2.**

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

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

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

**1.** Sections two and three of the *Dominion Day Act*, chapter forty-nine of the Revised Statutes of Canada, 1927, are repealed, and the following substituted therefor:— 5

Dominion  
Day.

“**2.** Throughout Canada, in each and every year, the first Monday following the thirtieth day of June shall be a legal holiday and shall be kept and observed as such under the name of Dominion Day.” 10

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

Victoria  
Day.

“**2.** Throughout Canada, in each and every year, the first Monday following the twenty-third day of May shall be a legal holiday and shall be kept and observed as such under the name of Victoria Day.” 15

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 3.**

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

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First reading, October 12, 1951.

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MR. KNOWLES.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 3.**

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

1947-48, c. 54.

**H**IS 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 employee in such unit, the employer of such employee shall, until the employee in writing withdraws such request, periodically deduct, and pay out of the wages due to such employee to the person designated by the trade union to receive the same, the union dues of such employee; and the employer shall furnish to such trade union the names of the employees who have given and withdrawn such authority.” 15

Bill No. 107, Twenty-Fourth Parliament, 1st Session, 1955

THE HOUSE OF COMMONS OF CANADA

BILL 4

EXPLANATORY NOTE.

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

Printed in Ottawa, Ontario, 1955

Mr. Knowles

OTTAWA  
PRINTED BY THE KING'S PRINTER  
CONTROLS AND REGULATIONS





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

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THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to provide for the Jurisdiction of the Exchequer Court of Canada in Matters of Divorce.

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First reading, October 12, 1951.

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MR. KNOWLES.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 4.**

An Act to provide for the Jurisdiction of the Exchequer Court of Canada in Matters of Divorce.

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

Short title.

**1.** This Act may be cited as *The Exchequer Court Divorce Jurisdiction Act*.

5

Jurisdiction of Exchequer Court.

**2.** The Exchequer Court of Canada (hereinafter referred to as "the Court") shall have jurisdiction to entertain an action for dissolution of marriage from a person domiciled in the province of Quebec or Newfoundland and shall have power and authority to grant a divorce *a vinculo matrimonii* to such a person on the ground that the defendant has since the celebration of his or her marriage been guilty of adultery. 10

Conditions upon which decree be pronounced.

**3.** If the Court is satisfied by the evidence that the case of the plaintiff has been proved, and does not find that the plaintiff has been in any manner accessory to or has connived at the adultery of the defendant, or that the plaintiff has condoned the adultery complained of, or that the action was commenced and is proceeded with in collusion with the defendant or the co-respondent, then the Court may give judgment declaring such marriage to be dissolved: 20  
Provided always that the Court shall not be bound to give such judgment if it finds that the plaintiff since his marriage to the defendant has been guilty of adultery, or if the plaintiff has, in the opinion of the Court, been guilty 25 of unreasonable delay in commencing or proceeding with the action or has been guilty of mental or physical cruelty to the defendant, or has, without just cause, deserted the defendant or separated *a mensa et thoro* from the defendant, before the adultery complained of or has otherwise conduced 30 to the commission of adultery by the defendant.

Proviso.

### EXPLANATORY NOTE.

There are at present courts for divorce and matrimonial causes in all the provinces except Quebec and Newfoundland. In these provinces, a plaintiff can obtain dissolution of marriage only by a private Act of the Federal Parliament. As the number of divorce cases has considerably increased in the last ten years, this procedure for that and various other reasons is becoming more and more objectionable. The purpose of this Bill is therefore to provide that the Exchequer Court of Canada will in future have jurisdiction in divorce in the case of actions originating from Quebec and Newfoundland. The jurisdiction as to alimony, care of the children and other matrimonial causes will remain in the provincial courts of those two provinces.

This Bill does not change the grounds for divorce. It does not establish divorce courts in Quebec or Newfoundland. It does not make available to persons residing in Quebec or Newfoundland anything not now available to them. It merely transfers the hearing of divorce petitions, in the case of persons residing in these two provinces, from Parliament to the Exchequer Court of Canada and it provides further that the said Court shall hear such divorce cases only at Ottawa.

Jurisdiction  
to be  
exercised at  
Ottawa.

4. The jurisdiction conferred upon the Exchequer Court of Canada by this Act shall be exercised only at the city of Ottawa.

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

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THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to promote Fair Employment Practices in Canada.

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First reading, October 12, 1951.

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MRS. FAIRCLOUGH.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 5.**

An Act to promote Fair Employment Practices in Canada.

Preamble.

**W**HEREAS it is desirable to enact a measure to prevent discrimination against men and women in respect of their employment on account of race, creed, colour, ancestry or origin; and whereas such policy is in accord with the universal declaration of human rights as proclaimed by the United Nations; 5

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

Short title.

**1.** This Act may be cited as *The Canadian Fair Employment Practices Act*. 10

Application.

**2.** This Act shall apply in respect of employees who are employed upon or in connection with the operation of any work, undertaking or business that is within the legislative authority of the Parliament of Canada including, but not so as to restrict the generality of the foregoing, 15

(a) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada; 20

(b) railways, canals, telegraphs and other works and undertakings connecting a province with any other or others of the provinces, or extending beyond the limits of a province; 25

(c) lines of steam and other ships connecting a province with any other or others of the provinces or extending beyond the limits of a province;

(d) ferries between any province and any other province or between any province and any country other than Canada; 30



- (e) aerodromes, aircraft and lines of air transportation;  
 (f) radio broadcasting stations;  
 (g) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province; 5  
 (h) the civil service of Canada;  
 (i) any corporation established to perform any function or duty on behalf of the Government of Canada and in respect of employees of such corporation;  
 and in respect of the employers of all such employees in 10  
 their relations with such employees and in respect of trade unions and employers' organizations composed of such employees or employers.

## Definitions.

**3. In this Act,**

"Minister".

(a) "Minister" means the Minister of Labour; 15

"Deputy Minister".

(b) "Deputy Minister" means the Deputy Minister of Labour;

"trade union".

(c) "trade union" or "union" means any organization of employees formed for purposes that include the regulation of relations between employees and em- 20  
 ployers;

"employers' organization".

(d) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;

"employment agency".

(e) "employment agency" includes a person who under- 25  
 takes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;

"person".

(f) "person", in addition to the extended meaning given 30  
 it by the *Interpretation Act*, includes employment agency, employers' organization and trade union.

Employers not to discriminate in employment practices.

**4. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person in regard to employment 35  
 or any term or condition of employment because of race, creed, colour, ancestry or origin.**

Membership in trade union.

**5. No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, 40  
 ancestry or origin.**

Employment applications and advertisements not to discriminate.

**6. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry which expresses either 45  
 directly or indirectly any limitation, specification or preference as to race, creed, colour, ancestry or origin.**



7. (1) The Minister may, at the discretion of the Deputy Minister designate a commission officer to inquire into the complaint of any person that such person has been refused employment, discharged or dismissed against contrary to section four, or that such person has been excluded, expelled, suspended or demoted against contrary to section five, or that any person has used or caused any form or published any advertisement or took any inquiry contrary to section six of this Act.

(2) Every such complaint shall be in writing on the form prescribed by the Deputy Minister and shall be mailed or delivered to him at his office.

(3) The commission officer shall forthwith after he is appointed inquire into the complaint and endeavor to effect a settlement of the matter complained of.

(4) The commission officer shall report the results of his inquiry and endeavor to the Deputy Minister.

8. (1) If the commission officer is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Deputy Minister, appoint a commission composed of one or more persons and shall forthwith communicate the names of the members of the parties and in respect of which he proceeded, and shall that the commission was appointed in accordance with this Act.

(2) The commission shall have all the powers and shall enjoy all the rights and privileges of the Canadian Railway Commission Board under section thirty-six of the Industrial Relations and Labour Act.

(3) The commission shall give the parties full opportunity to present evidence and to make submissions and it is held that the complaint is supported by the evidence shall be referred to the Deputy Minister the same may or may not be taken into account in the complaint which recommendation may include recommendations with or without compensation for loss of earnings and other benefits.

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

(5) After a commission has made its recommendations the Deputy Minister may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Deputy Minister until they have been so clarified or amplified.

(6) The Minister on the recommendation of the Deputy Minister may cause whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with the terms.

- Conciliation officer. 7. (1) The Minister may on the recommendation of the Deputy Minister designate a conciliation officer to inquire into the complaint of any person that such person has been refused employment, discharged or discriminated against contrary to section four, or that such person has been excluded, expelled, suspended or discriminated against contrary to section five, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section six of this Act. 5
- Form. (2) Every such complaint shall be in writing on the form prescribed by the Deputy Minister and shall be mailed or delivered to him at his office. 10
- Duties. (3) The conciliation officer shall forthwith after he is appointed inquire into the complaint and endeavour to effect a settlement of the matter complained of. 15
- Report. (4) The conciliation officer shall report the results of his inquiry and endeavours to the Deputy Minister.
- Commission. 8. (1) If the conciliation officer is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Deputy Minister, appoint a commission composed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act. 20
- Powers. (2) The commission shall have all the powers and shall enjoy all the rights and privileges of the Canada Labour Relations Board under section fifty-eight of *The Industrial Relations and Disputes Investigation Act*. 25
- 1947-48, c. 54. Evidence. (3) The commission shall give the parties full opportunity to present evidence and to make submissions and if it finds that the complaint is supported by the evidence it shall recommend to the Deputy Minister the course that ought to be taken with respect to the complaint, which recommendation may include reinstatement with or without compensation for loss of earnings and other benefits. 30
- Majority recommendations to prevail. (4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission. 35
- Clarification of recommendations. (5) After a commission has made its recommendations, the Deputy Minister may direct it to clarify or amplify any of its recommendations and they shall not be deemed to have been received by the Deputy Minister until they have been so clarified or amplified. 40
- Minister's order. (6) The Minister on the recommendation of the Deputy Minister may issue whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with its terms. 45

10. (1) Every person who fails to comply with any provision of this Act shall be deemed to be guilty of an offence and on summary conviction is liable to a fine of not more than \$1000.

Section 10  
and 11

(2) If a corporation, trade union, employer, organization or employment agency, to a penalty of not more than one hundred dollars.

Section 10  
and 11

(3) The fines, costs and expenses of proceedings shall form part of the Consolidated Revenue Fund.

Section 10  
and 11

11. A prosecution for an offence under this Act may be instituted against a trade union or employer organization at the instigation of the Director of Labour and may be brought in any court of competent jurisdiction in the province in which the trade union or employer organization is situated or in which the Director of Labour is situated.

Section 10  
and 11

12. Where a trade union or employer organization is found guilty of an offence under this Act, the Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

13. Where a trade union or employer organization is found guilty of an offence under this Act, the Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

14. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

15. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

16. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

17. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

18. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

19. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

20. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

21. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

22. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

23. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

24. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

25. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

26. The Director of Labour may, in addition to any other penalty or order that may be made, order that the trade union or employer organization be placed under the supervision of the Director of Labour.

Section 10  
and 11

Offences  
and penalties.

**9.** (1) Every person who fails to comply with any provision of this Act or with any order made under this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a penalty of not more than fifty dollars; or

(b) if a corporation, trade union, employers' organization or employment agency, to a penalty of not more than one hundred dollars.

Disposition  
of penalties.

(2) The penalties recovered for offences against this Act shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund. 10

Style of  
prosecution.

**10.** A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the union or organization shall be deemed to be an act or thing done or omitted by the union or organization. 15 20

Agreements  
with  
provinces.

**11.** Where legislation enacted by the legislature of a province and this Act are substantially uniform the Minister of Labour may on behalf of the Government of Canada, with the approval of the Governor in Council, enter into an agreement with the government of the province to provide for the administration by officers and employees of Canada of the provincial legislation. 25

Regulations.

**12.** The Governor in Council may make regulations generally for carrying any of the purposes or provisions of this Act into effect. 30

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 6.**

An Act to amend The Canadian National-Canadian  
Pacific Act, 1933.

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First reading, October 12, 1951.

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THE MINISTER OF TRANSPORT.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

1932-33, c. 33;  
1936, c. 25;  
1939, c. 37;  
1947, c. 28.

An Act to amend The Canadian National-Canadian  
Pacific Act, 1933.

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

1. *The Canadian National-Canadian Pacific Act, 1933*,  
chapter thirty-three of the statutes of 1932-33, as enacted  
by section three of chapter twenty-five of the statutes of 10  
1936, is amended by adding thereto, immediately after  
section fourteen thereof, the following section:

"14A. The annual report of the Board of Directors  
submitted to Parliament under subsection one of section  
fourteen shall contain a separate section giving in a summary 15  
manner information concerning:—

- (a) the results achieved and the economies effected  
under this Act during the immediately preceding  
fiscal year of the National Company;
- (b) co-operative projects approved during the year 20  
preceding by the National Company and the Pacific  
Company but not yet completed;
- (c) co-operative projects approved during the year  
preceding by the National Company and the Pacific  
Company but not proceeded with and the reasons 25  
therefor;
- (d) co-operative projects studied during the year pre-  
ceding by the National Company and the Pacific  
Company but not approved and the reasons therefor;
- (e) co-operative projects currently being studied by the 30  
National Company and the Pacific Company, and such  
other information as appears to the Directors to be  
of public interest or necessary for the information of  
Parliament with relation to any situation existing at  
the time of such report or as may be required from time 35  
to time by the Governor in Council; and

Contents of  
report to  
Parliament.

of an estimate of the annual value, having regard to the traffic conditions and the railway operations, containing at the time of the report of the co-operative measures, such as the pooling of trains.

THE HOUSE OF COMMONS OF CANADA

BILL 7

EXPLANATORY NOTE.

**1. New.** The purpose of the amendment is to provide that the annual report submitted to Parliament by the Directors of Canadian National Railways shall contain a separate section giving in a summary manner information concerning co-operative projects.

The Minister of Transport

Printed and Published by the Queen's Printer, Ottawa, 1952.

(f) an estimate of the annual value, having regard to the traffic conditions and cost of railway operations obtaining at the time of the report, of continuing co-operative measures, such as the pooling of trains."

THE HOUSE OF COMMONS OF CANADA

BILL

AN ACT TO AMEND THE CANADIAN NATIONAL RAILWAYS ACT, 1917.

EXPLANATORY NOTE.

This Bill amends the Canadian National Railways Act, 1917, in order to give effect to the recommendations of the Commission on the Canadian National Railways, which was appointed by the Government in 1924. The Commission's report, published in 1926, contains a number of proposals for the improvement of the railway system, including the pooling of trains, the reorganization of the railway companies, and the establishment of a railway commission. The Bill provides for the implementation of these proposals, and also contains other provisions relating to the railway system.



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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 7.**

An Act to amend the Maritime Freight Rates Act.

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First reading, October 12, 1951.

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THE MINISTER OF TRANSPORT.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 7.**

R.S., c. 79;  
1949 (1st  
Sess.), c. 6.

An Act to amend the Maritime Freight Rates Act.

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

**1.** Subsection one of section four of the *Maritime Freight Rates Act*, chapter seventy-nine of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after paragraph (c) thereof, the following paragraph: 5

Westbound  
rail-and-lake  
traffic.

“(d) Traffic moving outward westbound rail-and-lake, and also rail-lake-and-rail from points on the Eastern lines westbound to points in Canada via ports beyond the limit of the Eastern lines at Diamond Junction or Levis; for example, Moncton to Winnipeg via the port of Point Edward thence via water to Port Arthur or Fort William—the twenty per cent shall be based upon the Eastern lines proportion of the through rate for the rail mileage from Moncton west as far as Diamond Junction or Levis.” 10 15

Repeal.

**2.** Section six of the said Act is repealed.

THE HOUSE OF COMMONS OF CANADA  
BILL N.  
An Act to amend The North Power Highway  
EXPLANATORY NOTES.

**1.** New. The purpose of the amendment is to confirm the present practice of the Board of Transport Commissioners for Canada and the Railways which gives the benefit of the *Maritime Freight Rates Act* to westbound traffic moving rail-and-lake and also rail-lake-and-rail from points on the Eastern lines.

**2.** Section six at present reads as follows:

“**6.** For accounting purposes, but without affecting the management and operation of any of the Eastern lines, the revenues and expenses of the Eastern lines, including the reductions herein authorized which shall be borne by the Eastern lines, shall be kept separately from all other accounts respecting the construction, operation or management of the Canadian National Railways.

(2) In the event of any deficit occurring in any Railway fiscal year in respect of the Eastern lines the amount of such deficit shall be included in a separate item in the estimates submitted to Parliament for or on behalf of the Canadian National Railways at the first session of Parliament following the close of such fiscal year.”



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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 8.**

An Act to amend The North Fraser Harbour  
Commissioners Act.

---

First reading, October 12, 1951.

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THE MINISTER OF TRANSPORT.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 8.**

An Act to amend The North Fraser Harbour  
Commissioners Act.

1913, c. 162;  
1931, c. 41;  
1947-48, c. 19.

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

**1.** Subsection one of section six of *The North Fraser Harbour Commissioners Act*, chapter one hundred and sixty-two of the statutes of 1913, as enacted by section one of chapter nineteen of the statutes of 1947-48, is repealed and the following substituted therefor: 5

Commis-  
sioners.

“**6.** (1) The Corporation shall consist of five commissioners four of whom shall be appointed by the Governor in Council and one by resolution of a majority of three persons, of whom one shall be nominated for that purpose by each of the following municipalities, namely, the municipality of Richmond, the municipality of Burnaby and the city of Vancouver.” 15

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

Remunera-  
tion of  
commis-  
sioners.

“**10A.** The chairman and other commissioners may be paid, out of the revenue of the Corporation, such remuneration for their services as the Governor in Council from time to time determines.” 20

THE HOUSE OF COMMONS OF CANADA

BILL 9

EXPLANATORY NOTES.

**1.** The purpose of this amendment is to provide for the appointment by the Governor in Council of two additional commissioners. Present subsection one of section six reads as follows:

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

**2.** The amendment provides for payment of remuneration to the commissioners out of harbour revenues.





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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 9.**

An Act respecting The Toronto Harbour Commissioners.

---

First reading, October 12, 1951.

---

**THE MINISTER OF TRANSPORT.**

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

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

1911, c. 26;  
1913, c. 11;  
1914, c. 54;  
1936, c. 11;  
1939, c. 24;  
1942-43, c. 17;  
1946, c. 67.

An Act respecting The Toronto Harbour Commissioners.

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

Short title.

1. This Act may be cited as *The Toronto Harbour Commissioners' Act, 1951.*

5

Northerly boundary.

2. The northerly boundary of the port and harbour of Toronto, referred to in section five of *The Toronto Harbour Commissioners' Act, 1911*, chapter twenty-six of the statutes of 1911, is hereby declared to be the boundary line more particularly described in the Schedule to this Act.

10

Regulation etc., of works and businesses in harbour area.

3. (1) Paragraph (c) of subsection one of section twenty-one of the said Act is repealed and the following substituted therefor:

“(c) To construct, regulate, operate and maintain railways, elevators, pipes, conduits or other works or appliances within the port and harbour of Toronto and to control, regulate or prohibit the erection of towers or poles or the stringing of wires or, notwithstanding any other Act, the construction or use of pipes or pipe lines for the transportation of oil, gas or other liquid or gaseous hydrocarbon, or the use of any machinery, apparatus or equipment or the carrying on of any business or activity within the port and harbour of Toronto that would, in the opinion of the commissioners, affect any property or business therein or affect the rates, tolls, charges, income or revenues of the Corporation;”

15

20

25

## EXPLANATORY NOTES.

**2.** The purpose of this amendment is to define the north limit of the port and harbour of Toronto.

**3.** (1) The paragraph to be repealed reads as follows:—

“(c) To construct, regulate, operate and maintain railways, elevators, pipes, conduits, or other works or appliances upon the docks, wharfs or channels or any part thereof: and to control and regulate or prohibit the erection of towers or poles, or the stringing of wires or use of any machinery which might affect property or business owned, controlled or operated by the Corporation;”

The amendment authorizes the Commissioners to control, regulate or prohibit the construction or use of pipes or pipe lines or the operation or carrying on of any business or activity within the harbour limits which would affect any property, business or revenues of the Corporation.

(2) Paragraph (e) of subsection one of section twenty-one of the said Act is repealed and the following substituted therefor:

Explosives,  
etc.

“(e) To regulate and control the landing, shipping, transshipping and transport within the port and harbour of Toronto of explosives or of inflammable or dangerous substances;” 5

(3) Paragraph (g) of subsection one of section twenty-one of the said Act is repealed and the following substituted therefor:

Imposition  
of rates,  
tolls, etc.

“(g) For the imposition and collection of rates, tolls, charges and penalties in respect of the landing, receiving, shipment, transshipment or transport by any means whatsoever of goods, wares, merchandise, materials, substances or commodities into, from or within the port and harbour of Toronto;” 10 15

(4) Paragraph (i) of subsection one of section twenty-one of the said Act is repealed and the following substituted therefor:

Penalties for  
violation of  
Act or  
by-laws.

“(i) To impose penalties, upon summary conviction, in respect of the violation of any of the provisions of this Act or the by-laws of the Corporation, such penalties not to exceed a pecuniary penalty of one thousand dollars or imprisonment for a term not exceeding sixty days or, in default of payment of a pecuniary penalty, imprisonment for a term not exceeding sixty days;” 20 25

(5) Paragraph (j) of subsection one of section twenty-one of the said Act is repealed and the following substituted therefor:

Government  
of persons  
and vessels  
using  
harbour.

“(j) For the government of all persons and vessels coming into or using the port and harbour of Toronto, including the imposition of rates, tolls, charges and penalties to be paid upon such vessels and upon goods landed from or shipped on board such vessels or transhipped within the port and harbour.” 30 35

(2) The paragraph to be repealed reads as follows:

“(e) To regulate and control the landing and shipping of explosives or inflammable substances;”

The amendment provides for the control of the transshipment and transport of explosives, inflammable or dangerous substances within the harbour limits.

(3) The paragraph to be repealed reads as follows:

“(g) For the imposition and collection of all rates, tolls and penalties imposed by law or under any by-law under the authority of this Act;”

The amendment provides for the imposition and collection of rates, etc., on commodities transported by any means whatsoever within the harbour limits.

(4) The paragraph to be repealed reads as follows:

“(i) To impose penalties upon persons infringing any of the provisions of this Act or by-laws of the Corporation; such penalties not to exceed fifty dollars or thirty days' imprisonment, and in default of payment of such pecuniary penalty and the costs of conviction, the period of imprisonment to be fixed by by-law not to exceed sixty days, nor to continue after such payment is made;”

The amendment provides for increased penalties.

(5) The paragraph to be repealed reads as follows:

“(j) For the government of all parties using the harbour and all vessels coming into or using the same, and by such by-laws to impose tolls to be paid upon such vessels and upon goods landed from or shipped on board of the same as they think fit, according to the use which may be made of such harbour and works aforesaid;”

The amendment provides for the imposition of rates, etc., on goods transhipped within the harbour.

## SCHEDULE

DESCRIPTION OF THE NORTHERLY BOUNDARY  
OF THE PORT AND HARBOUR OF TORONTO

COMMENCING in the production westerly of the northerly limit of Block A according to a plan filed as D1409 in the Registry Office for the Registry Division of Toronto at the point where same is intersected by the production northerly of the westerly limit of the port and harbour as described in The Toronto Harbour Commissioners' Act of 1911, 1-2 Geo. V, Chap. 26:

THENCE in an easterly direction along said westerly production of Block A, to and along the northerly limit of said Block A to the westerly limit of Riverside Drive;

THENCE across Riverside Drive to and along the northerly limits of Blocks 1 to 17, both inclusive, according to said Registered Plan D1409, and across the intervening streets, to the westerly limit of Parkside Drive;

THENCE across Parkside Drive, to and along the northerly limit of Block A according to a plan filed as D1411 in said Registry Office, and along the southerly limit of the lands of The Hydro-Electric Power Commission of Ontario, to its intersection with the northerly limit of the waterlot granted by the Ontario Government to John Beaty by letters patent dated 21st May, 1880, Reference No. C.L.S. 42704;

THENCE in a general easterly direction along the northerly limits of the following waterlots and across the intervening streets,—

- (a) Along the northerly limit of said waterlot granted to John Beaty;
- (b) Across Dowling Avenue, to and along the northerly limit of the waterlot granted to Peter Desidnia Conger by the Ontario Government by letters patent dated 27th May, 1875, Reference No. C.L.S. 39449;
- (c) Along the northerly limit of waterlot granted to Joseph B. Spragge et alia by the Province of Canada, by letters patent dated 1st December, 1855, Reference No. C.L.S. 16594;
- (d) Along the northerly limit of the waterlot granted to Patrick G. Close by the Ontario Government by letters patent dated 19th February, 1876, Reference No. C.L.S. 39960;
- (e) Along the northerly limit of the waterlot granted to William Charles Gwynne by the Province of Canada, by letters patent dated 8th January, 1855, Reference No. C.L.S. 10604;
- (f) Along the northerly limit of the waterlot granted to William Reford and James W. Hughes by the Ontario Government, by letters patent dated 28th January, 1878, Reference No. C.L.S. 41534;

(3) Along the northern limit of the water right granted to the Toronto Harbour Commission by the Dominion Government by letter patent dated 19th October, 1922, Reference No. 10197.

(4) Along the northern limit of the water right granted to the City of Toronto by the Dominion Government by Order in Council dated 29th January, 1904, Reference No. 2317, and reference in said Registry Office as Instrument No. 2329 F.

(5) Along the northern limit of water right granted to the Canadian Pacific Railway Company by the Dominion Government by letter patent dated 23rd October, 1903, Reference No. C.P.R. 3022, and registered in said Registry Office as Instrument No. 1214 J.

(6) Along the northern limit of water right granted to the Commission of the Harbour of Toronto by the Dominion Government by special Order dated 10th September, 1905, Reference No. 4345, and registered in said Registry Office as Instrument No. 2012 W.F.

(7) Along the northern limit of water right granted to the Commission of the Harbour of Toronto by the Dominion Government by special Order dated 18th October, 1900, Reference No. 3243, and registered in said Registry Office as Instrument No. 1166, to the western limit of Bathurst Street.

There is also a water right granted to and along the northern limit of Block 1, known as the "Water Right", and along the northern limit of Block 2, all according to a plan filed as D1307 in said Registry Office, to the north-easterly angle of said Block 2.

There is also the eastern limit of said Block 2, along the easterly end of Liberty Street as laid out by said Plan O1197, and along the westerly limit of parcel of land described as Parcel B in a Grant to The Toronto Harbour Commission by the Dominion Government by Order in Council dated 23rd November, 1922, Reference No. 8823, registered in said Registry Office as Instrument No. 1215 W.F. under the name of said Block 2, and a strip of land to the east of said Parcel B, to and along the westerly limit of parcel of land described as Parcel A in said Instrument No. 1230 W.F., to the westerly limit of Spadina Avenue.

There is also a water right granted to and along the northern limit of Block 2, to the easterly limit of said Block 2, known as the "Water Right".

There is a water right granted to and along the easterly limit of Block 2, and its production northward, to the easterly limit of the land described as Parcel 1 in the lease between The Toronto Harbour Commission and the Canadian Pacific Railway Company dated 23rd November, 1904, and registered in the Registry Office for the Division of Toronto as Instrument No. 1217 J.S.

- (g) Across Dufferin Street, to and along the northerly limit of the waterlot granted to The Toronto Harbour Commissioners by the Dominion Government by letters patent dated 28th October, 1938, Reference No. 105167;
- (h) Along the northerly limit of the waterlot granted to the City of Toronto by the Dominion Government by Quit Claim dated 29th January, 1904, Reference No. 99170, and registered in said Registry Office as Instrument No. 24339 F.;
- (i) Along the northerly limit of waterlot granted to the Canadian Pacific Railway Company by the Ontario Government by letters patent dated 29th October, 1902, Reference No. C.L.S. 50623, and registered in said Registry Office as Instrument No. 12145 J.;
- (j) Along the northerly limit of waterlot granted to the Commissioners of the Harbour of Toronto by the Dominion Government by Special Grant dated 16th September, 1896, Reference No. 43453, and registered in said Registry Office as Instrument No. 2923 W.F.;
- (k) Along the northerly limit of waterlot granted to the Commissioners of the Harbour of Toronto by the Dominion Government by Special Grant dated 18th October, 1890, Reference No. 38143, and registered in said Registry Office as Instrument No. 7165, to the westerly limit of Bathurst Street;

THENCE across Bathurst Street, to and along the northerly limit of Block P, across the Private Road, to and along the northerly limit of Block O, all according to a plan filed as D1397 in said Registry Office, to the north-easterly angle of said Block O;

THENCE along the easterly limit of said Block O, along the easterly end of Housey Street as laid out by said Plan D1397, and along the northerly limit of parcel of land described as Parcel B in a Grant to The Toronto Harbour Commissioners by the Dominion Government by Quit Claim deed dated 27th November, 1928, Reference No. 88623, registered in said Registry Office as Instrument No. 14339 W.F., across the strip of land 50 feet in width lying to the east of said Parcel B, to and along the northerly limit of parcel of land described as Parcel A in said Instrument No. 14339 W.F., to the westerly limit of Spadina Avenue;

THENCE easterly across Spadina Avenue, to and along the northerly limit of Fleet Street to the easterly limit of Rees Street (formerly John Street);

THENCE in a northerly direction along said easterly limit of Rees Street and its production northerly, to the northerly limit of the lands described as Parcel 1 in the lease between The Toronto Harbour Commissioners and the Canadian Pacific Railway Company dated 8th November, 1945, and registered in the Registry Office for the Registry Division of Toronto as Instrument No. 29167 E.S.;



The following is a description of the land in the  
city of Toronto, Ontario, Canada, which is  
owned by the City of Toronto and is situated  
along the waterfront of the city and is  
known as the "Waterfront Property".

The land is situated along the waterfront of the  
city of Toronto, Ontario, Canada, and is  
known as the "Waterfront Property".

The land is situated along the waterfront of the  
city of Toronto, Ontario, Canada, and is  
known as the "Waterfront Property".

The land is situated along the waterfront of the  
city of Toronto, Ontario, Canada, and is  
known as the "Waterfront Property".

The land is situated along the waterfront of the  
city of Toronto, Ontario, Canada, and is  
known as the "Waterfront Property".

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city of Toronto, Ontario, Canada, and is  
known as the "Waterfront Property".

The land is situated along the waterfront of the  
city of Toronto, Ontario, Canada, and is  
known as the "Waterfront Property".

The land is situated along the waterfront of the  
city of Toronto, Ontario, Canada, and is  
known as the "Waterfront Property".

THE WATERFRONT PROPERTY

CITY OF TORONTO  
1917

THENCE in an easterly direction along the northerly limits of the lands described as Parcels 1, 11 and V in the said lease to the Canadian Pacific Railway Company, across York Street and Bay Street, and across Yonge Street along the production easterly of the northerly limit of said Parcel V;

THENCE in a southerly direction along the easterly limit of Yonge Street to the southerly limit of the lands taken for the Railway Viaduct as shown on a plan filed in said Registry Office as No. 222 Ry. E.;

THENCE in an easterly direction along said southerly limit of Viaduct lands and across the intervening streets, to the westerly limit of Parliament Street;

THENCE easterly across Parliament Street to the northerly limit of Fleet Street, along the northerly limit of Fleet Street and its easterly production to the easterly limit of Cherry Street;

THENCE in a southerly direction along said easterly limit of Cherry Street to the point of intersection by the northerly limit of the Marsh Lands as granted to the City of Toronto by the Dominion Government by Quit Claim deed dated 10th October, 1903, Reference No. 48513, registered in said Registry Office as Instrument No. 26028 R.;

THENCE in a general easterly direction along the several courses comprising said northerly limit of Marsh Lands, to the north-easterly angle of same;

THENCE in a southerly direction along the easterly limit of said Marsh Lands Grant to the water's edge of Lake Ontario at high water;

THENCE in an easterly direction, along the water's edge of Lake Ontario at high water, to the easterly limit of the port and harbour of Toronto as described in The Toronto Harbour Commissioners' Act, 1911.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 10.**

An Act to approve the Financial Agreement between  
Canada and the United Kingdom, signed on  
the twenty-ninth day of June, 1951.

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First reading, October 12, 1951.

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THE MINISTER OF FINANCE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 10.**

An Act to approve the Financial Agreement between  
Canada and the United Kingdom, signed on  
the twenty-ninth day of June, 1951.

**H**IS 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 United Kingdom Financial Agreement Act, 1951.*

5

Agreement  
approved.

**2.** The Agreement between the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland set out in the Schedule to this Act is approved.



## SCHEDULE

FINANCIAL AGREEMENT BETWEEN THE  
GOVERNMENT OF CANADA AND THE  
GOVERNMENT OF THE UNITED KINGDOM.

The Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland agree that the interest-free provision of the loan made to the Government of the United Kingdom under the War Appropriation (United Kingdom Financing) Act, 1942, will continue until January 1, 1954, and that the other arrangements with respect to the loan will continue as at present until that date. The two Governments agree to enter into discussions before January 1, 1954, with respect to the question of interest on, and the terms of repayment of, the balance of the loan then outstanding.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Signed in duplicate at Ottawa, this 29th day of June, 1951.

FOR THE GOVERNMENT OF CANADA:

*(Sgd)* D. C. Abbott  
*Minister of Finance*

FOR THE GOVERNMENT OF THE UNITED KINGDOM:

*(Sgd)* A. Clutterbuck  
*High Commissioner for the United Kingdom.*

11.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 11.**

An Act to amend the Criminal Code.

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First reading, October 15, 1951.

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MR. LACROIX.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 11.**

An Act to amend the Criminal Code.

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

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

Penalty.

Posting  
communist  
newspaper.

“**209A.** Every one is guilty of an indictable offence and liable to two years imprisonment who posts, or causes to be posted, for transmission or delivery by or through the post any communist newspaper or any newspaper the purpose of which is to establish in Canada a totalitarian dictatorship the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual.”



THE HOUSE OF REPRESENTATIVES

COMMITTEE ON POST OFFICES AND COURTS

BILL 12

EXPLANATORY NOTE.

The purpose of this amendment is to prevent the dissemination through the mails of subversive propaganda.

ESTABLISHED 1875

THE HOUSE OF REPRESENTATIVES

U.S. GOVERNMENT PRINTING OFFICE



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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 12.**

An Act to amend the Railway Act.

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First reading, October 23, 1951.

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THE MINISTER OF TRANSPORT.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Railway Act.

R.S., c. 170;  
1928, c. 43;  
1929, c. 54;  
1930, c. 36;  
1932-33, c. 47;  
1938, cc. 40,  
12;  
1946, c. 30;  
1947, c. 70;  
1947-48, cc. 27,  
66;  
1950, c. 20.

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

1. Subsection five of section nine of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Reappoint-  
ment.

“(5) A commissioner on the expiration of his first or subsequent term of office shall, if not disqualified by age, be eligible for reappointment for a period not exceeding ten years.”

2. Subsections two, two a and two b of section ten of the said Act, as enacted by section one of chapter sixty-six of the statutes of 1947-48, are repealed and the following substituted therefor:

Chief Com-  
missioner.

“(2) Any person may be appointed Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province.

Annuity for  
Chief  
Com-  
missioner.

1946, c. 56.

2(a) Sections twenty-two, twenty-three, twenty-six, twenty-seven and twenty-eight of *The Judges Act, 1946*, apply in respect of the Chief Commissioner as though his service in the office of Chief Commissioner were service in the office of a judge of the Exchequer Court, and notwithstanding anything in the *Civil Service Superannuation Act* the Chief Commissioner is not a civil servant for the purposes of that Act.

R.S., c. 24.

Chief  
Com-  
missioner  
may become  
judge of  
Exchequer  
Court.

2(b) Where the term of office of a Chief Commissioner expires before he has attained the age of seventy-five years, he thereupon becomes and continues to be a supernumerary judge of the Exchequer Court, unless and until he is

## EXPLANATORY NOTES.

The Bill contains certain proposed amendments to the *Railway Act* arising out of the Report of the Royal Commission on Transportation.

1. The subsection to be repealed and re-enacted at present reads as follows:

"5. A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment."

The changes are indicated by the words underlined on the opposite page.

2. Subsections two, two a and two b at present read as follows:

"(2) Any person may be appointed Chief Commissioner who is a judge of the Exchequer Court, and, notwithstanding anything in this or any other Act but subject to subsection two b, he may continue to be and to exercise the jurisdiction of a judge of the Exchequer Court and may hold and perform the duties of the office of Chief Commissioner.

(2a) Section seven of the Exchequer Court Act does not apply to a judge of the Exchequer Court who holds the office of Chief Commissioner and, notwithstanding anything in the Civil Service Superannuation Act, the Chief Commissioner is not a civil servant for the purposes of that Act.

(2b) The judge of the Exchequer Court who holds the office of Chief Commissioner is disqualified from exercising any jurisdiction conferred upon the Exchequer Court or a judge thereof by this Act or by section twenty-seven of the Exchequer Court Act."

1946, c. 56.

reappointed to the office of Chief Commissioner, with the same jurisdiction, tenure of office and salary as a puisne judge of that Court, and for the purposes of sections twenty-two and twenty-three of *The Judges Act, 1946*, his period of service as Chief Commissioner shall be added to his period of service as judge of the Exchequer Court, and for the purposes of section thirty-two of that Act, his salary shall be deemed to be payable under that Act. 5

3. Subsection one of section twenty-six of the said Act, as enacted by section two of chapter sixty-six of the statutes of 1947-48, is repealed and the following substituted therefor: 10

Com-  
missioners'  
salaries.

"26. (1) The Chief Commissioner shall be paid an annual salary equal to the salary of the President of the Exchequer Court; the Assistant Chief Commissioner shall be paid an annual salary of twelve thousand dollars, and each of the other Commissioners shall be paid an annual salary of ten thousand dollars." 15

Appeal to  
Supreme  
Court as to  
question of  
law or  
jurisdiction  
by leave of  
judge.

4. Subsections two, three and four of section fifty-two of the said Act are repealed and the following substituted therefor: 20

"(2) An appeal lies from the Board to the Supreme Court of Canada upon a question of law, or a question of jurisdiction, upon leave therefor being obtained from a judge of the Supreme Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as the judge under special circumstances allows, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard; and the costs of such application shall be in the discretion of the judge. 25 30

Entry of  
application.

(3) No appeal, after leave therefor has been obtained under subsection two of this section, lies unless it is entered in the Supreme Court within sixty days from the making of the order granting leave to appeal." 35

Regulations  
as to  
publication.

5. Subsection six of section three hundred and twenty-three of the said Act is repealed and the following substituted therefor:

"(6) The Board may, with respect to any tariff of tolls, make regulations fixing and determining the time when, the place where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection." 40

6. Subsection three of section three hundred and twenty-five of the said Act is repealed and the following substituted therefor: 45

3. Subsection one of section twenty-six at present reads as follows:

"26. (1) The Chief Commissioner shall be paid an annual salary of fifteen thousand dollars, less the salary received by him as a judge of the Exchequer Court, the Assistant Chief Commissioner shall be paid an annual salary of twelve thousand dollars, and each of the other commissioners shall be paid an annual salary of ten thousand dollars."

4. The purpose of this amendment is to provide for an appeal from the Board to the Supreme Court of Canada on a question of law upon leave being obtained from a judge of the Supreme Court. Present subsections (2), (3) and (4) of section 52 read as follows:

"2. An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, upon leave therefor being obtained from a judge of the said Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, and the costs of such application shall be in the discretion of the judge.

3. An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law, or a question of jurisdiction, or both, upon leave therefor having been first obtained from the Board within one month after the making of the order or decision sought to be appealed from, or within such further time as the Board under special circumstances shall allow, and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the Board.

4. No appeal, after leave therefor has been obtained under subsection two or three of this section, shall lie unless it is entered in the said Court within sixty days from the making of the order granting leave to appeal."

5. Present subsection (6) of section 323 reads as follows:

"6. The Board may, with respect to any tariff of tolls, *other than the passenger and freight tariffs in this Act hereinafter mentioned*, make regulations fixing and determining the time when, the places where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection."

The amendment is required by the amendments contained in clause 7 of the Bill.

6. Present subsection (3) of section 325 reads as follows:

"3. Except as otherwise provided, any tariff in force, *except standard tariffs hereinafter mentioned*, may, subject to disallowance or change by the Board, be amended or supplemented by the company by new tariffs, in accordance with the provisions of this Act."

The amendment is required by the elimination of the references to standard tariffs provided for in clause 7 of the Bill.

Amendment.

“(3) Except as otherwise provided, any tariff in force may, subject to disallowance or change by the Board, be amended or supplemented by the company by new tariffs, in accordance with the provisions of this Act.”

7. Sections three hundred and twenty-eight to three hundred and thirty-two of the said Act are repealed and the following substituted therefor: 5

Division of freight tariffs.

“328. (1) The tariffs of tolls that the company is authorized to issue under this Act for the carriage of goods between points on the railway are: 10

- (a) class rate tariffs;
- (b) commodity rate tariffs;
- (c) competitive rate tariffs; and
- (d) special arrangements tariffs.

Class rate.

(2) A class rate is a rate applicable to a class rating to which articles are assigned in the freight classification. 15

Commodity rate.

(3) A commodity rate is a rate applicable to an article described or named in the tariff containing the rate.

Competitive rate.

(4) A competitive rate is a class or commodity rate that is issued to meet competition. 20

Special arrangement.

(5) Special arrangements are charges, allowances, absorptions, rules and regulations respecting demurrage, protection, storage, switching, elevation, cartage, loading, unloading, weighing, diversion and all other accessorial or special arrangements that in any way increase or decrease the charges to be paid on any shipment or that increase or decrease the value of the service provided by the company. 25

What class rate tariff to specify.

“329. Class rate tariffs

- (a) shall specify class rates on a mileage basis for all distances covered by the company's railway, and such distances shall be expressed in blocks or groups and the blocks or groups shall include relatively greater distances for the longer than for the shorter hauls, and 30
- (b) may, in addition, specify class rates between specified points on the railway which rates may be higher or lower than the rates specified under paragraph (a). 35

Tariffs to be filed and published.

“330. (1) Every freight tariff and every amendment of a freight tariff shall be filed and published, and notice of the issue thereof and of cancellation of any such tariff or any portion thereof shall be given in accordance with regulations, orders or directions made by the Board. 40

Effective dates of tariffs.

(2) Where a freight tariff is filed and notice of issue is given in accordance with this Act and regulations, orders and directions of the Board, it shall, unless it is disallowed, suspended or postponed by the Board, take effect on the date stated in the tariff as the date on which it is intended to take effect, and shall supersede any preceding tariff, or any portion thereof, in so far as it reduces or advances 45



**7. Sections 328—332 to be repealed now read as follows:**

*"328. The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes,*

- (a) the standard freight tariff;*
- (b) special freight tariffs; and*
- (c) competitive tariffs."*

*"329. The standard freight tariff or tariffs, where the company is allowed by the Board more than one standard freight tariff, shall specify the maximum mileage tolls to be charged for each class of the freight classification for all distances covered by the company's railway.*

*2. Such distances may be expressed in blocks or groups, and such blocks or groups may include relatively greater distances for the longer than for the shorter hauls.*

*3. The special freight tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.*

*4. The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act."*

*"330. Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board.*

*2. Upon any such tariff being filed and approved by the Board the company shall publish the same, with a notice of such approval in such form as the Board directs in at least two consecutive weekly issues of the Canada Gazette.*

*3. When the provisions of this section have been complied with, the tolls as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the cases of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods.*

*4. Until the provisions of this section have been complied with, no toll shall be charged by the company.*

*5. No standard freight tariff shall be amended or supplemented except with approval of the Board."*

the tolls therein, and the company shall thereafter, until such tariff expires or is disallowed or suspended by the Board or is superseded by a new tariff, charge the tolls as specified therein.

Filing of  
competitive  
tariffs.

“**331.** (1) The Board may provide that any competitive rate may be acted upon and put into operation immediately upon the issue thereof before it is filed with the Board, or allow any such rate to go into effect as the Board shall appoint. 5

(2) The Board may require a company issuing a competitive rate tariff to furnish at the time of filing the tariff, or at any time, any information required by the Board to establish that 10

(a) the competition actually exists;

(b) the rates are compensatory; and 15

(c) the rates are not lower than necessary to meet the competition;

and such information, if the Board in any case deems it practicable and desirable, shall include all or any of the following: 20

(i) the name of the competing carrier or carriers,

(ii) the route over which competing carriers operate,

(iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,

(iv) the tonnage normally carried by the railway between the points of origin and destination, 25

(v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,

(vi) the extent to which the net revenue of the company will be improved by the proposed changes, 30

(vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and 35

(viii) any other information required by the Board regarding the proposed movement.

Burden of  
proof.

“**332.** Where an objection is filed with the Board to any freight tariff that advances a rate previously authorized to be charged under this Act, the burden of proof justifying the proposed advance shall be upon the company filing the tariff. 40

National  
freight rates  
policy.

“**332A.** (1) It is hereby declared to be the national freight rates policy that, subject to the exceptions specified in subsection four, every railway company shall, so far as is reasonably possible, in respect of all freight traffic of the 45

**"331.** Special freight tariffs shall be filed by the company with the Board, and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect.

2. When any such special freight tariff reduces any toll previously authorized to be charged under this Act, the company shall file such tariff with the Board at least three days before its effective date, and shall, for three days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of such tariff, at every station or office of the company where freight is received, or to which freight is to be carried thereunder, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may by regulation or otherwise determine and prescribe any other or additional method of publication of such tariff during the period aforesaid.

3. When any such special freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff thirty days previously to the date on which such tariff is intended to take effect: Provided that where objection to any such tariff is filed with the Board, the burden of proof justifying the proposed advances shall be upon the company filing said tariff.

4. When the foregoing provisions have been complied with, any such special freight tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is disallowed or suspended by the Board or superseded by a new tariff, charge the toll or tolls as specified therein, and such special freight tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

5. Until such special freight tariff comes into effect, no such special freight toll or tolls shall be charged by the company."

**"332.** Competitive tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect: Provided that where it may be necessary to meet the exigencies of competition, or as the Board may deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board, or may in any case make a special order or direction allowing any such tariff to go into effect as the Board shall appoint."

same description, and carried on or upon the like kind of cars or conveyances, passing over all lines or routes of the company in Canada, charge tolls to all persons at the same rate, whether by weight, mileage or otherwise.

Revision  
of tariffs.

(2) The Board may, with a view to implementing the national freight rates policy, require any railway company 5

(a) to establish a uniform scale of mileage class rates applicable on its system in Canada, such rates to be expressed in blocks or groups, the blocks or groups to include relatively greater distances for the longer than 10 for the shorter hauls;

(b) to establish for each article or group of articles for which mileage commodity rates are specified, a uniform scale of mileage commodity rates applicable on its system in Canada, such rates to be expressed in blocks 15 or groups, the blocks or groups to include relatively greater distances for the longer than for the shorter hauls; and

(c) to revise any other rates charged by the company.

Disallowance  
and  
substitution.

(3) The Board may disallow any tariff or any portion 20 thereof that it considers to be contrary to the national freight rates policy, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed. 25

Exceptions.

(4) Subsections one, two and three are subject to the proviso to subsection five of section three hundred and twenty-five of this Act and to the *Maritime Freight Rates Act*, and do not apply in respect of

R.S., c. 79

(a) joint international rates between points in Canada 30 and points in the United States of America;

(b) rates on export and import traffic through Canadian ports, where in practice such rates bear a fixed and long-standing relationship with rates on similar traffic through ports in the United States of America; 35

(c) competitive rates;

(d) agreed charges authorized by the Board under Part V of *The Transport Act, 1938*;

(e) rates over the White Pass and Yukon route; and

(f) any other case where the Board considers that an 40 exception should be made from the operation of this section.

Definitions.  
"eastern  
territory".

"332B. (1) In this section

(a) "eastern territory" means any point on a line of railway east of Port Arthur, Ontario, or Armstrong, 45 Ontario;

(b) "western territory" means any point on a line of railway in British Columbia to which competitive

transcontinental traffic;

(c) "intermediate territory" means any point between eastern territory and western territory on any line of railway; and

(d) "transcontinental freight traffic" means freight traffic (i) having its origin in eastern territory and its destination in western territory; or

(ii) having its origin in western territory and its destination in eastern territory.

(3) Traffic bearing a competitive toll for any transcontinental freight traffic shall provide that

(a) the toll for freight traffic shall be the same as a

rate for freight traffic of the same kind in transit

between the same points in the same direction as

the freight traffic, and

(b) the toll for passenger traffic shall be the same as a

rate for passenger traffic of the same kind in transit

between the same points in the same direction as

the passenger traffic, and

(c) the toll for mail traffic shall be the same as a

rate for mail traffic of the same kind in transit

between the same points in the same direction as

the mail traffic, and

(d) the toll for express traffic shall be the same as a

rate for express traffic of the same kind in transit

between the same points in the same direction as

the express traffic, and

(e) the toll for baggage traffic shall be the same as a

rate for baggage traffic of the same kind in transit

between the same points in the same direction as

the baggage traffic, and

(f) the toll for freight traffic shall be the same as a

rate for freight traffic of the same kind in transit

between the same points in the same direction as

the freight traffic.

Western  
Territory

Intermediate  
Territory

Eastern  
Territory

Transcontinental  
Freight Traffic

Transcontinental  
Passenger Traffic

Mail Traffic

Express Traffic

Baggage Traffic

Freight Traffic

'western territory'.

'intermediate territory'.

'transcontinental freight traffic'.

Maximum tolls to intermediate territory.

Maximum tolls from intermediate territory.

What standard passenger tariffs shall specify.

(b) "western territory" means any point on a line of railway in British Columbia to which competitive transcontinental tolls apply;

(c) "intermediate territory" means any point between eastern territory and western territory on any line of railway; and 5

(d) "transcontinental freight traffic" means freight traffic  
 (i) having its origin in eastern territory and its destination in western territory, or  
 (ii) having its origin in western territory and its destination in eastern territory. 10

(2) Tariffs naming a competitive toll for any transcontinental freight traffic shall provide that

(a) the toll for freight traffic having its destination at a point in intermediate territory, and 15

(i) having its origin at the same point in eastern or western territory,

(ii) being of the same description, and

(iii) carried in the same direction and under the same conditions and arrangements as to weight and otherwise, 20

as the transcontinental freight traffic for which the competitive toll is named, shall not exceed by more than one-third the competitive toll so named to the point of destination in eastern or western territory, as the case may be, nearest to the point of destination in intermediate territory; 25

(b) the toll for freight traffic having its origin at a point in intermediate territory, and

(i) having its destination at the same point in eastern or western territory, 30

(ii) being of the same description, and

(iii) carried in the same direction and under the same conditions and arrangements as to weight and otherwise, 35

as the transcontinental freight traffic for which the competitive toll is named, shall not exceed by more than one-third the competitive toll so named between such point of destination and the point of origin in eastern or western territory, as the case may be, nearest to the point of origin in intermediate territory." 40

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

"(2) The standard passenger tariff or tariffs, where the company is allowed by the Board more than one standard passenger tariff, shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be 45

The amendments contained in proposed new sections 328 to 332 provide for the elimination of the references in the Act to standard and special freight tariffs, for a new division of freight tariffs conforming to present practices, and for revision of related sections.

Section 331(2) is new and empowers the Board to require a company issuing a competitive rate to furnish certain information.

Section 332A is new. This amendment sets out the national freight rates policy and empowers the Board to provide for equalization of freight rates in Canada subject to the exceptions contained in subsection (4).

Section 332B is new. This amendment provides that when competitive transcontinental tariffs of freight rates are published by the railways, such tariffs shall contain a provision that the rates to or from intermediate territory shall not exceed the transcontinental rates by more than one-third.

**8. Section 333 at present reads as follows:—**

"333. The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes,

- (a) the standard passenger tariff; and
- (b) special passenger tariffs.

2. *The standard passenger tariff or tariffs, where the company is allowed by the Board more than one standard passenger tariff, shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be expressed in like manner as provided herein in respect of standard freight tariffs.*

(3) Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company's standard passenger tariff."

expressed in like manner as provided in paragraph (a) of section three hundred and twenty-nine of this Act for class rate freight tariffs."

**9.** Subsection one of section three hundred and thirty-four of the said Act is repealed and the following substituted therefor: 5

Standard  
passenger  
tariff.

"**334.** (1) A standard passenger tariff shall be filed, approved and published, and amended or supplemented, in accordance with regulations, orders or directions made by the Board." 10

**10.** Section three hundred and thirty-six of the said Act is amended by adding thereto the following subsection:

Burden of  
proof of  
greater  
costs.

"(4) Where it is shown that the rates in the joint tariff exceed the rates in a single-line tariff for the same or similar distances in the same locality, the burden of proof lies upon the companies to show to the satisfaction of the Board that there are greater costs involved in the joint movement, and only in such case shall the rates in the joint tariff exceed the rates in the single-line tariff." 15

Repeal.

**11.** Subsections one, three and four of section three hundred and forty-two of the said Act are repealed. 20



**9. Section 334 at present reads as follows:—**

*"334. A standard passenger tariff shall be filed, approved and published, and amended or supplemented, in the same manner as required by this Act in the case of a standard freight tariff.*

2. Until the company files its standard passenger tariff and such tariff is so approved and published in the *Canada Gazette*, no tolls shall be charged by the company.

3. When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers."

**10. Subsection (4) of section 336 relating to interline rates is new.**

**11. This amendment is consequent on the amendment to subsection (6) of section 323 contained in Clause 2 of the Bill. Section 342 at present reads as follows:—**

*"342. The company shall deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each of its tariffs, at the following places respectively:—*

- (a) *Standard passenger and freight tariffs at every station or office of the company where passengers or freight, respectively, are received for carriage, thereunder;*
- (b) *Special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and such freight tariffs also at each of its stations or offices to which freight traffic is to be carried thereunder;*
- (c) *Competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder;*
- (d) *Joint tariffs for traffic passing over any continuous route in Canada, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend;*
- (e) *Joint tariffs for traffic passing over any continuous route operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, at each freight station or office where such traffic is to be received, and at each freight station or office in Canada to which it is to be carried as its destination;*
- (f) *Joint tariffs for traffic carried by any continuous route owned or operated by two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country, at each freight station or office in Canada to which such tariffs extend.*

2. The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours.

3. The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect.

4. Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of any tariff required by this section, by regulation or otherwise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection, and may exempt from any such publication any competitive tariffs, or any joint tariff for traffic carried by any continuous route,

- (a) *operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country; or*
- (b) *owned or operated by any two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country."*

**12.** Subsection four of section three hundred and seventy-five of the said Act is repealed and the following substituted therefor:

Provisions applying to tolls.

“(4) Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to freight tariffs, and all the provisions of this Act applicable to companies thereunder with respect to freight tariffs and tolls shall in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telephone and telegraph tariffs and tolls.” 5 10

**13.** Subsection one of section three hundred and seventy-nine of the said Act is repealed and the following substituted therefor:

Annual returns.

“**379.** (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Board, of its assets, liabilities, capitalization, revenues, working expenditures and traffic.” 15 20

**14.** Subsection one of section three hundred and eighty of the said Act is repealed and the following substituted therefor:

Traffic returns monthly.

“**380.** (1) Every railway, telegraph, telephone and express company and every carrier by water, if required by the Board so to do, shall prepare monthly returns of its revenues, working expenditure and traffic and all other information that may be required.” 25

**15.** The said Act is further amended by adding thereto, immediately after section three hundred and eighty thereof, the following sections:

Statistical procedure.

“**380A.** The Board shall institute and maintain a statistical procedure designed to provide the data necessary for the performance of its duties.

Board to prescribe uniform classification and system of accounts.

“**380B.** (1) The Board shall prescribe for the Canadian National Railway Company and the Canadian Pacific Railway Company a uniform classification and system of accounts and returns of their assets, liabilities, revenues and working expenditure that relate to railway operations. 35

Idem

(2) The Board may prescribe for any other railway company within the legislative authority of the Parliament of Canada a uniform classification and system as described in subsection one, or a condensed form thereof. 40

**12.** Subsection (4) of section 375 at present reads as follows:

"4. Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to standard freight tariffs, and all the provisions of this Act, except as to publication under section three hundred and forty-two applicable to companies thereunder with respect to *standard freight tariffs and tolls*, shall in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telegraph and telephone tariffs and tolls."

The amendment deletes the reference to standard freight tariffs.

**13.** Subsection (1) of section 379 at present reads as follows:

"379. Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Board, of its *capital, traffic and working expenditure and of all other information required.*"

This amendment and the next following amendment relate to statistics and returns.

**14.** Subsection (1) of section 380 at present reads as follows:

"380. Every railway, telegraph, telephone and express company and every carrier by water, if required by the Board so to do, shall prepare *returns of its traffic monthly, that is to say, from the first to the close of the month inclusive.*"

**15.** New. The purpose of this amendment is to direct the Board to provide for a uniform classification and system of accounts and reports for rail items for the Canadian National and Canadian Pacific Railways, and to empower the Board to prescribe a simplified classification of such accounts and reports for other railways. The amendment would also give the Board power to prescribe rates of depreciation for different classes of property for which depreciation may properly be charged for the rail accounts, and to institute and maintain a statistical procedure.

Items to be  
classified  
as railway  
accounts.

(3) The Board shall prescribe the items that shall be classified as items relating to railway operations in the accounts and returns.

Depreciation.

(4) The Board shall prescribe the classes of property for which depreciation charges may properly be included under operating expenses in the accounts, and the rate or rates of depreciation that shall be charged with respect to each of the classes of property. 5

Inspection  
of accounts.

(5) The Board or person appointed or directed by the Board under this Act to make an inquiry or report may inspect and take copies of the accounts and other documents of any railway company within the legislative authority of the Parliament of Canada. 10

Railway  
company  
to keep  
accounts as  
prescribed.

(6) Every railway company for which the uniform or condensed classification and system of accounts and returns is prescribed shall keep its accounts in accordance with the prescribed classification and system." 15

**16.** The portion of section three hundred and eighty-three of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor: 20

Returns  
privileged.

"**383.** All returns made in pursuance of any of the provisions of the six sections of this Act last preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution for"

**17.** Paragraphs (a) and (b) of subsection one of section two hundred and thirty-seven of the said Act are repealed and the following substituted therefor: 25

"(a) any return of its assets, liabilities, capitalization, revenue, working expenditure and traffic or of any other information required as indicated in the forms for the time being required by the Board; or 30  
(b) any monthly return of its revenues, working expenditure and traffic and of any other information that may be required, in accordance with the forms for the time being required by the Board; or" 35

Payments to  
railway  
companies for  
cost of  
maintenance.

**18.** (1) Subject to the provisions of this section, the Minister of Finance may, when authorized by the Governor in Council, pay out of the Consolidated Revenue Fund  
(a) to the Canadian Pacific Railway Company an amount equal to the annual cost of maintaining the trackage between Sudbury and Fort William on its transcontinental line of railway, and 40  
(b) to the Canadian National Railway Company an amount equal to the annual cost of maintaining trackage corresponding in extent to the trackage mentioned in paragraph (a) between Capreol and 45

16. The only change is to substitute the word "six" for the word "four".

17. Paragraphs (a) and (b) of section 437 read as follows:

"437. Every railway, telegraph, telephone or express company that fails or neglects to prepare and furnish to the Board within such time and in such manner and form, and in accordance with such classifications, and with such particulars and verification, as by or under this Act are required or intended,

- (a) any return of its *capital, traffic and working expenditure*, or of any other information required as indicated in the forms for the time being required by the Board; or
- (b) any monthly return of its *traffic in accordance with the forms for the time being required by the Board*, if such monthly return is required by the Minister; or"

This is a penalty section. The amendment is required in consequence of the amendments to sections 379 and 380.

18. New. The purpose of the amendment is to provide that the cost of maintaining the trackage on that part of the two transcontinental railway systems which serves as a link or bridge between east and west be paid out of the Consolidated Revenue Fund to an amount not exceeding seven million dollars.

Fort William and between Cochrane and Armstrong on the transcontinental lines of Canadian National railways.

Cost determined by Board of Transport Commissioners.

(2) The Board of Transport Commissioners for Canada shall determine the annual cost of maintaining the trackage for which payment may be made under this section and shall fix the extent of such trackage in respect of each company. 5

Maximum amount.

(3) The amounts paid under subsection one shall not in any year exceed seven million dollars in the aggregate. 10

Apportionment.

(4) When the cost of maintenance of the trackage on the lines of railway specified in subsection one exceeds in any year the sum of seven million dollars, the payments authorized by subsection one shall be apportioned between the companies according to the amounts expended by each company on the maintenance of its trackage." 15

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 13.**

An Act to provide for Old Age Security.

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First reading, October 25, 1951.

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THE MINISTER OF NATIONAL HEALTH AND WELFARE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to provide for Old Age Security.

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

Short title.	<b>1.</b> This Act may be cited as <i>The Old Age Security Act</i> .	
Definitions. "application". "cheque". "pension". "pensioner".	<b>2.</b> In this Act, (a) "application" means an application for pension; (b) "cheque" means any instrument issued in payment of a pension; (c) "pension" means the monthly pension authorized to be paid under this Act; (d) "pensioner" means a person whose application has been approved.	5 10
Payment of pension.	<b>3.</b> (1) Subject to the provisions of this Act and the regulations, from and after the first day of January, nineteen hundred and fifty-two, a monthly pension of forty dollars may be paid in respect of every person who	15
Eligibility.	(a) has attained the age of seventy years; and (b) has resided in Canada for the twenty years immediately preceding the day on which his application is approved, or, if he has not so resided, (i) has been present in Canada prior to those twenty years for an aggregate period at least equal to twice the aggregate periods of absence from Canada during those twenty years, and (ii) has resided in Canada for at least one year immediately preceding the day on which his application is approved.	20 25
Limitations.	(2) No pension may be paid to any person unless he is qualified under subsection one and an application therefor has been made by him or on his behalf and the application	30



has been approved; and except as provided in this Act no pension may be paid to any person in respect of any period prior to the day on which his application is approved.

(2) Subject to the conditions specified in the regulations, the Minister of National Health and Welfare is entitled, for the purpose of ascertaining the age of any pensioner or any applicant for a pension, to obtain from the Dominion Bureau of Statistics, upon request, any information respecting the age of a pensioner or applicant that is contained in the returns of any census taken more than thirty years before the date of the request.

Section 2

4. (1) Payment of pension to any person shall commence in the first month after the application therefor has been approved; but where an application is approved after the last day of the month in which it was received the approval may be effective as of such earlier date not prior to the day on which the application was received, as may be prescribed by regulation.

Section 4

(2) Subject to the provisions of this Act, the pensioner shall continue to be paid during the lifetime of the pensioner, and shall cease with the payment for the month in which the pensioner dies.

Section 4

5. (1) Where a pensioner absent himself from Canada, payment of his pension shall be suspended immediately following the payment for the month in which he so absents himself, and may be resumed when the pensioner returns; and where the pensioner returns to Canada within six months from the time he left Canada, the pension upon being resumed may also be paid for a period of such absence not exceeding three months in any calendar year.

Section 5

(2) Where a pensioner is convicted of an offence and sentenced to a term of imprisonment exceeding thirty days, payment of his pension shall be suspended when his term of imprisonment commences, but may be resumed upon the release of the pensioner from imprisonment.

Section 5

(3) Where a pensioner fails to comply with any of the provisions of this Act or the regulations, payment of his pension may be suspended and where a pensioner is so suspended, payment may be resumed when the pensioner has complied with such provisions.

Section 5

6. The Governor in Council may make regulations for carrying the purpose and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations

Section 6

(a) prescribing the form, manner and time of making applications and the information and evidence to

- has been approved; and, except as provided in this Act, no pension may be paid to any person in respect of any period prior to the day on which his application is approved.
- Census statistics. (3) Subject to the conditions specified in the regulations, the Minister of National Health and Welfare is entitled, for the purpose of ascertaining the age of any pensioner or any applicant for a pension, to obtain from the Dominion Bureau of Statistics, upon request, any information respecting the age of a pensioner or applicant that is contained in the returns of any census taken more than thirty years before the date of the request. 5
- Commencement of pension. 4. (1) Payment of pension to any person shall commence in the first month after the application therefor has been approved, but where an application is approved after the last day of the month in which it was received the approval may be effective as of such earlier date, not prior to the day on which the application was received, as may be prescribed by regulation. 15
- Duration. (2) Subject to the provisions of this Act the pension shall continue to be paid during the lifetime of the pensioner, and shall cease with the payment for the month in which the pensioner dies. 20
- Suspension of pension. 5. (1) Where a pensioner absents himself from Canada, payment of his pension shall be suspended immediately following the payment for the month in which he so absents himself, but may be resumed when the pensioner returns; and where the pensioner returns to Canada within six months from the time he left Canada, the pension upon being resumed may also be paid for a period of such absence not exceeding three months in any calendar year. 25
- Absences from Canada. (2) Where a pensioner is convicted of an offence and sentenced to a term of imprisonment exceeding thirty days, payment of his pension shall be suspended when his term of imprisonment commences, but may be resumed upon the release of the pensioner from imprisonment. 30
- Imprisonment. (3) Where a pensioner fails to comply with any of the provisions of this Act or the regulations, payment of his pension may be suspended, and where a pension is so suspended, payment may be resumed when the pensioner has complied with such provisions. 35
- Failure to comply with Act. 40
- Regulations. 6. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations (a) prescribing the time, manner and form of making applications, and the information and evidence to 45



be furnished in connection therewith and the procedure to be followed in dealing with and approving applications;

- (b) prescribing the circumstances that shall be deemed to constitute, or prescribing what shall be or shall be deemed to be, an application by or on behalf of persons who are qualified for a pension under this Act and who, on or before the thirty-first day of December, nineteen hundred and fifty-one, applied for or were granted a pension as defined in the *Old Age Pensions Act*, and prescribing the time at which such applications shall be deemed to have been made or approved; 5 10
- (c) prescribing the information and evidence to be furnished by pensioners and the circumstances under and the form in which such information or evidence shall be submitted; 15
- (d) defining residence in Canada and defining intervals of absence from Canada preceding an application that shall be deemed not to have interrupted residence in Canada; 20
- (e) providing for the suspension of the payment of a pension during an investigation into the eligibility of the pensioner and the reinstatement or resumption of the payment thereof; and
- (f) providing for the payment of a pension to any person or agency on behalf of a pensioner where the pensioner is by reason of infirmity, illness, insanity or other cause incapable of managing his own affairs, and prescribing the manner in which such a pension shall be administered and expended for the benefit of the pensioner and accounted for. 25 30

Pension not assignable.

7. A pension shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a pension is void. 35

Return of payment to which recipient not entitled.

8. (1) A person who has been paid or has obtained a pension payment to which he was not entitled shall forthwith return the cheque or the amount thereof.

Recovery.

(2) Where a person receives or obtains a pension payment to which he is not entitled, the amount thereof may be recovered at any time as a debt due to the Crown, and where that person is or subsequently becomes a pensioner, the amount of any such indebtedness may be deducted and retained out of any pension payable to him. 40

Offences.

9. (1) Every person who 45  
(a) knowingly makes a false or misleading statement in any application or makes an application that by



reason of any non-disclosure of facts is false or misleading or obtains any pension payment by false pretences; or

(b) being the payee thereof, negotiates or attempts to negotiate any cheque for a pension to which he is not entitled; 5

(c) fails to return a cheque or the amount thereof as required by section eight; or

(d) discloses or communicates any information or evidence obtained under this Act or the regulations unless the disclosure or communication is necessary for the administration of this Act or the regulations or is required by law,

Penalty. is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to 15 a fine not exceeding five hundred dollars or to both fine and imprisonment.

Form of information or complaint. (2) No information or complaint for an offence under this Act is open to objection on the ground that the information or complaint is for more than one matter of 20 complaint or that it relates to more than one offence.

Time-limit. (3) No prosecution for an offence against this Act shall be commenced after the expiration of five years from the time of its commission.

Old Age Security tax. **10.** (1) There shall be imposed, levied and collected an 25 Old Age Security tax of two per centum on the sale price of all goods in respect of which tax is payable under section eighty-six of *The Excise Tax Act* at the same time, by the same persons and subject to the same conditions as the tax payable under that section. 30

R.S., c. 179.

Interpretation. (2) Subsection one shall be read and construed as though the tax imposed thereby were imposed by section eighty-six of *The Excise Tax Act*; and all the provisions of *The Excise Tax Act* shall be read and construed as though the tax imposed by subsection one were an addition to the tax 35 imposed by the provisions of the said section eighty-six.

Amount of tax. 1947-48, c. 52. (3) Every individual liable to pay tax under Part I of *The Income Tax Act* for a taxation year shall pay an Old Age Security tax for the year equal to the lesser of

(a) two per centum of the taxpayer's taxable income 40 for the year; or

(b) sixty dollars.

Interpretation. (4) Subsection three shall be read and construed as though the tax imposed thereby were provided for by section thirty-one of *The Income Tax Act*; and all the 45 provisions of *The Income Tax Act*, other than section thirty-one thereof, shall be read and construed as though the tax imposed by subsection three were provided for by



a provision in the said section thirty-one as an addition to the tax computed under the actual provisions of that section.

Corporations. (5) Every corporation liable to pay tax under Part I of *The Income Tax Act*, other than a corporation liable to pay tax under section sixty-three thereof, shall pay an Old Age Security tax for the year equal to two per centum of its taxable income for the year. 5

Interpre-  
tation. (6) Subsection five shall be read and construed as though the tax imposed thereby were provided for by a provision in Part I of *The Income Tax Act*; and all the provisions of *The Income Tax Act*, other than section thirty-seven thereof, shall be read and construed as though the tax imposed by subsection five were provided for by a provision in the said Part I as an addition to the tax otherwise payable under that Part. 15

Coming  
into force. (7) Subsections one and two shall come into force on the first day of January, nineteen hundred and fifty-two, and shall apply to all goods imported or taken out of warehouse for consumption on or after that day and to goods imported before that day for which no entry for consumption was made before that day. 20

Application. (8) Subsections three to six, inclusive, are applicable to the 1952 and subsequent taxation years except that, for the 1952 taxation year, 25

(a) the rate of two per centum set out in subsection three shall be read as one per centum and the amount of sixty dollars set out in the said subsection three shall be read as thirty dollars; and

(b) the tax payable by a corporation under subsection five is that proportion of the tax for the year computed under that subsection that the number of days in the portion of the taxation year that is in the 1952 calendar year is of the number of days in the whole taxation year. 35

Old Age  
Security  
Fund.

11. (1) There shall be established an account in the Consolidated Revenue Fund to be known as the Old Age Security Fund to which shall be credited from time to time in respect of each fiscal year

(a) an amount equal, in the opinion of the Minister of National Revenue, to 40

(i) the Old Age Security tax collected, in that year before the time of crediting, by virtue of section ten,

minus 45

(ii) the aggregate of

(A) amounts previously credited in respect of that year under this paragraph, and

(B) such amount as should be allowed for refunds that have been made or will have to be made; and 50





(b) the amount of each temporary loan made pursuant to this section.

Payment of pensions out of C.R.F.

(2) All pensions payable under this Act shall be paid out of the Consolidated Revenue Fund and charged to the Old Age Security Fund. 5

Temporary loans.

(3) If the Minister of Finance is of opinion that the amount to the credit of the Old Age Security Fund is or will be less than the amount required to pay the pensions payable under this Act, he may from time to time direct that amounts be credited to the Fund by way of temporary loans and the amount of such loans shall be charged to the Fund by way of repayment at such time as the Minister of Finance may direct. 10

Report.

(4) The Minister of Finance shall annually report to Parliament the temporary loans, if any, made to the Fund pursuant to this section, and whether, in his opinion, the revenues of the Fund are or will be sufficient in the ensuing year to meet the charges on the Fund without further loans and, if it appears that the revenues will not be sufficient, he shall state what measures he recommends for the purpose of increasing the revenues of the Fund. 15 20

Administration.

**12.** This Act shall be administered by the Minister of National Health and Welfare who shall submit to Parliament annually, as soon as possible after the termination of each fiscal year, if Parliament is then in session, or, if not, as soon as possible after the commencement of the next session of Parliament, a report covering the administration of this Act and including an account of receipts and disbursements during the previous fiscal year. 25

1951, c. 38.

No further contributions under *Old Age Pensions Act*.

**13.** (1) Subject to section thirteen of *The Blind Persons Act*, no contributions shall be made by the Government of Canada under the provisions of the *Old Age Pensions Act* in respect of any pension, as defined in that Act; paid by any province in respect of any period after the thirty-first day of December, nineteen hundred and fifty-one. 30 35

Repeal.

(2) The Governor in Council may repeal the *Old Age Pensions Act* by proclamation.

(3) That portion of subsection one of section eighty-six of *The Excise Tax Act* before paragraph (a) thereof is repealed and the following substituted therefor: 40

Consumption or sales tax of eight per centum.

**“86.** (1) There shall be imposed, levied and collected a consumption or sales tax of eight per centum on the sale price of all goods.”

Coming into force.

(4) Subsection three shall come into force on the first day of January, nineteen hundred and fifty-two, and shall apply to all goods imported or taken out of warehouse for consumption on or after that day and to goods imported before that day for which no entry for consumption was made before that day. 45

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 14.**

An Act respecting the Surveys of Public Lands of Canada.

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First reading, November 8, 1951.

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THE MINISTER OF MINES AND  
TECHNICAL SURVEYS.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act respecting the Surveys of Public Lands of Canada.

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

SHORT TITLE.

Short title. **1.** This Act may be cited as *The Canada Lands Surveys Act*.

INTERPRETATION.

Definitions. "Board".	<b>2.</b> (1) In this Act	5
	(a) "Board" means the Board of Examiners appointed under this Act;	
"candidate".	(b) "candidate" includes an applicant for admission as an articulated pupil or for a commission or for a certificate;	10
"certificate".	(c) "certificate" means a valid and subsisting certificate granted under this Act designating the person to whom it is granted a Dominion Topographical Surveyor;	
"com- mission".	(d) "commission" means a valid and subsisting commission granted under this Act authorizing the person	15
"Dominion Land Surveyor".	(e) "Dominion Land Surveyor" means a person who holds a commission;	
"Dominion Topo- graphical Surveyor".	(f) "Dominion Topographical Surveyor" means a person who holds a certificate;	20
"examina- tion".	(g) "examination" means the examination of a candidate;	
"Minister".	(h) "Minister" means the Minister of Mines and Technical Surveys;	

## EXPLANATORY NOTES.

The purposes of this Bill are to amend, consolidate and clarify the *Dominion Lands Surveys Act*, R.S.C., 1927, chapter 117, in order that its application will meet present-day conditions and modern surveying practices.

The *Dominion Lands Surveys Act* is substantially the same as originally enacted in 1908 with only slight amendments passed in 1919. It was designed as complementary legislation to the *Dominion Lands Act* and applied to the lands covered by that Act, which, for the most part, were lands in the Prairie Provinces. In view of the transfer of natural resources to the Prairie Provinces, the *Dominion Lands Act* became obsolete and was repealed in 1950. It is therefore necessary to completely revise the application of the *Dominion Lands Surveys Act*.

At the same time a number of provisions with reference to surveying practices require amendment in order to adapt the Act to present-day conditions and modern surveying practices.

The Bill is divided into four parts. The first part deals with examinations, qualifications, powers and duties of Dominion Land Surveyors and Dominion Topographical Surveyors. Part II deals with the survey of public lands in the Northwest Territories, in the Yukon Territory and in National Parks, and surveys of Surrendered Lands and Reserves, as defined in the *Indian Act*. Part III deals with special surveys of lands situated in the Northwest Territories and the Yukon Territory, where re-surveys are required to correct errors or supposed errors in prior surveys. Part IV is the general part dealing with evidence and offences and penalties. It also contains provisions for the survey of public lands not referred to in the other parts.

The references to sections, subsections, paragraphs and subparagraphs indicate the corresponding provision of the present *Dominion Lands Surveys Act* to the one dealt with in the text of the Bill.

### 1. New.

- "monument". (i) "monument" means a post, stake, peg, mound, pit, trench, or any other object, thing or device used under this Act or under the *Dominion Lands Surveys Act* to mark a boundary of surveyed lands;
- R.S., c. 117. (j) "preliminary examination" means the examination 5
- "preliminary examination". (k) "prescribed" means prescribed in rules or regulations made by the Board;
- "prescribed". (l) "Secretary" means the Secretary of the Board;
- "Secretary". (m) "survey" includes a resurvey and a special survey; 10
- "survey". and
- "Surveyor General". (n) "Surveyor General" means a person who is a Dominion Land Surveyor and is appointed as Surveyor General in the manner authorized by law or a person authorized by the Minister to carry out the duties of 15 the Surveyor General in his absence.
- Validity of certificates and commissions issued under the *Dominion Lands Surveys Act*. (2) A valid and subsisting certificate as a Dominion Topographical Surveyor or a valid and subsisting commission as a Dominion Land Surveyor issued under the *Dominion Lands Surveys Act* shall have the same force and effect as 20 a certificate or commission, respectively, granted under this Act.

### ADMINISTRATION.

- Minister to have control. **3.** (1) The Minister shall have the administration, direction and control of surveys under this Act.
- Duties of Surveyor General. (2) The Surveyor General shall, subject to the direction 25 of the Minister, have the management of surveys under this Act and shall have the custody of all the original plans, journals, field notes and other papers connected with such surveys.
- Substitute for Surveyor General. (3) The Minister may authorize an officer of the Depart- 30 ment of Mines and Technical Surveys who is a Dominion Land Surveyor to carry out the duties of the Surveyor General during his absence.

**2.** (1) (a) See section 2 (a).

(b) New.

(c) New.

(d) New.

(e) See section 2 (b).

(f) New.

(g) New.

(h) See section 2 (d).

(i) See section 2 (e).

(j) New.

(k) New.

(l) New.

(m) New.

(n) New.

(2) New.

#### ADMINISTRATION.

**3.** (1) See Section 7.

(2) New.

(3) New.

Governor in  
Council may  
make regula-  
tions.

4. (1) The Governor in Council may make such orders and regulations as he deems necessary to carry out this Act or to meet any cases with reference to surveys under the management of the Surveyor General for which no provision is made in this Act.

5

Tariff of  
fees.

(2) The Minister may establish a tariff of fees to be charged by the Department of Mines and Technical Surveys for copies of maps, plans, field notes, or any other type of record or document arising from or respecting surveys under this Act and such fees shall form part of the Consolidated Revenue Fund of Canada. 10



4. (1) See section 4.

(2) See section 6.

## PART I.

EXAMINATIONS, POWERS AND DUTIES  
OF DOMINION LAND SURVEYORS.

## BOARD OF EXAMINERS.

Constitution  
of Board of  
Examiners.

**5.** (1) The Governor in Council shall appoint a Board of Examiners consisting of the Surveyor General who shall be Chairman and two other members.

Vacancies.

(2) Where a member of the Board, other than the Chairman, is, in the opinion of the Governor in Council, unable permanently or temporarily to perform the duties of his office, the Governor in Council may appoint a new member or a temporary member to replace such member as he deems expedient. 5

Qualifica-  
tions.

(3) Suitable Dominion Topographical Surveyors who are also Dominion Land Surveyors shall be appointed as members or temporary members of the Board but Dominion Land Surveyors may be appointed as such members where no suitable Dominion Topographical Surveyors are available. 10 15

Tenure of  
office.

(4) Members of the Board, other than the Chairman, shall hold office during pleasure.

Quorum.

(5) Two members of the Board constitute a quorum.

Secretary.

(6) The Minister shall appoint a person to be Secretary of the Board whose duties shall include the keeping of 20 records of all proceedings of the Board.

Oath.

(7) Every member or temporary member of the Board shall, before entering office, take the following oath:

"I, \_\_\_\_\_, do solemnly swear that I will faithfully discharge the duty of an examiner of candidates for admission as articulated pupils, for commissions as Dominion Land Surveyors or for certificates as Dominion Topographical Surveyors, according to law, and without favour, affection or partiality. So help me God." 25

Compliance  
with  
directions.

**6.** (1) The Board shall comply with any directions given to it by the Governor in Council or by the Minister with respect to the exercise of its powers. 30

Duty to  
examine  
candidates.

(2) Subject to section eight, the Board shall examine candidates.

Regulations  
by Board re  
examinations.

(3) The Board shall have control over all matters relating to the examination, admission and qualifications of candidates and may, for such purposes, with the approval of the Governor in Council, make rules or regulations prescribing 35

(a) the subjects in which candidates for admission as articulated pupils, for commissions or for certificates shall be examined; 40

(b) rules respecting the conduct of examinations including notice to be given respecting examinations;

PART I.

5. (1) See section 9.

(2) New.

(3) See section 13.

(4) New.

(5) New.

(6) See section 11.

(7) See section 10.

6. (1) New.

(2) See section 12.

(3) See sections 12, 14 and 15.

- (c) the training and standards required by any provincial land surveyor or other person who applies for a commission or certificate under this Act;
- (d) the forms of articles, transfer of articles and proof of service under articles with respect to articulated pupils; 5
- (e) such other forms, rules or regulations that the Board may deem requisite in any matter respecting the examinations, admission and qualifications of candidates; and
- (f) the form of certificates and commissions. 10

Fees payable to members of the Board for a meeting.

7. (1) Every member or temporary member of the Board who attends a meeting thereof called for the purpose of examining candidates or for any other purpose or who attends as a special examiner at an examination shall receive the sum of fifteen dollars for each day's sitting together with his actual living and travelling expenses incurred through his attendance at such meeting or examination. 15

Fees payable to Secretary.

(2) The Secretary shall receive the sum of ten dollars for each day's sitting of meetings of the Board at which he attends together with his actual living and travelling expenses incurred through such attendance and shall, in addition, be paid an annual remuneration of two hundred and fifty dollars. 20

#### SPECIAL EXAMINERS.

Appointment.

8. (1) The Minister may, upon the recommendation of the Board, appoint qualified persons as special examiners to examine candidates. 25

*Ex officio* special examiners.

(2) A member of the Board is, *ex officio*, a special examiner.

Qualifications.

(3) Persons qualified for appointment as special examiners are 30

(a) Dominion Land Surveyors; or

(b) provincial land surveyors duly qualified under the laws of the province in which they will preside at examinations to be held therein. 35

Oath.

(4) Every special examiner, other than a member of the Board, shall before entering office take the oath described in subsection seven of section five.

Fees to special examiners.

9. Every special examiner, other than a member of the Board, shall receive the sum of twenty-five dollars for each day's sitting of examinations at which he presides together with his actual living and travelling expenses incurred through his attendance at such examinations. 40

7. (1) See section 29.

(2) See section 28 (2). The fees payable under section 28 of the *Dominion Lands Surveys Act*, with the exception of (d), (f), (h) and (i) of the said section belonged to the Secretary. This procedure proved most unsatisfactory from an accounting point of view. This Bill provides for an annual remuneration based on an average over the last twenty years.

8. (1) See section 12 (1).

(2) See section 12 (1).

(3) See section 12 (1).

(4) See section 10

9. See section 29. The fees to special examiners have been increased to meet present-day conditions.

## EXAMINATIONS.

Examina-  
tions by  
Board.

**10.** (1) The Board shall, in order to hold examinations, meet at Ottawa on the second Monday in the month of February in each year and at such other times and places as the Minister may direct.

Examina-  
tions by  
special  
examiners.

(2) The Minister may direct that examinations be held by special examiners at such times and places as he thinks fit. 5

Notice of  
examina-  
tions.

(3) Subject to subsection four, notice of examinations to be held under this section shall be published in the *Canada Gazette* as prescribed. 10

Notice in  
special cases.

(4) The Minister may, in special cases where he deems it expedient, dispense with publication of notice of an examination or may direct that notice may be given in a manner other than as prescribed.

Subject to  
Board's  
regulations.

**11.** Unless otherwise provided for in this Act, all examinations are subject to the rules and regulations made by the Board. 15

Candidates  
to send  
notice, etc.

**12.** No candidate shall be examined unless he has, in accordance with the provisions of this Act and the rules and regulations made by the Board, 20

- (a) submitted notice of his intention to be examined;
- (b) paid all fees required in respect of an examination; and
- (c) complied with all requirements relating to an examination. 25

Examination  
under oath.

**13.** The Board or a special examiner, as the case may be, may examine a candidate under oath, to be administered by a member of the Board or the special examiner, respecting any qualification or other matter relating to his examination.

## FEES.

Fees.

**14.** (1) Candidates and pupils shall pay the following fees to the Secretary: 30

- (a) at the time of making application for a preliminary examination, one dollar;
- (b) at the time of making application for examination for a certificate or for a commission, two dollars; 35
- (c) by each successful candidate at a preliminary examination for a certificate thereof, twelve dollars;
- (d) by each candidate who passes the examination required for a commission, twenty-two dollars;

## EXAMINATIONS.

**10.** (1) See section 9 (2).

(2) See section 12 (1).

(3) See section 12 (2).

(4) New. This subsection provides for dispensing with publication of notice in cases where it is more expedient to do so.

**11.** See section 12 (3).

**12.** See section 14.

**13.** See section 24.

## FEEES.

**14.** (1) See section 28.

(e) by each candidate who passes the examination required for a certificate, two dollars; and

(f) by each pupil at the time of filing articles or a transfer of articles, two dollars.

Fees to be  
part of  
C.R.F.

(2) Fees payable under this section shall be transmitted 5  
by the Secretary to the Receiver General of Canada and  
shall form part of the Consolidated Revenue Fund of  
Canada.

#### ARTICLED PUPILS.

Examina-  
tions for  
admission as  
articled  
pupils.

**15.** (1) Subject to subsection two, no person shall be admitted as an articled pupil with a Dominion Land Sur- 10  
veyor until he has passed a preliminary examination in the  
prescribed subjects, has been granted a certificate to that  
effect and has paid the fee required under paragraph (c)  
of subsection one of section fourteen.

Admissions  
under  
*Dominion  
Lands Surveys  
Act.*

(2) Admission as an articled pupil, including the passing 15  
of a preliminary examination under the *Dominion Lands  
Surveys Act*, shall have the same effect as if the articled  
pupil had been admitted under this Act.

Articles.

**16.** (1) Every articled pupil shall, in writing, enter into articles in a prescribed form with a Dominion Land 20  
Surveyor.

Term of  
articles.

(2) Each instrument of articles shall be for a term of service of three years.

Transfer.

(3) A Dominion Land Surveyor may by an instrument in writing, in a prescribed form, transfer a pupil, with the 25  
consent of the pupil, to serve the remainder of his term  
under articles with another Dominion Land Surveyor.

Where person  
to whom  
articled  
unable to  
complete  
term.

(4) Where a Dominion Land Surveyor, to whom a pupil is articled, dies, leaves Canada, has his commission suspended or cancelled or is, in the opinion of the Board, for any 30  
reason unable to fulfill his duties towards the pupil under  
such articles, the pupil may complete with another Dominion  
Land Surveyor his term of service under articles.

Consent of  
father of pupil  
required in  
certain cases.

(5) Where a person entering articles or whose articles are transferred is at the time of entering or transferring 35  
under the age of twenty-one years, the prescribed form of  
articles or transfer of articles shall require the written  
consent of the father, guardian or other person standing  
in the place of the father of the pupil.

Duplicates to  
be sent to  
Secretary of  
Board.

**17.** (1) Where articles are entered into or transferred, 40  
the articled pupil shall send, by registered letter, a duplicate  
of the articles or a duplicate of the transfer of articles,  
as the case may be, together with the required fee to the  
Secretary within three months after the date on which the  
articles are entered into or transferred.



ARTICLED PUPILS.

**15.** (1) See section 15.

(2) New.

**16.** (1) See section 16.

(2) See section 16.

(3) See section 17.

(4) See section 19.

(5) See section 18.

**17.** (1) See section 20 (1).

Secretary to  
file articles.

(2) The Secretary shall file and keep with the Board's records all instruments referred to in this section.

Where late  
filing.

(3) Where duplicates of articles or transfer of articles are not sent to the Secretary within three months after they are entered into or transferred, as the case may be, the time of service of the articted pupil under them shall count from the date on which they are mailed by registered letter to the Secretary unless otherwise authorized by the Board. 5

Articles under  
*Dominion  
Lands  
Surveys Act.*

**18.** Duplicates of articles or of transfers of articles filed under the *Dominion Lands Surveys Act* shall have the same effect as if filed under this Act and service under such articles or transfer of articles may be continued and completed under this Act. 10

Length and  
proof of  
service before  
eligible for  
examination  
for  
commission.

**19.** (1) Subject to subsection two, no articted pupil shall be examined for a commission unless he 15

(a) has served under articles for a period of three years including at least one year's actual practice in the field; and

(b) furnishes to the Board in prescribed forms, 20

(i) his affidavit that he has completed the required period of service under articles; and

(ii) the affidavit of the Dominion Land Surveyor or, in the case of a transfer of articles, of each Dominion Land Surveyor with whom he has served under articles or, in any case where an affidavit cannot be obtained, such other evidence of service as is satisfactory to the Board. 25

Lesser period  
may be  
allowed at  
Board's  
discretion.

(2) The Board may, in its discretion, permit an articted pupil to be examined for a commission where he has served less than three years but not less than two years and eight months under articles and may accept the affidavits or other evidence required under subsection one in proof of the lesser period so served. 30

Proof of  
completion  
of service.

(3) Where, under subsection two, an articted pupil is permitted by the Board to be examined for a commission before his full three-year period of service is completed, a commission shall not be granted to him until he has furnished to the Board affidavits or other evidence acceptable to the Board showing that he has completed the balance of his three-year period of service under articles. 40

(2) See section 20 (2).

(3) See section 20 (4).

**18.** New.

**19.** (1) See generally sections 16 to 20.

(2) and (3) New. These two subsections provide for the examination of an articulated pupil who has not completed his full three years under articles. However, such candidate, even if successful in his examination, is not granted his Commission until he has completed his three years under articles.

Examinations are held in the month of February, and, in some cases, candidates would have completed their three years under articles in March, April, May or June, and would have to wait until the next year before trying the examination, thus being deprived of their right to a Commission for nearly a full year. By these sections the Board may authorize an articulated pupil to try the examination before the full three years are completed under articles.

## COMMISSIONS.

- Grant of commissions. 20. (1) The Board may, in its discretion, grant a commission as a Dominion Land Surveyor to
- To articulated pupils. (a) an articulated pupil who has complied with the requirements of this Act respecting eligibility for an examination for a commission, has reached the age of twenty-one years and has passed the examination for a commission; 5
- To provincial land surveyors, etc. (b) a person who
- (i) holds a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in a province of Canada under the laws of such province or to survey lands in a country of the British Commonwealth, as defined in *The Canadian Citizenship Act*, or in a province, state or other territorial division of such country under the laws of such country, or of the province, state or other territorial division thereof; and 15
- 1946, c. 15. (ii) has served under articles or other similar agreement with a surveyor and has passed examinations of a nature and type satisfactory to the Board and, where the Board so directs, completes a term of service under articles to a Dominion Land Surveyor, or passes such further examination or examinations, or both, as may be prescribed by the Board; or 20
- To university graduates. (c) subject to subsection two, a person who
- (i) has received a degree from a college, university or other educational institution upon completion of a course of theoretical and practical instruction satisfactory to the Board; 30
- (ii) has passed the preliminary examination and the examination for a commission; and
- (iii) has served one year under articles with a Dominion Land Surveyor including at least six months actual practice in the field and has furnished to the Board proof of service under articles similar to that required in respect of articulated pupils under this Act. 35
- University graduates to serve under articles before eligible for examination for commission. (2) No person referred to in paragraph (c) of subsection one shall be examined for a commission unless he has complied with the requirements of subparagraph (iii) thereof or unless the Board, in its discretion, permits him to be so examined upon proof of service of not less than nine months under articles including at least six months actual practice in the field and, where such permission has been given, a commission shall not be granted to him until he has furnished to the Board proof that he has completed the balance of his one year period of service under articles. 40 45

**20. (1)**

(a) See section 23.

(b) Section 21 expanded. Consequent to the Conference of British Commonwealth and United States Survey Authorities held in New Zealand in 1951, this subsection gives authority to the Board to grant a Commission as a Dominion Land Surveyor under certain conditions to a person holding a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in a country of the British Commonwealth as defined in *The Canadian Citizenship Act*, or any province, state or other territorial division of that country, under the laws of such country or the province, state or other territorial division thereof.

(c) See section 22.

(2) New. See explanatory notes under 19. (2).

Holder of  
commission  
to take oath,  
post bond,  
etc.

**21.** (1) Every person who is granted a commission shall, before commencing practice as a Dominion Land Surveyor,  
(a) take, before any person duly authorized to take oaths or affidavits, the following oaths:

- (i) "I, \_\_\_\_\_, do solemnly swear that I will faithfully discharge the duties of a Dominion Land Surveyor according to law and without favour, affection or partiality. So help me God.", 5  
(ii) "I, \_\_\_\_\_, do solemnly swear that I will be faithful and bear true allegiance to His Majesty, His Heirs and Successors, according to law. So help me God."; 10

(b) pay the fee required under paragraph (d) of section fourteen; and

(c) send to the Secretary a bond, entered into by him with two sureties and in a form satisfactory to the Board, in favour of His Majesty in right of Canada in the sum of one thousand dollars conditioned upon the due and faithful performance of his duties as a Dominion Land Surveyor. 15 20

Registration  
of  
commissions.  
Filing of  
oaths.

(2) Every commission shall be registered in the office of the Registrar General of Canada.

(3) The oaths referred to in subsection one shall be filed and kept in the office of the Surveyor General.

Deposit of  
bonds.

(4) The bonds referred to in subsection one shall be deposited and kept in the manner prescribed in the *Public Officers Act* and shall be subject to the provisions of that Act respecting public officers and shall enure to the benefit of any person, including His Majesty in right of Canada, who sustains damage by breach of any condition thereof. 25 30

R.S., c. 164.

#### CERTIFICATES.

Grant of  
certificate.

**22.** The Board may grant a certificate as a Dominion Topographical Surveyor to a person who is

(a) a Dominion Land Surveyor; or

(b) a graduate of a university or other educational institution approved by the Board who has passed the preliminary examination; 35

and who passes an examination in the higher branches of surveying in prescribed subjects and has paid the fee required under paragraph (e) of section fourteen.

**21. (1)**

(a) See section 25. (2).

(b) See section 28.

(c) See section 25. (1).

(2) See section 25. (2).

(3) See section 25. (2).

(4) See section 25. (2).

**CERTIFICATES.**

**22.** See section 26 and section 27.

CANCELLATIONS AND SUSPENSION OF  
COMMISSIONS AND CERTIFICATES.

Grounds for  
suspension or  
cancellation.

**23.** (1) The Board may suspend for such period as it thinks advisable or may cancel a commission or certificate where it finds that the holder thereof is guilty of

- (a) gross negligence or corrupt practice in carrying out his duties as a surveyor; 5
- (b) certifying to false returns of a survey;
- (c) certifying as his survey a survey made by another surveyor; or
- (d) making a survey in which he has used a measure that is not regulated and verified in accordance with this Act. 10

To hear  
evidence  
before making  
finding.

(2) The Board shall not make a finding under subsection one unless and until

- (a) the Secretary has, at least thirty days before the day on which a finding is to be made, sent to the surveyor a registered letter containing a notice of the grounds for cancellation or suspension to be considered by the Board and notifying him to appear before the Board at the day set for the hearing; 15
- (b) the Board has heard such evidence as may be adduced in support of the charges against the surveyor; and 20
- (c) the Board has heard such evidence in rebuttal of the charges as may be adduced by the surveyor, by witnesses called by him or, in the event that he fails to appear, by a person appointed by the Board to act on his behalf. 25

DUTIES AND POWERS OF SURVEYORS.

Verification  
of surveys.

**24.** (1) The Surveyor General shall require every Dominion Land Surveyor, in addition to the oaths taken by him after the grant of his commission, to verify and affirm by oath or otherwise to the satisfaction of the Surveyor General, on each return of his surveys under this Act that he has faithfully and correctly executed such surveys in accordance with this Act and with any instructions issued to him by the Surveyor General. 30

Proceedings  
on false  
surveys.

(2) Where a court of competent jurisdiction finds that a survey or any part thereof has not been executed as verified under subsection one, the Attorney General of Canada may, upon application of the Surveyor General, institute proceedings to recover upon the bond given, under this Act, by the surveyor who verified the returns. 35

To keep  
journals and  
field notes.

**25.** Every Dominion Land Surveyor shall keep exact and regular journals and field notes of all his surveys under this Act and shall file them with the Surveyor General in the order of time in which the surveys have been performed. 40



CANCELLATIONS AND SUSPENSION  
OF COMMISSIONS AND CERTIFICATES.

**23.** (1) See section 30.

(2) See section 30.

DUTIES AND POWERS OF SURVEYORS.

**24.** (1) See section 31.

2) See section 31.

**25.** See section 32.

## CHAIN BEARERS.

Chain bearers  
to take oath.

**29.** Every person employed by a Dominion Land Surveyor to act as a chain bearer in a survey under this Act shall, before he commences his duties, take before the Dominion Land Surveyor an oath or affirmation, administered by the Dominion Land Surveyor, that he will perform his duties as a chain bearer to the best of his ability and will render a true account of his chaining and measuring to the Dominion Land Surveyor. 5

## STANDARD OF MEASURE.

Canadian  
measure of  
length.  
1951, c. 36.

Only  
properly  
checked  
tapes may  
be used.

**30.** (1) The measure of length for surveys under this Act is the Canadian measure of length defined by *The 10 Weights and Measures Act*.

(2) In any survey under this Act, a Dominion Land Surveyor shall use

(a) a measuring tape that has had its true length in terms of the Canadian measure of length determined 15 by National Research Council, or

(b) a measuring tape that is of a type approved by the Surveyor General and that the Dominion Land Surveyor checks and verifies from time to time with a certified subsidiary measure purchased by him from 20 the Secretary.

Inspection  
and testing.

(3) Each measuring tape referred to in paragraph (a) of subsection two and each subsidiary measure referred to in paragraph (b) of subsection two shall, at the expense of the owner thereof, be verified, at least once in every four consecutive years, as to its true length by National Research Council and a certificate of such verification or duplicate certificate shall be sent to the Surveyor General. 25

No other test  
required.  
1951, c. 36.

(4) Notwithstanding *The Weights and Measures Act*, measuring tapes and subsidiary measures used by a 30 Dominion Land Surveyor do not require any test, inspection or verification other than that required under this section.

Not to use  
damaged  
tapes, etc.

(5) Broken, kinked or otherwise damaged measuring tapes and subsidiary measures shall not be used.

## CHAIN BEARERS.

**29.** See section 34.

## STANDARD OF MEASURE.

**30.** See section 35. This whole section has been revised in order to adapt it to present-day conditions and modern surveying practices.

## PART II.

SURVEYS OF PUBLIC LANDS IN THE  
NORTHWEST TERRITORIES, YUKON TERRITORY  
AND NATIONAL PARKS AND OF SURRENDERED  
LANDS AND RESERVES.

## GENERAL.

Meaning of  
"public  
lands".

1951, c. 29.

**31.** In this Part, "public lands" means any lands, belonging to His Majesty in right of Canada or of which the Government of Canada has power to dispose, that are situated in the Yukon Territory, the Northwest Territories or in any National Park of Canada and any lands that are surrendered lands or reserves as defined in *The Indian Act*. 5

When surveys  
undertaken.

**32.** The Minister shall cause surveys to be made of public lands upon the request of a Minister of any department of the Government of Canada administering such lands and may do so in any other case in which he deems it to be expedient. 10

Who may  
survey public  
lands in  
Territories.

Who may  
survey Park  
lands and  
Indian  
reserves.

1951, c. 29.

**33.** (1) No person, other than a Dominion Land Surveyor, shall survey public lands that are situated in the Northwest Territories or in the Yukon Territory.

(2) A Dominion Land Surveyor or any other surveyor authorized by the Surveyor General may survey public lands that are situated in a National Park of Canada or lands that are surrendered lands or reserves as defined in *The Indian Act*, but, where surveys of such public lands affect or are likely to affect the rights of landowners of adjoining lands that are not public lands, the surveys shall be made by a surveyor who holds a valid and subsisting certificate, diploma, commission or other document entitling him to survey lands in the province in which such surveys are made. 20 25

## SURVEYS.

To be laid out  
in townships.

Township  
boundaries.

**34.** (1) Except where otherwise directed by the Minister, public lands shall be laid out in quadrilateral townships.

(2) The lines bounding townships on the east and west sides shall be meridians and those on the north and south sides shall be chords to parallels of latitude. 30

## PART II.

This Part applies specifically to public lands that are situated in the Northwest Territories, the Yukon Territory, National Parks and all Surrendered Lands and Reserves. The *Dominion Lands Surveys Act* applied to lands to which the *Dominion Lands Act* (now repealed) applied. The *Dominion Lands Act* applied to the lands of the Dominion of Canada in the Provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories of Canada and to the three and one-half million acres of land in that portion of the Peace River District of British Columbia lying east of the Rocky Mountains and adjoining the Province of Alberta, granted to the Crown as represented by the Government of Canada by section 7, Chapter 14 of the British Columbia statutes of 1884, 1908 Chapter 20, section 3; and, under certain conditions to the Yukon Territory.

### **31.** New.

**32.** New. The administration of the Northwest Territories, the Yukon Territory and National Parks is now vested in the Minister of Resources and Development, whereas the administration of Surrendered Lands and Reserves is vested in the Minister of Citizenship and Immigration. It is intended by this Bill to have surveys made of these lands at the request of the Minister responsible for the administration of the lands under his control.

**33.** (1) New. Provides for the survey of public lands by Dominion Land Surveyors only, in order that the system of surveying established may be maintained.

(2) New. Where the surveys of public lands in National Parks of Canada or lands that are surrendered lands or reserves are likely to affect the rights of owners of lands adjoining public lands of Canada, such surveys are to be made by a surveyor holding a valid and subsisting certificate, etc., entitling him to survey lands in the province in which the surveys are being made.

**34.** (1) See section 41 (1).

(2) See section 42.

Numbering  
and ranging  
of townships.

(3) Townships shall be numbered in regular order northerly from the forty-ninth parallel of latitude and shall lie in ranges numbered east and west from the principal meridian, that is the meridian drawn northerly from the forty-ninth parallel of latitude in about west longitude ninety-seven degrees, twenty-seven minutes and twenty-eight point four seconds, and in ranges numbered from such other initial meridians as the Minister orders to be established and styled the second, third, fourth meridian and so on according to their order in number westward from the principal meridian and in similar fashion easterly from the principal meridian or from the second meridian east as the Minister may order.

Width set by  
base line.

**35.** (1) Townships shall be given their prescribed width on the base lines referred to in subsection two and the meridian between townships shall be drawn across such base lines northward and southward to the depth of two townships therefrom to the correction lines referred to in subsection three.

Base lines.

(2) The forty-ninth parallel of latitude shall be the first base line used for townships numbered one; the second base line shall be between townships four and five; the third between townships eight and nine; the fourth between townships twelve and thirteen and so on northerly in regular succession.

Correction  
lines.

(3) Correction lines are those lines upon which allowance is made for the jog resulting from the convergence of meridians and shall run east and west between townships and midway between the base lines, that is to say correction lines shall lie between townships two and three, six and seven, ten and eleven and so on.

Townships to  
contain  
thirty-six  
sections.

**36.** (1) Each township shall contain thirty-six sections, each section being as nearly one square mile as the convergence of meridians permits, together with such road allowances of number and widths as the Minister may prescribe.

(3) See section 43.

**35.** (1) See section 44.

(2) See section 45.

(3) See section 46.

**36.** See section 41.





43. The party and each party shall be allowed to file their own plan and shall be allowed to file a range of observations relative to the proposed plan and shall be allowed to file a copy of the plan and shall be allowed to file a copy of the first and second plan which shall be left in the last quarter section adjoining the first line line.

44. In the survey of a township, the east and west boundary or survey shall be equally distributed among all the quarter sections involved; but the Minister may in order to a north boundary or survey be allowed in the range of quarter-sections adjoining the west boundary of the township.

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44. In the survey of a township, the east and west boundary or survey shall be equally distributed among all the quarter sections involved; but the Minister may in order to a north boundary or survey be allowed in the range of quarter-sections adjoining the west boundary of the township.

45. Where it is necessary to establish a division line between two sections, the location shall be established on the opposite line section corner.

45. Where it is necessary to establish a division line between two sections, the location shall be established on the opposite line section corner.

46. The dimensions and area of quarter sections shall, in all cases, be returned by the surveyor in their annual statements and returns, but where the surveyor has not returned the same, the same shall be returned for each year whenever they are included in the area returned for a quarter-section in other parts of the plan.

46. The dimensions and area of quarter sections shall, in all cases, be returned by the surveyor in their annual statements and returns, but where the surveyor has not returned the same, the same shall be returned for each year whenever they are included in the area returned for a quarter-section in other parts of the plan.

(3) See section 47.

(4) See section 54.

47. The dimensions of each section shall be returned by the surveyor in their annual statements and returns, but where the surveyor has not returned the same, the same shall be returned for each year whenever they are included in the area returned for a quarter-section in other parts of the plan.

48. The dimensions of each section shall be returned by the surveyor in their annual statements and returns, but where the surveyor has not returned the same, the same shall be returned for each year whenever they are included in the area returned for a quarter-section in other parts of the plan.

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49. The dimensions of each section shall be returned by the surveyor in their annual statements and returns, but where the surveyor has not returned the same, the same shall be returned for each year whenever they are included in the area returned for a quarter-section in other parts of the plan.

Allowance  
north and  
south erro'

**37.** The north and south error in closing on the correction lines from the north and south shall be allowed in the ranges of quarter-sections adjoining the correction lines and north or south respectively of them, except in the case of the north and south error in townships between the first and second base lines which error shall be left in the last quarter-section adjoining the first base line. 5

Distribution  
of deficiency  
or surplus.

**38.** In the survey of a township, the east and west deficiency or surplus shall be equally distributed among all the quarter-sections involved; but the Minister may order that such deficiency or surplus be allowed in the range of quarter-sections adjoining the west boundary of the township. 10

Division line  
between two  
sections.

**39.** Where it is necessary to establish a division line between two sections, the Dominion Land Surveyor shall connect the opposite true section corners. 15

Irregular  
quarter-  
sections.

**40.** The dimensions and areas of irregular quarter-sections shall, in all cases, be returned by the surveyor at their actual measurements and contents, but, where road allowances are not between but through sections, the area reserved for such road allowances shall not be included in the area returned for a quarter-section or other parcel of land. 20

Monuments to  
indicate  
corners.

**41.** (1) Unless otherwise provided in this section, a single row of monuments to indicate the corners of townships, sections and quarter-sections shall be placed on the survey lines thereof. 25

Monuments  
where road  
allowances.

(2) Monuments on north and south lines shall be placed on the west limits of road allowances, if any, and monuments on the east and west lines shall be placed on the south limits of road allowances, if any, and in all cases shall fix and govern the position of the boundary corners of the adjoining townships, sections or quarter-sections on the opposite side of the road allowances if any. 30

Monuments  
where  
correction  
lines.

(3) Monuments in respect of the corners of townships, sections and quarter-sections that are placed on correction lines shall be placed and marked independently for the townships, sections and quarter-sections on each side of the correction line and, where a road allowance is laid out along a correction line, the monuments shall be placed in the limit of the road lying alongside the lands that such monuments define. 35 40

Power of  
Minister to  
order special  
surveys in  
certain cases.

**42.** Notwithstanding the foregoing sections, the Minister may, in any case where the ordinary mode of survey is impracticable, difficult or undesirable, by reason of the existence of water courses, mountains or for any other reason that 45

**37.** See section 48.

**38.** See section 49.

**39.** See section 61.

**40.** See section 50.

**41.** (1) See section 51.

(2) See section 51.

(3) See section 51.

**42.** See section 55.

he deems sufficient, direct that public lands be surveyed, laid out and defined in any manner, by any method of surveying and with any description that he considers desirable in the circumstances affecting such lands.

#### PLANS.

Plotting of plans.

**43.** (1) Plans of public lands that are surveyed under this Part shall be plotted, under the direction of the Surveyor General, from the surveyor's field notes and other documents relating to the survey. 5

Contents of plans.

(2) The plans shall show the direction and length of boundaries, the nature and position of boundary monuments and the areas of the quarter-sections or other parcels of land laid out. 10

Confirmation.

(3) The Surveyor General shall indicate his confirmation on such plans, if he is satisfied that the survey has been carried out in conformity with this Act and that the survey and plans are satisfactory to the Minister of the Department of the Government of Canada administering the public lands in respect of which the survey was made. 15

Effect of confirmation.

(4) Upon confirmation by the Surveyor General the plans shall be deemed to be official plans under this Act. 20

Survey not completed until plan confirmed.

(5) No survey of public lands under this Part shall be deemed to be completed until the plans thereof have been confirmed under this section.

New plans to correct clerical errors, etc.

(6) Where the Surveyor General finds that a plan that has been confirmed under this section has been improperly or incorrectly plotted from the surveyor's field notes and other documents relating to the survey or that there is an omission, clerical error or other defect in such plan, he may cause a new plan to be plotted from the surveyor's field notes and other documents relating to the survey or a new plan to be made correcting the omission, clerical error or other defect. 25 30

Effect of new plan.

(7) The new plan referred to in subsection six shall, after confirmation thereof by the Surveyor General, be deemed to be the official plan under this Act of the lands thereby affected and shall be substituted for all, or corresponding portions of all, former official plans of the lands thereby affected. 35

Plans to be sent for filing.

**44.** The Minister shall cause a copy of an official plan under this Act to be sent to the registrar of deeds or of land titles of the county, district or other registration division in which such lands are situate for filing in the registry or land titles office of that county, district or other registration division. 40

Administrative plans.

**45.** The Surveyor General may, for administrative purposes, make such plans of public lands as he deems expedient 45

## PLANS.

**43.** (1) See section 56 (1).

(2) See section 56 (1).

(3) New. Surveys of public lands being made at the request of the Minister of the Department administering such lands. Plans made thereof shall not be confirmed by the Surveyor General unless found satisfactory by the Minister requesting the survey.

(4) See section 56 (4).

**44.** See section 67.

**45.** New. This section provides for authority to make surveys for administration purposes only. Plans for such surveys need not be confirmed or registered.

but plans made under this section need not be confirmed under section forty-three or sent to a registrar under section forty-four.

### BOUNDARIES.

Public lands  
in the Ter-  
ritories.

**46.** (1) In this section, "public lands" means public lands situated in the Northwest Territories or in the Yukon Territory. 5

Boundaries  
marked by  
monuments  
are true  
boundaries.

(2) All boundary lines of townships, sections, legal subdivisions or other authorized subdivisions of public lands that are defined by monuments in surveys made under this Part shall, after confirmation of the plans by the Surveyor General, be the true boundary lines of such townships, sections, legal subdivisions or other authorized subdivisions, whether or not they are or are not found to contain, upon admeasurement, the exact area or dimensions described or expressed in a plan, letters patent, grant or other instrument affecting such public lands. 10 15

Area set by  
true boundary  
lines.

(3) Each township, section, legal subdivision, other authorized subdivision, or any aliquot part of any of them, of public lands shall consist of the width as marked by the true boundary lines whether or not a quantity or measure expressed in a plan, letters patent, grant or other instrument affecting such public lands is greater or lesser than such width. 20

True  
boundary  
lines of  
roads, etc.

(4) The true boundary lines of roads, streets, lanes or commons in public lands shall be the boundary lines defined by monuments placed in the survey of such public lands. 25

Roads, etc.,  
to be  
surveyed in  
the same  
manner as  
township  
surveys.

(5) Every Dominion Land Surveyor employed to make surveys of roads, streets, lanes or commons in public lands in any town, village or settlement shall, in so far as they are applicable, follow the provisions of this Part governing the making of township surveys. 30

Roads, etc.,  
to be public  
highways.

(6) All allowances laid out in surveys of roads, streets, lanes or commons in public lands in any town, village or settlement shall be public highways or commons. 35

### RESURVEYS.

Resurveys.

**47.** (1) Public lands may be resurveyed under this Part for the purposes of correcting errors or supposed errors or the re-establishing of lost monuments.

Plans of  
resurveyed  
lands.

(2) Plans of public lands that are resurveyed shall be dealt with in accordance with the provisions of this Part and shall, after confirmation thereof by the Surveyor General, be deemed to be the official plans under this Act of the lands thereby affected and shall be substituted for all, or corresponding portions of all, former official plans of the lands thereby affected. 40

BOUNDARIES.

**46.** (1) See section 62.

(2) See section 65.

**47.** See section 57.

## PART III.

## SPECIAL SURVEYS OF TERRITORIAL LANDS.

## SCOPE AND ADMINISTRATION.

- Definitions.  
"Minister".  
"territorial lands".
- 48.** In this Part  
(a) "Minister" means the Minister of Resources and Development; and  
(b) "territorial lands" means any lands situated in the Northwest Territories or in the Yukon Territory. 5

## SPECIAL SURVEYS.

- Scope and purposes.
- 49.** Special surveys of territorial lands may be made for any or all of the following purposes:  
(a) the correction of errors or supposed errors in existing surveys or plans;  
(b) the subdivision of land not previously subdivided or the showing of divisions of land not previously or correctly shown on an existing plan of subdivision; 10  
(c) fixing the location or width of roads or highways;  
(d) establishing any boundary lines the positions of which, due to incorrect placing or loss or obliteration of monuments defining the same on the ground, have become doubtful or difficult of being ascertained; and 15  
(e) any other purpose deemed necessary by the Minister.

When undertaken.

**50.** (1) The Minister of Mines and Technical Surveys shall cause a special survey of territorial lands to be made when requested to do so by the Minister. 20

Surveyor General to manage.

(2) The Surveyor General shall, subject to the direction of the Minister of Mines and Technical Surveys, have the management of special surveys.

To be made by Dominion Land Surveyor.  
How made.

(3) No person, other than a Dominion Land Surveyor, shall make a special survey. 25

(4) A special survey shall be made by a Dominion Land Surveyor in accordance with the instructions given to him by the Surveyor General and all sections of this Act with respect to the powers, duties and obligations of Dominion Land Surveyors and to the making of surveys shall *mutatis mutandis* apply to special surveys. 30

## PROCEDURE ON SPECIAL SURVEYS.

Plotting of plan.

**51.** (1) Upon completion of a special survey, the surveyor shall send all journals, field notes and other documents relating to the survey to the Surveyor General who shall direct the plotting of the plan of the lands so surveyed.



### PART III.

This part is all new. It applies only to lands situated in the Northwest Territories and the Yukon Territory, known as Territorial Lands. The purpose of this part, which is substituted for that part of the *Dominion Lands Surveys Act* dealing with resurveys, is to authorize the Minister to cause a special survey to be made when requested to do so by the Minister responsible for the administration of such lands when an error or supposed error in existing surveys or plans has been made. It also replaces the arbitration proceedings authorized by the *Dominion Lands Surveys Act* by substituting a system of inquiry by a commissioner who shall report to the Minister for decision. The decision of the Minister is notified to the persons who have a complaint or whose lands have been affected as a result of the special survey. The decision of the Minister may be appealed from before the Stipendiary Magistrate or Court, as the case may be, which has full power to confirm, amend, alter or vary the decision of the Minister and to direct that the plan be accordingly confirmed, amended, altered or varied by the Surveyor General, who shall confirm the plan as directed. The plan as confirmed by the Surveyor General, when registered in the appropriate Land Titles Office, is deemed to be substituted for all or corresponding portions of all former surveys or plans of the lands affected that have been theretofore registered, and to govern all boundaries of the lands thereby affected.

**50.** New.

**51.** New.

- Plans to be sent to Minister. (2) The Surveyor General shall sign the plan and forward it, together with such supporting documents as he thinks necessary, to the Minister.
- Appointment of Commissioner. **52.** (1) Upon receiving the plan from the Surveyor General, the Minister shall appoint a Commissioner to 5 enquire into and report on any complaints that may be made against the special survey or plan.
- Place of enquiry. (2) Hearings of the Commissioner shall be held in or as near as practicable to the locality in which the special survey has been made. 10
- Publication of notice. (3) The Minister shall cause to be published in the *Canada Gazette* and in a newspaper, if any, in the locality in which the special survey has been made a notice setting forth:
- Description of scope, etc. (a) a description of the scope and purposes of the special 15 survey and the lands affected thereby;
- Declaration as to its effect. (b) his declaration that the special survey and plan are the true and correct survey and plan of the lands thereby affected, that all boundaries and lines fixed by the survey and plan are the true boundaries and lines, 20 whether of roads, streets, lanes, rivers or creeks or as between adjoining owners or between adjoining lots and whether or not such boundaries and lines were in fact before such declaration the true boundaries and lines and that the special survey and plan shall be 25 substituted for all, or corresponding portions of all, former surveys or plans of the lands affected that have been theretofore registered;
- When complaints will be heard. (c) the name of the Commissioner appointed by him and the time and place at which the Commissioner will 30 hear complaints; and
- Limitation of time to deliver. (d) that each person who has an interest in land affected by the special survey and plan and who desires to complain against the survey or the plan shall deliver, at least thirty days before the date set for the Com- 35 missioner's hearing, to the Minister a written statement setting forth the nature and grounds of his complaint.
- Where no complaints. **53.** Where no complaints are received pursuant to paragraph (d) of subsection three of section fifty-two, the Minister shall return the plan to the Surveyor General 40 to be approved and confirmed by him.
- Hearing of complaints. **54.** (1) Where complaints are received pursuant to paragraph (d) of subsection three of section fifty-two, the Commissioner shall hear them at the time and place set out in the notice published pursuant to paragraph (c) of 45 that subsection, but may, in his discretion, adjourn the hearing upon giving due notice to the complainants.

(2) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

**52. New.**

(1) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

(2) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

(3) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

(4) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

(5) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

**53. New.**

(1) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

**54. New.**

(1) The Commission shall have only those powers of which written notice has been given to the interested party in this regard, except as otherwise provided in this report.

Nature of hearing.

(2) The Commissioner shall hear only those complaints of which written notice has been given to the Minister but may, for this purpose, receive any evidence he thinks proper, call any witnesses and exercise any of the powers given to a commissioner appointed under the *Inquiries Act*.

R.S.C., c. 99.

Report.

(3) The Commissioner shall, upon completion of the hearing, report his findings and recommendations to the Minister.

5

Minister's decision.

**55.** (1) The Minister shall, after receiving the Commissioner's report, decide whether the plan and whether any 10 of the matters set forth in the declaration referred to in paragraph (b) of subsection three of section fifty-two should be approved or amended, varied or altered as a result of the complaints.

Notice of decision.

(2) The Minister shall prepare a notice of decision setting 15 forth

Receipt of report.

(a) that he has received the Commissioner's report;

How complaints disposed of.

(b) his decision as to the disposition of the complaints and the resulting changes, if any, in the plan and in any of the matters set forth in the declaration referred to 20 in paragraph (b) of subsection three of section fifty-two;

Right of appeal.

(c) that any person to whom the notice of decision is mailed has a right of appeal from the decision to a stipendiary magistrate in the Northwest Territories or the Yukon Territorial Court in the Yukon Territory, as 25 the case may be, within sixty days after the date of the notice; and

Notice of appeal.

(d) that any person who appeals from the decision is required to serve the Minister with a notice of appeal within the time referred to in paragraph (c). 30

To whom notices of decision sent.

(3) The Minister shall cause a copy of the notice of decision to be mailed by registered mail to each of the following persons at his last known address:

(a) persons whose complaints have been heard by the Commissioner pursuant to section fifty-four; and 35

(b) persons whose interests in land affected by the special survey and plan are, in the opinion of the Minister, affected by his decision under this section to an extent that differs in any way from the extent to which they were affected by the declaration referred to in paragraph 40 (b) of subsection three of section fifty-two.

Who may appeal.

(4) Any person to whom a notice of decision is mailed under this section may, within sixty days after the date of the notice of decision and if within that time such person serves the Minister with a notice of appeal, appeal from the 45 decision of the Minister to a stipendiary magistrate in the Northwest Territories or the Yukon Territorial Court in the Yukon Territory, as the case may be.

54. Where an appeal is taken from the decision of the Minister, the following matters or court, as the case may be, having the appeal has full power to examine, amend, affirm or vary the decision of the Minister and may direct that the plan be accordingly confirmed, amended, allowed or varied by the Surveyor General and the Surveyor General shall examine the plan as directed.

**55. New.**

55. Where there is no appeal from the decision of the Minister within the time limited thereby, the plan shall remain in force as approved or amended, until or until it is altered by the Surveyor General for his approval and confirmation.

56. (1) The Minister of Mines and Technical Surveys shall send to the registrar of land titles or the registrar in which the lands are situated, a copy of the plan contained by the Surveyor General under section 55, together with the accompanying information referred to in paragraph (2) of subsection 55(1) of section 55(1);

(2) the plan contained by the Surveyor General under section 55, together with the accompanying information referred to in subsection 55(1) of section 55(1);

(3) the plan as confirmed, amended, allowed or varied by the Surveyor General pursuant to the judgment on appeal under section 55, together with the accompanying information referred to in subsection 55(1) of section 55(1);

(4) the plan as confirmed, amended, allowed or varied by the Surveyor General pursuant to the judgment on appeal under section 55, together with the accompanying information referred to in subsection 55(1) of section 55(1);

(5) the plan as confirmed, amended, allowed or varied by the Surveyor General pursuant to the judgment on appeal under section 55, together with the accompanying information referred to in subsection 55(1) of section 55(1);

Where complaints withdrawn, etc.

**56.** Where all persons who have a right of appeal under section fifty-five have submitted written withdrawals of their complaints or have notified the Minister in writing that they do not intend to appeal, as the case may be, the Minister shall return the plan as approved or amended, varied or altered by him to the Surveyor General for his approval and confirmation. 5

Where no appeal taken.

**57.** Where there is no appeal from the decision of the Minister within the time limited therefor, the Minister shall return the plan as approved or amended, varied or altered by him to the Surveyor General for his approval and confirmation. 10

Powers of court on appeal and effect of judgment.

**58.** Where an appeal is taken from the decision of the Minister, the stipendiary magistrate or court, as the case may be, hearing the appeal has full power to confirm, amend, alter or vary the decision of the Minister and may direct that the plan be accordingly confirmed, amended, altered or varied by the Surveyor General and the Surveyor General shall confirm the plan as directed. 15

Registration of plans.

**59.** (1) The Minister of Mines and Technical Surveys shall send to the registrar of land titles of the registration district in which the lands affected thereby are situate for filing in the appropriate land titles office, a copy of 20

(a) the plan confirmed by the Surveyor General under section fifty-three together with the accompanying declaration referred to in paragraph (b) of subsection three of section fifty-two; 25

(b) the plan confirmed by the Surveyor General under section fifty-six together with the accompanying notice of decision referred to in subsection two of section fifty-five; 30

(c) the plan confirmed by the Surveyor General under section fifty-seven together with the accompanying notice of decision referred to in subsection two of section fifty-five; or 35

(d) the plan as confirmed, amended, altered or varied by the Surveyor General pursuant to the judgment on appeal under section fifty-eight together with the accompanying certified copy of the judgment, 40

as the case may require.

Effect of registration.

(2) Upon filing in the appropriate land titles office, the plan and accompanying documents referred to in subsection one shall be deemed to be substituted for all, or corresponding portions of all, former surveys or plans of the lands thereby affected that have been theretofore registered and shall govern all boundaries of the lands thereby affected. 45

56. New.

57. New.

58. New.

59. New.

Return of documents to Surveyor General.

60. All original plans, field notes, journals or other documents relating to special surveys sent by the Surveyor General to the Minister for his decision or used in evidence on appeal or otherwise leaving the custody of the Surveyor General shall be returned to his custody.



GENERAL TOWNSHIP

GENERAL TOWNSHIP

19. (1) A copy certified by the Minister of the Surveyor General or any person authorized to do so by either of them as a true copy of any record, document, plan, book or paper belonging to or deposited with the Surveyor General and in respect to a survey of lands made under this Act shall in all cases or other legal proceedings involving such lands be given the same effect as evidence as the original record, document, plan, book or paper would be given.

20. (1) All plans and documents of the Surveyor General or any person authorized to do so by either of them as a true copy of any record, document, plan, book or paper belonging to or deposited with the Surveyor General and in respect to a survey of lands made under this Act shall in all cases or other legal proceedings involving such lands be given the same effect as evidence as the original record, document, plan, book or paper would be given.

21. (1) The Minister may require any person to furnish to the Surveyor General or any person authorized to do so by either of them as a true copy of any record, document, plan, book or paper belonging to or deposited with the Surveyor General and in respect to a survey of lands made under this Act.

22. (1) The Minister may require any person to furnish to the Surveyor General or any person authorized to do so by either of them as a true copy of any record, document, plan, book or paper belonging to or deposited with the Surveyor General and in respect to a survey of lands made under this Act.

## PART IV.

## GENERAL

## GENERAL POWER TO SURVEY

General power to survey.

**61.** (1) Subject to this Act, the Minister may, if in his opinion a survey thereof under the management of the Surveyor General is required, cause a survey to be made of any lands belonging to His Majesty in right of Canada or of which the Government of Canada has power to dispose. 5

Survey provisions.

(2) The provisions of this Act relating to surveys shall apply, *mutatis mutandis*, to surveys made under subsection one.

## EVIDENCE.

Copies of records, etc., deposited with the Surveyor General are *prima facie* evidence.

**62.** (1) A copy certified by the Minister or the Surveyor General or any person authorized to do so by either of them as a true copy of any record, document, plan, book or paper belonging to or deposited with the Surveyor General with respect to a survey of lands made under this Act shall in all actions or other legal proceedings involving such lands be given the same effect as evidence as the original record, document, plan, book or paper would be given. 10 15

Lithographed maps, etc., are *prima facie* evidence.

(2) Lithographed or other copies of maps or plans purporting to be issued or published by the Department of Mines and Technical Surveys and to bear a lithographed or copied signature of the Minister or Surveyor General shall, in all actions or other legal proceedings involving such lands, be *prima facie* evidence of the original map or plan and its contents. 20

Who may take affidavits, etc.

**63.** Unless otherwise provided in this Act, an oath, affidavit, declaration or affirmation required to be taken under this Act may be taken before any judicial officer, notary public, commissioner for taking affidavits or Dominion Land Surveyor or before any other person thereunto authorized by the Minister. 25

Minister may require sworn statements.

**64.** The Minister may require any statement made in respect of surveys under this Act to be verified by oath, affidavit, declaration or affirmation. 30

PART IV.

GENERAL.

GENERAL POWER TO SURVEY.

**61.** (1) New. Provides for the survey of public lands not referred to previously.

**62.** (1) See section 68.

(2) See section 69.

**63.** See section 70.

**64.** See section 71.

## OFFENCES AND PENALTIES.

Penalty for failure to appear as a witness.

**65.** Every person against whom a warrant is issued under subsection five of section twenty-seven is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 5

Penalty for molesting surveyor.

**66.** Every person who interrupts, molests or hinders a surveyor in the performance of his duties with respect to a survey under this Act is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months or to both fine and imprisonment. 10

Penalty for defacing monuments.

R.S. c, 117.

**67.** (1) Every person who, knowingly and wilfully, pulls down, alters, defaces or removes any monument erected, planted or placed by a surveyor in carrying out his duties under this Act or the *Dominion Lands Surveys Act* is guilty of an offence and is liable 15

(a) on summary conviction, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment; or 20

(b) on conviction under indictment, to imprisonment for a term not exceeding seven years.

Penalty for unlawful possession of monuments.

(2) Every person who, knowingly and wilfully, has in his possession or custody any monument is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 25

Exception.

(3) This section does not apply to the alteration, removal, possession and custody of monuments by any surveyor authorized to carry out surveys under this Act or by other persons with the permission of such surveyor or who otherwise necessarily handle such monuments in connection with surveys under this Act. 30

## REPEAL.

Repeal.  
R.S., 117.

**68.** The *Dominion Lands Surveys Act* is repealed.

**65.** See section 38.

**66.** See section 73.

**67.** (1) (a) See section 74 (1) and (2).

(b) See section 74 (3).

(3) See section 75.

**68.** New.

Section 10

Section 10. The Board of Directors shall have the authority to...

Section 11 (a) Section 11 (1) and (2)

Section 11. The Board of Directors shall have the authority to...

Section 12 (1) Section 12 (1)

Section 12. The Board of Directors shall have the authority to...

Section 13

Section 14

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 15.**

An Act to provide for Privileges and Immunities in respect  
of the North Atlantic Treaty Organisation.

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First reading, November 8, 1951.

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THE SECRETARY OF STATE FOR  
EXTERNAL AFFAIRS.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 15.**

An Act to provide for Privileges and Immunities in respect of the North Atlantic Treaty Organisation.

**H**IS 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 Privileges and Immunities (North Atlantic Treaty Organisation) Act.* 5

Approval of agreement and power to make necessary orders.

**2.** The Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, set out in the Schedule to this Act, is approved and confirmed, and the Governor in Council may make such orders as appear to him to be necessary for the purpose 10 of carrying out the obligations, duties and rights of Canada thereunder.



ARTICLE I

SECTION 1. ALL POWERS HEREOF GRANTED TO THE UNITED STATES SHALL BE VESTED IN A SENATE AND HOUSE OF REPRESENTATIVES; AND THE SENATE SHALL BE COMPOSED OF TWO SENATORS FROM EACH STATE, CHOSEN BY THE LEGISLATURE THEREOF.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 3. No Person shall be a Representative who shall not, when elected, have seven Years Residence in the United States; and, when elected, have been seven Years a Citizen of the United States, and, when elected, have been, when elected, seven Years a Citizen of the State in which he shall be chosen.

SECTION 2. THE SENATE SHALL BE COMPOSED OF TWO SENATORS FROM EACH STATE, CHOSEN BY THE LEGISLATURE THEREOF.

Section 1.

Section 2. The Senate shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of Six Years; and each Senator shall have the Qualifications requisite for Representatives. No Person shall be a Senator who shall not, when elected, have been seven Years a Citizen of the United States, and, when elected, have been, when elected, seven Years a Citizen of the State in which he shall be chosen.

Section 3.

Section 4. The Senate shall have the sole and exclusive Power of Impeachment.

Section 5.

Section 6. The Senate shall have the sole and exclusive Power of trying all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. The Oath or Affirmation shall be administered by the Chief Justice of the United States, in open Court. The Senate shall have the sole and exclusive Power of Judgment. No Person shall be convicted without the Concurrence of two thirds of the Members present. Judgment shall not extend further than to removal from Office, and disqualification to hold any Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless remain liable to Civil and Criminal Proceedings.

## SCHEDULE

AGREEMENT ON THE STATUS OF THE NORTH ATLANTIC  
TREATY ORGANISATION, NATIONAL REPRESENT-  
ATIVES AND INTERNATIONAL STAFF

The States signatory to the present Agreement,

Considering that for the exercise of their functions and the fulfilment of their purposes it is necessary that the North Atlantic Treaty Organisation, its international staff and the representatives of Member States attending meetings thereof should have the status set out hereunder,

Have agreed as follows:

## PART I.—GENERAL

## ARTICLE 1

In the present Agreement,

- (a) "the Organisation" means the North Atlantic Treaty Organisation consisting of the Council and its subsidiary bodies;
- (b) "the Council" means the Council established under Article 9 of the North Atlantic Treaty and the Council Deputies;
- (c) "subsidiary bodies" means any organ, committee or service established by the Council or under its authority, except those to which, in accordance with Article 2, this Agreement does not apply;
- (d) "Chairman of the Council Deputies" includes, in his absence, the Vice-Chairman acting for him.

## ARTICLE 2

The present Agreement shall not apply to any military headquarters established in pursuance of the North Atlantic Treaty nor, unless the Council decides otherwise, to any other military bodies.

## ARTICLE 3

The Organisation and Member States shall co-operate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between that State and the Organisation, or between the States concerned, to determine whether any such abuse has occurred,

and that in relation to certain that no person shall...  
the Government shall have the right to...  
of the Government shall have the right to...

## ARTICLE II - THE ORGANIZATION

### Section 1

The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

### Section 2

The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

### Section 3

The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

### Section 4

The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

### Section 5

The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

(1) The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

(2) The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

(3) The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

(4) The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

(5) The organization shall consist of...  
the organization shall consist of...  
and the organization shall consist of...

and, if so, to attempt to ensure that no repetition occurs. Notwithstanding the foregoing or any other provisions of this Agreement, a Member State which considers that any person has abused his privilege of residence or any other privilege or immunity granted to him under this Agreement may require him to leave its territory.

## PART II.—THE ORGANISATION

### ARTICLE 4

The Organisation shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

### ARTICLE 5

The Organisation, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Chairman of the Council Deputies, acting on behalf of the Organisation, may expressly authorise the waiver of this immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

### ARTICLE 6

The premises of the Organisation shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

### ARTICLE 7

The archives of the Organisation and all documents belonging to it or held by it shall be inviolable, wherever located.

### ARTICLE 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the Organisation may hold currency of any kind and operate accounts in any currency;

(b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase as the case may be.

2. In exercising its rights under paragraph 1 above, the Organisation shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

ARTICLE 10

The organization shall be a non-profit corporation... The assets of the organization shall be used for the purposes of the organization... The organization shall have the right to sue and be sued...

ARTICLE 11

The organization shall have the right to acquire, hold, and dispose of real and personal property... The organization shall have the right to borrow money and to mortgage its property...

ARTICLE 12

The organization shall have the right to make contracts... The organization shall have the right to employ and discharge its officers and directors... The organization shall have the right to sue and be sued...

ARTICLE 13

The organization shall have the right to make contracts... The organization shall have the right to employ and discharge its officers and directors... The organization shall have the right to sue and be sued...

## ARTICLE 9

The Organisation, its assets, income and other property shall be exempt:

- (a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;
- (b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;
- (c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.

## ARTICLE 10

While the Organisation will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organisation is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

## ARTICLE 11

1. No censorship shall be applied to the official correspondence and other official communications of the Organisation.

2. The Organisation shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council acting on behalf of the Organisation.

## PART III.—REPRESENTATIVES OF MEMBER STATES

## ARTICLE 12

Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Organisation and between the Organisation and the

Class in which they will be received, shall receive the same as if they were received in the regular manner, and shall be subject to the same rules and regulations as other papers of the same class.

### ARTICLE II

1. Any representative of a foreign State to the Council or any of its subsidiary bodies who is not covered by Article 11 shall be treated in the same manner as a member of the Council, and shall be subject to the following provisions and conditions:

- (a) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (b) in respect of votes, rights of initiative and of amendment, and in all other respects, the representative shall be treated in the same manner as a member of the Council;
- (c) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (d) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (e) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (f) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (g) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (h) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (i) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (j) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (k) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (l) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (m) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (n) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (o) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (p) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (q) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (r) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (s) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (t) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (u) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (v) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (w) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (x) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (y) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;
- (z) the State, inasmuch as it is a member of the Council, shall be responsible for the payment of the dues and for the contribution to the expenses of the Council;

2. Where the State is a member of any form of taxation, it shall be treated in the same manner as a member of the Council, and shall be subject to the same rules and regulations as other papers of the same class.

3. In the event of any dispute between the Council and any of its subsidiary bodies, the Council shall be the sole authority for the decision of such dispute.

State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

### ARTICLE 13

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 12 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

- (a) the same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;
- (b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;
- (c) inviolability for all papers and documents;
- (d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;
- (e) the same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;
- (f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;
- (h) the right to import free of duty his furniture and effects at the time of first arrival to take up his post in the country in question, and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
- (i) the right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article "representative" shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States





concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

#### ARTICLE 14

Official clerical staff accompanying a representative of a Member State who are not covered by Articles 12 or 13\* shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 (*b*), (*c*), (*e*), (*f*), (*h*) and (*i*) and paragraph 2 of Article 13.

\*In the French text, "12 or 13" reads "12 et 13". The English and the French texts are equally authoritative.

#### ARTICLE 15

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the North Atlantic Treaty. Consequently, a Member State not only has the right, but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

#### ARTICLE 16

The provisions of Articles 12 to 14\* above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

\*In the French text, "12 to 14" reads "12 et 14". The English and the French texts are equally authoritative.

### PART IV.—INTERNATIONAL STAFF AND EXPERTS ON MISSIONS FOR THE ORGANISATION

#### ARTICLE 17

The categories of officials of the Organisation to which Articles 18 to 20 apply shall be agreed between the Chairman of the Council Deputies and each of the Member States concerned. The Chairman of the Council Deputies shall communicate to the Member States the names of the officials included in these categories.

#### ARTICLE 18

Officials of the Organisation agreed upon under Article 17 shall:

- (a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;
- (b) be granted, together with their spouses and members of their immediate families residing with and dependent on them, the

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same immunities from immigration restrictions and aliens' registration as is accorded to diplomatic personnel of comparable rank;

- (c) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;
- (d) be given, together with their spouses and members of their immediate families residing with and dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;
- (e) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;
- (f) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

#### ARTICLE 19

Officials of the Organisation agreed under Article 17 shall be exempt from taxation on the salaries and emoluments paid to them by the Organisation in their capacity as such officials. Any Member State may, however, conclude an arrangement with the Council acting on behalf of the Organisation whereby such Member State will employ and assign to the Organisation all of its nationals (except, if such Member State so desires, any not ordinarily resident within its territory) who are to serve on the international staff of the Organisation and pay the salaries and emoluments of such persons from its own funds at a scale fixed by it. The salaries and emoluments so paid may be taxed by such Member State but shall be exempt from taxation by any other Member State. If such an arrangement is entered into by any Member State and is subsequently modified or terminated, Member States shall no longer be bound under the first sentence of this Article to exempt from taxation the salaries and emoluments paid to their nationals.

#### ARTICLE 20

In addition to the immunities and privileges specified in Articles 18 and 19, the Executive Secretary of the Organisation, the Co-ordinator of North Atlantic Defence Production, and such other permanent officials of similar rank as may be agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank.

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## ARTICLE 21

1. Experts (other than officials coming within the scope of Articles 18 to 20) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
- (c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
- (d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

2. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of any experts to whom this Article applies.

## ARTICLE 22

Privileges and immunities are granted to officials and experts in the interests of the Organisation and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any official or expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organisation.

## ARTICLE 23

The provisions of Articles 18, 20 and 21, above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national, except:

- (a) immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation;
- (b) inviolability for all papers and documents relating to the work on which he is engaged for the Organisation;
- (c) facilities in respect of currency or exchange restrictions so far as necessary for the effective exercise of his functions.

PART V.—SETTLEMENT OF DISPUTES

ARTICLE 24

The Council shall make provision for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
- (b) disputes involving any official or expert of the Organisation to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 23.

PART VI.—SUPPLEMENTARY AGREEMENTS

ARTICLE 25

The Council acting on behalf of the Organisation may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

PART VII.—FINAL PROVISIONS

ARTICLE 26

1. The present Agreement shall be open for signature by Member States of the Organisation and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America, which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State, on the date of the deposit of its instrument of ratification.

ARTICLE 27

The present Agreement may be denounced by any Contracting State by giving written notification of denunciation to the Government of the United States of America, which will notify all signatory States of each such notification. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America.

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- (a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;
- (b) disputes involving any official or expert of the Organisation to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 22.

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In witness whereof the undersigned plenipotentiaries have signed  
the present Agreement  
done in Ottawa, this twentieth day of September, 1931, in  
French and in English, both texts being equally authentic, in  
a single copy which shall be deposited in the archives of the Govern-  
ment of the United States of America which will transmit a certified  
copy to each of the signatory States.

For the Kingdom of Belgium:

A. DE STAECKH

For Canada:

E. D. WILGESS

For the Kingdom of Denmark:

V. DE STEENSEN-LARSEN

For France:

H. ALPHAND

For Iceland:

G. PETERSSON

For Italy:

A. ROSSI-FONGHI

For the Grand Duchy of Luxembourg:

A. CLAES

For the Kingdom of the Netherlands:

JONGHEER A. W. A. MARJA VAN  
STAEKHOVEN-STACHOUWER

For the Kingdom of Norway:

H. NYN

In witness whereof the undersigned plenipotentiaries have signed the present Agreement.

Done in Ottawa this twentieth day of September, 1951, in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatory States.

For the Kingdom of Belgium:

A. DE STAERCCKE.

For Canada:

L. D. WILGRESS.

For the Kingdom of Denmark:

V. DE STEENSEN-LETH.

For France:

H. ALPHAND.

For Iceland:

C. PETURSSON.

For Italy:

A. ROSSI-LONGHI.

For the Grand Duchy of Luxembourg:

A. CLASEN.

For the Kingdom of the Netherlands:

JONKHEER A. W. L. TJARDA VAN  
STARKENBORGH-STACKOUWER.

For the Kingdom of Norway:

D. BRYN.

For Portugal:

R. E. ULRICH

Reservist the non application of Article 8 in case of  
expatriation.

For the United Kingdom of Great Britain and Northern Ireland:

SIR FREDERICK HOYER-MILLER

For the United States of America:

C. M. SPORFORD.

1901, the Board of Directors of the United States  
Government and the Board of Directors of the United States

THE UNITED STATES GOVERNMENT

1901

THE UNITED STATES GOVERNMENT  
DEPARTMENT OF COMMERCE  
BUREAU OF PATENTS

For Portugal:

R. E. ULRICH

Reserving the non application of Article 6 in case of  
expropriation.

For the United Kingdom of Great Britain and Northern Ireland:

SIR FREDERICK HOYER-MILLER

For the United States of America:

C. M. SPOFFORD.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 16.**

An Act to amend The Canadian Wheat Board Act, 1935  
(Payment for farm storage).

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First reading, November 9, 1951.

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Mr. ARGUE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

1935, c. 53;  
1939, c. 39;  
1940, c. 25;  
1942-43, c. 4;  
1947, c. 15;  
1947-48, c. 4;  
1950, cc. 31,  
51, 50;  
1951, c. 3.

An Act to amend the Canadian Wheat Board Act, 1935  
(Payment for farm storage).

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 twenty-one of *The Canadian  
Wheat Board Act, 1935*, chapter fifty-three of the statutes 5  
of 1935, as enacted by section five of chapter fifteen of  
the statutes of 1947, is repealed and the following sub-  
stituted therefor:

Storage  
payment.

“(2) The Board shall pay to each producer at the time of  
delivery of wheat to the Board, in addition to any other 10  
payment authorized by this section, a sum per bushel on  
account of storage of the said wheat on the producer's  
farm, for such period of storage as the Board in its sole  
discretion shall fix for the purposes of such storage payment,  
which sum, however, shall equal the amount payable for 15  
storage in a country elevator for the same period according  
to the country elevator tariff rate filed with the Board of  
Grain Commissioners.”

### EXPLANATORY NOTES.

Subsection two of section twenty-one at present reads as follows:

"(2) The Board shall, *if directed by regulation*, pay to each producer at the time of delivery of wheat to the Board, in addition to any other payment authorized by this section, a sum per bushel on account of storage of the said wheat on the producer's farm, for such period of storage as the Board in its sole discretion shall fix for the purposes of such storage payment, which sum, however, shall equal the amount payable for storage in a country elevator for the same period according to the country elevator tariff rate filed with the Board of Grain Commissioners."

The only change made by this Bill is to delete the words "if directed by regulation" from the subsection as it now stands.

The effect of this change is to ensure that producers in the designated area will be paid the regular storage charge for grain stored on the farm. The determination of the date from which payment is to commence is left to the Canadian Wheat Board, but the payment of such storage charges to producers is by this new subsection made compulsory.





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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 17.**

An Act to amend The Canadian Broadcasting Act, 1936.

---

First reading, November 9, 1951.

---

THE MINISTER OF NATIONAL REVENUE.

---

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

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

1936, c. 24;  
1944-45, c. 33;  
1947, c. 50;  
1950 (1st  
Sess.), c. 51;  
1950, c. 50.

An Act to amend The Canadian Broadcasting Act, 1936.

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

1. (1) Paragraph (d) of section two of *The Canadian Broadcasting Act, 1936*, chapter twenty-four of the statutes of 1936, is repealed and the following substituted therefor: 5

"Minister".

"(d) 'Minister' means the minister designated by the Governor in Council for the purposes of this Act."

(2) Section two of the said Act is amended by adding thereto, immediately after paragraph (g) thereof, the following paragraph: 10

"Programme".

"(h) 'programme' means any live or recorded programme or part thereof."

2. (1) Subsection one of section three of the said Act is repealed and the following substituted therefor: 15

Corporation constituted.

"3. (1) There shall be a corporation to be known as the Canadian Broadcasting Corporation which shall consist of a board of eleven governors appointed by the Governor in Council and chosen to give representation to the principal geographical divisions of Canada." 20

(2) Subsection three of the said section three is repealed and the following substituted therefor:

Tenure of office.

"(3) The Chairman shall hold office during good behaviour for a period of ten years from the time of his designation as Chairman and the other Governors shall hold office during good behaviour for a period of three years, but the Chairman and the other Governors may be removed for cause at any time by the Governor in Council." 25

Repeal.

(3) Subsection five of the said section three is repealed.

(4) Subsection nine of the said section three is repealed and the following substituted therefor: 30

Quorum.

"(9) Five Governors constitute a quorum."

## EXPLANATORY NOTES.

1. (1) Paragraph (*d*) of section two at present reads as follows:—

“(d) “Minister” means the Minister of Transport;”

(2) Paragraph (*h*), on the opposite page, is new.

2. (1) The underlined word eleven, in the new subsection one of section three, is substituted for the word “nine”.

(2), (3) and (4). Subsections three, five and nine of section three at present read as follows:

“(3) *The Governors shall hold office for three years, provided that of those first appointed one third shall be appointed to retire in one year, one third in two years and one third in three years.*”

“(5) *Each Governor shall hold office during good behaviour for the period of his appointment, but may be removed for cause at any time by the Governor in Council.*”

“(9) *Four Governors shall constitute a quorum.*”

3. Paragraph (m) of section eight of the said Act is repealed and the following substituted therefor:

“(m) establish and support a pension fund for the benefit of employees or ex-employees of the Corporation and any member of the Corporation who is engaged full time in the business of the Corporation and the dependents of such persons.” 5

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

Approval of Governor in Council for certain expenditures and transactions.

“10. Notwithstanding anything contained in this Act, 10 the Corporation shall not, unless the approval of the Governor in Council has first been obtained,

- (a) enter into any agreement involving any expenditure in excess of twenty-five thousand dollars;
- (b) enter into an agreement or lease for a period exceeding 15 three years;
- (c) acquire any personal property, the cost of acquisition of which exceeds the sum of twenty-five thousand dollars; or
- (d) in any manner dispose of any personal property 20 having an original or book value exceeding the sum of twenty-five thousand dollars.”

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

Cancellation or refusal of licence.

“(4) If the Minister of Transport decides that the 25 cancellation or refusal to renew any licence in the interest of broadcasting generally in Canada is desirable, and if such cancellation or refusal is not on account of any failure to comply with this Act or any regulation thereunder or *The Radio Act, 1938*, or regulation thereunder, compensa- 30 tion may be paid to the extent of an amount not exceeding the depreciated value of the licensed radio equipment requisite for the efficient operation of the station together with a reasonable allowance to cover the cost of restoring the premises to a tenantable condition for ordinary pur- 35 poses.”

(2) Subsection five of the said section eleven is repealed and the following substituted therefor:

No allowance for value of licence.

“(5) In determining the compensation to be paid, no allowance shall be made for the value of a licence terminated 40 by the taking over by the Corporation or the Minister of Transport of any private station, and no person shall be deemed to have any proprietary right in any channel heretofore or hereafter assigned, and no person shall be entitled to any compensation by reason of the cancellation of the 45 assignment of a channel or by reason of the assignment of a new channel in substitution therefor.”

3. Paragraph (m) of section eight at present reads as follows:—

“(m) establish and support a pension fund for the benefit of employees or ex-employees of the Corporation, or the dependents of such persons.”

4. Section ten at present reads as follows:—

“10. Notwithstanding anything contained in this Act, the Corporation shall not, unless the approval of the Governor in Council has first been obtained:—

- (a) enter into any agreement involving any expenditure in excess of *ten thousand dollars*;
- (b) enter into an agreement or lease for a period exceeding three years;
- (c) acquire any personal property, the cost of acquisition of which exceeds the sum of *ten thousand dollars*, or in any manner dispose of any personal property having an original or book value exceeding the sum of *ten thousand dollars*.”

5. The words “Minister of Transport”, underlined on the opposite page in new subsections four and five, are substituted for the word “Minister”.

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

Grants.

"(3) The Minister of Finance shall grant to the Corporation out of the Consolidated Revenue Fund the sum of four million seven hundred and fifty thousand dollars in the fiscal year that began on the first day of April, nineteen hundred and fifty-one, and the sum of six million two hundred and fifty thousand dollars in each of the four next following fiscal years." 5

Regulations  
by the  
Corporation.

7. (1) Subsection one of section twenty-two of the said Act is amended by adding thereto, immediately after paragraph (e) thereof, the following paragraphs:

"(f) to promote and ensure the greater use of Canadian talent by Corporation and private stations; and

"(g) requiring licensees of private stations to furnish to the Corporation such information in regard to their programme activities as the Corporation considers necessary for the proper administration of this Act." 15

(2) Subsections six and seven of the said section twenty-two are repealed and the following substituted therefor: 20

Suspension  
of licence.

"(6) In case of any alleged violation or non-observance by a private station of the regulations made by the Corporation under this section, the Corporation may, after notice has been given to the licensee of the alleged violation or non-observance and an opportunity afforded to the licensee to be heard, order that the licence of such private station be suspended for a period not exceeding three months and any such order shall be forwarded to the Minister of Transport who shall forthwith communicate the same to the licensee and shall take such steps as may be necessary to carry out the terms of such order." 25 30

Appeal to  
Exchequer  
Court.

(7) Where the Corporation orders the suspension of the licence of a private station under subsection six, the licensee may by leave of a judge of the Exchequer Court of Canada appeal against such order to the said court on any question of law arising out of the making of such order and the said court may stay the operation of such order or suspension pending its final decision and may affirm, alter or rescind the order appealed against. 35

(8) The Corporation, before making or amending a regulation that affects private stations, shall give notice of such intention in the *Canada Gazette* and shall give private stations a reasonable opportunity to be heard before such regulation or amendment comes into operation." 40

6. This subsection is new and provides for grants to be made to the Corporation for the fiscal year 1951-52 and the four next following fiscal years.

7. (1) Paragraphs (f) and (g) are new. They provide two additions to the regulations that may be made by the Corporation.

(2) Subsections six and seven of section twenty-two at present read as follows:—

“(6) In case of any violation or non-observance by a private station of the regulations made by the Corporation under this section, the Corporation may order that the licence of such private station be suspended for a period not exceeding three months and any such order shall be forwarded to the *Minister* who shall forthwith communicate the same to the licensee of the station and shall take such steps as may be necessary to carry out the terms of such order.

(7) *The Corporation shall take such action as may be necessary to ensure that stations affected by its regulations shall have reasonable notice thereof.*”

Subsections seven and eight are new.

Repeal.  
Coming  
into force.

8. (1) Section twenty-three of the said Act is repealed.  
(2) Subsection one shall come into force on a day to be fixed by proclamation of the Governor in Council.

Application  
to be  
referred to  
Corporation.

9. Section twenty-four of the said Act is repealed and the following substituted therefor: 5  
"24. (1) The Minister of Transport shall before dealing with any application for licence to establish a new private station or for increase in power, change of channel, or change of location of any existing private station, or making any regulations or changes in regulations governing the activities of private stations, refer such application or regulation to the Corporation and the Corporation shall give public notice thereof in the *Canada Gazette* and shall make such recommendation to the Minister of Transport as it may deem fit; the approval of the Governor in Council shall be 10  
15  
obtained before any licence for a new private station is issued.

Review of  
activities.

(2) The Corporation shall each year review the activities of all private stations and shall make such recommendations to the Minister of Transport in regard to their working, 20  
broadcasting or any matter concerning such stations as it may deem desirable."



8. Section twenty-three to be repealed, at present reads as follows:—

"23. (1) The Governor in Council may make regulations prohibiting or regulating the use of any machinery, apparatus or equipment causing or liable to cause interference with radio reception and to prescribe penalties recoverable on summary conviction for the violation or non-observance of any such regulation, provided, however, that such penalties shall not exceed fifty dollars per day for each day during which such violation or non-observance continues.

(2) Such regulations shall be published in the *Canada Gazette*, and shall take effect from the date of such publication or from the date specified for such purpose in such regulations, and shall have the same force and effect as if enacted herein."

9. Section twenty-four at present reads as follows:—

"24. (1) The *Minister* shall, before dealing with any application for licence to establish a new private station or for increase in power, change of channel, or change of location of any existing private station, or making any regulations or changes in regulations governing the activities of private stations, refer such application or regulation to the Corporation, and the Corporation shall make such recommendations to the *Minister* as it may deem fit. The approval of the Governor in Council shall be obtained before any licence for any new private station is issued.

(2) The Corporation shall, each year, prior to the renewal or issue of the licences for private stations by the Minister review the activities of such private stations, and shall make such recommendations to the *Minister* in regard to their working, broadcasting or any other matter concerning such stations as it may deem desirable."

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 18.**

An Act to provide for the establishment of an  
Agricultural Products Board.

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First reading, November 13, 1951.

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THE MINISTER OF AGRICULTURE.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 18.**

An Act to provide for the establishment of an  
Agricultural Products Board.

**H**IS 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 Board Act*. 5
- Definitions.  
"agricultural product."  
"Board."  
"member."  
"Minister."
- 2.** In this Act  
(a) "agricultural product" means livestock and livestock products, poultry and poultry products, milk and milk products, vegetables and vegetable products, fruit and fruit products, honey, maple syrup, tobacco, fibre and fodder crops, and any product of agriculture designated by the Governor in Council as an agricultural product for the purposes of this Act;  
(b) "Board" means the Agricultural Products Board established by this Act; 15  
(c) "member" means a member of the Board; and  
(d) "Minister" means the Minister of Agriculture.
- Board established.  
Chairman and Vice-Chairman.  
Temporary substitute members.
- 3.** (1) There shall be a board to be called the Agricultural Products Board consisting of not less than three and not more than seven members appointed by the Governor in Council. 20  
(2) The Governor in Council may designate one of the members to be Chairman and one of the members to be Vice-Chairman.  
(3) When any member of the Board, by reason of absence or other incapacity, is unable at any time to perform the duties of his office the Minister may appoint a temporary substitute member for a period of not more than four months, upon such terms and conditions as the Minister prescribes. 25  
30

(1) The members of the Board shall be appointed and members of the Board shall be held as Officers or as such other place as the Board determines.  
 (2) The Board may make rules governing its proceedings under this Act.  
 (3) The Governor in Council may fix the salaries or other remuneration of members of the Board.  
 (4) Officers, clerks and employees required for the proper conduct of the business of the Board shall be appointed in accordance with the provisions of the Civil Service Act, but the Minister may appoint any other clerk or employee on the staff of the Board without additional remuneration.  
 (5) (i) Subject to the regulations, the Board may, with the authority of the Governor in Council and under the direction of the Minister:  
 (a) sell or deliver agricultural products to the Government of any country or any agency thereof pursuant to any agreement made by the Government of Canada with the Government of such country or with such agency, and for those purposes may purchase agricultural products and make such arrangements for the purchase, sale or delivery of agricultural products as it considers necessary or desirable;  
 (b) purchase or negotiate contracts for the purchase of agricultural products on behalf of the Government of any country or any agency thereof;  
 (c) buy, sell or import agricultural products;  
 (d) by order require any person to give at the time specified in the order, such information respecting agricultural products as may be necessary for the purpose of the administration of this Act; and  
 (e) enter, transport or purchase, or enter into contracts for the purchase, transportation or processing, of agricultural products.  
 (6) The authority given by the Governor in Council and the direction given by the Minister to the Board pursuant to subsection (5) may be given generally or in any specific case or with respect to any particular matter.  
 (7) Except with the approval of the Governor in Council, the Board shall not sell an agricultural product pursuant to paragraph (b) or (c) of subsection (5) at a price lower than the highest price obtained for handling charges and transportation costs.  
 (8) A contract entered into by the Board on behalf of His Majesty may be entered into in the name of the Board or in the name of its Minister.

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- Headquarters of Board. (4) The headquarters of the Board shall be at Ottawa and meetings of the Board shall be held at Ottawa or at such other place as the Board determines.
- Rules. (5) The Board may make rules governing its proceedings under this Act. 5
- Salaries. (6) The Governor in Council may fix the salaries or other remuneration of members of the Board.
- Employees. (7) Officers, clerks and employees required for the proper conduct of the business of the Board shall be appointed in accordance with the provisions of the *Civil Service Act*, but the Minister may require any officer, clerk or employee on the staff of the Department of Agriculture to serve on the staff of the Board without additional remuneration. 10
- R.S., c. 22.
- Powers of Board. 4. (1) Subject to the regulations, the Board may, with the authority of the Governor in Council and under the direction of the Minister 15
- (a) sell or deliver agricultural products to the government of any country or any agency thereof pursuant to any agreement made by the Government of Canada with the government of such country or with such agency, and for those purposes may purchase agricultural products and make such arrangements for the purchase, sale or delivery of agricultural products as it considers necessary or desirable; 20 25
- (b) purchase or negotiate contracts for the purchase of agricultural products on behalf of the Government of any country or any agency thereof;
- (c) buy, sell, or import agricultural products;
- (d) by order require any person to give, at the time specified in the order, such information respecting agricultural products as may be necessary for the proper administration of this Act; and 30
- (e) store, transport or process, or enter into contracts for the storing, transportation or processing, of agricultural products. 35
- Authority of Governor in Council and direction of Minister. (2) The authority given by the Governor in Council and the direction given by the Minister to the Board pursuant to subsection one may be given generally or in any specific case or with respect to any particular matter. 40
- Limitation. (3) Except with the approval of the Governor in Council, the Board shall not sell an agricultural product pursuant to paragraph (a) or (c) of subsection one at a price lower than the purchase price thereof plus handling, storage and transportation costs. 45
- Contracts. (4) A contract entered into by the Board on behalf of His Majesty may be entered into in the name of the Board or in the name of His Majesty.

(6) The board may, when so appointed under paragraph (2) of subsection (a) of section 1001, make such regulations as may be necessary for the purpose of carrying out the purposes and provisions of this Act.

Section 1001

(7) The Governor is authorized to make regulations for carrying out the purposes and provisions of this Act.

Section 1002

2. (a) Subject to the provisions of this Act, the board may, when so appointed under paragraph (2) of subsection (a) of section 1001, make such regulations as may be necessary for the purpose of carrying out the purposes and provisions of this Act.

Section 1003

(b) There shall be established in the Consolidated Revenue Fund an account to which shall be credited all moneys received from any transaction respecting agricultural products under subsection one of section ten and to which shall be charged all moneys paid out of the Consolidated Revenue Fund pursuant to subsection one.

Section 1004

(c) A payment made out of the Consolidated Revenue Fund under subsection one shall not be greater than the amount by which the dollar amount exceeds the balance of the Agricultural Products Board Account.

Section 1005

(d) For the purpose of subsection three, balance of the Agricultural Products Board Account means the aggregate of all payments charged to the account under the aggregate of all amounts received from the account.

Section 1006

(e) All expenditures for the purpose of this Act, other than those incurred in the buying, storing, transporting or processing of agricultural products, shall be paid out of moneys appropriated by Parliament.

Section 1007

3. (1) Every person who violates an order of the board made pursuant to paragraph (b) of subsection one in respect to a debt of an estate 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.

Section 1008

(2) In any prosecution under subsection one evidence of an order of the board may be given by the production of a copy thereof, provided that to be entitled to be a copy of a copy thereof, the copy must be certified by a copy of the Chairman, Secretary or other official of the board.

Section 1009

THE AGRICULTURAL PRODUCTS BOARD ACT  
 CHAPTER 100 OF THE ACTS OF 1954  
 ENACTED BY THE PARLIAMENT OF CANADA  
 IN THE TWENTY-NINTH YEAR OF HER MAJESTY'S SOVEREIGNTY

- (5) The Board may, when so appointed under paragraph (i) of subsection one of section nine of *The Agricultural Prices Support Act, 1944*, undertake the purchase and the disposition of agricultural products for the purposes of that Act. 5
- 1944-45, c. 29. Regulations. (6) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect.
- Payments out of C.R.F. **5.** (1) Subject to this section, all moneys required for the buying, storing, transporting or processing of agricultural products under subsection one of section four may be paid out of the Consolidated Revenue Fund. 10
- Agricultural Products Board Account. (2) There shall be established in the Consolidated Revenue Fund an account to be known as the Agricultural Products Board Account to which shall be credited all moneys received from any transaction respecting agricultural products under subsection one of section four and to which shall be charged all moneys paid out of the Consolidated Revenue Fund pursuant to subsection one. 15
- Maximum payment. (3) A payment made out of the Consolidated Revenue Fund under subsection one shall not be greater than the amount by which fifteen million dollars exceeds the balance of the Agricultural Products Board Account. 20
- "balance of Agricultural Products Board Account" defined. (4) For the purposes of subsection three "balance of the Agricultural Products Board Account" means the aggregate of all payments charged to the Account minus the aggregate of all amounts credited to the Account. 25
- Other expenditures. (5) All expenditures for the purposes of this Act, other than those required for the buying, storing, transporting or processing of agricultural products, shall be paid out of moneys appropriated by Parliament. 30
- Penalties. **6.** (1) Every person who violates an order of the Board made pursuant to paragraph (d) of subsection one of section four 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. 35
- Evidence. (2) In any prosecution under subsection one evidence of an order of the Board may be given by the production of a copy thereof purporting to be certified to be a copy by the Chairman, Vice-Chairman, Secretary or other official of the Board. 40



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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 19.**

An Act to amend the Bills of Exchange Act.

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First reading, November 14, 1951.

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THE MINISTER OF FINANCE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 19.**

An Act to amend the Bills of Exchange Act.

R.S., c. 16;  
1934, c. 17.

**H**IS 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 *Bills of Exchange Act*, chapter sixteen of the Revised Statutes of Canada, 1927, is amended by 5 adding thereto the following subsections:

Saturdays.

“(2) In all matters relating to bills or notes

(a) if the time for doing any act or thing expires or falls on a Saturday, that time is deemed to expire or fall, as the case may be, on the next following business day; 10

(b) a bill or note payable on demand cannot be duly presented for acceptance or payment on a Saturday; and

(c) failure to do any act or thing on a Saturday does not give rise to any rights. 15

Cheques.

(3) Notwithstanding subsection two, a cheque may be presented and paid on a Saturday if the drawee is open for business at the time of the presentment and the presentment in all other respects is in accordance with the provisions of this Act, but the non-acceptance or non-payment on a 20 Saturday of a cheque so presented does not entitle the person presenting it to treat the cheque as dishonoured by non-acceptance or non-payment.”

THE HOUSE OF COMMONS OF CANADA

BILL 21

EXPLANATORY NOTE.

Section six at present reads as follows:

“6. Where, by this Act, the time limited for doing any act or thing is less than three days, in reckoning time, non-business days are excluded.”

PARLIAMENT OF CANADA

BILL 19

EXPLANATORY NOTE

The following is a summary of the provisions of the Bill.

1. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

2. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

3. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

4. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

5. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

6. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

7. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

8. Where by this Act the time limited for doing any act or thing is less than three days, or less than five business days, the time limited shall be extended to three days, or to five business days, as the case may be.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 21.**  
**HOUSE COPY**

An Act respecting the Canadian Forces.

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First reading, November 15, 1951.

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THE MINISTER OF NATIONAL DEFENCE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act respecting the Canadian Forces.

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

SHORT TITLE.

Short title.      1. This Act may be cited as *The Canadian Forces Act, 1951.*

5

INTERPRETATION ACT.

2. (1) Section thirty-seven of the *Interpretation Act*, chapter one of the Revised Statutes of Canada, 1927, is amended by adding thereto, immediately after paragraph one thereof, as enacted by section eight of chapter sixty-four of the statutes of 1947, the following paragraph: 10

"active service forces".  
1950, c. 43.

"(1A) 'active service forces' means the components of the Canadian Forces that are referred to in *The National Defence Act* as the active service forces;"

(2) Section thirty-seven of the said Act is further amended by adding thereto, immediately after paragraph 15 fifteen thereof, the following paragraph:

"military".

"(15A) 'military' shall be construed as relating to all or any of the Services of the Canadian Forces;"

(3) Section thirty-seven of the said Act is further amended by adding thereto, immediately after paragraph 20 twenty-three thereof, the following paragraphs:

"regular forces".  
1950, c. 43.

"(23A) 'regular forces' means the components of the Canadian Forces that are referred to in *The National Defence Act* as the regular forces;

"reserve forces".

"(23B) 'reserve forces' means the components of the 25 Canadian Forces that are referred to in *The National Defence Act* as the reserve forces;"

### EXPLANATORY NOTES.

Clauses 5 (2), 6, 8 (2) and (6), 14 (2), (4) and (5), 17 (2), 22 (2), 25, 26 and 28 of this Bill would make substantive amendments relating to defence as mentioned in the notes.

The other amendments are consequential upon the bringing into force of *The National Defence Act* and are intended to make the expressions used in the statutes referred to consistent with the language used in *The National Defence Act*.

**2.** This clause would add to the *Interpretation Act* definitions of "active service forces", "military", "regular forces" and "reserve forces" consistent with the use of those terms in *The National Defence Act*.

## CIVIL SERVICE ACT.

"Veteran"  
defined.

3. (1) Subparagraph (i) of paragraph (g) of subsection one of section two of the *Civil Service Act*, chapter twenty-two of the Revised Statutes of Canada, 1927, as enacted by section one of chapter fifty-three of the statutes of 1947, is amended by striking out the word "military" and by substituting therefor the words "naval, army or air". 5

Idem.

(2) Subparagraphs (ii) and (v) of paragraph (g) of subsection one of section two of the said Act, as enacted by section five of chapter six of the statutes of 1949 (first session) are amended by striking out the word "military" wherever it appears therein and by substituting therefor in each case the word "army". 10

Idem.

(3) Subparagraph (vii) of paragraph (g) of subsection one of section two of the said Act, as enacted by section one of chapter fifty-three of the statutes of 1947, is amended by striking out the word "military" where it first appears therein and by substituting therefor the word "army". 15

## CIVIL SERVICE INSURANCE ACT.

Who may  
insure.

4. Section five of the *Civil Service Insurance Act*, chapter twenty-three of the Revised Statutes of Canada, 1927, is amended by striking out the words "civil, military or naval" and by substituting therefor the words "civil or military". 20

## CIVIL SERVICE SUPERANNUATION ACT.

Sections  
amended.

5. (1) The *Civil Service Superannuation Act*, chapter twenty-four of the Revised Statutes of Canada, 1927, is amended by striking out the word "military" wherever it appears in the following portions thereof and by substituting therefor in each case the word "army", 25

Definitions.

(a) in paragraph (ee) and subparagraph (i) of paragraph (hh) of section two, as enacted by section one of chapter fifty-four of the statutes of 1947, and

Contributions.

(b) in subsection four of section seven A, as enacted by section three of chapter thirty-four of the statutes of 1944-45.

"army,  
naval"  
substituted  
for  
"military".

(2) Subparagraph (ii) of paragraph (hh) of section two of the said Act, as enacted by section one of chapter fifty-four of the statutes of 1947, is amended by striking out the word "military" and by substituting therefor the words "army, naval". 35

"defence  
service" and  
"defence  
service con-  
tributor"  
defined.

6. (1) For the purposes of this section,  
(a) "defence service" means service that may be counted for any purpose under *The Defence Services Pension Act*; 40  
and



3. Under clause 2 of this Bill, "military" would henceforth be construed as relating to all or any of the Services of the Canadian Forces. As used in the provision of the *Civil Service Act* mentioned in subclause (1), it is not limited in its meaning only to the Canadian Forces. The words "naval, army or air" have therefore been substituted for "military" in order to preserve the broader meaning.

Subclause (2) would change the word "military" to "army" as it is only the army to which "military" relates in this context. This is consistent with the use of the words in *The National Defence Act*.

Subclause (3) would change the word "military" to "army" as it is only the army to which "military" relates in this context.

4. By deleting the words "or naval", this clause would eliminate the possibility that the expression "civil, military or naval" in section 5 of the *Civil Service Insurance Act* might be construed so as not to include the air force.

5. Subclause (1) would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

Subclause (2) would enable persons who served overseas with the Royal Canadian Navy during the Second World War otherwise than at sea to count such service for the purposes of the *Civil Service Superannuation Act*.

6. This clause would enable the Governor in Council to provide that persons who have accumulated pensionable service under *The Defence Services Pension Act* may be able to count that service under the *Civil Service Superannuation Act* when they retire from the forces to accept civil service appointments in the Department of National Defence.

(b) "defence service contributor" means a person who satisfies all of the following conditions,

- (i) he is a contributor under the *Civil Service Superannuation Act*,
- (ii) he was a contributor under *The Defence Services Pension Act* on or subsequent to the first day of July, nineteen hundred and fifty-one, and
- (iii) he was retired from the regular forces to enable him to accept an appointment under *The National Defence Act* or to the staff of the Department of National Defence.

1950, c. 43.

Authority to provide for defence service to count for purposes of the *Civil Service Superannuation Act*.

(2) The Governor in Council may by regulations provide that the defence service of a defence service contributor shall, to such extent and subject to such conditions as may be prescribed in those regulations, be counted as service in the civil service for the purposes of the *Civil Service Superannuation Act*, and may in those regulations provide for the transfer to the Superannuation Account maintained under that Act of any amount contributed by the defence service contributor under *The Defence Services Pension Act* with accrued interest and any amount contributed on his behalf by His Majesty with accrued interest.

Saving provision.

(3) No pension, gratuity or other benefit shall be payable under *The Defence Services Pension Act* in respect of the defence service of a defence service contributor where that defence service is to be counted under the *Civil Service Superannuation Act* pursuant to this section.

#### EXCHEQUER COURT ACT.

Writs in relation to officer or man of Canadian Forces.

7. (1) Paragraph (j) of subsection one of section nineteen of the *Exchequer Court Act*, chapter thirty-four of the Revised Statutes of Canada, 1927, as enacted by section one of chapter thirteen of the statutes of 1932-33, is amended by striking out the words "Naval, Military or Air Forces" and by substituting therefor the words "naval, army or air forces".

Member of forces deemed a servant of the Crown.

(2) Section fifty A of the said Act, as enacted by section one of chapter twenty-five of the statutes of 1943-44, is amended by striking out the word "military" and by substituting therefor the word "army".

#### THE DEFENCE SERVICES PENSION ACT.

Definition of "dependant" repealed.

8. (1) Paragraph (d) of subsection one of section forty-two of *The Defence Services Pension Act*, chapter one hundred and thirty-three of the Revised Statutes of Canada, 1927, as enacted by section six of chapter fifty-nine of the statutes of 1946, is repealed.

7. Subclause (1) would change the word "military" to "army" as it is only the army to which "military" relates in this context.

(2) Subclause (2) would change the word "military" to "army" as it is only the army to which "military" relates in this context.

8. Subclause (1) would delete the definition of "dependent" in Part V of *The Defence Services Pension Act* as this term is no longer used anywhere in that Part.

(2) Paragraphs (e) and (f) of subsection one of section forty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, are repealed and the following substituted therefor:

"forces".

"(e) 'forces' means the regular forces, and includes the 5  
forces known, prior to the coming into force of Part II of  
The National Defence Act, as the Royal Canadian  
Navy, the Canadian Army Active Force, the Permanent  
Active Militia, the Permanent Militia Corps, the  
permanent staff of the Militia, the Royal Canadian 10  
Air Force (Regular) and the Permanent Active Air  
Force;

"member of  
the forces".

(f) 'member of the forces' means an officer or man of  
the forces, excluding an officer appointed temporarily  
or under a commission for a fixed term to whom this 15  
Act did not apply immediately prior to his being so  
appointed;"

(3) Subparagraph (i) of paragraph (a) of subsection three of section forty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, 20 is repealed and the following substituted therefor:

Retirement  
by reason of  
misconduct.

"(i) by sentence of a court martial, he is cashiered or  
dismissed with disgrace from His Majesty's service  
or dismissed from His Majesty's service;"

(4) Subparagraphs (i) and (ii) of paragraph (b) of 25 subsection three of section forty-two of the said Act, as enacted by section six of chapter fifty-nine of the statutes of 1946, are repealed and the following substituted therefor:

Idem.

"(i) by sentence of a court martial, he is discharged or  
discharged with ignominy or dismissed with disgrace 30  
from His Majesty's service or dismissed from His  
Majesty's service; or

(ii) by reason of conviction by a civil court or a court  
martial, he is released from the forces;"

Gratuity to  
service  
estate of  
contributor.

(5) Subsection three of section forty-six B of the said Act, 35 as enacted by section eleven of chapter thirty-two of the statutes of 1950, is amended by striking out the words "the *Department of National Defence Act*" and by substituting therefor the words "*The National Defence Act*".

(6) The said Act is further amended by adding thereto, 40 immediately after section forty-six c as enacted by section eleven of chapter thirty-two of the statutes of 1950, the following sections:

Where  
appointed  
as an officer  
or enrolled  
in another  
force.

"46D. Unless the Minister otherwise directs, a gratuity  
or pension shall not be paid to a contributor upon his release 45  
from one of the forces for the purpose of his enrolment in  
any of the forces."

Subclause (2) would amend the definition of "forces" to make it consistent with *The National Defence Act*. It would also place in statutory form a provision contained in an Order-in-Council under *The Emergency Powers Act* whereby the definition of "member of the forces" was modified to preserve the rights under the Act of a man of the regular forces who is released for the purpose of appointment to a short service commission. Paragraphs (e) and (f) of subsection (1) of section 42 of the Act now read:

"(e) 'forces' means, in the case of the naval forces, the Royal Canadian Navy; in the case of the military forces, the Permanent Active Militia, and in the case of the air forces, the Royal Canadian Air Force (Regular), and includes the forces formerly known as the Permanent Militia Corps, permanent staff of the Militia and the Permanent Active Air Force;

(f) 'member of the forces' means any officer, warrant officer, non-commissioned officer or man of the forces excluding an office appointed temporarily or under a commission for a fixed term;"

Subclause (3) would amend the Act to make its terminology consistent with that of *The National Defence Act*, Subparagraph (i) of paragraph (a) of subsection (3) of section 42 of *The Defence Services Pension Act* now reads:

"(i) he is cashiered or dismissed from the forces by sentence of a court martial;"

Subclause (4) would amend the Act to make its terminology consistent with that of *The National Defence Act*. Subparagraphs (i) and (ii) of paragraph (b) of subsection (3) of section 42 of *The Defence Services Pension Act* now read:

"(i) he is discharged or dismissed from His Majesty's service by sentence of a court martial; or

(ii) he is discharged by reason of conviction by a civil court or a court martial, or in the naval forces, is dismissed."

Subclause (5) would substitute a reference to *The National Defence Act* for a reference to the *Department of National Defence Act* which will shortly be repealed by proclamation under *The National Defence Act*.

Subclause (6) would add two new sections, 46D and 46E, to the Act. The proposed section 46D would place in statutory form a provision of an Order-in-Council passed under *The Emergency Powers Act*. It obviates the necessity of interference with the pension accounts of persons who are released for the purpose of immediate re-enrolment in another regular force or appointment to a commission in one of the regular forces. The new section

Contributor who has been a member of military services for 20 years but has served in forces for less than 10 years.

“46E. A contributor who  
 (a) has been a member of one or more of the regular, auxiliary or reserve military services of Canada for twenty years or more, and  
 (b) of the twenty years or more mentioned in paragraph 5  
 (a), has served for a continuous period of ten years or more immediately preceding his retirement  
 (i) on active service in the military services of Canada during the Second World War, and  
 (ii) subsequently in the forces as defined in this Act, 10  
 may be granted an annual pension by the Governor in Council under the conditions set out in paragraph (c) or (d) of section forty-six notwithstanding that he has completed less than ten years’ service in the forces, as defined in this Act.” 15

#### ROYAL CANADIAN MOUNTED POLICE ACT.

“service” defined.

9. (1) 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 twenty-one of chapter six of the statutes of 20 1949 (first session), are amended by striking out the word “military” wherever it appears therein and by substituting therefor in each case the word “army”.

Other sections amended.

(2) The said Act is further amended by striking out the words “the *Militia Pension Act*” wherever they appear 25 in the following portions thereof and by substituting therefor in each case the words “*The Defence Services Pension Act*”,

(a) in subsection one of section ninety-four, as enacted by section ten of chapter twenty-eight of the statutes 30 of 1947-48,

(b) in subsection one of section ninety-seven, as enacted by section ten of chapter twenty-eight of the statutes of 1947-48,

(c) in subsection four of section ninety-seven, as enacted 35 by section ten of chapter twenty-eight of the statutes of 1947-48, and

(d) in paragraph (e) of section one hundred and two, as enacted by section ten of chapter twenty-eight of the statutes of 1947-48. 40

#### PUBLIC WORKS ACT.

His Majesty’s troops exempt.

10. Section twenty-five of the *Public Works Act*, chapter one hundred and sixty-six of the Revised Statutes of Canada, 1927, is amended by striking out the words “His Majesty’s officers and soldiers” and by substituting therefor the words “Officers and men of His Majesty’s Forces”. 45

46E would permit the Governor in Council to grant a pension to a contributor who has been a member of the military services for twenty years, who served on active service during the Second World War and subsequently in the regular forces but who has, at the date of his retirement, served for less than ten years in the regular forces.

9. Subclause (1) would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

Subclause (2) would substitute a reference to *The Defence Services Pension Act* for a reference to the *Militia Pension Act*. These are the same statutes, the title having been altered by Parliament in 1950.

10. This clause would substitute the words "officers and men of His Majesty's Forces" for the words "His Majesty's officers and soldiers". This would be in accordance with the language used in *The National Defence Act*.

## RAILWAY ACT.

Carriage of  
mails, troops,  
etc.

**11.** Section three hundred and fifty-one of the *Railway Act*, chapter one hundred and seventy of the Revised Statutes of Canada, 1927, is amended by striking out the words "naval or military forces or militia" and by substituting therefor the word "Forces".

5

## YUKON PLACER MINING ACT.

Non-  
forfeiture  
of claims  
of service  
personnel.

**12.** Section forty-nine A of the *Yukon Placer Mining Act*, chapter two hundred and sixteen of the Revised Statutes of Canada, 1927, as enacted by section one of chapter thirty-five of the statutes of 1946, is amended by striking out the word "military" and by substituting 10 therefor the word "army".

## YUKON QUARTZ MINING ACT.

Regulations  
to protect  
service  
personnel  
from  
forfeiture  
of claims.

**13.** Section fifty-six A of the *Yukon Quartz Mining Act*, chapter two hundred and seventeen of the Revised Statutes of Canada, 1927, as enacted by section four of chapter thirteen of the statutes of 1946, is amended by 15 striking out the word "military" and by substituting therefor the word "army".

## THE VISITING FORCES (BRITISH COMMONWEALTH) ACT, 1933.

Sections  
amended.

**14.** (1) *The Visiting Forces (British Commonwealth) Act, 1933*, chapter twenty-one of the statutes of 1932-33, is amended by striking out the word "military" wherever 20 it appears in the following portions thereof and by substituting therefor in each case the word "army",

Definitions.

(a) in paragraphs (d) and (g) of subsection one of section two, and

Discipline,  
etc.

(b) in subsection one of section three. 25

(2) Paragraph (h) of subsection one of section two of the said Act is repealed and the following substituted therefor:

"visiting  
force".

"(h) 'visiting force' means any body, contingent or detachment of the naval, army and air forces of His 30 Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa, which is, with the consent of His Majesty's Government in Canada, lawfully present in Canada;" 35

Provisions  
applicable,  
etc.

(3) Subsection three of section four of the said Act is amended by striking out the words "the *Militia Act*, the *Naval Service Act*" and by substituting therefor the words "*The National Defence Act*".



**11.** This clause would substitute the word "Forces" for the words "naval or military forces or militia". This would be in accordance with the language used in *The National Defence Act*.

**12.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in this context.

**13.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in this context.

**14.** Subclause (1) would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

Subclause (2) would change the word "military" to "army" as it is only the army to which "military" relates in this context. It would also delete the references to Newfoundland and the Irish Free State now contained in paragraph (h) of subsection (1) of section 2 of the Act. Paragraph (h) now reads:

"(h) 'Visiting force' means any body, contingent or detachment of the naval, military and air forces of His Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, or Newfoundland, which is, with the consent of His Majesty's Government in Canada, lawfully present in Canada;"

Subclause (3) would substitute a reference to *The National Defence Act* for the reference to the *Militia Act* and the *Naval Service Act* both of which will shortly be repealed by proclamation under *The National Defence Act*.

Application  
of section.

(4) Subsections one and two of section five of the said Act are repealed and the following substituted therefor:

“5. (1) The forces to which this section applies are such of the naval, army and air forces of His Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa, as the Governor in Council may direct. 5

Deserters  
and  
absentees.

(2) Subject to this section, subsections one to five, inclusive, of section two hundred and two of *The National Defence Act* apply in relation to a deserter or absentee 10  
without leave from any force to which this section applies (including any member of a reserve or auxiliary force who, having failed to obey a notice calling upon him to appear at any place for service, is by the law of that part of the Commonwealth to which the force belongs liable to the same punishment as a deserter, or to the same punishment as an absentee without leave), as they apply in relation to a deserter or absentee without leave from a home force.” 15

Application  
of section.

(5) Subsection one of section six of the said Act is repealed and the following substituted therefor: 20

“6. (1) The forces, other than home forces, to which this section applies are the naval, army and air forces of His Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa.” 25

Law  
applicable,  
etc.

(6) Subsection three of section six of the said Act is amended by striking out the words “Naval Service, the Militia, or the Air Force” and by substituting therefor the words “Royal Canadian Navy, Canadian Army or Royal Canadian Air Force”. 30

#### THE UNEMPLOYMENT INSURANCE ACT, 1940.

Schedule  
amended.

15. Paragraph (*j*) of Part II of the First Schedule to *The Unemployment Insurance Act, 1940*, chapter forty-four of the statutes of 1940, as amended by section thirty-five of chapter sixty-eight of the statutes of 1946, is amended by striking out the word “military” and by substituting therefor the word “army”. 35

#### THE VETERANS' LAND ACT, 1942.

“veteran”  
defined.

16. Paragraph (*d*) of section two of *The Veterans' Land Act, 1942*, chapter thirty-three of the statutes of 1942-43, as enacted by section one of chapter thirty-four of the statutes of 1945 (second session), is amended by striking out the word “military” wherever it appears therein and by substituting therefor in each case the word “army”. 40

Subclause (4) would repeal subsections (1) and (2) of section 5 and substitute new subsections therefor. In subsection (1), "army" is substituted for "military" and references to Newfoundland and the Irish Free State are deleted. References in the existing subsection (2) to the sections of the *Army Act* of the United Kingdom relating to the apprehension of deserters and absentees are deleted and references to the appropriate sections of *The National Defence Act* are substituted. Subsections (1) and (2) of section 5 now read:

"(1) The forces to which this section applies are such of the naval, military and air forces of His Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, or Newfoundland, as the Governor in Council may direct.

(2) Subject to the provisions of this section, paragraphs (1) to (4) of section one hundred and fifty-four of the *Army Act* (which relates to the apprehension of deserters and absentees without leave) shall, to the extent to which by the *Militia Act* it is given force and effect as if it had been enacted by the Parliament of Canada for the government of the Militia within Canada, apply in relation to a deserter or absentee without leave from any force to which this section applies (including any member of a reserve or auxiliary force who, having failed to obey a notice calling upon him to appear at any place for service, is by the law of that part of the Commonwealth to which the force belongs liable to the same punishment as a deserter or to the same punishment as an absentee without leave), as they apply in relation to a deserter, or absentee without leave, from a home military force:

Provided that any reference in the said paragraphs to military custody shall be construed as including a reference to naval or air force custody."

Subclause (5) would repeal subsection (1) of section 6 and substitute a new subsection therefor in which the word "military" is replaced by "army" and reference to Newfoundland and the Irish Free State is deleted.

Subclause (6) would delete the phrase "Naval Service, the Militia, or the Air Force" and substitute therefor the phrase "Royal Canadian Navy, Canadian Army or Royal Canadian Air Force". This is consistent with the usage in *The National Defence Act*.

**15.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in this context.

**16.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in this context.

## THE DEPARTMENT OF VETERANS AFFAIRS ACT.

Sections amended.

**17.** (1) *The Department of Veterans Affairs Act*, chapter nineteen of the statutes of 1944-45, is amended by striking out the word "military" wherever it appears in the following portions thereof and by substituting therefor in each case the word "army",

(a) in section five, and

(b) in paragraphs (a), (f) and (g) of subsection one of section six.

(2) The said Act is further amended by adding to section six thereof the following subsections:

Authority to provide for collection, etc. of the service estates of former members of the forces.

"(2) The Governor in Council may make regulations respecting the collection, administration and distribution of the service estates of former members of the naval, army or air forces of Canada who die while receiving hospital treatment or institutional care under the control or direction of the Department on account of any disability suffered or incurred during their service as such members.

"service estate" defined.

(3) For the purposes of subsection two, the expression 'service estate' means that part of the personal estate of the deceased former member of the naval, army or air forces of Canada mentioned in that subsection that consists of balance of pay and allowances, and all other emoluments emanating from the Crown, that at the date of death are due or otherwise payable, and all personal belongings found on the deceased or in the care or custody of the Department, including cash on hand and personal articles and effects."

## THE FAMILY ALLOWANCES ACT, 1944.

Reduction or withholding allowance.

**18.** Subsection two of section eight of *The Family Allowances Act*, chapter forty of the statutes of 1944-45, is amended by striking out the word "Military" and by substituting therefor the word "Army".

## THE WAR SERVICE GRANTS ACT, 1944.

"dependants' allowance".

**19.** (1) Paragraph (d) of section two of *The War Service Grants Act, 1944*, chapter fifty-one of the statutes of 1944-45, as enacted by section one of chapter thirty-eight of the statutes of 1945 (second session), is amended by adding thereto, immediately before the words "*the Naval Service Act*", the words "*The National Defence Act*".

"misconduct".

(2) Subparagraph (i) of paragraph (l) of section two of the said Act, as enacted by section one of chapter thirty-eight of the statutes of 1945 (second session), is amended by adding thereto, immediately before the words "*the Naval Discipline Act*", the words "*The National Defence Act*".

**17.** Subclause (1) would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

Subclause (2) would carry forward the provisions of section seven of the *Department of National Defence Act* in so far as it relates to former members of the forces.

**18.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in this context.

**19.** Subclause (1) would substitute a reference to *The National Defence Act* for a reference to the *Naval Service Act* which will shortly be repealed by proclamation under *The National Defence Act*.

Subclause (2) would add a reference to *The National Defence Act*.

Gratuity.

(3) Subsection four of section four of the said Act, as enacted by section three of chapter thirty-eight of the statutes of 1945 (second session), is amended by striking out the words "subsection two of section seven of the *Department of National Defence Act*" and by substituting therefor the words "subsection two of section forty of *The National Defence Act*". 5

Other sections amended.

(4) The said Act is further amended by striking out the word "military" wherever it appears in the following portions thereof and by substituting therefor in each case the word "army",

(a) in paragraph (g) of section two, as enacted by section one of chapter thirty-eight of the statutes of 1945 (second session),

(b) in subsections two a and two b of section three, as enacted by section one of chapter seventy-four of the statutes of 1946,

(c) in paragraph (b) of subsection four of section three, as enacted by section two of chapter thirty-eight of the statutes of 1945 (second session), 20

(d) in subsections one and two of section three A, as enacted by section two of chapter seventy-four of the statutes of 1946,

(e) in paragraph (a) of subsection one of section five, as enacted by section four of chapter thirty-eight of the statutes of 1945 (second session), 25

(f) in subsection one of section six, as enacted by section six of chapter thirty-eight of the statutes of 1945 (second session),

(g) in section fifteen, 30

(h) in subsections three and four of section sixteen, as enacted by section twelve of chapter thirty-eight of the statutes of 1945 (second session), and

(i) in subsection one of section seventeen, as enacted by section thirteen of chapter thirty-eight of the statutes of 1945 (second session). 35

(5) That portion of section eleven of the said Act that precedes paragraph (b) thereof, as enacted by section ten of chapter thirty-eight of the statutes of 1945 (second session), is repealed and the following substituted therefor: 40

Exceptions to entitlement of officers.

"11. No officer of the naval, army or air forces shall be entitled to any benefits under this Act if, since the tenth day of September, one thousand nine hundred and thirty-nine,

(a) by sentence of a court martial, he is cashiered or dismissed with disgrace from His Majesty's service or dismissed from His Majesty's service;" 45

(6) Section twelve of the said Act, as enacted by section eleven of chapter thirty-eight of the statutes of 1945 (second session), is repealed and the following substituted therefor: 50

Subclause (3) would substitute a reference to *The National Defence Act* for a reference to the *Department of National Defence Act* which will shortly be repealed by proclamation under *The National Defence Act*.

Subclause (4) would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

Subclause (5) would change the word "military" to "army" as it is only the army to which "military" relates in this context. It would also add a reference to a punishment prescribed by *The National Defence Act*.

Subclause (6) would substitute the phrase "man of the naval, army or air forces" for the words "seaman, soldier or airman". This would be in accordance with the language used in *The National Defence Act*. The subclause would also add references to punishments prescribed by that Act.

Exceptions to  
entitlement  
of men.

**“12.** (1) No man of the naval, army or air forces shall be entitled to any benefits under this Act if he has been discharged since the tenth day of September, one thousand nine hundred and thirty-nine,

(a) having been sentenced to be discharged with ignominy or dismissed with disgrace from His Majesty's service or dismissed from His Majesty's service;

(b) by reason of his having been convicted by a civil court or by court martial during his service; or

(c) for misconduct.

Meaning of  
“mis-  
conduct”.

(2) A man of the naval forces who was discharged for the stated reason of ‘services no longer required’ and a man of the army or air forces who was discharged for the stated reason of ‘misconduct’ shall be deemed to have been discharged for misconduct for the purposes of this section.”

#### THE VETERANS REHABILITATION ACT.

Sections  
amended.

**20.** (1) *The Veterans Rehabilitation Act*, chapter thirty-five of the statutes of 1945 (second session), is amended by striking out the word “military” wherever it appears in the following portions thereof and by substituting therefor in each case the word “army”,

(a) in paragraph (e) of section two, and

(b) in subsections one and two of section seventeen A, as enacted by section seven of chapter seventy-one of the statutes of 1946.

Persons  
deemed  
to be  
discharged  
as of  
September 30,  
1947.

(2) Paragraph (a) of section eighteen B of the said Act, as enacted by section six of chapter seventy-three of the statutes of 1947-48, is amended by striking out the words “is serving in the Royal Canadian Navy, the Canadian Army (Active Force) or the Royal Canadian Air Force (Regular)” and by substituting therefor the words “is an officer or man in any of the regular forces”.

#### THE REINSTATEMENT IN CIVIL EMPLOYMENT ACT.

“service in  
His Majesty's  
forces”.

**21.** Subparagraph (i) of paragraph (i) of section two of *The Reinstatement in Civil Employment Act*, chapter sixty-three of the statutes of 1946, is amended by striking out the word “military” wherever it appears therein and by substituting therefor in each case the word “army”.

#### THE VISITING FORCES (UNITED STATES OF AMERICA) ACT.

Definitions.

**22.** (1) Section two of *The Visiting Forces (United States of America) Act*, chapter forty-seven of the statutes of 1947, is amended by striking out the word “military”



**20.** Subclause (1) would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

Subclause (2) would substitute the phrase "is an officer or man of the regular forces" for the phrase "is serving in the Royal Canadian Navy, Canadian Army (Active Force) or the Royal Canadian Air Force (Regular)". This would be consistent with *The National Defence Act* and the definition of "regular forces" proposed in clause 2 of this Bill.

**21.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in this context.

**22.** Subclause (1) would change the word "military" to "army" as it is only the army to which "military" relates in this context.

wherever it appears therein and by substituting therefor in each case the word "army".

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

Laws  
to apply to  
U.S.A. court-  
martial.

"4A. (1) Subsections two, three and four of section two hundred of *The National Defence Act* apply in relation to United States courts martial, except that 5

(a) a person required to give evidence before a United States court martial may be summoned only by a magistrate or justice of the peace; and 10

(b) a magistrate or justice of the peace shall summon, in the manner prescribed by the Governor in Council, a witness to appear before a United States court martial when requested so to do by

(i) the authority by whom the court martial was convened, 15

(ii) the officer presiding at the court martial, or

(iii) an officer designated to take a deposition to be read in evidence before the court martial.

Application  
of s. 243.

(2) Section two hundred and forty-three of *The National Defence Act* applies to any person duly summoned pursuant to subsection one as though the court martial before which he is summoned to appear were a court martial within the Canadian Forces. 20

Meaning of  
"United  
States court-  
martial".

(3) For the purposes of this section 'United States court martial' means a general court martial, a special court martial or a summary court martial within a United States force or any military or civil officer designated to take a deposition to be read in evidence before such a court martial." 30

#### THE INCOME TAX ACT.

Sections  
amended.

**23.** *The Income Tax Act*, chapter fifty-two of the statutes of 1947-48, is amended by striking out the word "military" wherever it appears in the following portions thereof and by substituting therefor in each case the word "army", 35

(a) in subparagraphs (ii) and (iii) of paragraph (b) of section five, and

(b) in paragraph (b) of subsection three of section one hundred and twenty-seven.

#### THE STATUTE LAW AMENDMENT (NEWFOUNDLAND) ACT.

Sections  
amended.

**24.** (1) *The Statute Law Amendment (Newfoundland) Act*, chapter six of the statutes of 1949 (first session), is amended by striking out the word "military" wherever it appears in the following portions thereof and by substituting therefor in each case the word "army", 40

Subclause (2) would provide for the attendance of civilian witnesses before United States courts martial held in Canada. There is provision in United States legislation for the summoning of civilian witnesses before a Canadian court martial sitting in the United States. United States military authorities in Canada would not be able to issue summonses to civilian witnesses but in all cases would have to apply to a Canadian judicial authority.

**23.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

**24.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in the contexts mentioned.

Family Allowances Act, 1944, amended.

- (a) in section thirty-eight,
- (b) in section thirty-nine,
- (c) in section forty-three,
- (d) in section forty-four,
- (e) in section forty-five, and
- (f) in section forty-nine.

5

(2) Paragraph (c) of section forty-one of the said Act is amended by striking out the words "Military" and "military" and by substituting therefor, respectively, the words "Army" and "army".

10

### THE NATIONAL DEFENCE ACT.

**25.** (1) Section nineteen of *The National Defence Act*, chapter forty-three of the statutes of 1950, is amended by renumbering subsections one, two, three and four as two, three, four and five, respectively, and by adding thereto, as subsection one, the following subsection:

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Chairman of Chiefs of Staff Committee.

"**19.** (1) The Governor in Council may appoint an officer to be Chairman of the Chiefs of Staff Committee who shall hold such rank and have such precedence as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister,

20

- (a) act as chairman of a committee composed of the chiefs of staff and such other persons as the Minister may designate;
- (b) co-ordinate the training and operations of the Canadian Forces; and
- (c) perform such other duties as may be assigned to him by the Minister."

25

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

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### "COMPENSATION.

Compensation to certain public service employees.

**216A.** Compensation may be paid to such extent, in such manner and to such persons as the Governor in Council may by regulation prescribe, in respect of disability or death resulting from injury or disease or aggravation thereof incurred by any person while

35

- (a) employed in the public service of Canada,
- (b) employed under the direction of any part of the public service of Canada, or
- (c) engaged, with or without remuneration, in an advisory, supervisory or consultative capacity in or on behalf of the public service of Canada,

and performing any function in relation to the Canadian Forces, the Defence Research Board or any forces co-

40

**25.** Subclause (1) would give statutory authority for the appointment by the Governor in Council of an officer to be Chairman of the Chiefs of Staff Committee and prescribe his duties. Similar provision is made in *The National Defence Act* in respect of the chiefs of staff of the navy, army and air force. At present the office of Chairman of the Chiefs of Staff Committee is established by Order in Council.

Subclause (2) would provide for the payment of compensation to or in respect of persons employed in or with the public service of Canada who are injured or killed while performing any function in relation to the Canadian Forces, the Defence Research Board or forces cooperating with any of them. This provision would make it possible to place civilians serving with but not in the forces in the same position, for the purpose of compensation for death or disability, as are members of the forces.

operating with the Canadian Forces or the Defence Research Board, if the injury or disease or aggravation thereof arose out of or was directly connected with the performance of such functions, but no compensation shall be paid under this section in respect of any disability or death for which a pension is paid or payable by virtue of any of the provisions of the *Pension Act*.” 5

Proceedings for offences under *Naval Service Act*, *Militia Act*, and *Royal Canadian Air Force Act*.

26. (1) Subject to the provisions of this section, a person

(a) who committed in whole or in part an offence under 10  
*The Naval Service Act, 1944*, the *Militia Act* or *The Royal Canadian Air Force Act* before the coming into force of Parts IV to IX of *The National Defence Act*;  
or

(b) who, immediately prior to the coming into force of 15  
the said Parts, is a deserter or absentee without leave and continues to be a deserter or absentee without leave after the coming into force of the said Parts, may be charged, dealt with and tried under *The Naval Service Act, 1944*, the *Militia Act* or *The Royal Canadian 20 Air Force Act*, as the case may be, and where any such person is to be tried by court martial, the court martial shall be convened and conducted in accordance with the law and procedure in force by virtue of those Acts.

Deserters and absentees without leave.

(2) A deserter or absentee without leave, described in 25  
paragraph (b) of subsection one, may be charged, dealt with and tried under *The Naval Service Act, 1944*, the *Militia Act* or *The Royal Canadian Air Force Act*, as the case may be, in respect of the whole period of his desertion or absence without leave, both before and after the coming 30  
into force of Parts IV to IX of *The National Defence Act*, and, subject to subsection (4), where he is so charged, dealt with and tried, the said Parts shall not apply in respect of the said desertion or absence without leave.

Maximum penalty.

(3) Where a punishment of penal servitude, imprison- 35  
ment or detention is imposed by virtue of this section, the punishment shall not involve a period of incarceration exceeding the maximum period prescribed for a similar offence in *The National Defence Act*.

Certain provisions of *National Defence Act* applicable.

(4) The provisions of *The National Defence Act* relating 40  
to quashing and substitution of findings, substitution, mitigation, commutation and remission of punishments, appeals, review by the Judge Advocate General and petition for new trial, apply *mutatis mutandis*, after the coming into force thereof, in respect of persons charged, dealt with 45  
and tried by virtue of this section.

**26.** This clause relates only to offences committed or commenced, but not disposed of, prior to the coming into force of the disciplinary Parts of *The National Defence Act* on September 1st, 1951. It would place in statutory form the substance of an Order-in-Council under *The Emergency Powers Act* making it possible for alleged offenders to be dealt with under the enactments that were violated but, at the same time, affording to them certain rights granted to offenders who commit offences prescribed in *The National Defence Act*.

## THE DEFENCE PRODUCTION ACT.

“defence projects”.

**27.** Paragraph (d) of section two of *The Defence Production Act*, chapter four of the statutes of 1951, is amended by striking out the word “military” and by substituting therefor the word “army”.

## THE OFFICIAL SECRETS ACT.

**28.** That portion of subsection one of section four of *The Official Secrets Act*, chapter forty-nine of the statutes of 1939 (first session) that precedes paragraph (a) thereof is repealed and the following substituted therefor:

Wrongful communication, etc., of information.

“**4.** (1) If any person having in his possession or control any secret official code word, or pass word, or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under His Majesty, or which he has obtained or to which he has had access while subject to the Code of Service Discipline within the meaning of *The National Defence Act* or owing to his position as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of His Majesty, or a contract the performance of which in whole or in part is carried out in a prohibited place, or as a person who is or has been employed under a person who holds or has held such an office or contract,—”

1950, c. 43.

## COMMENCEMENT.

Amendments to *The Defence Services Pension Act*.  
Collection, etc. of estates of former servicemen.

**29.** (1) Subsections two and six of section eight shall be deemed to have come into force on the seventh day of June, nineteen hundred and fifty-one.

(2) Subsection two of section seventeen shall be deemed to have come into force on the first day of September, nineteen hundred and fifty-one.

Proceedings for offences under *Naval Service Act*, *Militia Act* and *R.C.A.F. Act*.

(3) Section twenty-six shall be deemed to have come into force on the fourth day of July, nineteen hundred and fifty-one.



**27.** This clause would change the word "military" to "army" as it is only the army to which "military" relates in this context.

**28.** This clause would extend the operation of section 4 of *The Official Secrets Act* to cover persons who by reason of serving with but not in the forces may have obtained information that should not be disclosed.

**29.** Subclause (1) would make amendments to *The Defence Services Pension Act* retroactive to the date of Order in Council P.C. 2932, passed under *The Emergency Powers Act*. That Order in Council contained provisions in part similar to those set out in subclauses (2) and (6) of clause eight of this Bill.

Subclause (2) would make the proposed amendment to the *Department of Veterans' Affairs Act* relating to service estates retroactive to the date of the coming into force of section forty of *The National Defence Act*. Section forty provides authority for the administration of the service estates of members of the forces but does not carry forward a provision of the *Department of National Defence Act* authorizing the Department of Veterans Affairs to administer the service estates of former members of the forces.

Subclause (3) relates to clause twenty-six that would place in statutory form the substance of Order in Council P.C. 3417 under *The Emergency Powers Act*. This subclause would make clause twenty-six retroactive to the date of that Order in Council.

1877. The year 1877 was a year of great change in the history of the United States. It was the year when the Reconstruction era came to an end and the country began to heal its wounds.

The Reconstruction era had been a time of great struggle and sacrifice. It was a time when the country was torn apart by the Civil War and the Reconstruction era was a time when the country was trying to put itself back together.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 22.**

An Act to implement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed on the nineteenth day of June, 1951.

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First reading, November 15, 1951.

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THE MINISTER OF NATIONAL DEFENCE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to implement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed on the nineteenth day of June, 1951.

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

- Short title. **1.** This Act may be cited as *The Visiting Forces (North Atlantic Treaty) Act*.
- Definitions. **2.** In this Act
- “Agreement”. (a) “Agreement” means the Agreement between the 10 Parties to the North Atlantic Treaty regarding the Status of their Forces, set out in the Schedule;
- “associated state”. (b) “associated state” means a state, other than Canada, (i) that is a party to the Agreement, or (ii) that is designated as an associated state under 15 section five;
- “Canadian Forces”. (c) “Canadian Forces” means the naval, army or air forces of His Majesty raised by Canada;
- “civil court”. (d) “civil court” means a court of ordinary criminal jurisdiction in Canada and includes a court of summary 20 jurisdiction;
- “civil prison”. (e) “civil prison” means any prison, gaol or other place in Canada in which offenders sentenced by a civil court in Canada to imprisonment for less than two years can be confined; 25
- “detention barrack”. (f) “detention barrack” means a place designated as such under *The National Defence Act*;
- 1939 (1st Sess.), c. 6. (g) “penitentiary” means a penitentiary within the meaning of *The Penitentiary Act, 1939*, and includes any prison or place in which a person sentenced to 30 imprisonment for two years or more by a civil court having jurisdiction in the place where the sentence is imposed can, for the time being, be confined;

## EXPLANATORY NOTES.

The purpose of this Bill is to implement the Agreement, attached as a Schedule to this Bill, between the Parties to the North Atlantic Treaty regarding the status of their forces in so far as the Agreement relates to the presence of visiting forces in Canada. Canada became a signatory to the Agreement on the 19th of June, 1951.

**1.** The short title is consistent with *The Visiting Forces (British Commonwealth) Act, 1933* and *The Visiting Forces (United States of America) Act*, which relate to matters similar to those dealt with in this Bill.

**2.** The words and phrases defined in paragraphs (c), (d), (e), (f), (g), (i) and (j) are given the same meaning as in *The National Defence Act*. The definitions of "associated state" in paragraph (b) and "visiting force" in paragraph (k) are consistent with sub-paragraphs (a), (b) and (d) of paragraph 1 of Article I of the Agreement and, in conjunction with clauses 4 and 5, would enable the Governor in Council to apply this Act to States other than Parties to the North Atlantic Treaty, for example, to British Commonwealth countries other than the United Kingdom.

"regulations".

(h) "regulations" means regulations made by the Governor in Council under this Act;

"service court".

(i) "service court" means a naval, army or air force court martial and includes the service authorities of an associated state who are empowered by the laws of that state to deal with charges; 5

"service prison".  
1950, c. 43.

(j) "service prison" means a place designated as such under *The National Defence Act*;

"visiting force".

(k) "visiting force" means any naval, army or air forces of an associated state present in Canada in connection with official duties; and in the case of an associated state that is a party to the Agreement, includes civilian personnel accompanying such forces who are in the employ of any such forces, and who are not stateless persons, nor nationals of any state that is not a party to the Agreement, nor nationals of, nor ordinarily resident in, Canada; and in the case of any other associated state includes civilian personnel designated by the Governor in Council under section five as a civilian component of a visiting force. 10 15 20

## PART I.

### APPROVAL OF AGREEMENT AND APPLICATION OF ACT.

Agreement approved.

**3.** The Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, set out in the Schedule, is approved.

Application of Act.

**4.** This Act applies in respect of an associated state only when the Governor in Council has pursuant to section five declared it to be applicable in respect of that state, and it applies in respect of that state only to the extent declared by the Governor in Council pursuant to that section. 25

Proclamations.

**5.** The Governor in Council may by proclamation  
(a) designate any country as an associated state for the purposes of this Act; 30  
(b) declare the extent to which this Act is applicable in respect of any associated state;  
(c) declare any of the provisions of *The Visiting Forces (British Commonwealth) Act, 1933*, *The Visiting Forces (United States of America) Act* or *The American Bases Act, 1941*, being No. 12 of the Acts of Newfoundland, 1941, to be inapplicable in respect of any associated state; 35

1932-33, c. 21.  
1947, c. 47.

**3.** This clause would give explicit Parliamentary approval to the Agreement.

**4.** This clause would limit the application of the Act to States designated by, and to the extent declared by, the Governor in Council under clause 5.

**5.** This clause would empower the Governor in Council to limit the application of the Act and to make inapplicable other Canadian legislation respecting visiting forces.

- (d) designate civilian personnel as a civilian component of a visiting force belonging to an associated state that is not a party to the Agreement; and  
 (e) revoke or amend any designation or declaration made under paragraph (a), (b), (c) or (d).

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## PART II.

## DISCIPLINARY JURISDICTION OF VISITING FORCES.

Primary  
right of  
civil courts  
to exercise  
jurisdiction.

6. (1) Except in respect of offences mentioned in subsection two of section seven, the civil courts have the primary right to exercise jurisdiction in respect of any act or omission constituting an offence against any law in force in Canada alleged to have been committed by a member of a visiting force. 10

Previous  
trial by  
service courts.

(2) Where a member of a visiting force has been tried by a service court of that visiting force and has been convicted or acquitted, he may not be tried again by a civil court for the same offence. 15

Jurisdiction  
of service  
courts.

7. (1) Subject to the provisions of this Part, the service authorities and service courts of a visiting force may exercise within Canada in relation to members of that force all the criminal and disciplinary jurisdiction that is conferred upon them by the law of the associated state to which they belong. 20

When service  
courts have  
primary right  
to exercise  
jurisdiction.

(2) With respect to the alleged commission by a member of a visiting force of an offence respecting  
 (a) the property or security of the associated state;  
 (b) the person or property of another member of the visiting force;  
 (c) the person or property of a dependent of another member of the visiting force; or  
 (d) an act done or anything omitted in the performance of official duty, 30

the service courts of the visiting force have the primary right to exercise jurisdiction.

Previous  
trial by  
civil courts.

(3) Where a member of a visiting force has been tried by a civil court and has been convicted or acquitted, he may not be tried again within Canada for the same offence by a service court of that visiting force, but nothing in this subsection prevents that service court from trying within Canada a member of the visiting force for any violation of rules of discipline arising from an act or omission that constituted an offence for which he was tried by a civil court. 40



6. This clause would preserve the primary right of Canadian civil courts to exercise jurisdiction in respect of all offences other than those relating to the internal administration and discipline of a visiting force and would prevent an accused being tried twice for the same offence. It would give effect to sub-paragraph (b) of paragraph 3 and paragraph 8 of Article VII of the Agreement.

7. This clause would confer on a visiting force limited jurisdiction in respect of all offences against the law of the associated state to which the visiting force belongs. It would, however, restrict the primary right of jurisdiction of a visiting force to cases in which its internal administration and discipline are directly affected. This clause would give effect to sub-paragraph (a) of paragraph 1, sub-paragraph (a)(i)(ii) of paragraph 3 and paragraph 8 of Article VII of the Agreement.

Trial by  
court having  
primary  
right.

8. (1) Where under sections six and seven a civil court or a service court of a visiting force has the primary right to exercise jurisdiction, the court having such primary right has the right to deal with charges against alleged offenders in the first instance, but such right may be waived in accordance with regulations. 5

Certificate.

(2) A certificate of the service authorities of an associated state stating that anything alleged to have been done or omitted by a member of a visiting force of that state was or was not done or omitted in the performance of official duty, is receivable in evidence in any civil court and for the purposes of this Part is *prima facie* evidence of that fact. 10

Witnesses.

9. The members of a service court of a visiting force, exercising jurisdiction by virtue of this Act, and witnesses appearing before such a service court, have the like immunities and privileges as a service tribunal exercising jurisdiction under *The National Defence Act* and witnesses appearing before any such service tribunal. 15

1950, c. 43.

Sentences.

10. (1) Where any sentence has been passed by a service court within or without Canada upon a member of the navy, army or air force of an associated state, for the purposes of any legal proceedings within Canada 20

(a) the service court shall be deemed to have been properly constituted;

(b) its proceedings shall be deemed to have been regularly conducted; 25

(c) the sentence shall be deemed to have been within the jurisdiction of the service court and in accordance with the law of the associated state; and

(d) if the sentence has been executed according to the tenor thereof, it shall be deemed to have been lawfully executed. 30

Detention.

(2) Any member of a visiting force who is detained in custody

(a) in pursuance of a sentence mentioned in subsection one; or 35

(b) pending the determination by a service court of a charge brought against him,

shall, for the purposes of any legal proceedings within Canada, be deemed to be in lawful custody. 40

Certificate.

(3) For the purposes of any legal proceedings within Canada, a certificate under the hand of the officer in command of a visiting force stating that the persons specified in the certificate sat as a service court, is receivable in evidence and is conclusive evidence of that fact, and a certificate under the hand of such an officer stating that a member of that force is being detained in either of the 45

8. This clause would define the meaning of "primary right to exercise jurisdiction" mentioned in clauses 6 and 7, and would provide for a waiver of such primary right in cases where an associated state decides not to exercise jurisdiction, or where effect is given to a request by Canada that the primary right to exercise jurisdiction be waived. This clause would give effect to sub-paragraph (c) of paragraph 3 of Article VII of the Agreement.

9. This clause would place members of service courts of visiting forces and witnesses appearing before them in the same position as members of Canadian service tribunals and witnesses appearing before them. In substance, it is similar in principle to provisions contained in *The Visiting Forces (British Commonwealth) Act, 1933*, and in *The Visiting Forces (United States of America) Act*. Although not expressly required by the Agreement, this clause is necessary in order that visiting forces may conduct service courts in Canada.

10. This clause would validate the proceedings of service courts of a visiting force and is in substance similar in principle to provisions contained in *The Visiting Forces (British Commonwealth) Act, 1933*, and in *The Visiting Forces (United States of America) Act*. Although not expressly required by the Agreement, this clause is necessary in order that visiting forces may conduct service courts in Canada.

circumstances described in subsection two, is receivable in evidence and is conclusive evidence of the cause of his detention, but not of his being a member of the visiting force.

Arrest. **11.** For the purpose of enabling the service authorities and service courts of a visiting force to exercise more effectively the powers conferred upon them by this Act, the Minister of National Defence, if so requested by the officer in command of the visiting force or by the associated state, may from time to time by general or special orders to the Canadian Forces, or any part thereof, direct the officers and men thereof to arrest members of the visiting force alleged to have been guilty of offences against the law of the associated state and to hand over any person so arrested to the appropriate authorities of the visiting force.

Place of incarceration. **12.** (1) Where a member of the navy, army or air force of an associated state has been sentenced by a service court to undergo a punishment involving incarceration, the incarceration may, at the request of the officer in command of the visiting force of that associated state and in accordance with the regulations, be served wholly or partly in a penitentiary, civil prison, service prison or detention barrack, and the provisions of *The National Defence Act* respecting the carrying out of punishments of incarceration imposed upon officers and men of the Canadian Forces *mutatis mutandis* apply.

1950, c. 43.

Idem. (2) The Minister of National Defence shall, in accordance with the regulations, and having regard to the nature of the place of incarceration to which the offender would have been committed under the law of the associated state, determine whether the offender's punishment is to be served in whole or in part in a penitentiary, civil prison, service prison or detention barrack.

Police functions. **13.** The authority of members of a visiting force to exercise police functions, including the power of arrest, shall be as prescribed in the regulations, but no such regulation shall empower a member of a visiting force to exercise police functions in respect of any person who is not a member of the visiting force.

Application of provisions of *National Defence Act*. **14.** (1) Subject to such limitations as may be prescribed in the regulations, subsections two, three and four of section two hundred of *The National Defence Act* apply in relation to courts martial of a visiting force, except that a person required to give evidence before a court martial of a visiting force may be summoned only by a magistrate or justice of the peace whose authority in that respect shall be exercised in accordance with the regulations.

1950, c. 43.

**11.** This clause is similar in principle to provisions contained in *The Visiting Forces (British Commonwealth) Act, 1933*, and *The Visiting Forces (United States of America) Act*. It would give effect to sub-paragraph (a) of paragraph 5 of Article VII of the Agreement.

**12.** This clause is similar in principle to provisions contained in *The Visiting Forces (British Commonwealth) Act, 1933*, and *The Visiting Forces (United States of America) Act*. It would give effect to sub-paragraph (b) of paragraph 7 of Article VII of the Agreement.

**13.** This clause would confer limited powers of arrest upon members of a visiting force. Such powers would be exercisable only in respect of members of that force. It would give effect to sub-paragraphs (a) and (b) of paragraph 10 of Article VII of the Agreement.

**14.** This clause would make it possible for visiting forces to be placed in the same position as the Canadian Forces in respect of the summoning of witnesses to appear before service tribunals except that the authorities of visiting forces in Canada would not be able to issue summonses to witnesses, but in all cases would have to apply to a Canadian judicial authority. This clause would give effect to sub-paragraph (a) of paragraph 6 of Article VII of the Agreement.

Idem.  
1950, c. 43.

(2) Section two hundred and forty-three of *The National Defence Act* applies to any person duly summoned under subsection one as though the court martial before which he is summoned to appear were a court martial within the Canadian Forces.

5

Possession  
of explosives,  
etc.

**15.** Members of a visiting force acting in the course of their duties, except civilian personnel,

(a) may, if authorized to do so by orders of service authorities of the visiting force, possess and carry explosives, ammunition and firearms; and

10

(b) are not subject to sections ninety-nine and one hundred and fourteen of the *Criminal Code*.

R.S., c. 36.

### PART III.

#### CLAIMS FOR PERSONAL INJURIES AND PROPERTY DAMAGE

Claims  
against  
associated  
states.

R.S., c. 34.

**16.** For the purposes of paragraph (c) of subsection one of section nineteen of the *Exchequer Court Act*, negligence in Canada of a member of a visiting force while acting within the scope of his duties or employment shall be deemed to be negligence of an officer or servant of the Crown while acting within the scope of his duties or employment.

15

Enforcement  
of judgment  
against  
member of  
visiting  
force.

**17.** A member of a visiting force is not subject to any proceedings for the enforcement of any judgment given against him in Canada in respect of a matter that arose while he was acting within the scope of his duties or employment.

20

Ships.

**18.** Section sixteen does not apply to a claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage or discharge of a cargo, unless the claim is for death or injury to the person.

25

Official  
duty.

**19.** Where a question arises under section sixteen, seventeen or eighteen as to whether

(a) a member of a visiting force was acting within the scope of his duties or employment; or

30

(b) a matter in respect of which judgment was given against a member of a visiting force arose while he was acting within the scope of his duties or employment,

**15.** This clause would permit members of a visiting force to carry and possess arms, explosives and ammunition while acting in the course of duty and would exempt them from the provisions of the *Criminal Code* respecting unlawful drilling and possession of explosives. Civilian personnel in the employ of a visiting force in Canada would be excluded. It would give effect to Article VI of the Agreement.

**16.** The purpose of this clause is to give effect to sub-paragraph (a) of paragraph 5 of Article VIII of the Agreement whereby Canadian authorities will be responsible for dealing with claims arising out of negligence of members of visiting forces.

**17.** This clause would not in any way affect the rights of a plaintiff where the wrongful act or omission complained of occurred while the defendant was not acting within the scope of his duties or employment. It would give effect to sub-paragraph (g) of paragraph 5 of Article VIII.

**18.** This clause would leave claims respecting ships and cargoes to be settled in accordance with normal principles of maritime law, except in cases where the claims are for death or personal injury. It would give effect to sub-paragraph (h) of paragraph 5 of Article VIII.

**19.** This clause would give statutory authority respecting the provision for arbitration contained in sub-paragraph (b) of paragraph 2 of Article VIII of the Agreement.

the question shall be submitted to an arbitrator appointed in accordance with subparagraph (b) of paragraph two of Article VIII of the Agreement, and for the purposes of those sections the decision of the arbitrator is final and conclusive.

#### PART IV.

##### SECURITY PROVISIONS

*Official  
Secrets Act*  
applicable.

1939, c. 49,

**20.** Subject to section twenty-one, *The Official Secrets Act* applies and shall be construed as applying in respect of an associated state as though

(a) a reference in that Act to "office under His Majesty" included any office or employment in or under any department or branch of the government of an associated state;

(b) a reference in that Act to "prohibited place" included

(i) any work of defence belonging to or occupied or used by or on behalf of an associated state including arsenals, naval, army or air force establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places, other than diplomatic premises of associated states, used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war; and

(ii) any place, not belonging to an associated state, where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of an associated state, or otherwise on behalf of an associated state;

(c) a reference in that Act to "safety or interests of the state" or to "interest of the state" or to "public interest" included the safety and security interests of an associated state;

(d) a reference in that Act to "contract made on behalf of His Majesty" included a contract made on behalf of an associated state;

(e) the expression "appointed by or acting under the authority of His Majesty" in that Act included the expression "appointed by or acting under the authority of the government of an associated state"; and



20. This clause would give to associated states the same protection in respect of security matters, subject to the exception mentioned in clause 21, as is provided for security interests of Canada under *The Official Secrets Act*. This clause would give effect to paragraph 11, of Article VII of the Agreement.

(f) a reference in that Act to "any member of His Majesty's forces" included a member of the visiting forces of an associated state.

Exception. **21.** Section twelve A of *The Official Secrets Act* does  
1939, c. 49. not apply in respect of an associated state. 5

## PART V.

### TAXATION

Residence or domicile. **22.** (1) Where the liability for any form of taxation in Canada depends upon residence or domicile, a period during which a member of a visiting force is in Canada by reason of his being a member of such visiting force shall, for the purpose of such taxation, be deemed not to be a period of residence in Canada and not to create a change of residence or domicile. 10

Salaries. (2) A member of a visiting force is exempt from taxation in Canada on the salary and emoluments paid to him as such member by an associated state and in respect of any tangible movable property that is in Canada temporarily by reason of his presence in Canada as such member. 15

Resident Canadian citizens excepted. (3) For the purposes of this section, the term "member of a visiting force" does not include a Canadian citizen resident or ordinarily resident in Canada. 20

Service vehicles. **23.** No tax or fee is payable in respect of the licensing or registration of service vehicles of a visiting force or in respect of the use of such vehicles on any road in Canada.

Imports. **24.** (1) Subject to the regulations, a visiting force may import into Canada, free of duty and tax, equipment for the visiting force and such quantities of provisions, supplies and other goods for the exclusive use of the visiting force as in the opinion of the Minister of National Revenue are reasonable. 25

Idem. (2) The Minister of National Revenue may authorize the import into Canada, free of duty and tax, of goods for use by dependents of members of a visiting force. 30

Personal effects and motor vehicles. **25.** A member of a visiting force may, in accordance with the regulations,  
(a) at the time of his first arrival to take up service in Canada and at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty and tax; and  
(b) import, free of duty and tax, his private motor vehicle for the personal use of himself and his dependents temporarily, but this paragraph shall not be 40

**21.** Section 12A of *The Official Secrets Act* relates to offences against security committed outside of Canada and therefore should not be made applicable to associated states under this Act which deals solely with the rights of such states in Canada.

**22.** This clause would exempt from Canadian taxation the service emoluments received by members of visiting forces and the personal property that they bring into Canada temporarily. No exemption would be provided for Canadian citizens who are resident or ordinarily resident in Canada despite the fact that they become members of visiting forces. This clause would give effect to Article X of the Agreement.

**23.** This clause would place a visiting force in the same position as the Canadian Forces in respect of the operation of service vehicles on roads in Canada. It would give effect to sub-paragraph (c) of paragraph 2 of Article XI of the Agreement.

**24.** This clause would prescribe the limits within which goods may be brought into Canada free of duty and tax by a visiting force. It would give effect to paragraph 4 of Article XI of the Agreement.

**25.** This clause would prescribe the limits within which a member of a visiting force as an individual could bring goods into Canada free of customs duty and tax. It would give effect to paragraphs 5 and 6 of Article XI of the Agreement.

construed as granting or authorizing the granting of any exemption from taxes or fees in respect of the licensing or the registration of private vehicles or the use of the roads by private vehicles in Canada.

Fuel, oil,  
etc.

**26.** Subject to compliance with such conditions as are prescribed by the regulations, no duty or tax is payable on any fuel, oil or lubricants intended for use exclusively in the service vehicles, aircraft or vessels of a visiting force. 5

## PART VI.

### GENERAL

Regulations.

**27.** The Governor in Council may make regulations, 10  
not inconsistent with the provisions of this Act,  
(a) for carrying out the Agreement and giving effect  
to its provisions; and  
(b) for carrying out the purposes and provisions of this  
Act. 15

Coming  
into force.

**28.** This Act or any portion thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

**26.** The clause is designed to exempt from duty or tax petroleum products used by a visiting force for the operation of service vehicles, aircraft and vessels. It would give effect to paragraph 11 of Article XI of the Agreement.

**27.** This clause would empower the Governor in Council to make regulations dealing with the detailed working out of the Agreement in cases where specific provision is not embodied in this Bill.

**28.** This clause would enable the Governor in Council to bring the Act into force when the necessary regulations have been made.

## SCHEDULE

AGREEMENT BETWEEN THE PARTIES TO THE NORTH  
ATLANTIC TREATY REGARDING THE  
STATUS OF THEIR FORCES

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

## ARTICLE I

1. In this Agreement the expression—

- (a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;
- (b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;
- (c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;
- (d) "sending State" means the Contracting Party to which the force belongs;
- (e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;
- (f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;
- (g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorized to act on its behalf.

2. This Agreement shall apply to the authorities of political subdivisions of the Contracting Parties, within their territories to which the

Agreement signed or extends in accordance with Article XX as it applies to the general membership of the Party, provided, however, that property owned by public institutions shall not be considered as the property owned by a Communist Party within the meaning of Article VIII.

Article II

It is the duty of a lover and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State and to abstain from any activity inconsistent with the spirit of the present Agreement and in particular from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

Article III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a lover or the member thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State as to the registration and control of arms, but shall not be regarded as possessing any right to permanent residence or domicile in the territory of the receiving State.

2. The following documents only will be required in support of membership of a lover. They must be presented on demand:

- (a) Personal identity card issued by the sending State showing name, date of birth, rank and number in any service, and photograph;
- (b) Individual or collective membership order in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organization and certifying the status of the individual or group as a member or members of a lover and to the movement ordered. The receiving State may require a government order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so classified in their passports.

4. If a member of a lover or of a civilian component leaves the country of the sending State and is not re-entrained, the authorities of the receiving State shall immediately inform the authorities of the sending State giving such information as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than 30 days.

5. If the receiving State has requested the removal from its territory of a member of a lover or civilian component or has made an

Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

## ARTICLE II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

## ARTICLE III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

- (a) Personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;
- (b) Individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organisation and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than 21 days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an



exhibition... against an exhibition of a force or of a civilian component... against a component of a force or a civilian component... the receiving State shall be responsible for securing the person concerned... the receiving State. This provision shall apply to persons who are not members of a force or civilian component or for the purpose of becoming such members and to the spouses of such persons.

Article VI

The receiving State shall either... (a) issue a valid, without a driving test or fee, the driving permit... (b) issue its own driving permit or license to any member of a force or civilian component who holds a driving permit or license or military driving permit issued by the sending State or a sub-division thereof, provided that no test or fee shall be required.

Article VII

1. Members of a force shall normally wear uniform... any agreement to the contrary between the authorities of the sending and receiving States, the wearing of uniform shall be on the same conditions as for members of the receiving force. Large consignment units or formations of a force shall be so uniform when passing a force.

Article VIII

Members of a force may possess and carry arms on condition that they are authorized to do so by their country. The authorities of the sending State shall give appropriate consideration to requests from the receiving State concerning this matter.

Article IX

1. Subject to the provisions of this Article... the receiving authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction awarded on them by the laws of their own State in respect of persons subject to the military law of their own State.

expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

#### ARTICLE IV

The receiving State shall either

- (a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or
- (b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

#### ARTICLE V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

#### ARTICLE VI

Members of a force may possess and carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

#### ARTICLE VII

- 1. Subject to the provisions of this Article,
  - (a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;
  - (b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the

territory of the receiving State and punishable by the law of that State.

2.—(a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to the security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependants with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purpose of this paragraph and of paragraph 3 of this Article a security offence against a State shall include—

- (i) treason against the State;
- (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to—

- (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependant;
- (ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State in such a manner as to enable the authorities of the State having the primary right to give appropriate consideration for a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not apply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5.—(a) The authorities of the receiving and sending States shall exercise each power in the event of members of a force or civilian component or their dependants in the territory of the receiving State and in sending them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

territory of the receiving State and punishable by the law of that State.

- 2.—(a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.
- (b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.
- (c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include
- (i) treason against the State;
  - (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

- (a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to
- (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
  - (ii) offences arising out of any act or omission done in the performance of official duty.
- (b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.
- (c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

- 5.—(a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or military component over whom the receiving State is to exercise jurisdiction shall, in the hands of the sending State, remain until that State shall be satisfied by the receiving State.

(d) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of such objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(e) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.-(a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be retried for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence in which he was held by the authorities of another Contracting Party.

9. Wherever a member of a force or civilian component or a dependent is prosecuted for the jurisdiction of a receiving State he shall be entitled-

- (a) to a prompt and speedy trial;
- (b) to be tried only in a place of trial of the sending State or charges made against him;
- (c) to be acquainted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses if he shows that they are within the jurisdiction of the receiving State.

- (b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.
- (c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6.—(a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

- (b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7.—(a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

- (b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled—

- (a) to a prompt and speedy trial;
- (b) to be informed, in advance of trial, of the specific charge or charges made against him;
- (c) to be confronted with the witnesses against him;
- (d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;

- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing in the State in which he is receiving State;
  - (f) if he considers it necessary, to have the services of a competent interpreter; and
  - (g) to communicate with a representative of the Government of the receiving State and, when the trial of the case is held, to have such a representative present at his trial.
10. Each Contracting Party shall take all appropriate measures to ensure the maintenance of order and security on each frontier.
- (b) Orders these persons, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities and in so far as such employment is necessary to maintain discipline and order among the members of the force.
11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the reciprocal security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

Article VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—
- (i) was caused by a member or an employee of the armed services of the other Contracting Party in the course of his duties in cooperation with the operation of the North Atlantic Treaty; or
  - (ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either that the vehicle, vessel or aircraft causing the damage was being used in connection with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.
- Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services in connection with the operation of the North Atlantic Treaty.
- 2.—(a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of liability of any other Contracting Party shall be determined and the amount of

- (e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
  - (f) if he considers it necessary, to have the services of a competent interpreter; and
  - (g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.
- 10.—(a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.
- (b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

#### ARTICLE VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—

- (i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connexion with the operation of the North Atlantic Treaty; or
- (ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either that the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services in connexion with the operation of the North Atlantic Treaty.

- 2.—(a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of



damages shall be assessed unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable within two months to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the following qualifications:

- (a) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties;
- (b) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(a), (b) and (c) of this Article;
- (c) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(1) Nevertheless, each Contracting Party waives its claim in any case where the damage is less than:

Belgium:	B.F. 70,000	Luxembourg:	L.F. 70,000
Canada:	\$ 1,000	Netherlands:	fl. 6,320
Denmark:	8,970	Norway:	kr. 10,000
France:	F.F. 400,000	Portugal:	Esc. 40,000
Iceland:	kr. 20,000	United Kingdom:	£ 300
Italy:	L. 800,000	United States:	\$ 1,400

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim to the extent of the amount of the compensation awarded in the above amounts. In the case of considerable variations in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or registered by it on bare boat charter or chartered by it in time (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Both Contracting Parties waive all their claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims for other than contractual claims and those to which paragraph 2 or 3 of this Article apply arising out of acts occurring in the performance of a force of national component force in the performance of

damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

- (b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.
- (c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.
- (d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e)(i), (ii) and (iii) of this Article.
- (e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.
- (f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:—

Belgium:	B.fr. 70,000	Luxembourg:	L. fr. 70,000
Canada:	\$ 1,460	Netherlands:	Fl. 5,320
Denmark:	Kr. 9,670	Norway:	Kr. 10,000
France:	F.fr. 490,000	Portugal:	Es. 40,250
Iceland:	Kr. 22,800	United Kingdom:	£ 500
Italy:	Li. 850,000	United States:	\$ 1,400

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of

official duty, or out of any other and a person or persons for which a tort or civilian damages is legally responsible, and causing damage to the territory of the receiving State, shall be held liable by the receiving State in accordance with the following provisions:—

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims and payments of the amount agreed upon as determined by adjudication shall be made by the receiving State in its currency.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal carrying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending State concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (v), (vi) and (vii) below. In details of a reply within two months the proposed distribution shall be returned as accepted.

(e) The cost incurred in settling any claims pursuant to the provisions of sub-paragraphs and paragraph 2 of this article shall be distributed between the Contracting Parties as follows:—

(i) Where one sending State alone is responsible, the amount awarded or adjusted shall be distributed to the receiving State and 25 per cent. attributable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjusted shall be distributed equally among them; however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it definitely to one or more of those armed services, the amount awarded or adjusted shall be distributed equally among the Contracting Parties concerned; however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.

(iv) Every half-year a list of the claims paid by the receiving State in the course of the half-year period in respect of which the award was made, shall be forwarded to the sending State concerned, the distribution on a percentage basis has been accepted, shall be sent to the sending State concerned.

official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:—

- (a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.
- (b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.
- (c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.
- (d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e)(i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.
- (e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows:—
  - (i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.
  - (ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.
  - (iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.
  - (iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned,

together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time in the currency of the receiving State.

(1) It seems that the application of the provisions of sub-paragraph (a) of this paragraph would cause a Contracting State to arrange a settlement of a different nature.

(2) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

(3) Except as far as sub-paragraph (a) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claims arising out of or in connection with the navigation or operation of a ship or the loading, carriage or discharge of a cargo, other than claims for death or personal injury to which paragraph 2 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duties shall be dealt with in the following manner:

(a) The authorities of the receiving State shall consider the claim and assess compensation for the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

(b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer to or accept payment, and if so of what amount.

(c) If an offer of or acceptance of payment is made and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall retain the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the requisitioned use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. It is a dispute arising as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duties or as to whether the use of any vehicle of the armed services of a sending State was requisitioned, the question shall be referred to an arbitrator appointed in accordance with paragraph 5(b) of this Article, whose decision at the point shall be final and conclusive.

together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

- (f) In cases where the application of the provisions of sub-paragraphs (b) and (e) of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.
- (g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.
- (h) Except in so far as sub-paragraph (e) of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connection with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:—

- (a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.
- (b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.
- (c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.
- (d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

The receiving State shall not claim immunity from the jurisdiction of the courts of the sending State in respect of a tort or contract committed in respect of the activities of the courts of the receiving State. The activities of the courts of the receiving State shall be deemed to be those of the receiving State and of the receiving State. All contracts in the present or future of a tort or contract and deposit of claims in respect of which the receiving State is competent.

ARTICLE IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as the members of the receiving State.

2. Goods which are necessary for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase and goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall determine when necessary the quantities of which should be granted, or withheld.

3. Subject to arrangements already in force or which may hereafter be made between the sending and receiving States, the authorities of the receiving State shall remain responsible for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires as well as facilities and services connected therewith. These arrangements and arrangements shall be as far as possible in accordance with the treatment accorded the economic status and placing of similar personnel of the receiving State. In the event of a specific contract for the country, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State and the employment exchanges. The conditions of employment and work in particular wages, supplementary payments and conditions for the protection of workers shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be required for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at its place where it is stationed hospitals, medical or dental facilities, its members and their dependents may receive medical and dental care including hospitalization under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to the members of a force or a civilian component of receiving facilities and conveniences with regard to leave. These

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5 (*g*) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

#### ARTICLE IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorized representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalization, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These



facilities and arrangements will be the subject of special arrangements to be made between the Government concerned.

7. Subject to any general or particular special arrangements between the Contracting Parties payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and 5 and 6 of this Article shall be made promptly by the authorities of the form.

8. Neither a law, nor a judicial component, nor the members thereof, nor their dependants, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services throughout under the laws and regulations of the receiving State.

### Article X

1. Where the legal residence of any form of taxation in the receiving State depends upon residence or certain periods during which a member of a firm or civilian component is in the territory of that State by reason solely of his being a member of such firm or civilian component shall not be considered as periods of residence for the purposes of such taxation. A member of a firm or civilian component shall be exempt from taxation in the receiving State of the salary and emoluments paid to them as such members by the sending State or by any foreign movable property the proceeds of which in the receiving State is due solely to their personal presence there.

2. Nothing in this Article shall prevent taxation of a member of a firm or civilian component with respect to any profit or enterprise other than his employment as such member in which he may engage in the receiving State, and except as regards his salary and emoluments and the tangible movable property situated in paragraph 1, nothing in this Article shall prevent taxation as usual even if regarded as having his residence or domicile outside the territory of the receiving State, when a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duties" as defined in paragraph 11 of Article XI.

4. For the purposes of this Article the term "member of a firm" shall not include any person who is a national of the receiving State.

### Article XI

1. Save as provided expressly to the contrary in this Agreement, members of a firm and of a civilian component as well as their dependants shall be subject to the laws and regulations administered by the customs and duties of the receiving State. In particular the customs authorities of the receiving State shall have the right under the general provisions laid down by the laws and regulations of the receiving State to search members of a firm or civilian component and their dependants and to examine their luggage and vehicles and to seize articles pursuant to such laws and regulations.

2. The temporary registration and the re-exportation of motor vehicles of a firm or civilian component under their

facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

#### ARTICLE X

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

#### ARTICLE XI

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2.—(a) The temporary importation and the re-exportation of service vehicles of a force or civilian component under their

own power shall be authorized line of duty on presentation of a receipt in the form shown in the Appendix to this Act.

The temporary registration of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the requirements thereof by paragraph 5.

Such vehicles or a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

Official documents under official seal shall not be subject to customs inspection. Customs, whenever their status carrying these documents must be in possession of an individual movement order issued in accordance with paragraph 2(b) of Article 111. The movement order shall show the number of packages carried and verify that they contain only official documents.

A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, the civilian component and dependants. This duty-free importation shall be subject to the control of the customs office at the place of entry, together with such customs documents as shall be required of a certificate in a form agreed between the receiving State and the sending State signed by a person authorized by the sending State for that purpose. The destination of the articles and stamps to be used, certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the expiry of any detachment to his unit, import his personal effects and furniture free of duty for the term of such service.

Members of a force or civilian component may import together with their private motor vehicles for the personal use of themselves and their dependants. There is no obligation under this Article to exempt equipment from taxes payable in respect of the use of such private vehicles.

Members of a force or civilian component and dependants are of their force and the civilian component and dependants other than those listed with in paragraphs 2 and 3 of this Article, shall be members of a force or civilian component and not, for the purposes of this Article, entitled to any exemption from duty or other levies.

Goods which have been imported duty free under paragraph 2(a) & 2(b) above -

may be re-exported freely provided that, in the case of goods imported under paragraph 2(a) or 2(b), issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods so re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraph 2(a) & 2(b) in the case of any tax.

own power shall be authorised free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.

- (b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.
- (c) Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2(b) of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorised by the sending State for that purpose. The designation of the person authorised to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2(b), 4, 5 or 6 above—

- (a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2(b), 4, 5 or 6 as the case may be;

(b) shall not normally be disposed of in the receiving State by way of either sale or gift; however, in particular cases such disposal may be authorized on conditions imposed by the authorities of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the country of origin and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the relevant authorities to regularly constituted units or formations provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles aircraft and vessels of a kind or of a class component may be delivered free of all duties and taxes.

12. In paragraph 1-10 of this Article "duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except duty and taxes which are no more than charges for services rendered.

"importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State, but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression "receiving State" in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

## ARTICLE XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any exemption or fiscal exemption or remission provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, duty or duties which would have been chargeable but for such exemption. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

## ARTICLE XIII

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States

(b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorised on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1-10 of this Article—

“duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;

“importation” includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State, but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression “receiving State” in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

## ARTICLE XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

## ARTICLE XIII

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States

shall state each case in the context of evidence and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that evidence is preserved in its original form or in a form which is as reliable as possible and to ensure that the evidence is preserved in a form which is as reliable as possible.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependants.

4. Drivers, vehicles and articles belonging to a force or to its civilian component and not to a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be treated even as the property of the force concerned.

ARTICLE XIV

1. A force, a civilian component and the members thereof, as well as their dependants, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependants.

ARTICLE XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities which the North Atlantic Treaty Organization, except that the provisions for settling claims in paragraph 2 and 3 of Article VIII shall not apply to war damages, and that the provisions of this Agreement, and in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any or all provisions of this Agreement in so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable measures to resume the provisions suspended.

ARTICLE XVI

1. All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Should a party consider it necessary to refer the matter to the Arbitration Tribunal, the Tribunal shall be constituted by three members, one member to be appointed by the North Atlantic Council.

shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connexion with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

#### ARTICLE XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

#### ARTICLE XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

#### ARTICLE XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.



Article XVIII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

Article XVII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after each signatory State has deposited their instrument of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall be subject to the approval of the North Atlantic Council and so each condition as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

Article XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America, which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

Article XX

It is subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

4. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject to the State making

## ARTICLE XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

## ARTICLE XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

## ARTICLE XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

## ARTICLE XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making

the declaration containing it to be necessary to the conclusion of a special agreement between that State and each of the sending States (concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreement if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

For the Kingdom of Belgium:  
ROBERT DE THIRIAUX

For Canada:

E. D. WINGIER

For the Kingdom of Denmark:

STENSKJELTH

For France:

HERVE ALPHAND

For Iceland:

GUNNAR PETERSSON

For Italy:

A. ROSSI LONCHI

the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

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For the Kingdom of Belgium:

OBERT DE THIEUSIES.

For Canada:

L. D. WILGRESS.

For the Kingdom of Denmark:

STEENSEN-LETH.

For France:

HERVÉ ALPHAND.

For Iceland:

GUNNLAUGER PÉTURSSON.

For Italy:

A. ROSSI-LONGHI.

For the Grand Duchy of Luxembourg:

A. CLARIN.

For the Kingdom of the Netherlands:

A. W. A. T. VAN STARKENBORGH-STACHOUWER.

For the Kingdom of Norway:

DAG BRYN.

For Portugal:

R. FINES ULRICH.

The Agreement is only applicable to the territory of Continental Portugal, with the exclusion of the adjacent islands and the Overseas Provinces.

For the United Kingdom of Great Britain and Northern Ireland:

HERBERT MORRISON.

For the United States of America:

CHARLES M. SPOTFORD.

For the Grand Duchy of Luxembourg:

A. CLASEN.

For the Kingdom of the Netherlands:

A. W. L. TJARDA VAN STARKENBORGH-STACHOUWER.

For the Kingdom of Norway:

DAG BRYN.

For Portugal:

R. ENNES ULRICH.

The Agreement is only applicable to the territory of Continental Portugal, with the exclusion of the Adjacent Islands and the Overseas Provinces.

For the United Kingdom of Great Britain and Northern Ireland:

HERBERT MORRISON.

For the United States of America:

CHARLES M. SPOFFORD.



## APPENDIX

Country

Ministry or Service

## TRIPTYQUE\*

Valid from

To

for temporary importation to  
of the following service vehicle:—

Type

Registration Number

Engine Number

Spare tyres

Fixed Communication Equipment

Name and signature of the holder of the triptyque

Date of issue

By order of

## TEMPORARY EXITS AND ENTRIES

<i>Name of Port or Customs Station</i>	<i>Date</i>	<i>Signature and Stamp of Customs Office</i>
Exit		
Entry		
Exit		
Entry		
Exit		
Entry		
Exit		
Entry		

\* This document shall be in the language of the sending State and in the English and French languages.



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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 23.**

An Act to amend the Government Annuities Act.

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First reading, November 15, 1951.

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THE MINISTER OF LABOUR.

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

1951

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend the Government Annuities Act.

R.S., c. 7;  
1931, c. 33;  
1950, c. 50.

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

1. Paragraph (b) of section two of the *Government Annuities Act*, chapter seven of the Revised Statutes of Canada, 1927, is repealed, and the following substituted therefor: 5

'contract'. | "(b) 'contract' means an agreement for the payment of an annuity entered into under this Act;"

2. Sections four, five, six and seven of the said Act, 10 and section eight of the said Act as amended by section one of chapter thirty-three of the statutes of 1931, are repealed and the following substituted therefor:

Annuity contracts authorized. | "4. (1) Subject to this Act and the regulations, the Minister may, on behalf of His Majesty, enter into a contract 15 for the payment of an immediate or deferred annuity

(a) to any person who is resident or domiciled in Canada at the time the contract is entered into,

(i) for the life of the annuitant,

(ii) for a term of years certain, not exceeding twenty 20 years, or for the life of the annuitant, whichever period is the shorter,

(iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever 25 period is the longer, or

(iv) for a term of years certain not exceeding twenty years;

(b) to any two persons who are resident or domiciled in Canada at the time the contract is entered into, during their joint lives with continuation to the survivor for 30 his life; or

(c) to any person during his life and, upon his death, to another person for his life, if both persons are resident or domiciled in Canada at the time the contract is 35 entered into;

## EXPLANATORY NOTES.

The purposes of the Bill are to increase the maximum annuity which may be purchased from twelve hundred dollars up to twenty-four hundred dollars and to provide greater flexibility in the provisions of the Act relating to the issue, conversion and amendment of annuity contracts and payments thereunder, and to clarify provisions of the Act which have given rise to legal or technical difficulties in the administration thereof.

### 1. The present section 2 of the Act reads as follows:

#### "INTERPRETATION.

"2. In this Act, unless the context otherwise requires,

- (a) "annuitant" means a person in receipt of, or entitled to the receipt of, an annuity;
- (b) "annuity" means an annuity issued under the provisions of this Act;
- (c) "Minister", means the Minister appointed by the Governor in Council to administer the Act;
- (d) "purchaser" means any person who has contracted for the purchase of an annuity."

Paragraph (b). The definition of annuity in the present paragraph (b) of section two of the Act is deleted as no longer necessary and a definition of 'contract' is inserted.

### 2. The present section 4 of the Act reads as follows:

"4. His Majesty, represented and acting by the Minister, may, subject to the provisions of this Act and of any Order in Council made under the authority of this Act, contract with any person for the sale

(a) of an immediate or deferred annuity to any person resident or domiciled in Canada,

(i) for the life of the annuitant;

(ii) for a term of years certain, not exceeding twenty years, provided the annuitant shall so long live;

(iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period shall be the longer;

(b) of an immediate or deferred annuity to any two persons resident or domiciled in Canada during their joint lives, and with or without continuation to the survivor."

Subsection (1) of the new section 4 is a revision of the present section 4 with the following changes in substance:

The sale of two additional types of annuity is authorized, viz.:

by subpara. (iv) of para. (a)—an annuity for a specific term of years,

by para. (c)—a contingent last survivor annuity.

The authority contained in the present section 4 for sale of an annuity to two persons on their joint lives without continuation to the survivor is not carried forward into the new section as there is no demand for this type of annuity.

The last clause of the subsection gives authority to provide in the contract for a change from one type of annuity to another before the annuity becomes payable.

and any contract entered into under this section may provide that before the annuity becomes due and payable, the terms of payment may be altered to provide for the payment of any other type of annuity mentioned in this section.

Combination  
of annuity  
types

(2) A contract entered into under paragraph (a) of subsection one may provide for the payment of a combination of two or more of the types of annuities described in that paragraph, and a contract entered into under paragraph (b) or (c) of subsection one may provide for the alteration of the amount of the annuity upon the death of one of the annuitants.

5

Employee  
pensions.

“5. (1) Subject to this Act and the regulations, the Minister may, on behalf of His Majesty, enter into a contract (a) with any person for the payment to employees of an employer of annuities of any type mentioned in section four as pensions or as retirement or superannuation allowances, and

Fraternal  
society  
pensions.

(b) with any society or association of persons incorporated for fraternal, benevolent or religious purposes for the sale to the members thereof of annuities of any type mentioned in section four.

Eligibility.

(2) No employee and no member of a corporation is eligible to be included for benefit under a contract entered into under subsection one unless he is resident or domiciled in Canada at the time he is so included.

Assignment.

(3) Notwithstanding section ten, a person who has entered into a contract under paragraph (a) of subsection one may, with the consent of the Minister, assign, in whole or in part, his rights under the contract.

30

*Subsection (2), section 4*

The authority conferred by subsection 2 of the new section 4 will permit the issue of contracts under which a larger annuity is payable for a specified part of the annuity term than for the remainder of the term. For example, under the authority of this section a contract might provide at the request of the purchaser for payment of an annuity of \$100 per month commencing at age 65 and decreasing to \$60 per month at age 70, having regard for the anticipated receipt by the annuitant of an old age pension of \$40 per month commencing at age 70 granted under the *Old Age Security Act*.

The present section 5 of the Act reads as follows:

*"5. The purchaser may, by the payment at any time of a sum of not less than ten dollars, or by the payment of a stipulated sum periodically at fixed and definite intervals, to any agent of the Minister appointed under the provisions of this Act, purchase an annuity under the provisions hereof; Provided, however, that the amount payable by way of the annuity so purchased shall be subject to the terms of section eight."*

The present section 5 is repealed as being no longer necessary in view of other provisions of the Act.

The present section 6 of the Act reads as follows:

*"6. Any purchaser who has money sufficient for the purpose deposited in any Post Office Savings Bank, may, upon making demand in such form as is prescribed in that behalf by the Postmaster General, authorize the Postmaster General to transfer to the Minister any sum which such purchaser desires to apply to the purchase of an annuity under this Act.*

*2. Any society or association of persons, being a body corporate for fraternal, benevolent, religious or other lawful purposes, may contract with His Majesty, on behalf of such of its members as are domiciled in Canada, for the sale to such members of annuities otherwise purchasable by them as individuals under this Act; and any sums of money necessary to the carrying out of this object may be paid by such society or association direct to the Minister, or may be deposited in any Post Office Savings Bank, to be transferred by the Postmaster General to the Minister.*

*3. Employers of labour may, pursuant to agreement entered into with their employees in that behalf, such agreement to be of a form approved by the Minister, contract with His Majesty for the sale to such of their employees, as are domiciled in Canada of annuities otherwise purchasable by such employees as individuals under this Act; and any sums of money necessary to the carrying out of this object, whether such sums are derived from the wages of the employees solely, or partly from the wages of the employees and partly from contributions of the employers, or from the contributions of the employers solely, may be paid by such employers direct to the Minister, or may be deposited in any Post Office Savings Bank to be transferred by the Postmaster General to the Minister; but unless otherwise expressly stipulated, any sums so paid shall be held for the exclusive account of the persons in whose names they were deposited respectively."*

Subsection 1 of section 6 of the present Act is repealed as no longer considered necessary.

The new section 5 replaces subsections 2 and 3 of the present section 6 of the Act with the following substantial changes:

Paragraph (a) of subsection (1) of the new section 5 is broader in its definition of the persons with whom contracts for the benefit of employees may be entered into.

Subsection (2) of the new section 5 defines with greater certainty the classes of eligible employees to be included for benefits.

Subsection (3) of the new section 5 is ancillary to the provisions of the new section 6 of the Act.

Group  
contracts.

(4) Where any person has, before or after the coming into force of this section, entered into a contract with the Minister for the payment of annuities to employees of an employer, the contract is, for the purposes of this Act, deemed to have been entered into with respect to any individual employee, on the day on which the contract became or becomes applicable to the individual employee according to its terms. 5

Variation of  
contracts.

“6. Subject to sections four, seven and eight, but notwithstanding any other provisions of this Act, the Minister may enter into an agreement to vary the terms of a contract, or to substitute another contract for a contract containing such terms and with effect upon such date, whether before or after the date of the agreement, as the Minister deems necessary and the Governor in Council 10 by regulation approves. 15

Interest  
rates and  
mortality  
tables.

“7. (1) All contracts shall be based on interest rates and mortality tables prescribed by regulation and on calculations made in relation thereto, in the manner so prescribed.

Form of  
contracts.

(2) No contract for the payment of an annuity may be entered into on behalf of His Majesty under this Act unless the contract is in a form approved by regulation or entry into the contract has been approved by the Treasury Board. 20

Limitations  
as to  
amount.

“8. (1) No contract for the payment of an annuity on the life of a person other than the actual annuitant or for an amount of less than sixty dollars a year shall be entered into under this Act and, 25

(a) in the case of a contract entered into after the coming into force of this subsection, if an annuity of an amount less than sixty dollars a year would be payable, or 30

Idem.

(b) in the case of a contract entered into before the coming into force of this subsection, if an annuity of an amount less than the minimum permitted under this Act at the time the contract was made would be payable, the contract is void and the amount of the purchase price 35 shall be refunded in accordance with regulations.

Idem.

(2) The total amount that may be paid by way of annuity or annuities to any annuitant, either alone or jointly with another annuitant or both, under this Act, shall not, except where payment is made pursuant to section twelve, exceed twenty-four hundred dollars a year, but, except as provided by regulation, the total amount of the annuity or annuities that may be so paid to an annuitant under any contract or contracts entered into before the coming into force of this subsection, shall not exceed the maximum 40 amount that might have been paid under this Act under that contract or those contracts before the commencement of this subsection. 45

Subsection (4) of the new section 5 establishes the status of employees under group contracts.

The new section 6 of the Act gives authority for the amendment of contracts entered into under the Act and for the substitution of other contracts therefor.

The present section 7 of the Act reads as follows:

*"7. All contracts for the purchase of annuities shall be entered into in accordance with the values stated in tables prepared under regulations made pursuant to section thirteen, and for the time being in use."*

Subsection (1) of the new section 7 is in substance the same as the present section 7 of the Act.

The present section 8 of the Act reads as follows:

*"8. An annuity shall not be granted or issued on the life of any person other than the actual annuitant, nor for an amount less than ten dollars a year; and the total amount payable by way of an annuity or annuities to any annuitant or to joint annuitants shall not exceed twelve hundred dollars a year.*

*2. Any contract providing for an annuity to commence to be payable at any greater age than eighty-five years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty-five years.*

*3. When a married man who has purchased an annuity payable to himself applies to have a portion thereof converted into an annuity payable to his wife, or when a married woman who has purchased an annuity payable to herself applies to have a portion thereof converted into an annuity payable to her husband, the Minister may make such conversion, if*

- (a) the application is made within the three months preceding the time when the annuity becomes payable; and*
- (b) the annuity so made payable to the wife does not exceed one-half of the husband's annuity, or the annuity so made payable to the husband does not exceed one-half of the wife's annuity; and*
- (c) the provisions of this Act and any regulations made under this Act are complied with."*

The effect of subsections 1 and 2 of the new section 8 is to increase the minimum annuity which may be purchased from \$10.00 to \$60.00 per year and to increase the maximum annuity which may be purchased from \$1,200 to \$2,400 per year.

- (3) A contract entered into under subsection two of section four that is a combination of types of annuities mentioned in paragraph (a) of that section and provides for a change in the amount of the annuity at a specified time may provide for payment, during the period in which the annuity is at its maximum, of an amount greater than the maximum amount that would otherwise be permitted by subsection two of this section if the annuity payable under the contract does not exceed the actuarial equivalent, of a constant annuity for the maximum amount so permitted in respect of the annuitant, having the same date of commencement and the same term certain, if any, as the annuity payable under the contract. 5
- Idem.**
- (4) Where the total amount of annuity or annuities that would be payable to an annuitant under contracts exceeds the total amount authorized under subsection two, only the total amount mentioned in subsection two is payable, and the amount of any excess purchase price paid therefor shall be refunded in accordance with regulations. 10
- Refund.**
- (5) Any contract providing for an annuity to commence at any greater age than eighty-five years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty-five years." 20
- Maximum age.**
- 3.** Section ten of the said Act is amended by adding thereto the following subsection: 25
- Assignment.** "(3) Notwithstanding this section, the purchaser of an annuity may assign his rights, in whole or in part, under a contract to the annuitant."
- Return of moneys and continuation of payments where annuitant dies.**
- 4.** Section twelve of the said Act is repealed and the following substituted therefor: 30
- "12.** (1) Subject to subsection two
- (a) where a deferred annuity contract has been entered into and
- (i) in the case of an annuity described in paragraph (a) of section four, the annuitant dies, 35
- (ii) in the case of an annuity described in paragraph (b) of section four, the last survivor dies,
- (iii) in the case of an annuity described in paragraph (c) of section four, the contract provides that notwithstanding the death of the first annuitant before the annuity becomes payable an annuity is to be paid to the second annuitant, and both annuitants die, or 40



Subsection (3) of the new section 8 refers to contracts for payment of a changing amount of annuity issued under the authority of subsection 2 of the new section 4 of the Act.

Subsection (4) of the new section 8 gives authority for the repayment of purchase moneys paid in in excess of the amount required to purchase the maximum annuity.

Subsection (5) of the new section 8 is the same as subsection 2 of the present section 8.

**3. Section 10 of the present Act reads as follows:**

*"10. Except as otherwise provided in this Act, no property, right, title, benefit or interest in, under, or arising out of a contract for an annuity shall be transferable, either at law or in equity.*

*2. The Minister shall not receive nor be affected by notice, however given, of any trust affecting an annuity or affecting moneys paid or payable in respect of an annuity."*

The new subsection (3) of section 10 will apply in contracts wherein the purchaser and annuitant are different persons.

**4. Section 12 of the present Act reads as follows:**

*"12. When the annuitant or last survivor of joint annuitants dies before the annuity becomes payable, and any moneys have been paid or deposited as consideration for the annuity, such moneys shall be repaid to the purchaser or to his legal representatives, with interest thereon at the rate of four per cent per annum, compounded yearly; but if there is an express agreement between the Minister and the purchaser as to dealing with such moneys, then they shall be paid as provided in such agreement.*

(iv) in the case of an annuity described in paragraph (c) of section four to which paragraph (iii) does not apply, the first annuitant dies, before the due date of the first instalment of the annuity and money has been paid as consideration for the annuity, the money shall, except as otherwise provided in the contract, be repaid to the surviving purchaser or to his legal representatives with interest thereon at the rate applicable to the contract compounded annually;

(b) where under an immediate annuity contract the annuity is payable for a term of years certain or for the life of the annuitant or surviving annuitant, whichever is the longer, and the annuitant or surviving annuitant dies before the expiration of the term of years, the annuity payments during the unexpired portion of the term of years shall be made to the surviving purchaser or to his legal representatives; and

(c) where under a deferred annuity contract the annuity is payable for a term of years certain or for the life of the annuitant or surviving annuitant, whichever is the longer, and the annuitant or surviving annuitant dies on or after the due date of the first instalment of the annuity but before the expiration of the term of years, the annuity payments during the unexpired portion of the term of years shall be made to the surviving purchaser or to his legal representatives.

Special agreement.

(2) The purchaser of an annuity or his legal representatives may at any time enter into an agreement with the Minister for the assignment or other disposition of any payment to which the purchaser or his legal representatives are entitled under subsection one, in which case the payments shall be made in accordance with such agreement.

Rate of interest.

(3) For the purposes of paragraph (a) of subsection one, the rate of interest applicable to a contract entered into before the coming into force of this subsection is the rate specified in section twelve of this Act as that section existed at the time the contract was entered into."

**5.** Section thirteen of the said Act is repealed and the following substituted therefor:

Regulations.

"**13.** (1) The Governor in Council may, on the recommendation of the Treasury Board, make regulations

(a) as to the rate of interest to be allowed

(i) in respect of payments of the purchase price under a contract in which interest is to be credited in respect of the purchase price before calculating the amount of annuity payable; and

(ii) in calculating the amounts of purchase price or of annuities payable under contracts entered into under this Act;

2. When, under the annuity contract, the annuity is payable for a term of years certain or for the life of the annuitant, whichever period shall be the longer, and the annuitant dies before the expiration of the said term of years certain, the annuity shall during the unexpired portion of the said term, be paid to the purchaser or to his legal representatives; but if there is an express agreement to the contrary between the Minister and the purchaser the annuity shall be paid as provided in such agreement."

This section provides for the repayment with interest of the moneys paid in on account of the purchase of an annuity where the annuitant dies before the contract matures. It also gives direction for continuation of annuity payments where an annuitant dies after the contract matures but before the expiry of the period of payment guaranteed under the contract.

Apart from changes for purposes of clarification, the only change in substance in the new section is to provide that the interest rate applicable to the repayment of purchase moneys under future contracts shall be the rate of interest applicable to the contract rather than the statutory rate stipulated in the present section 12.

Subsection (3) of the new section twelve provides, in the case of contracts entered into before the coming into force of the new section, for the continued application of the provision for payment of interest as it stood at the time the contract was entered into.

**5. Section 13 of the present Act reads as follows:**

**"13.** *The Governor in Council may make regulations not inconsistent with this Act,*

- (a) *as to the rate of interest to be allowed in the computation of values in the tables hereinafter referred to; and as to the rate of interest to be employed in valuing the annuities as provided for in subsection two of section fifteen;*
- (b) *as to the preparation and use of tables for determining the value of annuities; and the revocation of all or any such tables and the preparation and use of other tables;*
- (c) *as to the mode of making, and the forms of, contracts for annuities, including all requirements as to applications therefor;*
- (d) *as to the selection of agents of the Minister to assist in executing the provisions of this Act, and the remuneration, if any, to such agents therefor;*
- (e) *as to the modes of proving the age and identity and the existence or death of persons;*
- (f) *as to the modes of paying sums of money payable under this Act;*
- (g) *as to dealing with an application of unclaimed annuities;*
- (h) *for the doing of anything incidental to the foregoing matters, or necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof."*

- (b) as to the mortality tables to be employed in calculating the amounts of annuities payable under contracts;
- (c) as to the method of calculating, by the establishment of tables for such purpose or otherwise, the purchase prices or the amounts of annuities payable under contracts; 5
- (d) as to the mode of making, terms or conditions, including payment of interest, and forms of contracts for annuities and mode of making other agreements under this Act including all requirements as to applications therefor; 10
- (e) authorizing the surrender of the right to receive an annuity before the due date of the first instalment thereof and repayment of the whole or any part of the purchase price paid therefor, and prescribing the circumstances in which, the person to whom and the conditions, including the payment of interest, if any, under which repayment may be made; 15
- (f) for the refund of amounts paid on account of the purchase price of annuities where such refund is authorized by this Act or where the amount was not applied towards the purchase price of an annuity and prescribing the person to whom and the conditions, including payment of interest, if any, under which repayment may be made; 20 25
- (g) as to the selection of agents of the Minister to assist in executing the provisions of this Act, and for the remuneration, if any, to such agents therefor;
- (h) as to the modes of proving the age and identity and the existence or death of persons; 30
- (i) as to the modes of paying sums of money payable under this Act;
- (j) as to the disposal of unclaimed annuities; and
- (k) for the doing of anything that is to be done in accordance with regulations or incidental to the foregoing matters, or necessary for the effectual execution and working of this Act, and the attainment of the intention and objects thereof. 35

## Review.

(2) The Minister shall cause a review of the mortality experience in respect of annuities paid under this Act to be made not less frequently than once in each period of five years to determine whether or not the purchase price of new annuities should be changed, the review to be made in such manner and by such persons as the Minister, with the approval of the Treasury Board, prescribes. 40 45

The new subsection (1) of section 13 replaces section 13 of the present Act.

*Subsection (1)*: Paragraphs (a), (b) and (c) replace paragraphs (a) and (b) of the present section 13 of the Act.

Paragraph (d) is substantially paragraph (c) of the present section 13.

Paragraph (e) is new and gives authority to make regulations providing for cash surrender privileges.

Paragraph (f) is new and gives authority to make regulations governing refund of amounts paid on account of the purchase price of an annuity.

Paragraphs (g), (h) and (i) are the same as paragraphs (d), (e) and (f) of the present section 13.

Paragraphs (j) and (k) are substantially paragraphs (g) and (h) of the present section 13.

Subsection 2 of section 13 is new and provides for a periodic review of the mortality experience.

Basis  
for fixing  
interest rate.

(3) Where the Governor in Council fixes a rate of interest under paragraph (a) of subsection one, the rate shall be based as nearly as, in the opinion of the Governor in Council, is practicable, on the average rate of return then yielded by bonds of the Government of Canada that will be outstanding for a period of twelve years or more before maturity or, if callable before maturity, before the day on which they may be called for payment." 5

6. Section fifteen of the said Act is repealed and the following substituted therefor: 10

Government  
Annuities  
Account.

"15. (1) There shall be a special account in the Consolidated Revenue Fund to be called the Government Annuities Account, to which shall be credited all moneys received and to which shall be charged all moneys paid under this Act.

Interest  
rates and  
mortality  
tables.

(2) The liability outstanding at the end of each fiscal year arising out of contracts entered into under this Act shall be calculated on the basis of such rate of interest and such mortality tables and in such manner as may be approved for that purpose by regulation. 15

Credits to  
Account.

(3) If at the end of any fiscal year the liability calculated under subsection two is greater than the balance of the Government Annuities Account at the end of such fiscal year, there shall be credited to the Account and charged as an expenditure an amount equal to the excess of the liability over the balance of the Account. 20

Charges to  
Account.

(4) If at the end of any fiscal year the liability calculated under subsection two is less than the balance of the Government Annuities Account, there shall be charged to the Account and credited as revenue an amount equal to the amount by which the balance of the Account exceeds the liability." 25 30

Coming into  
force.

7. This Act shall come into force on a day to be fixed by proclamation.

Subsection (3) is new. It establishes the basis to be used in fixing the rate of interest applicable to annuity contracts.

**6.** The present section 15 of the Act reads as follows:

*"15. An account shall be kept, to be called the Government Annuities Account, of all moneys received and paid out under the provisions of this Act, and of the assets and liabilities appertaining to the grant of annuities under the said provisions; and among the liabilities included in the said account at the end of each fiscal year shall appear the present value of the prospective annuities contracted for up to the end of such fiscal year.*

*2. The present value referred to in the preceding subsection shall, as to interest, be calculated upon such rate as is fixed by the Governor in Council, and, as to mortality, upon such rates as are used in preparing the tables approved of by the Governor in Council and for the time being in use, as provided for in paragraph (b) of section 13."*

Subsections (1) and (2) of the new section 15 are substantially the same as subsections 1 and 2 of the present section.

Subsections (3) and (4) make provision for keeping the Government Annuities Account in balance. This provision is in accordance with the practice now followed.





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

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THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend the Public Printing and Stationery Act.

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First reading, November 15, 1951.

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THE SECRETARY OF STATE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

R.S., c. 162;  
1928, c. 5;  
1946, cc. 27,  
28.

An Act to amend the Public Printing and Stationery Act.

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 twenty-six of the *Public Printing and Stationery Act*, chapter one hundred and sixty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor: 5

Requisitions.

“(2) All purchases made by the Controller of Purchases shall be so made upon requisition approved by the Minister or as he directs, and all purchases involving an amount of one thousand dollars or upwards shall be made in accordance with contracts entered into with the like approval after tenders have been called for.” 10

2. Section thirty-eight of the said Act, as enacted by section one of chapter twenty-eight of the statutes of 1946, 15 is repealed and the following substituted therefor:

How expenses shall be met.

“38. (1) For the purpose of carrying out the provisions of this Act, the Minister of Finance may from time to time authorize the advance to the King's Printer, out of the Consolidated Revenue Fund of Canada, of such sums 20 of money as the King's Printer may require to enable him to purchase material for the execution of orders given or requisitions made under the provisions of this Act, and to pay the wages of workmen engaged in the execution of such orders or requisitions. 25

Accounting.

(2) All expenditures made under such advances shall be accounted for in like manner as other moneys expended for the public service.

## EXPLANATORY NOTES.

### 1. Subsection two at present reads as follows:

"2. All purchases made by the Controller of Purchases shall be so made upon requisition approved by the Minister or as he directs, and all purchases involving an amount of *five hundred dollars* or upwards shall be made in accordance with contracts entered into with the like approval after tenders have been called for."

### 2. Section thirty-eight at present reads as follows:

"38. For the purpose of carrying out the provisions of this Act, the Minister of Finance may from time to time authorize the advance to the King's Printer, out of the Consolidated Revenue Fund of Canada, of such sums of money as the King's Printer may require to enable him to purchase material for the execution of orders given or requisitions made under the provisions of this Act, and to pay the wages of workmen engaged in the execution of such orders or requisitions. All expenditures made under such advances shall be accounted for in like manner as other moneys expended for the public service. Any moneys received by the King's Printer from the Houses of Parliament or from any of the departments of the Government, for work executed or for supplies furnished under the provisions of this Act shall be remitted by him to the Minister of Finance in repayment of such advances. The amount of outstanding advances to the King's Printer, after deducting therefrom all amounts due to him by either House of Parliament or by the several departments shall at no time exceed the sum of *two million dollars*."

Repayment  
of advances.

(3) Any moneys received by the King's Printer from the Houses of Parliament or from any of the departments of the Government, for work executed or for supplies furnished under the provisions of this Act shall be remitted by him to the Minister of Finance in repayment of such advances. 5

Amount of  
outstanding  
advances.

(4) The amount of outstanding advances to the King's Printer, after deducting therefrom all amounts due to him by either House of Parliament or by the several departments shall at no time exceed the sum of four million 10 dollars."

BILL 34

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

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

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THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to Provide for the Financial Administration of the Government of Canada, the Audit of the Public Accounts and the Financial Control of Crown Corporations.

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First reading, November 22, 1951.

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THE MINISTER OF FINANCE.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to Provide for the Financial Administration of the Government of Canada, the Audit of the Public Accounts and the Financial Control of Crown Corporations.

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

Short title. 1. This Act may be cited as *The Financial Administration Act*.

INTERPRETATION.

Definitions. 2. In this Act 10  
"appropriate Minister". (a) "appropriate Minister" means  
(i) with respect to a department mentioned in subparagraph (i) of paragraph (f), the Minister presiding over the department,  
(ii) with respect to any other department, the Minister designated by the Governor in Council as the appropriate Minister, 15  
(iii) with respect to the Senate and the House of Commons the respective Speaker, and with respect to the Library of Parliament the Speakers of the Senate and the House of Commons, and 20  
(iv) with respect to a corporation to which Part VIII applies, the Minister designated by the Governor in Council as the appropriate Minister;  
"appropriation". (b) "appropriation" means any authority of Parliament 25  
to pay money out of the Consolidated Revenue Fund;  
"authorized agent". (c) "authorized agent" means any person authorized by the Minister to accept subscriptions for or make sales of securities;

EXPLANATORY NOTES.

The references to sections, subsections, paragraphs, and subparagraphs, unless otherwise indicated, are to the provision of the present *Consolidated Revenue and Audit Act, 1931*, that corresponds with the one dealt with in the text of the Bill.

2. New.

New.

New.

- “Comptroller”. (d) “Comptroller” means the Comptroller of the Treasury appointed under this Act;
- “Consolidated Revenue Fund”. (e) “Consolidated Revenue Fund” means the aggregate of all public moneys that are on deposit at the credit of the Receiver General; 5
- “department”. (f) “department” means
- (i) any of the departments named in Schedule A,
  - (ii) any other division or branch of the public service of Canada, including a commission appointed under the *Inquiries Act*, designated by the Governor in Council as a department for the purposes of this Act, 10
  - (iii) the staffs of the Senate, the House of Commons and the Library of Parliament, and
  - (iv) any corporation named in Schedule B; 15
- “fiscal agent”. (g) “fiscal agent” means the Bank of Canada and a fiscal agent appointed under Part IV;
- “fiscal year”. (h) “fiscal year” means the period from the first day of April in one year to the thirty-first day of March in the next year; 20
- “Minister”. (i) “Minister” means the Minister of Finance and Receiver General;
- “money”. (j) “money” includes negotiable instruments;
- “money paid to Canada for a special purpose”. (k) “money paid to Canada for a special purpose” includes all money that is paid to a public officer under or pursuant to a statute, trust, treaty, undertaking, or contract, and is to be disbursed for a purpose specified in or pursuant to such statute, trust, treaty, undertaking or contract; 25
- “negotiable instrument”. (l) “negotiable instrument” includes any cheque, draft, traveller’s cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument; 30
- “public money”. (m) “public money” means all money belonging to Canada received or collected by the Receiver General or any other public officer in his official capacity or any person authorized to receive or collect such money, and includes 35
- (i) duties and revenues of Canada,
  - (ii) money borrowed by Canada or received through the issue or sale of securities, 40
  - (iii) money received or collected for or on behalf of Canada, and
  - (iv) money paid to Canada for a special purpose;
- “public officer”. (n) “public officer” includes a Minister and any person employed in the public service of Canada; 45
- “registrar”. (o) “registrar” means the Bank of Canada and a registrar appointed under Part IV; 50



Section 2. (d).

New.

Section 2 (e).

PART I

ORGANIZATION

Treasury Board

New.

Section 2 (g).

Section 2 (h).

New.

New.

New.

Section 2 (i).

New.

New.

"securities".

(p) "securities" means securities of Canada and includes bonds, notes, deposit certificates, non-interest bearing certificates, debentures, treasury bills, treasury notes and any other security representing part of the public debt of Canada.

5

## PART I

### ORGANIZATION

#### *Treasury Board.*

Treasury Board.

**3.** (1) There shall be a board to be called the Treasury Board, consisting of the Minister of Finance, who is the Chairman, and any five members of the King's Privy Council for Canada, who may be nominated from time to time by the Governor in Council.

10

Alternate members.

(2) The Governor in Council may nominate such additional members of the King's Privy Council for Canada as he sees fit to be alternates to serve in the place of members of the Board.

Rules of procedure.

(3) Subject to the terms of this Act and any directions of the Governor in Council, the Treasury Board may determine its own rules and methods of procedure.

15

Staff.

**4.** The Minister may designate an officer of the Department of Finance to be Secretary of the Treasury Board, and shall from among the persons employed in the Department of Finance provide the Board with such other employees as are necessary for the proper conduct of the business of the Board.

20

Duties of Treasury Board.

**5.** (1) The Treasury Board shall act as a committee of the King's Privy Council for Canada on all matters relating to finance, revenues, estimates, expenditures and financial commitments, accounts, establishments, the terms and conditions of employment of persons in the public service, and general administrative policy in the public service referred to the Board by the Governor in Council or on which the Board considers it desirable to report to the Governor in Council, or on which the Board considers it necessary to act under powers conferred by this or any other Act.

30

Authority under other Acts.

(2) The Governor in Council may authorize the Treasury Board to exercise all or any of the powers, other than powers of appointment, of the Governor in Council under the *Civil Service Act*, the *Civil Service Superannuation Act*, the *Defence Services Pension Act*, and Parts II to VI of the *Royal Canadian Mounted Police Act*.

40

Section 2 (j).

**3. Department of Finance and Treasury Board Act, Sections 9 and 11.**

New.

New.

**4. Department of Finance and Treasury Board Act, Section 11.**

**5. Department of Finance and Treasury Board Act, Section 10.**

New.

Form of  
accounts of  
Canada.

(3) The Treasury Board may prescribe from time to time the manner and form in which the accounts of Canada and the accounts of the several departments shall be kept, and may direct any person receiving, managing or disbursing public money to keep any books, records or accounts that the Board considers necessary. 5

Board subject  
to directions  
of Governor  
in Council.

(4) The Treasury Board in the exercise of its powers under this or any other statute is subject to any direction given to it by the Governor in Council, and the Governor in Council may by Order amend or revoke any action of the Board. 10

Board may  
require  
production of  
documents.

6. The Treasury Board may require from any public officer or any agent of His Majesty any account, return, statement, document, report or information that the Board considers necessary for the due performance of its duties. 15

Regulations.

7. The Treasury Board may make regulations
- (a) respecting the collection, management and administration of, and the accounting for, public money;
  - (b) respecting the keeping of records of property of His Majesty; 20
  - (c) subject to any other Act, prescribing rates of compensation, hours of work and other conditions of employment of persons in the public service;
  - (d) notwithstanding the *Civil Service Act*,
    - (i) authorizing the payment to persons in the public service of compensation or other rewards for inventions or practical suggestions for improvements, 25
    - (ii) governing payments to persons in the public service by way of re-imburement for travelling or other expenses and allowances to meet special expenses arising out of their duties; and 30
  - (e) subject to any other Act, for any other purpose necessary for the efficient administration of the public service. 35

*Department of Finance.*

Department  
established.

8. There shall be a department of the Government of Canada which shall be called the Department of Finance over which the Minister of Finance and Receiver General for the time being appointed by commission under the Great Seal of Canada shall preside. 40

Management.

9. The Minister shall have the management and direction of the Department of Finance, the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to any other Minister. 45

*Department of Finance and Treasury Board Act, Sections 12 and 13.*

New.

**6.** *Department of Finance and Treasury Board Act, Section 10.*

7. New.

**8.** *Department of Finance and Treasury Board Act, Section 2.*

**9.** *Department of Finance and Treasury Board Act, Sections 2 and 3.*

Deputy  
Minister.

**10.** (1) The Governor in Council may appoint an officer, who shall be called the Deputy Minister of Finance and Receiver General, to be the deputy head of the Department of Finance and to hold office during pleasure.

Other officers,  
clerks and  
employees.

(2) Subject to section eleven, such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in accordance with the provisions of the *Civil Service Act*.

5

Comptroller  
of the  
Treasury.

**11.** (1) The Governor in Council shall appoint as an officer of the Department of Finance an officer to be called the Comptroller of the Treasury.

10

Salary.

(2) The salary of the Comptroller shall be fixed by the Governor in Council.

Tenure.

(3) The Comptroller shall be appointed to hold office during good behaviour, but he is removable by the Governor in Council for misbehaviour or for incapacity, inability or failure to perform his duties properly, or for other cause.

15

Removal.

(4) Where the Comptroller is removed from office, the Order in Council providing for his removal and the documents relating thereto shall be laid before Parliament within fifteen days after it is made, or if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

20

Acting  
Comptroller.

(5) The Governor in Council may appoint a person to act as Comptroller during the illness, incapacity or other absence of the Comptroller, or during a vacancy in the office of Comptroller.

25

Access to  
books and  
records.

**12.** Notwithstanding any Act, the Comptroller is entitled to free access at all convenient times to all files, documents and other records relating to the accounts of every department, and he is also entitled to require and receive from members of the public service such information, reports and explanations as he may deem necessary for the proper performance of his duties.

30

Stationing  
of officers  
in other  
departments.

**13.** The Comptroller may station in any department any person employed in his office to enable him more effectively to carry out his duties, and the department shall provide the necessary office accommodation for any person so stationed.

35

Oath of  
secrecy.

**14.** (1) The Comptroller shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by persons employed in that department.

45

Suspension.

(2) The Comptroller may suspend from the performance of his duties any person employed in his office.

**10. Department of Finance and Treasury Board Act,  
Section 4.**

**11. Section 21 (1) and (2).**

Section 21 (2).

Section 21 (3).

Section 21 (5).

New, but see Section 2 (d).

**12. Section 21 (6).**

**13. New.**

**14. New.**

Accounting  
services.

**15.** On the request of the appropriate Minister and with the approval of the Minister of Finance, the Comptroller may

- (a) provide accounting and other services in connection with the collection and accounting of public money for a department, and 5  
(b) examine the collecting and accounting practices applied in a department, and report thereon to the appropriate Minister.

## PART II.

### PUBLIC MONEY.

Public money  
to be  
deposited.

**16.** (1) Subject to this Part, all public money shall be 10 deposited to the credit of the Receiver General.

Establish-  
ment of  
accounts.

(2) The Minister shall establish, in the name of the Receiver General, accounts with such banks and fiscal agents as he designates for the deposit of public money.

Record of  
public money  
collected.

(3) Every person who collects or receives public money 15 shall keep a record of receipts and deposits thereof in such form and manner as the Treasury Board may prescribe by regulation.

Duty of  
persons  
collecting  
public money.

(4) Every person employed in the collection or manage- 20 ment or charged with the receipt of public money and every other person who collects or receives public money shall pay all public money coming into his hands to the credit of the Receiver General through such officers, banks or persons and in such manner as the Minister directs.

Minister may  
acquire  
securities.

**17.** (1) The Minister may, when he deems it advisable 25 for the sound and efficient management of public money or the public debt, purchase, acquire and hold securities and pay therefor out of the Consolidated Revenue Fund.

Sale of  
securities.

(2) The Minister may sell any securities purchased, 30 acquired or held pursuant to subsection one, and the proceeds of the sales shall be deposited to the credit of the Receiver General.

Profit and  
loss.

(3) Any net profit resulting in any fiscal year from the 35 purchase, holding or sale of securities pursuant to this section shall be credited to the revenues of that fiscal year, and any net loss resulting in any fiscal year from such purchase, holding or sale shall be charged to an appropriation provided by Parliament for the purpose.

How profit  
and loss  
determined.

(4) For the purposes of subsection three, the net profit or 40 loss in any fiscal year shall be determined by taking into account realized profits and losses on securities sold, the amortization applicable to the fiscal year of premiums and discounts on securities, and interest applicable to the fiscal year.



**15. New.**

**16. Section 3.**

New.

**Section 4 (1) (b).**

**Section 4 (1) (a).**

**17. New.**

Services.

**18.** Where a service is provided by His Majesty to any person and the Governor in Council is of opinion that the whole or part of the cost of the service should be borne by the person to whom it is provided, the Governor in Council may, subject to the provisions of any Act relating to that service, prescribe the fee that may be charged for the service. 5

Return of deposits.

**19.** (1) Where money is received by a public officer from any person as a deposit to ensure the doing of any act or thing, the public officer shall hold or dispose of the money in accordance with regulations of the Treasury Board. 10

Return of money paid for purposes not fulfilled.

(2) Where money is paid by any person to a public officer for any purpose that is not fulfilled, the money may, in accordance with regulations of the Treasury Board, be returned or repaid to that person, less such sum as in the opinion of the Board is properly attributable to any service rendered. 15

Return of non-public money.

(3) Money paid to the credit of the Receiver General and not being public money may be returned or repaid in accordance with regulations of the Treasury Board. 20

Money received for special purpose.

**20.** (1) Money received by or on behalf of His Majesty for a special purpose and paid into the Consolidated Revenue Fund may be paid out of the Consolidated Revenue Fund for that purpose, subject to the provisions of any statute applicable thereto. 25

Interest.

(2) Subject to any other Act, interest may be allowed and paid from the Consolidated Revenue Fund in respect of money to which subsection one applies, in accordance with and at rates fixed by the Minister with the approval of the Governor in Council. 30

Refund of money paid in respect of proceedings in Parliament.

**21.** Where the Senate or House of Commons, by resolution or pursuant to any rule or standing order, authorizes a refund of public money that was received in respect of any proceedings before Parliament, the Minister may pay the refund out of the Consolidated Revenue Fund. 35

Remission of taxes and penalties.

**22.** (1) The Governor in Council, on the recommendation of the Treasury Board, whenever he considers it in the public interest, may remit any tax, fee or penalty.

Remission may be partial, etc.

(2) A remission pursuant to this section may be total or partial, conditional or unconditional, and may be granted 40

(a) before, after or pending any suit or proceeding for the recovery of the tax, fee or penalty in respect of which it is granted,

(b) before or after any payment thereof has been made or enforced by process or execution, and 45

18. New.

19. New.

20. Section 22 (2).

New.

21. Section 34.

22. Section 33. The reference to "fee" is new.

(c) in the case of a tax on any property or class of cases and before the liability is ascertained.

(7) A remission pursuant to this section may be granted

(a) by ordering to institute a suit or proceeding for the recovery of the tax, fee or penalty in respect of which the remission is granted,

(b) by delaying, staying or discontinuing any suit or proceeding already instituted,

(c) by forbearing to enforce, staying or suspending execution or process upon any judgment,

(d) by the entry of satisfaction upon any judgment, or

(e) by repaying any sum of money paid to or recovered by the Minister for the tax, fee or penalty.

(4) Where a remission is granted under this section it is subject to a condition, and the condition is not performed, it may be enforced, or all proceedings may be had as if there had been no remission.

(5) A conditional remission, upon performance of the condition, and an unconditional remission, have effect as if the remission was made after the tax, fee or penalty in respect of which it was granted had been paid for and recovered.

(6) No tax paid to the Minister

(7) Remissions granted under this section may be paid out of the Consolidated Revenue Fund.

(8) A statement of each remission of one thousand dollars or more granted under this section shall be reported to the House of Commons in the Public Accounts.

(9) Where a penalty imposed by any law relating to revenue has been wholly and unconditionally remitted pursuant to this section the remission is treated as payment for the offence for which the penalty was incurred, and thereafter the officer has no legal claim against the person to whom the remission was granted.

(10) In this section "tax" means any tax imposed by or for Parliament.

(11) This section "fee" includes any fee imposed or levied by Parliament or by any authority or person authorized to be imposed by any Act of Parliament for any contribution of the laws relating to the collection of the revenue or to the management of any public work, or any toll or revenue notwithstanding that any of such duties or penalties is payable to the informant or prosecutor or to any other person.

- (c) in the case of a tax or fee, in any particular case or class of case and before the liability therefor arises.
- Form of remission. (3) A remission pursuant to this section may be granted
- (a) by forbearing to institute a suit or proceeding for the recovery of the tax, fee or penalty in respect of which the remission is granted, 5
- (b) by delaying, staying or discontinuing any suit or proceeding already instituted,
- (c) by forbearing to enforce, staying or abandoning any execution or process upon any judgment, 10
- (d) by the entry of satisfaction upon any judgment, or
- (e) by repaying any sum of money paid to or recovered by the Minister for the tax, fee or penalty.
- Conditional remission. (4) Where a remission is granted under this section subject to a condition, and the condition is not performed, it may be enforced, or all proceedings may be had as if there had been no remission. 15
- Effect of remission. (5) A conditional remission, upon performance of the condition, and an unconditional remission, have effect as if the remission was made after the tax, fee or penalty in respect of which it was granted had been sued for and recovered. 20
- Customs and Excise. (6) No tax paid to His Majesty on any goods shall be remitted by reason only that after the payment of the tax and after release from the control of customs or excise officers, the goods were lost or destroyed. 25
- C.R.F. (7) Remissions granted under this or any other Act may be paid out of the Consolidated Revenue Fund.
- Report. (8) A statement of each remission of one thousand dollars or more granted under this section shall be reported to the House of Commons in the Public Accounts. 30
- Effect of remission. (9) Where a penalty imposed by any law relating to the revenue has been wholly and unconditionally remitted pursuant to this section, the remission has the effect of a pardon for the offence for which the penalty was incurred, and thereafter the offence has no legal effect prejudicial to the person to whom the remission was granted. 35
- "tax" and "penalty" defined. (10) In this section "tax" includes any tax, impost, duty or toll payable to His Majesty, imposed or authorized to be imposed by any Act of Parliament, and "penalty" includes any forfeiture or pecuniary penalty imposed or authorized to be imposed by any Act of Parliament for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, notwithstanding that part of such forfeiture or penalty is payable to the informer or prosecutor, or to any other person. 40 45

Paragraph (c) of subsection (2) is new.

PART III

FINANCIAL PROVISIONS

70. (1) Where an expenditure is made for any purpose in any part of Parliament for granting to His Majesty any sum of money to defray any part of the public service for any financial year, no payment shall be made in respect of that expenditure out of the Consolidated Revenue Fund unless a warrant prepared on the order of the Governor in Council has been signed by the Governor General in Council.

New.

Section 71.

71. Where a guarantee has been given under the authority of Parliament by or on behalf of His Majesty for the payment of any debt or obligation, any amount required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund.

Uncollect-  
able debts.

**23.** (1) The Governor in Council, on the recommenda-  
tion of the Treasury Board, may, if he considers it in the  
public interest, extinguish, or delete from the accounts  
without extinguishing, in whole or in part, any obligation  
or debt due to His Majesty or any claim by His Majesty, 5  
(a) that does not exceed one hundred dollars and has  
been outstanding for five years or more, or  
(b) that does not exceed one thousand dollars and has  
been outstanding for ten years or more.

Report.

(2) The obligations, debts and claims deleted from the 10  
accounts or extinguished under this section shall be  
reported in the Public Accounts.

### PART III.

#### PUBLIC DISBURSEMENTS.

No payment  
out of C.R.F.  
without  
authority  
from  
Parliament.

**24.** Subject to the British North America Acts, 1867  
to 1951, no payments shall be made out of the Consoli-  
dated Revenue Fund without the authority of Parliament. 15

Estimates to  
be for fiscal  
year.

**25.** All estimates of expenditures submitted to Parlia-  
ment shall be for the services coming in course of payment  
during the fiscal year.

Warrant of  
Governor  
General.

**26.** Where an appropriation is made for any purpose  
in any Act of Parliament for granting to His Majesty any 20  
sum of money to defray expenses of the public service for a  
fiscal year, no payment shall be made pursuant to that ap-  
propriation out of the Consolidated Revenue Fund unless  
a warrant, prepared on the order of the Governor in Council,  
has been signed by the Governor General authorizing ex- 25  
penditures to be charged against the appropriation, but  
no payments in excess of the amount of expenditures so  
authorized shall be made.

Payment of  
guarantee.

**27.** Where a guarantee has been given under the  
authority of Parliament by or on behalf of His Majesty for 30  
the payment of any debt or obligation, any amount required  
to be paid by the terms of the guarantee may, subject to  
the Act authorizing the guarantee, be paid out of the Con-  
solidated Revenue Fund.

Urgent  
expenditure  
not provided  
for.

**28.** (1) Where an accident happens to any public work 35  
or building when Parliament is not in session and an  
expenditure for the repair or renewal thereof is urgently  
required, or where any other matter arises when Parliament  
is not in session in respect of which an expenditure not fore-  
seen or provided for by Parliament is urgently required for 40



the public good, the Governor in Council, upon the report of the Minister that there is no appropriation for the expenditure, and the report of the appropriate Minister that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Governor General authorizing the payment of the amount estimated to be required for such expenditure. 5

Special  
warrant.

(2) A special warrant issued pursuant to this section shall for the purposes of this Act be deemed to be an appropriation for the fiscal year in which the warrant is issued. 10

Publication  
and report to  
House of  
Commons.

(3) Every warrant issued under this section shall be published in the *Canada Gazette* within thirty days after it is issued, and a statement showing all warrants issued under this section and the amounts thereof shall be laid by the Minister before the House of Commons within fifteen days after the commencement of the next ensuing session of Parliament. 15

When  
Parliament  
deemed  
not in  
session.

(4) For the purposes of this section Parliament shall be deemed to be not in session when it is under adjournment *sine die* or to a day more than two weeks after the day the accident happened or the other matter arose. 20

Appropriation  
allotments.

**29.** At the commencement of each fiscal year or at such other times as the Treasury Board may direct, the deputy head or other officer charged with the administration of a service for which there is an appropriation by Parliament or an item included in Estimates then before the House of Commons shall prepare and submit to the Treasury Board through the Comptroller a division of such appropriation or item into allotments in the form detailed in the Estimates submitted to Parliament for such appropriation or item, or in such other form as the Board may prescribe, and when approved by the Board the allotments shall not be varied or amended without the approval of the Board, and the expenditures charged to the appropriation shall be limited to the amounts of such allotments. 25 30 35

No contract  
unless  
Comptroller  
certifies.

**30.** (1) No contract providing for the payment of any money by His Majesty shall be entered into or have any force or effect unless the Comptroller certifies that there is a sufficient unencumbered balance available out of an appropriation or out of an item included in Estimates before the House of Commons to discharge any commitments under such contract that would, under the provisions thereof, come in course of payment during the fiscal year in which the contract was entered into. 40

Contracts to  
be submitted  
to  
Comptroller.

(2) Every contract involving the payment of money by His Majesty shall be submitted to the Comptroller as soon as it is made or entered into, unless the Comptroller certifies that he does not require it. 45





Record of  
commit-  
ments.

Where  
immediate  
expenditure  
required.

(3) The Comptroller shall establish and maintain a record of all commitments chargeable to each appropriation.

(4) Where the Comptroller is satisfied that an agreement was entered into in order to defray an immediate expenditure that, through accident to public property or other emergency, was necessary to protect such property or to provide for such emergency, he may issue his certificate accordingly and thereupon the agreement is exempt from the operation of subsection one from the time the agreement was entered into.

Requisitions.

**31.** (1) No charge shall be made against an appropriation except upon the requisition of the appropriate Minister of the department for which the appropriation was made, or by a person authorized by him in writing.

Form.

(2) Every requisition for a payment out of the Consolidated Revenue Fund shall be in such form, accompanied by such documents and certified in such manner as the Comptroller may require.

When  
requisition  
to be  
rejected.

(3) The Comptroller shall reject a requisition if he is of the opinion that the payment

(a) would not be a lawful charge against the appropriation,

(b) would result in an expenditure in excess of the appropriation, or

(c) would reduce the balance available in the appropriation so that it would not be sufficient to meet the commitments charged against it.

Reference to  
Treasury  
Board.

(4) The Comptroller may transmit to the Treasury Board any requisition with respect to which he desires the direction of the Board, and the Board may order that payment be made or refused.

Idem

(5) Where the Comptroller

(a) declines to make a payment,

(b) disallows an item in an account, or

(c) refuses to give a certificate required by this Act, the appropriate Minister of the department concerned may report the circumstances to the Treasury Board for its decision, and the Board may confirm or overrule the action of the Comptroller and give such directions as are necessary to carry out its decision.

Expenses of  
Parliament.

(6) Whenever the Comptroller is of the opinion that a doubt exists as to the legality or otherwise of a proposed charge to an appropriation provided for the expenses of the Houses of Parliament or the Library of Parliament, he shall report forthwith to the Minister who shall draw the matter to the attention of the appropriate Select Standing Committee and it shall decide.

Cost  
audits.

(7) Where, in respect of any contract under which a cost audit is required to be made, the Comptroller reports

Section 26 (1).

Section 29 (2).

**31.** New, but see Section 27 (3).

Section 27 (3).

Section 27 (1) and (4)—part is new.

New.

Section 35.

New.

New.

that any costs or charges claimed by the contractor should not in the opinion of the Comptroller be allowed, such costs or charges shall not be allowed to the contractor unless the Treasury Board otherwise directs.

Payment  
for work or  
goods.

**32.** No payment shall be made for the performance of 5  
work or the supply of goods, whether under contract or  
not, in connection with any part of the public service,  
unless, in addition to any other voucher or certificate that  
is required, the deputy of the appropriate Minister or other  
officer authorized by such Minister certifies 10

(a) that the work has been performed or the material  
supplied or both, as the case may be, and that the price  
charged is according to contract, or if not specified by  
contract, is reasonable, or

(b) where a payment is to be made before completion 15  
of the work or delivery of the goods, that the payment  
is in accordance with the contract.

Form of  
payments  
out of  
C.R.F.

**33.** (1) Every payment pursuant to an appropriation,  
except a payment made under subsection two, shall be  
made under the direction and control of the Comptroller 20  
by cheque drawn on the account of the Receiver General  
or other instrument, in such form and authenticated in  
such manner as the Treasury Board directs.

Where  
cheques, etc.  
payable.

(2) Where an instrument issued under subsection one is  
presented by a bank to the Receiver General for payment, 25  
the Receiver General, or an officer authorized by him, may  
pay the instrument out of the Consolidated Revenue Fund.

Cancelled  
cheques, etc.

**34.** (1) Every cheque or other instrument issued under  
the direction of the Comptroller, when paid, shall be de-  
livered into the custody of the Minister for examination 30  
and adjustment with the statements of cheques or other  
instruments issued.

Destruction.

(2) The Treasury Board on the recommendation of the  
Auditor General may make regulations governing the  
destruction from time to time of such cheques or other 35  
instruments.

Lapsing of  
appropria-  
tions.

**35.** The balance of an appropriation granted for a  
fiscal year that remains unexpended at the end of the fiscal  
year shall lapse, except that during the thirty days im-  
mediately following the end of the fiscal year a payment may 40  
be made under the appropriation for the purpose of dis-  
charging a debt payable

(a) during or prior to the fiscal year, or

(b) during the said thirty days for goods received or  
services rendered prior to the end of the fiscal year, 45  
and such payment may be charged in the accounts for the  
fiscal year.

**32. Section 30.**

Paragraph (b) is new.

**33. Section 27 (1) and (2).**

New.

**34. Section 28.**

**35. Section 32 (1).**

Accountable  
advances.

**36.** (1) The Treasury Board may make regulations authorizing the making of accountable advances chargeable to the appropriation for the service in respect of which the advance is made.

Repayment.

(2) An advance for which an accounting has not been made at the termination of the fiscal year in which it was made shall be repaid or accounted for within thirty days thereafter or within such additional number of days, not exceeding thirty, as the Comptroller may fix in any particular case or class of case.

Recovery.

(3) The Comptroller may recover any accountable advance or any portion thereof that is not repaid or accounted for as required by subsection two out of any moneys payable by His Majesty to the person to whom the advance was made.

Report.

(4) Every accountable advance that is not repaid or accounted for as required by this section shall be reported in the Public Accounts.

Refunds.

**37.** An amount received as a refund or repayment of an expenditure or advance and deposited to the credit of the Receiver General shall be included in the unexpended balance of the appropriation against which it was charged.

Term of  
contract that  
money  
available.

**38.** It is a term of every contract providing for the payment of any money by His Majesty that payment thereunder is subject to there being an appropriation for the particular service for the fiscal year in which any commitment thereunder would come in course of payment.

Regulations,  
re conditions  
under which  
contracts  
awarded.

**39.** The Governor in Council may make regulations with respect to the conditions under which contracts may be entered into and, notwithstanding any other Act,

(a) may direct that no contract by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe shall be entered into or have any force or effect unless entry into the contract has been approved by the Governor in Council or the Treasury Board, and

(b) may make regulations with respect to the security to be given to and in the name of His Majesty to secure the due performance of contracts.

Holdbacks.

**40.** Where a payment under a contract is withheld to ensure the due performance of the contract, the payment may, subject to this Act, be charged to the appropriation for that contract, and the amount so charged may be credited to a special account in the Consolidated Revenue Fund, to be paid out in accordance with the contract under regulations of the Treasury Board.

**36. New.**

Section 32 (2).

New.

New.

**37. New.**

**38. New.**

**39. New.**

**40. New.**

## PART IV.

## PUBLIC DEBT.

No money to be borrowed or security issued without authority of Parliament.  
The raising of loans.

**41.** No money shall be borrowed or security issued by or on behalf of His Majesty without the authority of Parliament.

**42.** Where authority is conferred by Parliament to borrow money on behalf of His Majesty, the Governor in Council, subject to the Act authorizing the borrowing, may authorize the Minister 5

(a) to borrow the money by the issue and sale of securities in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, and 10

(b) to enter into such contracts or agreements relating to the borrowing of the money or the issue or sale of securities relating thereto on such terms and conditions as the Governor in Council may approve. 15

Loans for redemption of securities.

**43.** The Governor in Council may authorize the Minister to borrow such sums of money as are required for the payment of any securities that were issued under the authority of Parliament, other than section forty-four, and are maturing or have been called for redemption. 20

Temporary loans.

**44.** Where it appears to the Governor in Council that the Consolidated Revenue Fund will be insufficient to meet the disbursements lawfully authorized to be made from it, the Governor in Council may authorize the Minister to borrow, at such rate of interest and on such terms and conditions as the Governor in Council may approve, for a period not exceeding six months, an amount not exceeding such amount as he deems necessary to ensure that the Consolidated Revenue Fund will be sufficient to meet those disbursements. 25 30

Report to Parliament.

**45.** An annual statement of all borrowing transactions on behalf of His Majesty shall be included in the Public Accounts.

Signing securities.

**46.** (1) Securities issued under the authority of this Part shall be signed by the Deputy Minister of Finance or an officer of the Department of Finance designated by the Governor in Council to sign on behalf of the Deputy Minister of Finance, and shall be countersigned by such officer of the Department of Finance or other person as the Governor in Council designates for that purpose. 35 40



(2) The Minister may direct that these regulations for signatures in the proper handwriting of one or both of the persons authorized to sign or countersign securities under this section, securities issued under this section, shall be printed together with a distinguished mark from engraved on the securities after they have been delivered to the Minister a register or a fiscal agent appointed under this section and control of the Minister.

41. New.

42. Section 8 (1).

47. The Governor in Council may (a) appoint one or more registrars to perform such services in respect of the registration of loans as the Governor in Council may prescribe.

(b) appoint one or more fiscal agents to perform such services in respect of loans as the Governor in Council may prescribe, and (c) fix the remuneration or compensation of any registrar or fiscal agent appointed under this section.

43. Section 13.

48. (1) The Minister shall cause to be maintained a system of books and records (a) showing all money authorized by Parliament to be borrowed by the issue and sale of securities.

(b) containing a description and record of all money so borrowed and securities issued, and (c) showing all amounts paid in respect of the principal or interest on all money so borrowed.

44. Section 14.

(2) Every fiscal agent and registrar shall annually and as often as required by the Minister give to the Minister an account in such form and terms and containing such information as the Minister prescribes of all his transactions as fiscal agent or registrar.

49. The Governor in Council may (a) create and maintain a sinking fund with respect to any issue of securities.

45. New, but see Section 14 (3).

50. The payment of all money borrowed and interest thereon and of the principal of and interest on any loan issued by or on behalf of His Majesty with the authority of Parliament is a charge on and payable out of the Consolidated Revenue Fund.

46. Section 8 (2).

51. All money required under this section to provide a sinking fund or other means of securing repayment of securities, the remuneration and compensation of registrars and fiscal agents appointed under section forty-seven

Facsimile  
signatures.

(2) The Minister may direct that there be substituted for signatures in the proper handwriting of one or both of the persons authorized to sign or countersign securities under this section, facsimiles thereof printed from engraving.

Printing of  
signatures.

(3) Where both the signature and countersignature on a security issued under this section are to be printed, they shall be printed, together with a distinguishing mark, from engraving, on the securities after they have been delivered to the Minister, a registrar or a fiscal agent and while the securities are in the custody and control of the Minister, 10 registrar or fiscal agent.

Registrars  
and fiscal  
agents.

**47.** The Governor in Council may

- (a) appoint one or more registrars to perform such services in respect of the registration of loans as the Governor in Council may prescribe, 15
- (b) appoint one or more fiscal agents to perform such services in respect of loans as the Governor in Council may prescribe, and
- (c) fix the remuneration or compensation of any registrar or fiscal agent appointed under this section. 20

Records  
of money  
borrowed.

**48.** (1) The Minister shall cause to be maintained a system of books and records

- (a) showing all money authorized by Parliament to be borrowed by the issue and sale of securities,
- (b) containing a description and record of all money so 25 borrowed and securities issued, and
- (c) showing all amounts paid in respect of the principal of or interest on all money so borrowed.

Accounting  
by fiscal  
agents and  
registrars.

(2) Every fiscal agent and registrar shall annually and as often as required by the Minister give to the Minister 30 an accounting, in such form and terms and containing such information as the Minister prescribes, of all his transactions as fiscal agent or registrar.

Sinking  
fund.

**49.** The Governor in Council may provide for the creation and management of a sinking fund with respect 35 to any issue of securities or with respect to all securities issued.

Borrowed  
money and  
interest  
charge on  
C.R.F.

**50.** The payment of all money borrowed and interest thereon and of the principal of and interest on all securities issued by or on behalf of His Majesty with the authority 40 of Parliament is a charge on and payable out of the Consolidated Revenue Fund.

Payment  
of loan  
expenses  
out of  
C.R.F.

**51.** All money required under section forty-nine to provide a sinking fund or other means of securing repayment of securities, the remuneration and compensation of regis- 45 trars and fiscal agents appointed under section forty-seven

Section 8 (3).

Section 8 (3).

47. Sections 7 (c) and 10.

48. Section 19 (1).

New.

49. Sections 7 (b) and 19.

50. New.

51. Section 7 (d).

and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may, with the authority of the Governor in Council, be paid out of the Consolidated Revenue Fund. 5

Payment for securities to agent or by salary deduction.

**52.** Where it is provided by a prospectus or other official notice issued by or under the authority of the Minister that a subscriber may purchase securities

(a) by payments to an authorized agent, or 10

(b) by deductions from the remuneration of the subscriber by his employer,

the amount of any such payment or deduction that has not been accounted for by the delivery of securities to the subscriber or repaid to the subscriber shall be deemed to be 15 money received in trust for His Majesty by the agent or employer for which he is accountable to His Majesty under section eighty-nine, and for the purpose of the *Bankruptcy Act, 1949*, and the *Winding-up Act*, where the money paid or deducted cannot be identified among the assets of the 20 employer or agent, a portion of the said assets equal in value to the amount of the payment or deduction shall be deemed to be segregated and held in trust for His Majesty.

Investors' Indemnity Account.

**53.** There shall be established in the Consolidated Revenue Fund an account to be known as the Investors' 25 Indemnity Account to which shall be credited the sum of twenty-five thousand dollars, such further amounts as are appropriated by Parliament for the purposes of this section, and any recoveries of the losses referred to in section 30 fifty-four. 30

Payment of losses.

**54.** The Minister may, in accordance with and subject to the regulations, pay out of the Investors' Indemnity Account any losses sustained by subscribers for securities who have paid all or part of the purchase price of such securities but have not received the security or repayment 35 of the amount so paid, and losses sustained by any person in the redemption of securities.

Not bound to execute trusts.

**55.** His Majesty and a fiscal agent or registrar acting as such are not bound to see to the execution of any express or implied trust to which any securities are subject. 40

Regulations.

**56.** The Governor in Council may make such regulations as he deems necessary to provide for the management of the public debt of Canada and the payment of interest thereon and, without limiting the generality of the foregoing, may make regulations 45

52. New.

53. New.

54. New.

55. Section 17.

56. Sections 7 (a), 16 and 18. Part is new.

- (a) for the inscription or registration of securities and prescribing the effect of such inscription or registration,
- (b) for the transfer, transmission, exchange, redemption, cancellation and destruction of any securities, and, 5  
without limiting the generality of the foregoing,
- (i) for the transmission, transfer or redemption of securities pursuant to judgment or as the result of the death, dissolution or bankruptcy of the registered owner thereof, and
- (ii) prescribing the conditions upon which the trans- 10  
fer, transmission, exchange and redemption of securities registered in the names of infants, minors or other persons not of full capacity to enter into ordinary contracts, may be made,
- (c) for the issue of securities or making of payments in 15  
respect of damaged, lost, stolen or destroyed securities or interest coupons, and of the cheques pertaining thereto and prescribing conditions to such issue or payment,
- (d) requiring guarantees to be given to the registrar in 20  
such manner and by such persons as the regulations may prescribe, before the registrar is authorized to make any entry in the register,
- (e) authorizing the correction by the registrar, in such circumstances as may be prescribed by the regulations, 25  
of errors in the register and otherwise authorizing rectification of the register, and
- (f) providing for the payment of losses out of the Investors' Indemnity Account.

## PART V.

### PUBLIC STORES.

Stores  
records.

**57.** Every department shall maintain adequate records 30  
of stores and the appropriate Minister or such other authority as the Governor in Council may direct may make rules and give directions governing the acquisition, receipt, custody, issue and control of such stores.

Revolving  
fund.

**58.** (1) Subject to this section, where Parliament has 35  
authorized a department to operate a revolving fund for the purpose of acquiring and managing stores or for manufacturing, producing, processing or dealing in stores or materials, and has fixed the amount that may be charged to that revolving fund at any time, 40

- (a) payments may be made out of the Consolidated Revenue Fund for these purposes subject to such terms and conditions as the Treasury Board may prescribe, and

(b) The Comptroller shall keep an account of which shall be closed

(c) The amount of such as the items and amounts as found in the department at the time the revolving fund is established as the Treasury Board may prescribe and

(d) The payments made under paragraph (a) There shall be shown as credits to the account

(e) All money received by the Treasury Board in respect of operations of the revolving fund and

(f) Amounts charged to appropriations as the result of items of work charged to the revolving fund or items of material used or work performed in respect of activities for which the appropriation was made.

(3) A payment made out of the Consolidated Revenue Fund payment is authorized as against the balance of the revolving fund and not be credited to the amount of the revolving fund as the amount that may be charged to the revolving fund at any time or such lesser amount as the Treasury Board may prescribe.

(4) For the purposes of this section "balance of the revolving fund" means the aggregate of all payments charged to the revolving fund, less all credits to the revolving fund.

(5) At the end of each fiscal year the value of the inventory held and received is available in respect of the operations of a revolving fund shall be determined in accordance with the regulations of the Treasury Board and if such value differs from the amount shown in the revolving fund, exceeds the total of expenditures shown in the revolving fund and

includes in respect of operations of the revolving fund an amount in excess of the amount shown in the revolving fund, the excess shall be paid to the revolving fund as required but it shall not be an

amount may be credited to the revolving fund to meet the deficiency except with the authority of Parliament.

32. All accounting transactions with respect to a revolving fund shall be recorded as such but for the purpose of valuing stores or materials on hand at the time the revolving fund is established and of valuing inventory and items of stores and materials, there may be determined in accordance with such recognized accounting practices as the appropriate Minister with the approval of the Treasury Board may direct.

33. (1) The appropriate Minister may from time to time constitute a board of survey to examine into the state of the stores and the management of a department.

(2) Where a board of survey constituted under subsection (1) has reported to the Minister an inventory of any objects or materials in the department or materials in any stores or materials

Control

Income

Expenditure

Inventory

Accounting

Survey

Management

This Part is new.

- (b) the Comptroller shall keep an account to which shall be charged
- (i) the cost of such of the stores and materials on hand in the department at the time the revolving fund is established as the Treasury Board may prescribe, and
  - (ii) the payments made under paragraph (a).
- Credits.** (2) There shall be shown as credits in the account
- (a) all money received by the Receiver General in respect of operations of the revolving fund, and
  - (b) amounts charged to appropriations as the reimbursement of costs charged to the revolving fund of stores or material issued or work performed in respect of services for which the appropriations were made.
- Limit.** (3) A payment made out of the Consolidated Revenue Fund pursuant to subsection one together with the balance of the revolving fund shall not be greater than the amount fixed by Parliament as the amount that may be charged to the revolving fund at any time or such lesser amount as the Treasury Board may prescribe.
- "balance of the revolving fund" defined. (4) For the purposes of this section "balance of the revolving fund" means the aggregate of all payments charged to the revolving fund, less all credits to the revolving fund.
- Value of inventories.** (5) At the end of each fiscal year the value of the inventory held and accounts receivable in respect of the operations of a revolving fund shall be determined in accordance with regulations of the Treasury Board, and if such value added to the receipts shown in the revolving fund, exceeds the total of expenditures shown in the revolving fund and liabilities in respect of operations of the revolving fund then due and payable, the excess shall be transferred from the revolving fund as revenue, but if the value is less no amount may be credited to the revolving fund to meet the deficiency except with the authority of Parliament.
- Accounting transactions to be recorded at cost.** **59.** All accounting transactions with respect to a revolving fund under this Part shall be recorded at cost, but for the purpose of valuing stores or materials on hand at the time the revolving fund is established and of valuing inventories and issues of stores and materials, cost may be determined in accordance with such recognized accounting practices as the appropriate Minister with the approval of the Treasury Board, may direct.
- Board of survey.** **60.** (1) The appropriate Minister may from time to time constitute a board of survey to enquire into the state of the stores under the management of a department.
- Deletion of stores.** (2) Where a board of survey constituted under subsection one recommends the deletion from inventory of any obsolete or unserviceable stores or materials or any stores or mate-



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PART VI

Public Accounts

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rials lost or destroyed, the appropriate Minister with the approval of the Treasury Board, may direct the deletion of all or any part of such stores or materials from the inventory, but the value of stores or materials so deleted shall not be credited to a revolving fund except with the authority of Parliament. 5

Report. (3) A statement in such form as the Treasury Board prescribes of all stores and materials deleted from inventories pursuant to subsection two shall be included annually in the Public Accounts. 10

Records. **61.** The Comptroller may examine records, accounts and procedures respecting stores and materials and report thereon to the Minister or the appropriate Minister.

"stores",  
"materials",  
"issues"  
defined. **62.** For the purposes of this Part, the Treasury Board may by regulation define for any department the expressions "stores", "materials" and "issues". 15

## PART VI.

### PUBLIC ACCOUNTS.

Accounts of  
Canada. **63.** (1) The Minister shall cause accounts to be kept in such a manner as to show,  
(a) the expenditures made under and commitments chargeable against each appropriation, 20

(b) the revenues of Canada, and  
(c) the other payments into and out of the Consolidated Revenue Fund.

Assets and  
liabilities. (2) Subject to regulations of the Treasury Board, the Minister 25

(a) shall cause accounts to be kept to show such of the assets and direct and contingent liabilities of Canada, and

(b) may establish such reserves with respect to the assets and liabilities, 30

as in his opinion are required to give a true and fair view of the financial position of Canada.

How kept. (3) The accounts of Canada shall be kept in the currency of Canada.

Submission of  
Public  
Accounts to  
Parliament. **64.** (1) An annual report, called the Public Accounts, shall be laid before the House of Commons by the Minister on or before the thirty-first day of December, or if Parliament is then not in session, within fifteen days after the commencement of the next ensuing session thereof. 35

Canada  
Public  
Accounts

(2) The Public Accounts shall be in such form as the Minister may direct and shall include:

(a) a report on the financial transactions of the fiscal year;

(b) a statement certified by the Auditor General of the expenditures and revenues of Canada for the fiscal year;

(c) a statement certified by the Auditor General of such of the assets and liabilities of Canada as in the opinion of the Minister are required to show the financial position of Canada as at the termination of the fiscal year;

(d) the contingent liabilities of Canada; and

(e) such other accounts and information as are necessary to show with respect to the fiscal year the financial transactions and financial position of Canada or are required by any Act to be shown in the Public Accounts.

PART VII

THE AUDITOR GENERAL

63. Section 37. New in part.

(1) The Governor in Council shall by commission under the Great Seal of Canada call into office a person to be called the Auditor General of Canada who shall be a Canadian citizen and be at least the age of sixty-five years, but he is ineligible for re-appointment after he has held office for a term of ten years.

(2) The Auditor General shall hold office until he has attained the age of seventy years, but he is ineligible for re-appointment after he has held office for a term of ten years.

(3) The Auditor General shall hold office until he has attained the age of seventy years, but he is ineligible for re-appointment after he has held office for a term of ten years.

(4) The Auditor General shall hold office until he has attained the age of seventy years, but he is ineligible for re-appointment after he has held office for a term of ten years.

Section 37

Section 37

Section 37

Section 37

Section 37

See Section 15 of the *Currency Act*.

Section 38

64. Section 38—the reporting requirements are new.

(1) The Auditor General shall by report to the Governor in Council certify the accounts of the Government of Canada for the fiscal year and shall include:

(a) a report on the financial transactions of the fiscal year;

(b) a statement certified by the Auditor General of the expenditures and revenues of Canada for the fiscal year;

(c) a statement certified by the Auditor General of such of the assets and liabilities of Canada as in the opinion of the Minister are required to show the financial position of Canada as at the termination of the fiscal year;

(d) the contingent liabilities of Canada; and

(e) such other accounts and information as are necessary to show with respect to the fiscal year the financial transactions and financial position of Canada or are required by any Act to be shown in the Public Accounts.

Contents of  
Public  
Accounts.

- (2) The Public Accounts shall be in such form as the Minister may direct, and shall include:
- (a) a report on the financial transactions of the fiscal year;
  - (b) a statement, certified by the Auditor General, of the expenditures and revenues of Canada for the fiscal year; 5
  - (c) a statement, certified by the Auditor General, of such of the assets and liabilities of Canada as in the opinion of the Minister are required to show the financial position of Canada as at the termination of the fiscal year; 10
  - (d) the contingent liabilities of Canada; and
  - (e) such other accounts and information as are necessary to show, with respect to the fiscal year, the financial transactions and financial position of Canada, or are required by any Act to be shown in the Public Accounts. 15

## PART VII.

### THE AUDITOR GENERAL.

Auditor  
General.

**65.** (1) The Governor in Council shall by commission under the Great Seal of Canada appoint an officer to be called the Auditor General of Canada and to hold office 20 during good behaviour until he attains the age of sixty-five years, but he is removable by the Governor General on address of the Senate and House of Commons.

Salary.

(2) The Auditor General shall out of the Consolidated Revenue Fund be paid a salary of fifteen thousand dollars 25 per annum.

R.S.c. 24  
applicable.

(3) The provisions of the *Civil Service Superannuation Act*, except those relating to tenure of office, apply to the Auditor General.

Officers, etc.

(4) Such officers and employees as are necessary to enable 30 the Auditor General to perform his duties shall be appointed in accordance with the provisions of the *Civil Service Act*.

Acting  
Auditor  
General.

(5) The Governor in Council may appoint a person temporarily to perform the duties of the Auditor General during a vacancy in the office of Auditor General. 35

Access to  
books, files,  
etc.

**66.** (1) Notwithstanding any Act of Parliament, the Auditor General is entitled to free access at all convenient times to all files, documents and other records relating to the accounts of every department, and he is also entitled to require and receive from members of the public service 40 such information, reports and explanations as he may deem necessary for the proper performance of his duties.

(3) The Auditor General may suspend from the performance of his duty any person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any other security required to be taken by persons employed in that department.

(4) The Auditor General shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any other security required to be taken by persons employed in that department.

(5) The Auditor General may suspend from the performance of his duty any person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any other security required to be taken by persons employed in that department.

(6) The Auditor General shall examine in such manner as he may deem necessary the accounts relating to the Consolidated Revenue Fund and to public property and shall determine whether in his opinion:

(a) the accounts have been faithfully and properly kept;

(b) all public money has been truly accounted for;

(c) the rules and procedures applied are sufficient to ensure an effective check on the assessment, collection and proper allocation of the revenue;

(d) money has been expended in accordance with the purposes for which it was appropriated;

(e) essential records are maintained and the rules and procedures applied are sufficient to safeguard and control public property.

**65. Sections 39 and 40.**

**Section 39.**

**Section 41.**

**Section 42 (1).**

New, but see Section 2 (a).

**66. Section 44 (2).**

Stationing  
of officers  
in other  
departments.

(2) The Auditor General may station in any department any person employed in his office to enable him more effectively to carry out his duties, and the department shall provide the necessary office accommodation for any such officer so stationed. 5

Oath of  
secrecy.

(3) The Auditor General shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by persons employed in that department. 10

Suspension.

(4) The Auditor General may suspend from the performance of his duty any person employed in his office.

Accounts  
relating to  
Consolidated  
Revenue  
Fund.

**67.** The Auditor General shall examine in such manner as he may deem necessary the accounts relating to the Consolidated Revenue Fund and to public property and shall ascertain whether in his opinion 15

(a) the accounts have been faithfully and properly kept, 20  
(b) all public money has been fully accounted for, and the rules and procedures applied are sufficient to secure an effective check on the assessment, collection and proper allocation of the revenue,

(c) money has been expended for the purposes for which it was appropriated by Parliament, and the expenditures have been made as authorized, and 25

(d) essential records are maintained and the rules and procedures applied are sufficient to safeguard and control public property.

Registrar's  
accounts.

**68.** The Auditor General shall

(a) make such examination of the accounts and records of each registrar as he deems necessary, and such other examinations of a registrar's transactions as the Minister may require, and 30

Destruction  
of cancelled  
securities.

(b) when and to the extent required by the Minister, participate in the destruction of any redeemed or cancelled securities or unissued reserves of securities, authorized to be destroyed under this Act, 35

and may, by arrangement with the registrar, maintain custody and control, jointly with the registrar, of cancelled and unissued securities. 40

Certificates.

**69.** The Auditor General shall examine and certify in accordance with the outcome of his examinations the several statements required by section sixty-four to be included in the Public Accounts, and any other statement that the Minister may present for audit certificate. 45

Section 44 (3).

New.

Section 42 (3).

67. Sections 44 (1), 45 (1), 46 and 47.

68. New, but see Section 19.

69. Section 46.

Report to  
House of  
Commons.

**70.** (1) The Auditor General shall report annually to the House of Commons the results of his examinations and shall call attention to every case in which he has observed that

- (a) any officer or employee has wilfully or negligently 5  
omitted to collect or receive any money belonging to  
Canada,
- (b) any public money was not duly accounted for and  
paid into the Consolidated Revenue Fund,
- (c) any appropriation was exceeded or was applied to a 10  
purpose or in a manner not authorized by Parliament,
- (d) an expenditure was not authorized or was not properly  
vouched or certified,
- (e) there has been a deficiency or loss through the fraud,  
default or mistake of any person, or 15
- (f) a special warrant authorized the payment of any  
money,

and to any other case that the Auditor General considers should be brought to the notice of the House of Commons.

When report  
to be tabled.

(2) The report of the Auditor General shall be laid before 20  
the House of Commons by the Minister on or before the  
thirty-first day of December, or, if Parliament is then not  
in session, within fifteen days after the commencement of  
the next ensuing session thereof, and if the Minister does  
not, within the time prescribed by this section, present the 25  
report to the House of Commons, the Auditor General shall  
transmit the report to the Speaker for tabling in the House  
of Commons.

Inquiry  
and report.

**71.** The Auditor General shall, whenever the Governor  
in Council, the Treasury Board or the Minister directs, 30  
inquire into and report on any matter relating to the  
financial affairs of Canada or to public property and on any  
undertaking or service that has received financial aid from  
the Government of Canada or in respect of which financial  
aid from the Government of Canada is sought. 35

Reports to  
be made  
through  
Minister.

**72.** Any report of the Auditor General to the Governor  
in Council or the Treasury Board shall be made through the  
Minister.

Improper  
retention of  
public  
money.

**73.** Whenever it appears to the Auditor General that  
any public money has been improperly retained by any 40  
person, he shall report the circumstances of such cases to the  
Minister.

Inquiries.

**74.** The Auditor General may examine any person on  
oath on any matter pertaining to any account subject to 45  
audit by him and for the purposes of any such examination  
the Auditor General may exercise all the powers of a com-  
missioner under Part I of the *Inquiries Act*.



70. Sections 49 and 50 (2).

PART VIII

Crown Corporations

Section 50 (1). See clause 64 of this bill.

71. New, but see Section 47 (1) (e).

72. Section 43.

73. Section 52 (2).

74. Part VI.

Audit of  
office of  
Auditor  
General.

**75.** An officer of the public service nominated by the Treasury Board shall examine and certify to the House of Commons in accordance with the outcome of his examinations the receipts and disbursements of the office of the Auditor General.

5

## PART VIII.

### CROWN CORPORATIONS.

**76.** (1) In this Part

"agency  
corporation".

(a) "agency corporation" means a Crown corporation named in Schedule C;

"auditor".

(b) "auditor" means, in relation to a corporation, the person authorized by Parliament to audit the accounts 10 and financial transactions of the corporation;

"Crown  
corporation".

(c) "Crown corporation" means a corporation that is ultimately accountable, through a Minister, to Parliament for the conduct of its affairs, and includes the corporations named in Schedule B, Schedule C and 15 Schedule D;

"depart-  
mental  
corporation".  
"proprietary  
corporation".

(d) "departmental corporation" means a Crown corporation named in Schedule B; and

(e) "proprietary corporation" means a Crown corporation named in Schedule D. 20

Deletions  
from  
Schedule.

(2) The Governor in Council may by order delete the name of any corporation from Schedule B, Schedule C or Schedule D.

Additions  
to  
Schedule.

(3) The Governor in Council may by order

(a) add to Schedule B any Crown corporation that is a 25 servant or agent of His Majesty in right of Canada and is responsible for administrative, supervisory or regulatory services of a governmental nature;

(b) add to Schedule C any Crown corporation that is an agent of His Majesty in right of Canada and is res- 30 possible for the management of trading or service operations on a quasi-commercial basis, or for the management of procurement, construction or disposal activities on behalf of His Majesty in right of Canada; and 35

(c) add to Schedule D any Crown corporation that

(i) is responsible for the management of lending or financial operations, or for the management of commercial and industrial operations involving the production of or dealing in goods and the 40 supplying of services to the public, and

(ii) is ordinarily required to conduct its operations without appropriations.

Auditor  
General  
eligible.

**77.** Notwithstanding any other Act, the Auditor General is eligible to be appointed the auditor, or a joint auditor, 45 of a Crown corporation.

75. New.

75. (1) ... (2) ... (3) ...

This Part is new.

76. The financial year of a corporation is the calendar year, unless the Governor in Council otherwise directs.

77. (1) Each agency corporation shall annually submit to the appropriate Minister an operating budget for the next financial year of the corporation for the approval of the appropriate Minister and the Minister of Finance.

(2) For each corporation the appropriate Minister shall annually lay before Parliament the capital budget for its financial year approved by the Governor in Council on the recommendation of the appropriate Minister and the Minister of Finance.

(3) The Treasury Board, on the joint recommendation of the Minister of Finance and the appropriate Minister, may by regulation prescribe the form in which budgets required by this section shall be prepared.

81. (1) A corporation may, with the approval of the Minister of Finance, maintain in its own name or more accounts in the Bank of Canada or in such bank in Canada as financial institution outside of Canada as the Minister of Finance may approve.

(2) The Minister of Finance may, with the concurrence of the appropriate Minister, direct a corporation to pay all or any part of the money of the corporation to the Receiver General to be placed in the credit of a special account in the Consolidated Revenue Fund in the name of the corporation, and the Minister of Finance may pay out for the purpose of the corporation, or repay to the corporation all or any part of the money in the special account.

(3) Notwithstanding the other provisions of this section where the appropriate Minister and the Minister of Finance are of the opinion that the Governor in Council, so directed, a corporation shall pay to the Receiver General so much of its money as may be required by it as the appropriate Minister and the Minister of Finance consider to be in excess of the amount required for the purpose of the corporation, and any money so paid may be applied towards the discharge of any obligation of the corporation to the Ministry, or may be applied as the Minister of Finance directs.

- Application.** **78.** (1) Sections seventy-nine to eighty-eight, both inclusive, apply to agency corporations and proprietary corporations, but in the event of any inconsistency between the provisions thereof and the provisions of any other Act, the provisions of such other Act prevail. 5
- Exception.** (2) This Part does not apply to departmental corporations except as provided in section seventy-six.
- Financial year.** **79.** The financial year of a corporation is the calendar year, unless the Governor in Council otherwise directs.
- Budgets.** **80.** (1) Each agency corporation shall annually submit 10 to the appropriate Minister an operating budget for the next following financial year of the corporation for the approval of the appropriate Minister and the Minister of Finance.
- Idem.** (2) For each corporation the appropriate Minister shall 15 annually lay before Parliament the capital budget for its financial year approved by the Governor in Council on the recommendation of the appropriate Minister and the Minister of Finance.
- Form** (3) The Treasury Board, on the joint recommendation 20 of the Minister of Finance and the appropriate Minister, may by regulation prescribe the form in which budgets required by this section shall be prepared.
- Bank accounts.** **81.** (1) A corporation may, with the approval of the Minister of Finance, maintain in its own name one or more 25 accounts in the Bank of Canada or in such bank in Canada or financial institution outside of Canada as the Minister of Finance may approve.
- Receiver General account.** (2) The Minister of Finance may, with the concurrence of the appropriate Minister, direct a corporation to pay all 30 or any part of the money of the corporation to the Receiver General to be placed to the credit of a special account in the Consolidated Revenue Fund in the name of the corporation, and the Minister of Finance may pay out, for the purposes of the corporation, or repay to the corporation, 35 all or any part of the money in the special account.
- Payment over of surplus money.** (3) Notwithstanding the other provisions of this section, where the appropriate Minister and the Minister of Finance, with the approval of the Governor in Council, so direct, a corporation shall pay to the Receiver General so much of the 40 money administered by it as the appropriate Minister and the Minister of Finance consider to be in excess of the amount required for the purposes of the corporation, and any money so paid may be applied towards the discharge of any obligation of the corporation to His Majesty, or may 45 be applied as revenues of Canada.

8.2. (1) At the request of the appropriate Minister and subject to the approval of the Governor in Council, the Minister of Finance may from time to time lend money to a corporation for working capital out of money in the Consolidated Revenue Fund.

(2) The aggregate amount of loans outstanding made to any one corporation under this section shall not at any time exceed five hundred thousand dollars.

(3) A loan under this section is subject to such terms and conditions as the Governor in Council approves and is repayable within a period not exceeding twelve months from the day on which the loan was made.

(4) A report of every loan to a corporation under this section shall be laid by the Minister of Finance before Parliament within fifteen days after it is made or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

8.3. The Governor in Council may make regulations with respect to the conditions upon which an agency corporation may undertake contractual commitments.

8.4. Subject to any order of the Governor in Council made on the joint recommendation of the Minister of Finance and the appropriate Minister, a corporation may make provision for reserves for depreciation of assets for miscellaneous accounts and for other purposes.

8.5. (1) A corporation shall keep proper books of account and proper records in relation thereto.

(2) Subject to such directions as to form as the Minister of Finance and the appropriate Minister may jointly give, a corporation shall prepare in respect of each financial year statements of accounts which shall include:

(a) a balance sheet, a statement of income and expenditure and a statement of surplus, containing such information as in the case of a company incorporated under The Companies Act, 1957, is required to be laid before the company by the directors at an annual meeting; and

(b) such other information in respect of the financial affairs of the corporation as the appropriate Minister or the Minister of Finance may require.

(3) A corporation shall, as soon as possible, but within three months after the termination of each financial year submit an annual report to the appropriate Minister in such form as he may prescribe, which shall include the statement of accounts required in subsection two, and the appropriate Minister shall lay the report before Parliament.

Loans to corporations

Loans

Loans

Loans to corporations

Agency of corporations

Reserves

Books

Statement of accounts

Annual report

- Loans to corporations.** **82.** (1) At the request of the appropriate Minister, and subject to the approval of the Governor in Council, the Minister of Finance may from time to time lend money to a corporation for working capital out of money in the Consolidated Revenue Fund. 5
- Limit.** (2) The aggregate amount of loans outstanding made to any one corporation under this section shall not at any time exceed five hundred thousand dollars.
- Terms.** (3) A loan under this section is subject to such terms and conditions as the Governor in Council approves and is repayable within a period not exceeding twelve months from the day on which the loan was made. 10
- Report to Parliament.** (4) A report of every loan to a corporation under this section shall be laid by the Minister of Finance before Parliament within fifteen days after it is made or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof. 15
- Awarding of contracts.** **83.** The Governor in Council may make regulations with respect to the conditions upon which an agency corporation may undertake contractual commitments. 20
- Reserves.** **84.** Subject to any order of the Governor in Council made on the joint recommendation of the Minister of Finance and the appropriate Minister, a corporation may make provision for reserves for depreciation of assets, for uncollectable accounts and for other purposes. 25
- Books.** **85.** (1) A corporation shall keep proper books of account and proper records in relation thereto.
- Statement of accounts.** (2) Subject to such directions as to form as the Minister of Finance and the appropriate Minister may jointly give, a corporation shall prepare in respect of each financial year statements of accounts, which shall include. 30
- (a) a balance sheet, a statement of income and expenditure and a statement of surplus, containing such information as, in the case of a company incorporated under *The Companies Act, 1934*, is required to be laid before the company by the directors at an annual meeting, and 35
- (b) such other information in respect of the financial affairs of the corporation as the appropriate Minister or the Minister of Finance may require. 40
- Annual report.** (3) A corporation shall, as soon as possible, but within three months after the termination of each financial year submit an annual report to the appropriate Minister in such form as he may prescribe, which shall include the statement of accounts specified in subsection two, and the appropriate Minister shall lay the report before Parliament 45

within fifteen days after the receipt of the report of the auditor, and if the auditor is not then in session, within fifteen days after the commencement of the next session thereof.

(4) A corporation shall cause to be deposited in the Auditor's Office a copy of the annual statement as required.

Section 10

10-10 The auditor is entitled to have access at all convenient times to all records, documents, books, accounts and vouchers of a corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as he deems necessary.

Section 11

10-11 (1) The auditor shall report annually to the corporation in respect of the results of his examination of the accounts and financial statements of a corporation, and the report shall state whether in his opinion

(a) proper books of accounts have been kept by the corporation;

Section 12

(b) the financial statements of the corporation (i) were prepared in a true and correct manner for the year ended on the date of the report, and are in agreement with the books of accounts;

(2) in the case of the balance sheet give a true and correct view of the state of the corporation's affairs at the end of the financial year, and

(3) in the case of the statement of income and expenditure, give a true and correct view of the income and expenditure of the corporation for the financial year, and

(4) the transactions of the corporation that have come under the notice of the auditor during the course of the financial year, and any other matter that appears to him to be material to the corporation.

10-12 The auditor shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of Parliament.

(5) The auditor shall cause to be deposited in the Auditor's Office a copy of the report of the auditor as to the accounts of the corporation as he may deem necessary or as the corporation may require.

Section 13

10-13 (1) The annual report of the auditor shall be included in the annual report of the corporation.

(2) The annual report of the corporation shall be included in the annual report of the corporation as required by the Companies Act, 1947.

Section 14

10-14 In any case where the auditor is of the opinion that any account in respect of a corporation should be audited, he shall cause to be deposited in the Auditor's Office a copy of the report of the auditor as to the accounts of the corporation as he may deem necessary or as the corporation may require.

Section 15

within fifteen days after he receives it or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof.

Reports to  
Minister.

(4) A corporation shall make to the appropriate Minister such reports of its financial affairs as he requires. 5

Access to  
books, etc.

**86.** The auditor is entitled to have access at all convenient times to all records, documents, books, accounts and vouchers of a corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as he deems necessary. 10

Auditor's  
report.

**87.** (1) The auditor shall report annually to the appropriate Minister the result of his examination of the accounts and financial statements of a corporation, and the report shall state whether in his opinion

(a) proper books of account have been kept by the 15 corporation;

(b) the financial statements of the corporation

(i) were prepared on a basis consistent with that of the preceding year and are in agreement with the books of account, 20

(ii) in the case of the balance sheet, give a true and fair view of the state of the corporation's affairs as at the end of the financial year, and

(iii) in the case of the statement of income and expenditure, give a true and fair view of the 25 income and expenditure of the corporation for the financial year; and

(c) the transactions of the corporation that have come under his notice have been within the powers of the corporation under this Act and any other Act applicable 30 to the corporation;

and the auditor shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of Parliament.

Other  
reports.

(2) The auditor shall from time to time make to the 35 corporation or to the appropriate Minister such other reports as he may deem necessary or as the appropriate Minister may require.

Annual  
report.

(3) The annual report of the auditor shall be included in the annual report of the corporation. 40

(4) Notwithstanding section seventy-eight, this section operates in lieu of section one hundred and twenty of *The Companies Act, 1934*.

1934, c. 33.

Report  
through  
Minister.

**88.** In any case where the auditor is of the opinion that any matter in respect of a corporation should be brought 45 to the attention of the Governor in Council, the Treasury Board or the Minister of Finance, such report shall be made through the appropriate Minister.



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## PART IX.

## CIVIL LIABILITY AND OFFENCES.

- Notice to persons failing to pay over public money. **89.** (1) Whenever the Minister has reason to believe that any person
- (a) has received money for His Majesty and has not duly paid it over,
  - (b) has received money for which he is accountable to His Majesty and has not duly accounted for it, or
  - (c) has in his hands any public money applicable to any purpose and has not duly applied it,
- the Minister may cause a notice to be served on such person, or on his representative in case of his death, requiring him within such time from the service of the notice as may be named therein, duly to pay over, account for, or apply such money, as the case may be, and to transmit to the Minister proper vouchers that he has done so.
- Proceedings where notice not complied with. (2) Where a person has failed to comply with a notice served on him under subsection one within the time stated therein, the Minister shall state an account between such person and His Majesty, showing the amount of the money not duly paid over, accounted for or applied, as the case may be, and, in the discretion of the Minister, charging interest on the whole or any part thereof at the rate of five per cent per annum from such date as the Minister may determine, and in any proceedings for the recovery of such money a copy of the account stated by the Minister, certified by him, shall be *prima facie* evidence that the amount stated therein, together with interest, is due and payable to His Majesty, without proof of the signature of the Minister or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to His Majesty.
- Evidence. **90.** Where it appears
- (a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue,
  - (b) in any accounting by such person, or
  - (c) by his written acknowledgment or confession,
- that such person has, by virtue of his office or employment, received money belonging to His Majesty and has refused or neglected to pay over such money to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, shall, in any proceedings for the recovery of such money, be received in evidence and shall be *prima facie* proof of the facts stated therein.

**89. Sections 58, 59, 60 and 63.**

**90. Section 61.**

Liability  
for loss.

**91.** Where by reason of any malfeasance, wilful neglect of duty or gross negligence by any person employed in collecting or receiving any public money, any sum of money is lost to His Majesty, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it. 5

Offences.

**92.** Every officer or person acting in any office or employment connected with the collection, management or disbursement of public money who

- (a) receives any compensation or reward for the performance of any official duty, except as by law prescribed; 10
- (b) conspires or colludes with any other person to defraud His Majesty, or makes opportunity for any person to defraud His Majesty; 15
- (c) designedly permits any violation of the law by any other person;
- (d) wilfully makes or signs any false entry in any book, or wilfully makes or signs any false certificate or return in any case in which it is his duty to make an entry, certificate or return; 20
- (e) having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against His Majesty, under any revenue law of Canada, fails to report, in writing, such knowledge or information to his superior officer; or 25
- (f) demands or accepts or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money, or other thing of value, for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law, 30

is guilty of an indictable offence, and is liable on conviction to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding five years.

Bribes.

**93.** Every person who 35

- (a) promises, offers or gives any bribe to any officer or any person acting in any office or employment connected with the collection, management or disbursement of public money, with intent
  - (i) to influence his decision or action on any question or matter that is then pending, or may, by law, be brought before him in his official capacity, or 40
  - (ii) to influence such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the commission of any such fraud, or 45

91. Section 64.

(7) accounts or receives any such thing  
is guilty of an indictable offence, and is liable on conviction  
to a fine not exceeding three times the amount so offered  
or accepted, and to imprisonment for any term not exceed-  
ing five years.

92. Section 66.

§ 66. All books, papers, accounts and  
used by, or received or taken into the possession of any  
person who is or has been employed in the collection or  
management of the revenue or in accounting for the revenue,  
by virtue of that employment, shall be deemed to be  
valuable securities received or taken into the possession of  
any such officer or person by virtue of his employment shall  
be deemed to be money and valuable securities belonging  
to His Majesty.

PART X.

DEBTS AND LIABILITIES.

§ 67. Where a person is indebted to the Government of Canada  
in any specific sum of money, the Treasury Board may  
authorise the Minister of Finance to retain by way of debuc-  
tion or set-off the amount of any such indebtedness out of  
any sum of money that may be due or payable by the  
Majesty in right of Canada to such person.  
(2) Where in the course of the Minister of Justice, any  
person is indebted in any specific sum of money on account  
of taxes payable to any province, and an agreement exists  
between Canada and the province whereby Canada is  
authorised to collect the tax on behalf of the province, the  
Treasury Board may authorise the Minister of Finance to  
retain by way of deduction or set-off, out of any sum of  
money that may be due or payable by His Majesty in  
right of Canada to such person, the amount of such debt,  
less the amount so retained, shall not exceed the amount  
that might under the laws of the province be seized or  
attached under execution or garnishee proceedings.

93. Section 67.

(3) Where, in the opinion of the Minister,  
(a) any person is indebted to a province in any specific  
sum of money by reason of his having received from  
the province a payment in respect of which Canada  
has contributed under the provisions of any Act, to  
which he was not entitled, and  
(b) the province has made reasonable efforts to effect  
recovery of the amount of such indebtedness,  
the Treasury Board may authorise the Minister to retain  
by way of deduction or set-off the amount of such indebted-  
ness out of any sum of money that may be due and payable  
by His Majesty in right of Canada to such person, and

(b) accepts or receives any such bribe, is guilty of an indictable offence, and is liable on conviction to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding five years. 5

Books, etc.  
property of  
His Majesty.

**94.** All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in the collection or management of the revenue or in accounting for the revenue, by virtue of that employment, shall be deemed to be 10 chattels belonging to His Majesty; and all money or valuable securities received or taken into the possession of any such officer or person by virtue of his employment shall be deemed to be money and valuable securities belonging to His Majesty. 15

## PART X.

### MISCELLANEOUS.

Debts due  
to Crown.

**95.** (1) Where, in the opinion of the Minister of Justice, any person is indebted to His Majesty in right of Canada in any specific sum of money, the Treasury Board may authorize the Minister of Finance to retain by way of deduction or set-off the amount of any such indebtedness out of 20 any sum of money that may be due or payable by His Majesty in right of Canada to such person.

Provincial  
taxes.

(2) Where, in the opinion of the Minister of Justice, any person is indebted in any specific sum of money on account of taxes payable to any province, and an agreement exists 25 between Canada and the province whereby Canada is authorized to collect the tax on behalf of the province, the Treasury Board may authorize the Minister of Finance to retain by way of deduction or set-off, out of any sum of money that may be due or payable by His Majesty in 30 right of Canada to such person, the amount of such indebtedness, but the amount so retained shall not exceed the amount that might under the laws of the province be seized or attached under execution or garnishee proceedings.

Payments in  
respect of  
which Canada  
has contrib-  
uted.

(3) Where, in the opinion of the Minister, 35  
(a) any person is indebted to a province in any specific sum of money by reason of his having received from the province a payment, in respect of which Canada has contributed under the provisions of any Act, to which he was not entitled, and 40  
(b) the province has made reasonable efforts to effect recovery of the amount of such indebtedness, the Treasury Board may authorize the Minister to retain by way of deduction or set-off the amount of such indebtedness out of any sum of money that may be due and payable 45 by His Majesty in right of Canada to such person, and

94. Section 70.

95. The provisions of this clause are substantially those at present in the *Debts Due to the Crown Act*.

New.

the amount so deducted less the portion thereof that in the opinion of the Minister is proportionate to the contribution in respect thereof made by Canada, may be paid to the province out of the Consolidated Revenue Fund.

Tabling of information already contained in Public Accounts.

**96.** Whenever it appears to the Governor in Council 5 that any account, statement, return or document required by any Act of Parliament or otherwise to be laid before one or both Houses of Parliament contains the same information as or less information than is contained in the Public Accounts, the Governor in Council may direct that 10 the account, statement, return or other document be discontinued, and thereafter it need not be prepared or laid before either House of Parliament.

Transfers, etc., of property.

**97.** Subject to any other Act of Parliament, no transfer, lease or loan of property owned by His Majesty in right of 15 Canada shall be made to any person, except in accordance with regulations or on the direction of the Governor in Council.

Public Officers Guarantee Account.

**98.** (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Public 20 Officers Guarantee Account to which shall be transferred or credited, in accordance with the regulations,

(a) the balance of the Government Officers Guarantee Fund,

(b) amounts paid by departments by way of premiums, 25 and

(c) amounts recovered by His Majesty in respect of payments out of the said Account or the Government Officers Guarantee Fund,

and payment may be made out of the said Account, in 30 accordance with the regulations, by way of indemnity for losses suffered by His Majesty or others by reason of defalcations or other fraudulent acts or omissions of public officers.

Regulations.

(2) The Treasury Board may make regulations 35

(a) prescribing the conditions upon which payments may be made out of the Public Officers Guarantee Account,

(b) requiring departments to deposit amounts to the credit of the said Account, and 40

(c) governing the operation of the said Account by the Minister.

Reporting.

(3) Every payment out of the Public Officers Guarantee Account and the amount of every loss suffered by His Majesty by reason of defalcations or other fraudulent acts 45 or omissions of a public officer, together with a statement of the circumstances, shall be reported annually in the Public Accounts.



96. New.

PART XI

FINANCE

98. New, but see Vote 508 of *Appropriation Act, No. 6, 1936.*

Control into Force.

102. This Act or any Part thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

No charge  
for certain  
cheques.

**99.** No bank shall make a charge for cashing a cheque or other instrument drawn on the Receiver General or on his account in the Bank of Canada or any other bank, or for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or in respect of any cheque or other instrument drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer in his capacity as such, and tendered for deposit to the credit of the Receiver General.

5

10

Regulations.

**100.** The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect.

## PART XI.

### REPEAL.

Repeal.

**101.** (1) The enactments set out in the first column of Schedule E are repealed to the extent specified in the third column of that Schedule.

15

Department  
of Transport  
stores.

(2) Upon the coming into force of this Act, Parliament shall be deemed to have authorized the Department of Transport to operate a revolving fund for the purpose of acquiring and managing stores and to have fixed the amount of four million dollars as the amount that may be charged to that fund at any one time, against which shall be charged the value of stores then on hand.

20

### COMING INTO FORCE.

Coming  
into force.

**102.** This Act or any Part thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council.

25

99. Section 27 (2). Also section 98 of *The Bank Act*.

SCHEDULE A

100. Section 74 (1).

- Department of Agriculture
- Department of Citizenship and Immigration
- Department of External Affairs
- Department of Finance
- Department of Fisheries
- Department of Labour
- Department of Mines and Technical Surveys
- Department of National Defence
- Department of National Health and Welfare
- Department of National Revenue
- Post Office Department
- Department of Public Works
- Department of Public Printing and Stationery
- Department of Resources and Development
- Department of the Secretary of State of Canada
- Department of Trade and Commerce
- Department of Transport
- Department of Veterans Affairs

SCHEDULE B

- Agricultural Training Board
- Atomic Energy Control Board
- Canadian Airports Commission
- Director of Public Safety
- The Director of Veterinary and Sanitary Services
- Immigration and Customs
- Labour Relations Board
- National Council of Canada
- National Health Council
- Transportation Research Council

## SCHEDULE A.

Department of Agriculture.  
 Department of Citizenship and Immigration.  
 Department of Defence Production.  
 Department of External Affairs.  
 Department of Finance.  
 Department of Fisheries.  
 Department of Insurance.  
 Department of Justice.  
 Department of Labour.  
 Department of Mines and Technical Surveys.  
 Department of National Defence.  
 Department of National Health and Welfare.  
 Department of National Revenue.  
 Post Office Department.  
 Department of Public Works.  
 Department of Public Printing and Stationery.  
 Department of Resources and Development.  
 Department of the Secretary of State of Canada.  
 Department of Trade and Commerce.  
 Department of Transport.  
 Department of Veterans Affairs.

## SCHEDULE B.

Agricultural Prices Support Board.  
 Atomic Energy Control Board.  
 Canadian Maritime Commission.  
 Director of Soldier Settlement.  
 The Director, The Veterans' Land Act.  
 Dominion Coal Board.  
 Fisheries Prices Support Board.  
 National Gallery of Canada.  
 National Research Council.  
 Unemployment Insurance Commission.



## SCHEDULE C.

Canadian Arsenals Limited.  
 Canadian Commercial Corporation.  
 Canadian Patents and Development Limited.  
 Canadian Sugar Stabilization Corporation Ltd.  
 Commodity Prices Stabilization Corporation Ltd.  
 Crown Assets Disposal Corporation.  
 Defence Construction (1951) Limited.  
 Federal District Commission.  
 National Battlefields Commission.  
 National Harbours Board.  
 Park Steamship Company Limited

## SCHEDULE D.

Canadian Broadcasting Corporation.  
 Canadian Farm Loan Board.  
 Canadian National (West Indies) Steamships, Limited.  
 Canadian Overseas Telecommunication Corporation.  
 Central Mortgage and Housing Corporation.  
 Eldorado Mining and Refining (1944) Limited.  
 Export Credits Insurance Corporation.  
 National Railways as defined in the *Canadian National-Canadian Pacific Act, 1933*.  
 Northern Transportation Company (1947) Limited.  
 Northwest Territories Power Commission.  
 Polymer Corporation Limited.  
 Trans-Canada Air Lines.

## SCHEDULE E.

## ENACTMENTS REPEALED.

<i>Title.</i>	<i>Citation.</i>	<i>Extent of Repeal</i>
The Consolidated Revenue and Audit Act, 1931.....	1931, c. 27.....	the whole.
Department of Finance and Treasury Board Act.....	R.S.C. 1927, c. 71.	sections 1 to 13.
The Department of Transport Stores Act.....	1937, c. 28.....	the whole.
Board of Audit Act.....	R.S.C. 1927, c. 10.	the whole.
Contingencies Act.....	R.S.C. 1927, c. 31.	the whole.
Debts due to the Crown Act	1932, c. 18.....	the whole.
The Government Companies Operation Act....	1946, c. 24.....	sections 3, 4, 5, 6 and 10.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 26.**

An Act to amend the Public Works Act.

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First reading, November 23, 1951.

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THE MINISTER OF PUBLIC WORKS.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

R.S., c. 166;  
1950, c. 50.

An Act to amend the Public Works Act.

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

1. Section thirty-six of the *Public Works Act*, chapter one hundred and sixty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:

Tenders to  
be invited  
for works.

"36. Where a work is to be executed under the direction of a department of the Government, the Minister having charge of that department shall invite tenders by public advertisement for the execution of the work except in 10 cases where

- (a) the work is one of pressing emergency in which the delay would be injurious to the public interest,
- (b) the work can be more expeditiously and economically executed by the employees of the department concerned, 15
- or
- (c) the Minister is satisfied that the nature of the work renders a call for tenders by public advertisement impracticable and that the public interest can best be served by entering into a contract for the execution 20 thereof without inviting such tenders."

Coming  
into force.

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



### EXPLANATORY NOTE.

The section to be repealed reads as follows:

"**36.** Whenever any works are to be executed under the direction of any department of the Government, the minister having charge of such department shall invite tenders by public advertisement for the execution of such works, except in cases

- (a) of pressing emergency in which delay would be injurious to the public interest; or
- (b) in which from the nature of the work it can be more expeditiously and economically executed by the officers and servants of the department; or
- (c) where the estimated cost of the work is less than five thousand dollars and it appears to the minister, in view of the nature of the work, that it is not advisable to invite tenders.

2. Whenever in case of any work tenders are required to be or are invited, the minister having charge of the department concerned shall submit all tenders received therefor to the Governor in Council and the contract for the work shall be awarded under the direction of the Governor in Council."

THE HOUSE OF COMMONS OF CANADA

BILL 26

THE CANADIAN PATENT ACT

The object of this Bill is to amend the Patent Act in relation to the rights of the inventor in the case of an invention made by an employee of a person or a firm.

(1) In this Act, "employee" means a person who is employed by another person or a firm, and whose duties include the performance of any inventive work.

(2) Where an invention is made by an employee in the course of his employment, the right in that invention shall vest in the employer.

(3) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

(4) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

(5) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

(6) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

(7) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

(8) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

(9) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

(10) Where an invention is made by an employee in the course of his employment, the employer shall be deemed to be the inventor of that invention.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 27.**

An Act to amend the Pension Act.

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First reading, November 23, 1951.

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THE MINISTER OF VETERANS AFFAIRS.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

R.S. c. 157,  
1928, c. 38;  
1930, c. 35;  
1931, c. 44;  
1932-33, c. 45;  
1934, c. 58;  
1935, cc. 8, 45;  
1936, c. 44;  
1939 (1st sess.)  
c. 32;  
1940-41, c. 23;  
1946, c. 62;  
1947-48, c. 23;  
1949 (1st sess.)  
c. 6;  
1951, c. 56.

**BILL 27.**

An Act to amend the Pension Act.

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

Schedules  
A and B.

**1.** Schedules A and B to the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, as enacted by section eighteen of chapter twenty-three of the statutes of 1947-48 and amended by section twenty of chapter fifty-six of the statutes of 1951, are repealed and Schedules A and B to this Act are respectively substituted therefor. 5 10

Coming  
into force.

**2.** This Act shall come into force on the first day of January, nineteen hundred and fifty-two.



## SCHEDULE A.

### SCALE OF PENSIONS FOR DISABILITIES.

#### Percentage of Disability—Class and Annual Rate of Pension.

Rank or Rating of Member of Forces	Class Range Percentage	1 98-99 100	2 93-97 95	3 88-92 90	4 83-87 85	5 78-82 80	6 73-77 75	7 68-72 70	8 63-67 65	9 58-62 60	10 53-57 55
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Lieutenant Commander (Naval), Major (Army), Squadron Leader (Air), and all ranks and ratings below.....		1,500 00	1,425 00	1,350 00	1,275 00	1,200 00	1,125 00	1,050 00	975 00	900 00	825 00
Commander and Captain under three years' seniority (Naval), Lieutenant-Colonel (Army), Wing Commander (Air).....		1,560 00	1,482 00	1,404 00	1,326 00	1,248 00	1,170 00	1,092 00	1,014 00	936 00	858 00
Captain (Naval), Colonel (Army), Group Captain (Air).....		1,890 00	1,795 50	1,701 00	1,606 50	1,512 00	1,417 50	1,323 00	1,228 50	1,134 00	1,039 50
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....		2,700 00	2,565 00	2,430 00	2,295 00	2,160 00	2,025 00	1,890 00	1,755 00	1,620 00	1,485 00
Above ranks—Additional pension for married members of the forces.....		540 00	513 00	486 00	459 00	432 00	405 00	378 00	351 00	324 00	297 00
Additional pension for children for above ranks—											
First child.....		240 00	228 00	216 00	204 00	192 00	180 00	168 00	156 00	144 00	132 00
Second child.....		180 00	171 00	162 00	153 00	144 00	135 00	126 00	117 00	108 00	99 00
Each subsequent child an additional.....		144 00	136 80	129 60	122 40	115 20	108 00	100 80	93 60	86 40	79 20



SCHEDULE A.—*Concluded*

Rank or Rating of Member of Forces	Class Range Percentage	11	12	13	14	15	16	17	18	19	20
		48-52 50	43-47 45	38-42 40	33-37 35	28-32 30	23-27 25	18-22 20	13-17 15	8-12 10	5-7 5
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Lieutenant Commander (Naval), Major (Army), Squadron Leader (Air) and all ranks and ratings below.....		750 00	675 00	600 00	525 00	450 00	375 00	300 00	225 00	150 00	75 00
Commander and Captain under three years' seniority (Naval), Lieutenant-Colonel (Army), Wing Commander (Air).....		780 00	702 00	624 00	546 00	468 00	390 00	312 00	234 00	156 00	78 00
Captain (Naval), Colonel (Army), Group Captain (Air).....		945 00	850 50	756 00	661 50	567 00	472 50	378 00	283 50	189 00	94 50
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....		1,350 00	1,215 00	1,080 00	945 00	810 00	675 00	540 00	405 00	270 00	135 00
Above ranks—Additional pension for married members of the forces.....		270 00	243 00	216 00	189 00	162 00	135 00	108 00	81 00	54 00	27 00
Additional pension for children for above ranks—											
First child.....		120 00	108 00	96 00	84 00	72 00	60 00	48 00	36 00	24 00	12 00
Second child.....		90 00	81 00	72 00	63 00	54 00	45 00	36 00	27 00	18 00	9 00
Each subsequent child an additional.....		72 00	64 80	57 60	50 40	43 20	36 00	28 80	21 60	14 40	7 20

Class 21—Disabilities below 5 per cent—All ranks—A final payment not exceeding \$160. 1928, c. 38, s. 31; 1948, c. 23, s. 18.



STATE OF TEXAS

OFFICE OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

San Antonio, Texas

April 15, 1900

Section	Acres	Value	Remarks
1	1.00	1.00	
2	1.00	1.00	
3	1.00	1.00	
4	1.00	1.00	
5	1.00	1.00	
6	1.00	1.00	
7	1.00	1.00	
8	1.00	1.00	
9	1.00	1.00	
10	1.00	1.00	
11	1.00	1.00	
12	1.00	1.00	
13	1.00	1.00	
14	1.00	1.00	
15	1.00	1.00	
16	1.00	1.00	
17	1.00	1.00	
18	1.00	1.00	
19	1.00	1.00	
20	1.00	1.00	
21	1.00	1.00	
22	1.00	1.00	
23	1.00	1.00	
24	1.00	1.00	
25	1.00	1.00	
26	1.00	1.00	
27	1.00	1.00	
28	1.00	1.00	
29	1.00	1.00	
30	1.00	1.00	
31	1.00	1.00	
32	1.00	1.00	
33	1.00	1.00	
34	1.00	1.00	
35	1.00	1.00	
36	1.00	1.00	
37	1.00	1.00	
38	1.00	1.00	
39	1.00	1.00	
40	1.00	1.00	
41	1.00	1.00	
42	1.00	1.00	
43	1.00	1.00	
44	1.00	1.00	
45	1.00	1.00	
46	1.00	1.00	
47	1.00	1.00	
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49	1.00	1.00	
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67	1.00	1.00	
68	1.00	1.00	
69	1.00	1.00	
70	1.00	1.00	
71	1.00	1.00	
72	1.00	1.00	
73	1.00	1.00	
74	1.00	1.00	
75	1.00	1.00	
76	1.00	1.00	
77	1.00	1.00	
78	1.00	1.00	
79	1.00	1.00	
80	1.00	1.00	
81	1.00	1.00	
82	1.00	1.00	
83	1.00	1.00	
84	1.00	1.00	
85	1.00	1.00	
86	1.00	1.00	
87	1.00	1.00	
88	1.00	1.00	
89	1.00	1.00	
90	1.00	1.00	
91	1.00	1.00	
92	1.00	1.00	
93	1.00	1.00	
94	1.00	1.00	
95	1.00	1.00	
96	1.00	1.00	
97	1.00	1.00	
98	1.00	1.00	
99	1.00	1.00	
100	1.00	1.00	

THE COMMISSIONER OF THE GENERAL LAND OFFICE

STATE OF TEXAS, COUNTY OF BEXAR, SAN ANTONIO, TEXAS

SCHEDULE B.  
SCALE OF PENSIONS FOR DEATHS.

Rank or rating of Member of Forces	Rate per annum			
	Widow	Dependent parent	Child or dependent brother or sister	Orphan child or orphan brother or sister or the child of a widow in receipt of a pension under section eleven
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Lieutenant (Naval), Captain (Army), Flight Lieutenant (Air) and all ranks and ratings below.....	1,200 00	*900 00		
Lieutenant Commander (Naval), Major (Army), Squadron Leader (Air).....	1,200 00	*1,008 00		
Commander and Captain under three years' seniority (Naval), Lieutenant-Colonel (Army), Wing Commander (Air).....	1,248 00	*1,248 00		
Captain (Naval), Colonel (Army), Group Captain (Air).....	1,512 00	*1,512 00		
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....	2,160 00	*2,160 00		
Additional pension for children or dependent brothers or sisters for above ranks—				
First child.....			*240 00	*480 00
Second child.....			*180 00	*360 00
Each subsequent child additional.....			*144 00	*288 00

\* Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 28.**

An Act to amend An Act to amend The Canada-United States of America Tax Convention Act, 1943, and The Canada-United States of America Tax Convention Act, 1944.

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First reading, November 28, 1951.

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THE MINISTER OF NATIONAL REVENUE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

1950, c. 27

An Act to amend An Act to amend The Canada-United States of America Tax Convention Act, 1943, and The Canada-United States of America Tax Convention Act, 1944.

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

1. Section one of *An Act to amend The Canada-United States of America Tax Convention Act, 1943, and The Canada-United States of America Tax Convention Act, 1944*, chapter twenty-seven of the statutes of 1950, is repealed and the following substituted therefor: 5

Convention  
and  
Protocol  
approved.

"1. The Convention and Protocol entered into between Canada and the United States of America, set out in Schedule A, is approved and declared to have the force of law in Canada, and shall be deemed to be included in and to form part of the Convention and Protocol set out in the Schedule to *The Canada-United States of America Tax Convention Act, 1943*." 15

Schedule  
amended.

2. Schedule A to the said Act is amended by adding thereto the Protocol set out in the Schedule to this Act.

Parliament of Canada

The undersigned, W. D. Marshall, Minister of Canada to the United States of America, and James E. Wood, Acting Secretary of State of the United States of America, have agreed to amend the Convention between Canada and the United States of America, signed at Ottawa on June 15, 1950, regarding and supplementing in certain respects the Convention and accompanying Protocol for the extradition of fugitive offenders and the prevention of fraud, in the case of income tax signed at Washington on March 4, 1942, and the respective instruments of ratification of the said Convention and Protocol, and have agreed to amend the said Convention and Protocol in the form, the

EXPLANATORY NOTE.

The only changes are the addition of the underlined words "and Protocol" in section one of chapter twenty-seven of the statutes of 1950, and of the Protocol in the Schedule to this bill.

The Government of the United States of America does not have any objection to the proposed amendments to the Convention and Protocol, and the undersigned, James E. Wood, Acting Secretary of State of the United States of America, has agreed to amend the Convention and Protocol in the form, the

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Treaty of Exchange.

W. D. MARSHALL  
JAMES E. WOOD  
THE UNITED STATES OF AMERICA

## SCHEDULE.

## PROTOCOL OF EXCHANGE.

The undersigned, W. D. Matthews, Minister of Canada to the United States of America, and James E. Webb, Acting Secretary of State of the United States of America, being duly authorized thereto by their respective Governments, have met for the purpose of exchanging the instruments of ratification by their respective Governments of the convention between Canada and the United States of America, signed at Ottawa on June 12, 1950, modifying and supplementing in certain respects the convention and accompanying protocol for the avoidance of double taxation and the prevention of fiscal evasion in the case of income tax signed at Washington on March 4, 1942, and, the respective instruments of ratification of the supplementary convention aforesaid having been compared and found to be in due form, the exchange took place this day.

As recited in the ratification on the part of the United States of America, the Senate of the United States of America, in its resolution of September 17, 1951, advising and consenting to the ratification of the supplementary convention aforesaid, expressed a certain reservation with respect thereto, as follows:

“The Government of the United States of America does not accept paragraph 2 of Article VII, as amended by Article I (*d*) of the supplementing convention, relating to professional earnings of individuals such as actors, artists, musicians and athletes.”

The text of the said reservation was communicated by the Government of the United States of America to the Government of Canada. The Government of Canada has accepted the said reservation. Accordingly, it is understood by the two Governments that the supplementary convention aforesaid, upon entry into force in accordance with its provisions, is modified in accordance with the said reservation, so that, in effect, paragraph 2 of Article VII of the convention of March 4, 1942, as amended by Article I (*d*) of the aforesaid supplementary convention of June 12, 1950, is deemed to be deleted.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Protocol of Exchange.

DONE in duplicate at Washington this 21st day of November, 1951.

FOR THE GOVERNMENT OF CANADA:

W. D. Matthews.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

James E. Webb.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 29.**

An Act to amend The Judges Act, 1946.

---

First reading, November 29, 1951.

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THE MINISTER OF JUSTICE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

1946, c. 56;  
1947, c. 36;  
1947-48, c. 55;  
1949, (1st  
Sess.), cc.  
18, 6;  
1946, (2nd  
Sess.), c. 27;  
1950, c. 41;  
1951, c. 52.

**BILL 29.**

An Act to amend The Judges Act, 1946.

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

Salaries  
of judges  
of county  
court.

**1.** Paragraph (e) of section eighteen of *The Judges Act, 1946*, chapter fifty-six of the statutes of 1946, as enacted by section three of chapter fifty-two of the statutes of 1951, is repealed and the following substituted therefor:  
“(e) Fifteen judges and junior judges of the County Courts, each.....8,000.00”.



THE HOUSE OF COMMONS OF CANADA

BILL 30.

EXPLANATORY NOTE.

The purpose of this Bill is to increase the number of County Court judges in British Columbia from fourteen to fifteen.

Printed and Published by the Queen's Printer, Ottawa, 1914.

The Message to the House

PRINTED BY THE QUEEN'S PRINTER, OTTAWA, 1914.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

BILL 29

EXPLANATORY NOTE

The object of this Bill is to amend the Criminal Code in relation to the offence of assault with a dangerous weapon.

The Bill amends section 267 of the Criminal Code to provide that a person who commits an assault with a dangerous weapon is guilty of an indictable offence and liable to imprisonment for a term of not more than five years.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 30.**

An Act to amend the Supreme Court Act.

---

First reading, November 30, 1951.

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THE MINISTER OF JUSTICE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

R.S., c. 35;  
1928, c. 9;  
1929, c. 58;  
1930, c. 44;  
1937, c. 42;  
1939, c. 14;  
1949 (Sec.  
Sess.),  
c. 37;  
1951, c. 61.

**BILL 30.**

An Act to amend the Supreme Court Act.

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

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

Rank and  
salary of  
Registrar.

“**14.** The Registrar shall have the rank of a deputy head of a department, and shall be paid a salary of not less than four thousand two hundred dollars and not more than eight thousand five hundred dollars, to be determined by 10 the Governor in Council.”

THE HOUSE OF COMMONS

THE HOUSE OF COMMONS

BILL 31

EXPLANATORY NOTE.

The purpose of this Bill is to increase the maximum salary of the Registrar of the Supreme Court from eight thousand dollars to eight thousand five hundred dollars.

THE HOUSE OF COMMONS

THE HOUSE OF COMMONS

PRINTED BY THE GOVERNMENT OF CANADA  
OTTAWA, 1954



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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 31.**

An Act to amend the Exchequer Court Act.

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First reading, November 30, 1951.

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THE MINISTER OF JUSTICE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

R.S., c. 34;  
1928, c. 23;  
1930, c. 17,  
1932-33, c. 13;  
1938, c. 28;  
1943-44, c. 25;  
1944-45, c. 3;  
1946, c. 22;  
1947, c. 33;  
1947-48, c. 66;  
1949 (Sec.  
Sess.), c. 5.

**BILL 31.**

An Act to amend the Exchequer Court Act.

**H**IS 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 twelve of the *Exchequer Court Act*, chapter thirty-four of the Revised Statutes of Canada, 1927, as enacted by chapter thirty-three of the statutes of 1947, is repealed and the following substituted therefor:

**"12.** (1) The Governor in Council may by an instrument under the Great Seal appoint a fit and proper person, being a barrister of at least five years' standing, to be the Registrar of the Exchequer Court, who shall hold office during pleasure, reside and have his office at the City of Ottawa, and be paid such salary, not exceeding seven thousand five hundred dollars per annum, as the Governor in Council may fix."

Registrar of  
Exchequer  
Court.  
Tenure of  
office and  
salary.

5

15



THE HOUSE OF COMMONS OF CANADA.

BILL 100

EXPLANATORY NOTE.

The purpose of this Bill is to increase the maximum salary of the Registrar of the Exchequer Court from six thousand five hundred dollars to seven thousand five hundred dollars.

First reading, December 1st, 1908.

The Minister of Justice

THE HOUSE OF COMMONS OF CANADA

BILL 31

An Act to amend the Income Tax Act

EXPLANATORY NOTES  
The purpose of this Bill is to amend the provisions of the Income Tax Act relating to the salary of the Registrar of the Exchequer Court from an amount of one hundred dollars to seven thousand five hundred dollars. It also provides for the payment of the salary of the Registrar of the Exchequer Court from the Consolidated Revenue Fund of Canada.

1. The Governor in Council may by regulation make such amendments as may be necessary in the Income Tax Act to give effect to the provisions of this Act.

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 32.**

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

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First reading, December 3, 1951.

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THE MINISTER OF JUSTICE.

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

5th Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 32.**

1947-48, c. 67. An Act to amend An Act respecting the Revised Statutes of Canada.

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

**1.** Section three of An Act respecting the Revised Statutes of Canada, chapter sixty-seven of the statutes of 1947-48, is amended by adding thereto the following subsection: 5

Supplement.

“(2) After the completion of the consolidation mentioned in subsection one, the Commission shall prepare a supplement to the consolidation, showing, as amendments or additions to the consolidation, the public general statutes of Canada passed after the completion of the consolidation 10 but before the coming into force of the printed Roll thereof, and any other public general statutes of Canada, not included in the said consolidation, that the Commission may consider advisable to add thereto; and all the provisions of this Act applicable to or in respect of such consolidation 15 are *mutatis mutandis* applicable to and in respect of such supplement.”

**2.** Section sixteen of the said Act is amended by adding thereto the following subsection:

Supplement.

“(2) The supplement to the said Revised Statutes shall 20 be deemed to be included in and to be part of the said Revised Statutes, and the citation of any chapter of the said Revised Statutes in accordance with subsection one shall be deemed to include any amendments thereto contained in the said supplement.” 25

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

BILL 33

EXPLANATORY NOTE.

The purpose of this Bill is to authorize the Statute Revision Commission to prepare a supplementary volume, as part of the new Revised Statutes, to contain any statutes that may be enacted between the time of going to press and the appearance of the new Revised Statutes.

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA

THE HOUSE OF COMMONS OF CANADA



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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 33.**

An Act to establish the St. Lawrence Seaway Authority.

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First reading, December 7, 1951.

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THE MINISTER OF TRANSPORT.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 33.**

An Act to establish the St. Lawrence Seaway Authority.

**H**IS 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 St. Lawrence Seaway Authority Act*. 5

INTERPRETATION.

Definitions. **2.** In this Act,  
"Authority". (a) "Authority" means the St. Lawrence Seaway Authority established by this Act;  
"canal". (b) "canal" means a canal, lock or navigable channel and all works and property appertaining or incident 10 to such canal, lock or channel;  
"deep waterway". (c) "deep waterway" means adequate provision for navigation requiring a controlling channel depth of twenty-seven feet with a depth of thirty feet over lock sills in general in accordance with paragraph (j) of the 15 preliminary article of the Agreement between Canada and the United States providing for the Development of Navigation and Power in the Great Lakes-St. Lawrence Basin, dated the nineteenth day of March, nineteen hundred and forty-one; 20  
"member". (d) "member" means a member of the Authority;  
"Minister". (e) "Minister" means the Minister of Transport;  
"President". (f) "President" means the President of the Authority.

CONSTITUTION OF AUTHORITY.

The St. Lawrence Seaway Authority. **3.** (1) There is hereby established a corporation called "The St. Lawrence Seaway Authority", consisting of a 25 President and two other members as provided in this Act.





An agent  
of H.M.

(2) Except as provided in section nine, the Authority is for all purposes an agent of His Majesty in right of Canada and its powers under this Act may be exercised only as an agent of His Majesty.

Power to  
enter into  
contracts.

(3) The Authority may, on behalf of His Majesty, enter into contracts in the name of His Majesty or in the name of the Authority. 5

Property  
of H.M.

(4) Property acquired by the Authority is the property of His Majesty and title thereto may be vested in the name of His Majesty or in the name of the Authority. 10

Actions,  
suits, etc.

4. Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Authority on behalf of His Majesty, whether in its name or in the name of His Majesty, may be brought or taken by or against the Authority in the name of the Authority in any court that would have jurisdiction if the Authority were not an agent of His Majesty. 15

Appointment  
of members,  
tenure of  
office and  
salaries.

5. (1) The Governor in Council shall appoint the members of the Authority, who hold office during good behaviour for a term not exceeding ten years and shall be paid such salaries as may be fixed by the Governor in Council. 20

Reappoint-  
ment.

(2) A member, on the expiration of his term of office, may be reappointed for a further term not exceeding ten years.

Appointment  
of temporary  
substitutes.

(3) Where a member of the Authority is absent or incapable for any reason of performing the duties of his office or the office thereof is vacant, the Governor in Council may appoint a temporary substitute member to hold the office upon such terms and conditions as the Governor in Council may prescribe. 25 30

Head office.

6. The head office of the Authority shall be at the city of Ottawa or in such other place in Canada as the Governor in Council may designate.

#### CONDUCT OF BUSINESS OF AUTHORITY.

President to  
be chief  
executive.

7. (1) The President is the chief executive officer of the Authority, is charged with the direction and control of the business of the Authority, may exercise all the powers of the Authority in the name of the Authority except the making of by-laws and may, subject to any by-law, delegate such powers as he sees fit to either of the other two members. 35 40

Absence or  
incapacity of  
President.

(2) During incapacity or absence for any reason of the President or a vacancy in the office of the President, one

of the Government, and the Government shall be bound to pay the same.

1. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

2. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

3. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

4. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

5. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

6. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

Section 10. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

7. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

8. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

9. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

10. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

11. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

12. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

13. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

14. The Government shall be bound to pay the same to the person or persons to whom the same may be due.

of the other members designated by the Governor in Council, may exercise and perform all the powers and functions of the President.

In case of  
vacancy.

(3) The exercise of the powers of the Authority is not impaired by reason of a vacancy in its membership. 5

By-laws.

8. The Authority with the approval of the Governor in Council may make by-laws not inconsistent with this Act with respect to:

(a) the management of the affairs of the Authority and the conduct of its business; and 10

(b) the establishment of a pension fund for the officers and employees of the Authority employed in a continuing capacity and for the members, and for their dependents, and authorizing contributions to be made to it out of the funds of the Authority. 15

Officers and  
employees.

9. The Authority may employ such officers and employees for such purposes and on such terms and conditions as may be determined by it and the officers and employees so employed are not officers or servants of His Majesty.

#### PURPOSES, CAPACITIES AND POWERS OF AUTHORITY.

Purposes.

10. The Authority is incorporated for the purposes of:— 20

(a) acquiring lands for and constructing, maintaining and operating all such works as may be necessary to provide and maintain, either wholly in Canada or in conjunction with works undertaken by an appropriate authority in the United States, a deep waterway between the Port of Montreal and Lake Erie; and 25

(b) constructing, maintaining and operating all such works in connection with such a deep waterway as the Governor in Council may deem necessary to fulfil any obligation undertaken or to be undertaken by Canada pursuant to any present or future agreement. 30

Capacities  
and powers.

11. Subject to this Act, the Authority, for the purposes set out in section ten, has the capacities and powers of a natural person as if it were a corporation incorporated for such purposes by Letters Patent under the Great Seal. 35

Power to  
lease lands,  
property or  
water power.

12. The Authority, with the approval of the Governor in Council, may lease to any person any lands, property or water power held in the name of the Authority or held in the name of His Majesty under the control of the Authority.

Power to  
Administer  
Trusts

22. The Authority, with the approval of the Government in Council, may, from time to time, borrow money from the proceeds of securities for the purpose for which it is authorized, and the amount of the securities borrowed under this Act and outstanding shall not at any time exceed three hundred million dollars.

Management  
of  
Trusts

23. The Government in Council may entrust to the Authority the management and operation of any trusts or estates and may, in relation to the trusts mentioned in section 22, give such terms and conditions to the Government in Council as it may see fit.

Trusts

Trusts  
of  
Real  
Estate

24. (1) The Authority may, subject to section 25, and without, establish trusts of real estate to be charged by will with respect to—  
(a) trusts for the benefit of persons, or having a special interest in the property;  
(b) trusts for the benefit of charities;  
(c) trusts for the benefit of the Crown or any other person;  
(d) trusts for the benefit of the Government in Council.

(2) The trusts established by the Authority under this section may be charged by will with respect to—  
(a) trusts for the benefit of persons, or having a special interest in the property; and  
(b) trusts for the benefit of the Government in Council.

(3) The trusts established by the Authority under this section may be charged by will with respect to—  
(a) trusts for the benefit of persons, or having a special interest in the property; and  
(b) trusts for the benefit of the Government in Council.

(4) Every trust established by the Authority under this section shall be subject to the provisions of the Trusts (Administration) and Succession (Administration) Acts, 1933, and to the provisions of the Trusts (Administration) Act, 1934, in relation to the trusts established by the Authority.

(5) Every trust established by the Authority under this section shall be subject to the provisions of the Trusts (Administration) and Succession (Administration) Acts, 1933, and to the provisions of the Trusts (Administration) Act, 1934, in relation to the trusts established by the Authority.

(6) Section 25 of the Trusts (Administration) Act, 1933, shall apply to every trust established by the Authority under this section as if the same were a trust established by the Government in Council.

(7) The trusts established by the Authority under this section shall be subject to the provisions of the Trusts (Administration) and Succession (Administration) Acts, 1933, and to the provisions of the Trusts (Administration) Act, 1934, in relation to the trusts established by the Authority.

(8) The trusts established by the Authority under this section shall be subject to the provisions of the Trusts (Administration) and Succession (Administration) Acts, 1933, and to the provisions of the Trusts (Administration) Act, 1934, in relation to the trusts established by the Authority.

Power to  
borrow  
money.

**13.** The Authority, with the approval of the Governor in Council, may, from time to time, borrow money from His Majesty or otherwise for the purposes for which it is incorporated, but the aggregate of the amounts borrowed under this Act and outstanding shall not at any time exceed three hundred million dollars. 5

Management  
and operation  
of canals  
and works.

**14.** The Governor in Council may entrust to the Authority the management and operation of any canals or works similar or related to the works mentioned in section ten upon such terms and conditions as the Governor in Council approves. 10

#### TOLLS.

Tariffs  
of tolls.

**15.** (1) The Authority may, subject to sections sixteen and seventeen, establish tariffs of tolls to be charged by it with respect to:—

- (a) vessels entering, passing through, or leaving a canal or works under its administration; 15
- (b) passengers, goods or cargo carried in such a vessel;
- (c) goods or cargo landed, shipped, trans-shipped or stored in a canal or on canal lands under its administration; 20
- (d) the use of any wharf, building, plant, property or facilities under its administration; and
- (e) any service performed by the Authority.

For use of  
whole or  
part.

(2) The tolls that may be charged by the Authority pursuant to this section may be for the use of the canals and works administered by it as a whole or for the use of any particular part thereof or for any particular service rendered by the Authority. 25

Filing of  
tariffs.

(3) Every such tariff or amendment thereto shall be filed with the Board of Transport Commissioners and becomes operative from the date of such filing. 30

Complaints  
to be made  
to the Board  
of Transport  
Com-  
missioners.

(4) Any person interested may at any time file a complaint with the Board of Transport Commissioners that there is unjust discrimination in an existing tariff and the Board shall thereupon consider such complaint and make a finding thereon which shall be reported to the Authority. 35

Application  
of s. 52 of  
R.S., c. 170.

(5) Section fifty-two of the *Railway Act* applies, *mutatis mutandis*, in the case of every report of the Board of Transport Commissioners as if the same were a decision made pursuant to the *Railway Act*. 40

Tolls to be  
fair and  
reasonable.

**16.** The tolls that may be charged by the Authority shall be fair and reasonable and designed to provide a revenue sufficient to defray the cost to the Authority of its operations in carrying out the purposes for which it is incorporated, which costs shall include:— 45

(a) Payment in respect of the interest on amounts borrowed by the Authority to carry out such purposes shall be made out of the funds of the Authority or out of the proceeds of any loan raised by the Authority for the purpose of meeting such interest.

17. Where the works have been commenced and are in progress and operated by the Authority to provide an adequate water supply for the population of the area in the United States, the deep waterway navigation in such area shall not be established pursuant to any law or treaty or by agreement between Canada and the United States and in the event of such an agreement shall be subject to the Authority in accordance with directions given by the Government in Council.

Administration

18. (1) Within the period specified by the Government in Council, the Authority may, without the consent of the Board, take or acquire lands for the purposes of this Act and may do so in accordance with the provisions of this Act and the provisions of any Act or regulation made by the Government in Council for the purpose of carrying out the provisions of this Act.

(2) The provisions of section nine of the Interpretation Act shall apply to this Act as if they were contained therein.

(3) The Authority shall pay compensation for land so acquired under this section or for damage to land so acquired, as determined by the construction of such section in a suit at law, against the Authority for such compensation or for such and determined in the Superior Court of Justice in accordance with sections forty-seven to fifty of the Access to Information Act.

(4) The Authority shall pay out of the funds appropriated to it in the Consolidated Fund such sums as may be required to be paid.

Financial

19. (1) The Authority may, with the approval of the Governor in Council, on the recommendation of the Minister, borrow money for the administration, management and

- (a) payments in respect of the interest on amounts borrowed by the Authority to carry out such purposes;
- (b) amounts sufficient to amortize the principal of amounts so borrowed over a period not exceeding fifty years; and
- (c) the cost of operating and maintaining the canals and works under the administration of the Authority, including all operating costs of the Authority and such reserves as may be approved by the Minister.

5

In case of works constructed, etc., in conjunction with works undertaken by the U.S.

**17.** Where the works have been constructed and are maintained and operated by the Authority to provide, in conjunction with works undertaken by an appropriate authority in the United States, the deep waterway mentioned in section ten, tolls may be established pursuant to sections fifteen and sixteen or by agreement between Canada and the United States and, in the event of such an agreement, shall be charged by the Authority in accordance with directions given by the Governor in Council.

#### EXPROPRIATION.

Taking or acquiring lands.

R.S., c. 64.

Signed by the President.

Compensation.

R.S., c. 34.

Payment.

**18.** (1) With the prior approval of the Governor in Council, the Authority may, without the consent of the owner, take or acquire lands for the purposes of this Act and, except as otherwise provided in this section, all the provisions of the *Expropriation Act* are, *mutatis mutandis*, applicable to the taking, acquisition, sale or abandonment of lands by the Authority under this section.

(2) For the purposes of section nine of the *Expropriation Act* the plan and description may be signed by the President of the Authority.

(3) The Authority shall pay compensation for lands taken or acquired under this section or for damage to lands injuriously affected by the construction of works erected by it and all claims against the Authority for such compensation may be heard and determined in the Exchequer Court of Canada in accordance with sections forty-seven to fifty of the *Exchequer Court Act*.

(4) The Authority shall pay out of the funds administered by it the compensation agreed upon or adjudged by the Court to be payable.

#### REGULATIONS.

Regulations.

**19.** (1) The Authority may, with the approval of the Governor in Council on the recommendation of the Minister, make regulations for the administration, management and



10. The Commission shall have the authority to...  
 11. The Commission shall have the authority to...  
 12. The Commission shall have the authority to...  
 13. The Commission shall have the authority to...  
 14. The Commission shall have the authority to...  
 15. The Commission shall have the authority to...

General

16. The Commission shall have the authority to...  
 17. The Commission shall have the authority to...  
 18. The Commission shall have the authority to...  
 19. The Commission shall have the authority to...  
 20. The Commission shall have the authority to...  
 21. The Commission shall have the authority to...  
 22. The Commission shall have the authority to...  
 23. The Commission shall have the authority to...  
 24. The Commission shall have the authority to...  
 25. The Commission shall have the authority to...

(faint vertical text on the right margin, possibly bleed-through or marginal notes)

control of the works and property under its jurisdiction including:—

- (a) the regulation and control of vessels navigating a canal or pertinent works;
- (b) the regulation of plant, machinery or appliances for loading or unloading vessels in a canal; and
- (c) the seizure, detention or sale of vessels, goods or cargo in respect of which any sum is due for tolls and is unpaid or in respect of which any provision of this Act or any regulation has been violated.

Offence and penalty.

(2) A person who violates a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

#### GENERAL.

Authority to comply with directions of the G. in C.

**20.** The Authority shall comply with any direction not inconsistent with this Act with respect to the exercise of its powers or the conduct of its business given to it by the Governor in Council for the purpose of ensuring compliance on the part of Canada with any obligation of Canada to any other nation.

Contributor under R.S., c. 24.

**21.** (1) Notwithstanding this Act or any other statute or law, where a person is employed by the Authority and immediately before his employment he was a contributor under a part of the *Civil Service Superannuation Act* other than Part VI, and his employment by the Authority was entered into with the consent of the Minister of the Department or Branch of the Public Service in which he was employed, he continues, while in the employment of the Authority to be such a contributor under the *Civil Service Superannuation Act*, and for the purposes of that Act his service in employment under this Act shall be counted as service in the Civil Service and upon his death or retirement therefrom, he, his widow, children or other dependents, if any, may, subject to subsection two, be granted the respective allowances or gratuities provided by that Act.

In case of retirement from employment by the Authority.

(2) Where a person to whom subsection one applies is retired from employment by the Authority for a reason other than misconduct,

R.S., c. 22.

(a) if before his employment by the Authority he was employed in a position to which the *Civil Service Act* applied, he may be appointed to a position to which the *Civil Service Act* applies of a class not lower than the position in which he was so employed;

1. The Authority shall be established by the Ministry of Finance...  
2. The Authority shall be composed of...  
3. The Authority shall have the following powers...

4. The Authority shall be responsible for...  
5. The Authority shall submit reports to the Ministry of Finance...

Power and Guarantee by Law

6. The Ministry of Finance shall have the approval of...  
7. The Authority shall be established by the Ministry of Finance...  
8. The Authority shall be composed of...  
9. The Authority shall have the following powers...

- (b) if before his employment by the Authority he was employed in any other position in the Public Service, he may be appointed to a position in the Public Service to which the *Civil Service Act* does not apply of a class not lower than the class in which he was so employed; 5
- (c) if he fails to apply for or refuses appointment to a position to which he may be appointed under paragraph (a) or (b) and has not reached retirement age or become disabled or incapable of performing the duties of the position, he shall be deemed for the purposes of the *Civil Service Superannuation Act*, to have retired voluntarily from a position in the Civil Service; or 10
- (d) if he applies for and is not appointed to such a position he shall be deemed, for the purposes of the *Civil Service Superannuation Act* to have been retired from his position in the Civil Service by reason of the abolition of office. 15
- R.S., c. 24.
- R.S., c. 24.
- Application of 1947, c. 18.
- (3) *The Government Employees Compensation Act, 1947*, applies to officers and servants of the Authority and, notwithstanding section nine, for the purposes of that Act, but not otherwise, such officers and servants shall be deemed to be employees in the service of His Majesty. 20

Non-application of R.S., c. 140. **22.** The *Navigable Waters Protection Act* does not apply to works undertaken by the Authority pursuant to this Act.

Contracts with H.M. **23.** Notwithstanding that the Authority is an agent of His Majesty, it may enter into contracts with His Majesty. 25

Audit. **24.** The accounts and financial transactions of the Authority shall be audited by the Auditor General.

#### LOANS AND GUARANTEES BY CROWN.

Loans and guarantees. **25.** (1) The Minister of Finance, with the approval of the Governor in Council, may, from time to time, 30

(a) make loans to the Authority out of money in the Consolidated Revenue Fund, or

(b) guarantee repayment of the principal of and interest on money borrowed by the Authority,

but no such loans or guarantees shall be made or given in any fiscal year except to the extent that Parliament has authorized such loans and guarantees to be made or given in that year. 35

(2) Notwithstanding subsection one, the Minister of Finance, with the approval of the Governor in Council, may, from time to time, 40

(a) make loans to the Authority out of money in the Consolidated Revenue Fund, or

Loans and guarantees for repayment of borrowed money.

(b) The amount of any such interest shall be paid to the Government in the manner and subject to such terms and conditions as the Government may determine.

(c) A loan or advance under this section shall be made or given in such manner and subject to such terms and conditions as the Government may determine.

24. (1) The Minister of Finance, at the request of the Minister, and with the approval of the Governor in Council, may, from time to time, make temporary loans to the

(2) The amount of any such loan shall not exceed the amount of the loan which has been repaid to the Government.

(3) A loan under this section is subject to such terms and conditions as the Governor in Council may determine.

(4) A loan under this section shall be repaid to the Government within a period not exceeding twelve months from the day on which the loan was made.

(5) A loan under this section shall be repaid to the Government in such manner and subject to such terms and conditions as the Governor in Council may determine.

(6) The Minister of Finance, at the request of the Minister, and with the approval of the Governor in Council, may, from time to time, make temporary loans to the

(7) The amount of any such loan shall not exceed the amount of the loan which has been repaid to the Government.

(8) A loan under this section is subject to such terms and conditions as the Governor in Council may determine.

(9) A loan under this section shall be repaid to the Government within a period not exceeding twelve months from the day on which the loan was made.

(10) A loan under this section shall be repaid to the Government in such manner and subject to such terms and conditions as the Governor in Council may determine.

(11) The Minister of Finance, at the request of the Minister, and with the approval of the Governor in Council, may, from time to time, make temporary loans to the

(12) The amount of any such loan shall not exceed the amount of the loan which has been repaid to the Government.

(13) A loan under this section is subject to such terms and conditions as the Governor in Council may determine.

(14) A loan under this section shall be repaid to the Government within a period not exceeding twelve months from the day on which the loan was made.

(15) A loan under this section shall be repaid to the Government in such manner and subject to such terms and conditions as the Governor in Council may determine.

(b) guarantee repayment of the principal of and interest on money borrowed by the Authority, for the purpose of repaying money that has been borrowed under this Act.

Terms and conditions.

(3) A loan or guarantee under this section shall be made or given in such manner and subject to such terms and conditions as the Governor in Council approves. 5

Temporary loans.

**26.** (1) The Minister of Finance, at the request of the Minister, and with the approval of the Governor in Council, may, from time to time, make temporary loans to the Authority out of money in the Consolidated Revenue Fund. 10

Aggregate amount of loans outstanding.

(2) The aggregate amount of loans outstanding under this section shall not at any time exceed ten million dollars.

Terms and conditions.

(3) A loan under this section is subject to such terms and conditions as the Governor in Council approves and is repayable within a period not exceeding twelve months from the day on which the loan was made. 15

Reports to be laid before Parliament.

(4) A report of every loan to the Authority under this section shall be laid by the Minister of Finance before Parliament within fifteen days after it is made, or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof. 20

Special account.

**27.** (1) The Minister of Finance, with the concurrence of the Minister, may direct that money borrowed by the Authority under this Act shall be deposited in the Consolidated Revenue Fund to be placed to the credit of a special account in the name of the Authority. 25

Payments.

(2) The Minister of Finance may, upon application by the Authority approved by the Minister, pay out to or for the purposes of the Authority, all or any part of the money in the special account established under subsection one. 30

#### SAVING CLAUSE.

Operation of 1911, c. 28 not affected.

**28.** Nothing in this Act affects the operation of *The International Boundary Waters Treaty Act*, chapter twenty-eight of the statutes of 1911.

#### COMMENCEMENT.

Coming into force.

**29.** Each section of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council. 35

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

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THE HOUSE OF COMMONS OF CANADA.

**BILL 34.**

An Act respecting Construction of Works for the Generation  
of Electrical Power in the International Rapids Section  
of the St. Lawrence River.

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First reading, December 7, 1951.

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THE MINISTER OF TRANSPORT.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 34.**

An Act respecting Construction of Works for the Generation of Electrical Power in the International Rapids Section of the St. Lawrence River.

**H**IS 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 International Rapids Power Development Act*.

5

AGREEMENT.

Agreement approved.

**2.** The agreement dated the third day of December, nineteen hundred and fifty-one, between the Government of Canada and the Government of the Province of Ontario in the form set out in the Schedule is approved on behalf of and is binding on the Government of Canada and all things to be done by virtue thereof are approved and authorized. 10

Transfer of the administration of lands or property.

**3.** The Governor in Council may transfer to the Government of Ontario the administration of lands or property belonging to Canada that in the opinion of the Governor in Council are necessary for the construction, operation or maintenance of the works to be constructed pursuant to the agreement set out in the Schedule. 15

Powers and capacities of Hydro-Electric Power Commission of Ontario.

**4.** For the purpose of constructing, operating and maintaining the works to be undertaken pursuant to the agreement set out in the Schedule: 20

(a) The Hydro-Electric Power Commission of Ontario shall have the powers and capacities of a natural person as if it were incorporated by Letters Patent under the Great Seal for that purpose; and

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Application  
of *Power  
Commission  
Act.*

(b) the provisions of the *Power Commission Act* of the Province of Ontario with respect to the expropriation or taking of lands or property apply *mutatis mutandis* to the expropriation or taking of lands or properties for the works, and have effect as if enacted in this Act 5 in relation thereto.

COMMENCEMENT.

Coming  
into force.

5. This Act shall come into force on a day to be fixed by proclamation.

SCHEDULE

Agreement made this 10th day of December 1951

Witness

The Government of Canada being represented by the Right Honourable James D. Stewart, Prime Minister, and the Honourable Lester B. Pearson, Minister of External Affairs, and to

of the one part

and

The Government of Ontario being represented by the Hon. Charles Wilson, Premier, and the Hon. George H. Ferguson, Minister of Natural Resources, and to

of the other part

Witness the Government of Ontario being represented by the Hon. Charles Wilson, Premier, and the Hon. George H. Ferguson, Minister of Natural Resources, and to

Witness it is intended that the Ontario part of the present

developed territory would be available to Ontario

It is agreed that a system of maintaining and development

entirely with the intention of a common water development

by an appropriate authority in the United States of America

and witness by the Hon. Charles Wilson, Premier, and the Hon. George H. Ferguson, Minister of Natural Resources, and to

of the one part

Witness it is intended that the Ontario part of the present

developed territory would be available to Ontario

It is agreed that a system of maintaining and development

entirely with the intention of a common water development

by an appropriate authority in the United States of America

and witness by the Hon. Charles Wilson, Premier, and the Hon. George H. Ferguson, Minister of Natural Resources, and to

of the other part

## SCHEDULE.

AGREEMENT made this third day of December, A.D. 1951,  
BETWEEN

THE GOVERNMENT OF CANADA, herein represented by the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, hereinafter referred to as Canada,

of the First Part,

and

THE GOVERNMENT OF ONTARIO, herein represented by the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, hereinafter referred to as Ontario,

of the Second Part;

WHEREAS the development of the power resources in the International Rapids Section of the St. Lawrence River is urgently required;

WHEREAS it is intended that the Canadian share of the power to be developed therefrom would be available to Ontario;

WHEREAS Ontario is desirous of undertaking such development concurrently with the undertaking of a complementary development by an appropriate authority in the United States of America;

AND WHEREAS, by the Boundary Waters Treaty binding upon Canada and the United States of America, it is agreed that further uses of or obstructions or diversions of boundary waters on either side of the line affecting the natural level or flow of boundary waters on the other side of the line may not be made except by authority of the United States or Canada within their respective jurisdictions and with the approval of the International Joint Commission constituted by the Treaty;

AND WHEREAS the Treaty provides with respect to boundary waters:—

“The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

- (1) Uses for domestic and sanitary purposes;
- (2) Uses for navigation, including the service of canals for the purposes of navigation;
- (3) Uses for power and for irrigation purposes.”

AND WHEREAS it is desirable that an agreement should be made between Canada and Ontario concerning the construction, maintenance and operation of works for the development of power in the International Rapids Section subject to and in accordance with Canada's obligations under the Boundary Waters Treaty.

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Section XV: Faint text block, continuing the content from the previous section.

NOW THEREFORE this Agreement witnesseth that the parties hereto agree as follows:—

*Article I.*

For the purposes of this Agreement, unless the context otherwise requires, the expression:—

- (a) "deep waterway" means adequate provision for navigation requiring a controlling channel depth of twenty-seven feet with a depth of thirty feet over lock sills in general accordance with the specifications set forth in the Report of the Joint Board of Engineers, dated November 16, 1926;
- (b) "International Rapids Section" means that part of the International Section which extends from Chimney Point to the village of St. Regis;
- (c) "International Section" means that part of the St. Lawrence River through which the International boundary line runs;
- (d) "St. Lawrence River" includes the river channels and the lakes forming parts of the river channels from the outlet of Lake Ontario to the sea; and
- (e) "the works" means the works described in Article II to be undertaken and carried out by Ontario.

*Article II.*

Canada will do all in its power, consistently with its obligations under the Boundary Waters Treaty of 1909 aforementioned and the preservation of the interests of others in the St. Lawrence River, to obtain the approval of the International Joint Commission established under the said Boundary Waters Treaty pursuant to an application to be made by Ontario in a form approved by Canada, of works to develop the power resources of the International Rapids Section of the St. Lawrence River to be undertaken by Ontario concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, in accordance with the plan known as the "Controlled Single Stage Project (238-242)", containing the features described in the Annex to this Agreement with such modifications as may be agreed upon herein or by Canada and Ontario.

*Article III.*

Articles IV to XVI of this Agreement shall not come into operation until the making of an order by His Excellency the Governor General in Council of Canada signifying on behalf of Canada that

- (a) the terms upon which the International Joint Commission has approved the works mentioned in Article II of this Agreement for the development of the power resources of the International Rapids Section, including the works to be undertaken by Ontario, under Article III of the Boundary Waters Treaty of 1909 are satisfactory to Canada; and

1941. The Commission has reported that it will continue with its work in the future. The Commission has reported that it will continue with its work in the future. The Commission has reported that it will continue with its work in the future.

Article VI

The Commission has reported that it will continue with its work in the future. The Commission has reported that it will continue with its work in the future. The Commission has reported that it will continue with its work in the future.

Article VII

(1) Subject to paragraph two of this Article, Canada will transfer to Ontario the administration of such lands belonging to Canada as are referred to in this Article and such lands shall belong to Ontario.

(2) Ontario will compensate Canada for all lands the administration of which is transferred to Ontario pursuant to paragraph one of this Article and such lands shall belong to Ontario.

(3) The Commission will determine the necessity for the transfer of such lands to Ontario and will report thereon to the Commission. The Commission will also determine the necessity for the transfer of such lands to Ontario and will report thereon to the Commission.

(4) The Commission will determine the necessity for the transfer of such lands to Ontario and will report thereon to the Commission. The Commission will also determine the necessity for the transfer of such lands to Ontario and will report thereon to the Commission.

Article VIII

The Commission will determine the necessity for the transfer of such lands to Ontario and will report thereon to the Commission. The Commission will also determine the necessity for the transfer of such lands to Ontario and will report thereon to the Commission.

- (b) Ontario has satisfied Canada that it will, concurrently with complementary operations by an appropriate authority in the United States, undertake the construction, maintenance and operation of the works.

*Article IV.*

Canada and Ontario will cause to be enacted such legislation as may be agreed upon between them as being necessary to authorize and provide fully for the construction, maintenance and operation of the works.

*Article V.*

(1) Subject to paragraph two of this Article, Canada will transfer to Ontario the administration of such lands belonging to Canada as are required for the works and such lands shall belong to Ontario.

(2) Ontario will compensate Canada for all lands the administration of which is transferred to Ontario pursuant to paragraph one of this Article other than the lands or property forming part of the existing canal system in the International Rapids Section.

(3) Upon completion of the necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above Long Sault Dam to connect with the existing Cornwall Canal, as provided in paragraph seven of the Annex hereto, Ontario will transfer to Canada the administration of such works, the sites thereof and such lands belonging to Ontario as are required for the operation thereof, and such works, sites and lands shall belong to Canada.

(4) Ontario will indemnify and save Canada harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works, it being understood by the parties hereto that no damages can so arise west of a line drawn due north and south through the most westerly point of Spencer Island and it is agreed that this indemnity clause shall not apply to any claim for any such damages alleged to have been sustained west of the said line.

*Article VI.*

(1) Ontario will, to the full extent of its ability, concurrently with complementary operations by an appropriate authority in the United States of America, construct, maintain and operate the works in accordance with the terms of this Agreement, and in that respect will carry out and give full force and effect to all or any conditions, provisions or orders imposed or made by or under the authority of the International Joint Commission or by the Governor General in Council of Canada for the protection of navigation or to regulate and control the use of the water of the St. Lawrence River for the works, for the protection of others engaged in the production of power outside the Province of Ontario, and, in the case of any default on the part of Ontario, Canada





may, by notice in writing specifying the particulars of the alleged default, require full and complete compliance, within a period or periods named in the notice, by Ontario with its obligations hereunder in respect of which default is alleged, and if the notice is not complied with within the time or any of the respective times so specified, Canada may, subject to paragraph two of this Article, take over or undertake the operation of the works or any part of the works or may construct, maintain and carry out the works, and in any such event the works shall vest in and belong to Canada.

(2) If any dispute arises between the parties hereto as to whether Ontario is carrying out her obligations hereunder or otherwise in any way under this clause, such dispute shall be referred to an arbitral tribunal constituted as provided in Article XIV of this Agreement and, pending disposition by the tribunal of such dispute, Ontario may carry on the construction, maintenance or operation of the works and Canada shall not take over or undertake the operation of the works or any part thereof or the construction, maintenance and carrying out thereof as provided in paragraph one.

#### *Article VII.*

Ontario will, at such times and in such manner and form and upon such ratings as may be prescribed by Canada or authorized representatives of Canada,

- (a) take and keep records of the flow and water levels in the International Rapids Section and furnish certified copies thereof to Canada;
- (b) calibrate or cause to be calibrated its turbines, penstocks, sluices or other water passages forming part of the works.

#### *Article VIII.*

Canada or authorized representatives of Canada will at all times be empowered

- (a) to have free access to the works;
- (b) to measure the discharge of the various sluices, turbines, penstocks or other water passages forming part of the works.

#### *Article IX.*

Ontario will furnish to Canada such plans, drawings or other information relating to the works as Canada may request from time to time.

#### *Article X.*

Ontario may provide for the enjoyment and exercise by The Hydro-Electric Power Commission of Ontario of any of Ontario's rights and benefits under this Agreement.

(1) Subject to the provisions of this Article, Ontario will transfer to Canada the administration of any and every business to Ontario as the property of Canada as being referred to in this Article and will carry a direct liability through the International Bank for Reconstruction and Development and operation thereof and any such shall belong to Canada.

(2) Canada will progressively transfer to all such the administration of the business which is transferred to Canada in order to progressively transfer to Ontario other than such as property of Ontario business part of an essential and held in Ontario by the business of the transfer.

(3) Ontario will progressively transfer to all such the administration of the business which is transferred to Canada in order to progressively transfer to Ontario other than such as property of Ontario business part of an essential and held in Ontario by the business of the transfer.

(4) Ontario will progressively transfer to all such the administration of the business which is transferred to Canada in order to progressively transfer to Ontario other than such as property of Ontario business part of an essential and held in Ontario by the business of the transfer.

(5) Ontario will progressively transfer to all such the administration of the business which is transferred to Canada in order to progressively transfer to Ontario other than such as property of Ontario business part of an essential and held in Ontario by the business of the transfer.

Article XII

(1) The Government of Canada will progressively transfer to all such the administration of the business which is transferred to Canada in order to progressively transfer to Ontario other than such as property of Ontario business part of an essential and held in Ontario by the business of the transfer.

*Article XI.*

(1) Subject to the provisions of this Article, Ontario will transfer to Canada the administration of any such lands belonging to Ontario as are specified by Canada as being required for the sites of locks and works to carry a deep waterway through the International Rapids Section or for the construction, maintenance and operation thereof and such lands shall belong to Canada.

(2) Canada will compensate Ontario for all lands the administration of which is transferred to Canada pursuant to paragraph one of this Article, other than lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works.

(3) Subject to paragraph four of this Article, Ontario will not be entitled to any compensation for lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works, the administration of which is required to be transferred by Ontario to Canada pursuant to paragraph one of this Article, and Ontario will not be entitled to claim any compensation for loss or expenses incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising out of the construction by Canada of the locks or works required for the said deep waterway.

(4) Where Ontario has, before constructing any part of the works, given notice to Canada of the location of that part of the works, if Canada did not before commencement of the construction thereof give notice to Ontario that the lands upon which that part of the works was to be located might be required for the purposes of the said deep waterway and if Canada thereafter requires Ontario to transfer the administration of those lands to Canada pursuant to paragraph one of this Article, Ontario will be entitled to compensation for those lands and the said part of the works and for all loss or expense incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising by reason of Canada requiring Ontario to transfer the said lands and said part of the works to Canada.

(5) Canada will indemnify and save Ontario harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of a deep waterway through the International Rapids Section.

*Article XII.*

If the construction by Canada of the locks and works mentioned in Article XI renders unnecessary the construction by Ontario of the works required to permit the continuance of fourteen-foot navigation as described in paragraph seven of the Annex to this Agreement, Ontario will pay to Canada a part of the cost of such locks and works equivalent to the cost of the works that would have been required to be constructed by Ontario to permit the continuance of such fourteen-foot navigation.

ARTICLE XXIII

1. The waters of the River St. Lawrence shall be navigable to the sea from the mouth of the River to the Gulf of St. Lawrence.

ARTICLE XXIV

1. In the event of Canada and Ontario failing to agree on the construction of any part of this Agreement or any matter arising thereunder, either party shall have the right to refer the matter to an arbitrator.

2. Any arbitrator appointed shall consist of one person chosen by each party and one person chosen by the Government of Ontario. If they fail to agree, the arbitrator of the Arbitration shall be chosen by the Chief Justice of Ontario.

3. The arbitrator shall have full power to conduct and administer the arbitration and to give such orders as may be necessary.

4. The provisions of any arbitration under the provisions of this Agreement shall be binding on the parties thereto.

ARTICLE XXV

1. The Government of Ontario shall cause the provisions of this Agreement to be printed and distributed to the public and to the several municipalities and counties of Ontario.

ARTICLE XXVI

1. Where for the purpose of this Agreement any notice is required to be given or made by or to any party to the Agreement, such notice or request shall be deemed, for the purpose of this Agreement, to be sufficiently given or made if it is given or made by the Registrar of Companies in Ontario, and where the notice or request is given or made to any party to the Agreement, it shall be deemed to be given or made to the party to whom it is given or made if it is given or made to the Registrar of Companies in Ontario, or if it is given or made to the party to whom it is given or made if it is given or made to the Registrar of Companies in Ontario.

*Article XIII.*

Ontario will furnish at cost such power as may from time to time be required by Canada for the operation of the navigation works and for other purposes of navigation in the International Rapids Section.

*Article XIV.*

(1) In the event of Canada and Ontario failing to agree on the interpretation of any part of this Agreement or any matter arising therefrom, either party shall have the right to refer the matter to an arbitral tribunal.

(2) Each arbitral tribunal shall consist of one person chosen by Canada, one person chosen by Ontario and one person chosen by agreement between Canada and Ontario. If they fail to agree, the third member of the tribunal shall be chosen by the Chief Justice of Canada.

(3) Both parties agree to facilitate the constitution and functioning of arbitral tribunals and to accept their decisions.

(4) The procedure in any arbitration under the provisions of this Article will be determined by Agreement between the parties hereto.

*Article XV.*

Ontario will establish a Commission to supervise the execution of such works as may be appropriate, consistently with the execution of the works, to safeguard and enhance the scenic beauty of and historic associations with the International Rapids Section.

*Article XVI.*

Where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Canada, such notice or request shall be deemed, for the purposes of this Agreement, to be effectively given or made if given or made by the Minister of Transport of Canada to the Provincial Secretary of Ontario, and where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Ontario, such notice or request shall be deemed for the purposes of this Agreement, to be effectively given or made if given or made to the Minister of Transport by the Provincial Secretary or a person authorized by him in that behalf, notice of whose authority has been given to the Minister of Transport by the Provincial Secretary.

Annex VIII

This Agreement is made subject to its approval by the Parliament of Canada and by the Legislature of the Province of Ontario. It is not obtained within three years from the date of this Agreement unless the party hereto may, by written notice to the other, terminate the Agreement.

In Witness Whereof the Right Honourable Louis St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, have hereto set their hands on behalf of Canada and the Honourable Leslie M. Frost, Premier, and the Honourable George H. Chalmers, Acting Provincial Secretary, have hereto set their hands on behalf of Ontario; both upon the third day of December 1951.

(Sgd.) LOUIS ST. LAURENT  
LIONEL CHEVRIER  
LESLIE M. FROST  
GEO. H. CHALMERS

*Article XVII.*

This Agreement is made subject to its approval by the Parliament of Canada and by the Legislature of the Province of Ontario. If, however, approval of the works by the International Joint Commission is not obtained within three years from the date of this Agreement either party hereto may, by written notice to the other, forthwith cancel this Agreement.

IN WITNESS WHEREOF the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, have hereunto set their hands on behalf of Canada and the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, have hereunto set their hands on behalf of Ontario; both upon the third day of December 1951.

(Sgd.) LOUIS S. ST. LAURENT  
 " LIONEL CHEVRIER  
 " LESLIE M. FROST  
 " GEO. H. CHALLIES





## ANNEX TO THE CANADA-ONTARIO AGREEMENT

(See Article II.)

The main features of the Controlled Single Stage Project (238-242) subject to modification pursuant to Article II, are as follows:—

- (1) A control dam in the vicinity of Iroquois Point.
- (2) A dam in the Long Sault Rapids at the head of Barnhart Island and two powerhouses, one on either side of the international boundary, at the foot of Barnhart Island.
- (3) Dykes, where necessary, on the United States and Canadian sides of the international boundary, to retain the pool level above the Long Sault Dam.
- (4) Channel enlargement from above Chimney Point to below Lotus Island designed to give a maximum mean velocity in any cross section of the channel which will ultimately be used for navigation not exceeding four feet per second at any time and between Lotus Island and the control dam and from above Point Three Point to below Ogden Island designed to give a maximum mean velocity in any cross section not exceeding two and one-quarter feet per second with the flow and at the stage to be permitted on the first of January of any year, under regulation of outflow and levels of Lake Ontario in accordance with Regulation Method No. 5, as prepared by the General Engineering Branch, Department of Transport, Canada, dated Ottawa, September 1940.
- (5) Channel enlargement in the channels north and south of Cornwall Island equivalent in volume to that proposed in Features 33 and 34 as described in the Final Report on the St. Lawrence River Project by the Chief of Engineers, U.S. Army, dated April 1942, and shown in outline on Drawing CC-R-1/1, Appendix III-O(1), to the Final Report referred to above.
- (6) The necessary railroad and highway modifications on either side of the international boundary.
- (7) The necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above the Long Sault Dam to connect with the existing Cornwall Canal.
- (8) The rehabilitation of the Towns of Iroquois and Morrisburg, Ontario.

All the works in the pool below the control dam shall be designed to provide for full Lake Ontario level but initially the pool shall be operated at maximum elevation 238-0.

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Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 35.**

An Act respecting the Constitution and Duties  
of the Redistribution Commission.

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First reading, December 10, 1951.

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The Hon. Mr. POWER.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 35.**

An Act respecting the Constitution and Duties  
of the Redistribution Commission.

Preamble.

WHEREAS it is provided in the British North America Acts, 1867-1951 that the number of members of the House of Commons shall be readjusted by such authority, in such manner and from such time as the Parliament of Canada from time to time provides; also that the said readjustment of representation shall be made after each decennial census; and whereas changes in population within the provinces have made it necessary to change the boundaries of the electoral districts theretofore defined and it is advisable to provide for full inquiry in order to determine the extent and character of the changes which should be made following the census of 1951: 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 Redistribution Commission Act, 1951*.

Definitions  
"built-up  
area".

2. In this Act,

(a) "built-up area" means an area having an overall population density exceeding fifteen hundred a square mile and consisting of a municipality or of a group of contiguous municipalities none of which has a population density less than five hundred a square mile;

"rural".

(b) "rural" as applied to an electoral district means a district of whose population not more than one-fifth reside within a built-up area having a total population exceeding fifty thousand, and not more than three-fifths within a built-up area having a total population of fifty thousand or less but exceeding twenty thousand;

"urban".

(c) "urban" as applied to an electoral district means a district which is not rural as herein defined.

13 For the purpose of preparing and presenting a plan for the division of the Province of Canada into electoral districts in accordance with the provisions of section 21, one of the first steps to be taken shall be to constitute a Commission to consist of three members one of whom shall be the Surveyor General of Canada who shall be the chairman of the Commission and the other two appointed on the recommendation of the Speaker of the House of Commons after consultation with the various groups normally considered to be represented in the Government at the date, and the Commission shall be empowered to conduct its business in such a manner as it may see fit, the majority in the House of Commons.

14 The Speaker of the House of Commons shall be appointed forthwith after the coming into force of this Act and shall immediately enter upon his duties.

15 The Speaker shall also be appointed two Assessors for each province, one of whom shall be appointed on the recommendation of the Leader of the Opposition in the House of Commons, and the other on the recommendation of the Leader of the Party for the time being holding the majority in the House of Commons.

16 The Assessors shall be a resident of the province for which he has been appointed and shall act as an Assessor only in that province.

17 The Assessors shall attend such meetings of the Commission as they shall be directed to attend, but shall not vote thereat.

18 (1) The Commission shall consider whether any and what changes shall be made in the boundaries of the present existing electoral districts and in doing so shall take as a general guide the following principles: (a) that there be no alteration in the boundaries of electoral districts in that a district is desirable;

(b) the development of a sense of community of interest among the electors in each electoral district is to be encouraged;

(c) the territorial area included in each electoral district shall be contiguous;

(d) electoral district boundaries should follow the lines of rivers, railways, municipal, administrative or other areas by reference to which the census figures have been ascertained.

Redistri-  
bution  
Commission.

**3.** For the purpose of preparing and reporting a plan for the division of the provinces of Canada into electoral districts in accordance with the provisions of section fifty-one of the *British North America Acts, 1867 to 1951*, as enacted by the *British North America Act, 1946*, there shall be appointed a Redistribution Commission to consist of three members, one of whom shall be the Surveyor General of Canada who shall be the chairman of the Commission, another the person appointed on the recommendation of the Leader of the Opposition in the House of Commons after consultation with the various groups normally considered to be in opposition to the Government at the date, and the third a person to be recommended to Council by the Leader of the Party for the time being holding the majority in the House of Commons.

5

15

Appointment  
of Com-  
missioners.

**4.** The said Commissioners shall be appointed forthwith after the coming into force of this Act and shall immediately enter upon their functions.

Assessors.

**5.** There shall also be appointed two Assessors for each province, one of whom shall be appointed on the recommendation of the Leader of the Opposition in the House of Commons, and the other on the recommendation of the Leader of the Party for the time being holding the majority in the House of Commons.

20

Residence.

**6.** Each Assessor shall be a resident of the province for which he has been appointed and shall act as an Assessor only in such province.

25

To attend  
meetings.

**7.** Assessors shall attend such meetings of the Commission as they shall be directed to attend, but shall not vote thereat.

30

Commission  
to consider  
changes  
to be  
made.

Principles.

**8.** (1) The Commission shall consider whether any and, if any, what changes shall be made in the boundaries of the presently existing electoral districts, and in doing so shall, so far as practicable, apply the following principles:

(a) permanence in the definition of the boundaries of electoral districts is desirable;

(b) the development of a sense of community of interest among the electors in each electoral district is to be encouraged;

(c) the territorial area included in each electoral district should be continuous;

(d) electoral district boundaries should follow the lines of division between recognized municipal, administrative or other areas by reference to which the census figures have been compiled;

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14. The population included in each district shall be ascertained by the Commission on the basis of the most recent census of the State of New York, and the Commission shall have the right to require the State Comptroller to furnish it with such information as may be necessary for the purpose of ascertaining the population of each district.

15. The population of each district shall be ascertained by the Commission on the basis of the most recent census of the State of New York, and the Commission shall have the right to require the State Comptroller to furnish it with such information as may be necessary for the purpose of ascertaining the population of each district.

Section 14  
Section 15

16. Before completing their plan for the redistricting of a province and electoral district, the Commission shall cause a description of the proposed boundaries of each electoral district which shall be exhibited at all post offices within each electoral district, and shall in the situation above by advertisement in a newspaper or newspaper published or widely distributed there. The Commission shall state in such advertisement an address at which notices to which communications may be addressed to them.

Section 16

17. Notices of objections to the plan for the redistricting of a province and electoral district may be presented to the Commission at any time not later than thirty days after publication of the advertisement pursuant to the last preceding section, and the Commission shall file the objections for all objections and suggestions filed in accordance with the provisions of this section.

Section 17

18. The Commission shall also hold public hearings at such place or places as may seem advisable in each province, and shall at such hearings receive suggestions made personally by electors with respect to the proposed boundaries of electoral districts within such province.

Section 18

19. (1) The Commission shall, as soon as possible after the expiration of the thirty days mentioned in section ten, transmit its report to the speaker of the House of Representatives and shall in such report state therein:

Section 19

- (a) the name of each proposed electoral district;
- (b) a description of the boundaries of each proposed electoral district;
- (c) the population of each proposed electoral district according to the last decennial census;
- (d) the Commission's reasons for recommending that any electoral district shall contain more or less than one fifth than the quota of population provided in section eight herein; and
- (e) the territorial area of any electoral district.

(e) the population included in each urban electoral district should be one-quarter as great again as in each rural electoral district; and

(f) the population of each urban electoral district in any province should be equal and that of each rural electoral district in such province should likewise be so. 5

(2) The Commission may consider such other pertinent factors as may occur to it or to which its attention may be drawn.

Description of proposed boundaries to be exhibited.

**9.** Before completing their plan for the redistribution of a province into electoral districts, the Commission shall cause a description of the proposed boundaries of each electoral district within such province to be exhibited at all post offices within such electoral district, and shall invite attention thereto by advertisement in a newspaper or newspapers published or widely distributed therein. The Commission shall state in such advertisement an address within such province to which communications may be addressed to them. 10 15

Objections or suggestions.

**10.** Objections or suggestions in writing, with respect to the proposed boundaries of any electoral district, may be transmitted to the Commission at any time not later than thirty days after publication of the advertisement pursuant to the last preceding section, and the Commission shall give due consideration to all objections and suggestions thus transmitted. 20 25

Commission to hold public sittings.

**11.** The Commission shall also hold public sittings at such place as it may deem advisable in each province, and shall at such sittings receive representations made personally by electors with respect to the proposed boundaries of electoral districts within such province. 30

Report to the Speaker.

**12.** (1) The Commission shall, as soon as possible after the expiration of the thirty days mentioned in section ten, transmit its report to the Speaker of the House of Commons and shall in particular state therein, 35

Contents.

- (a) the name of each proposed electoral district;
- (b) a description of the boundaries of such proposed electoral district;
- (c) the population of such proposed electoral district according to the last decennial census; 40
- (d) the Commissions' reasons for recommending that any electoral district shall contain more or less by one-fifth than the quota of population provided in section eight herein; and
- (e) the territorial area of any electoral district. 45



(2) The report of the proposed Government shall be printed and distributed to each Member of Parliament, and shall be placed in the hands of the Secretary of the Commission...

(3) The Commission shall attach to each report a draft Bill in which the names of the electoral districts and the boundaries thereof are set forth as in the report for submission to Parliament.

THE HOUSE OF COMMONS

13. The Speaker of the House of Commons shall lay the report of the Commission before Parliament within ten days of the receipt of the report. If Parliament is then sitting, or if Parliament is not then in session within ten days after the commencement of the next session thereof...

14. (1) If the House of Commons passes a resolution approving the report of the Commission, the Secretary of State shall cause a Bill to be prepared embodying the provisions of the report and shall introduce it in the House...

(2) If the House of Commons does not pass a resolution approving the report of the Commission, the Secretary of State shall cause a Bill to be prepared embodying the provisions of the report and shall introduce it in the House...

15. This Act shall not apply to any person who is employed by the Commission and for any other person to the work of the Commission and for any other person to the work of the Commission...

The Ministry of Health

THE MINISTRY OF HEALTH  
LONDON

- Map. (2) A map of the proposed electoral district, certified by each Commissioner, and showing the boundaries thereof, shall be attached to the description of the boundaries of such electoral district.
- Draft Bill. (3) The Commission shall attach to such report a draft Bill, in which the names of the electoral districts and the boundaries thereof are set forth as in the said report, for submission to Parliament. 5
- Report to be laid before Parliament. **13.** The Speaker of the House of Commons shall lay the report of the Commission before Parliament within ten days of its reception if Parliament is then sitting, or if Parliament is not then in session, within ten days after the commencement of the next ensuing session thereof. 10
- Measure to be introduced. **14.** (1) If the House of Commons passes a resolution approving the report of the Commission, the Secretary of State shall cause a bill to be prepared embodying the particulars of the report, and shall introduce it in the House. 15
- In case of disapproval. (2) If the House of Commons disapproves of the report respecting the proposed redistribution the Speaker may direct the Commissioners to reconsider it and make amendments, modifications or alterations thereto. 20
- Coming into force. **15.** This Act shall not come into force unless and until Parliament has made provision for such clerical assistance as may be necessary for the Commission and has made provision for any remuneration, allowances and expenses which may be paid and allowed to the Commissioners, Assessors and other persons who may be employed with respect to the work of the Commission and for any other expenses necessary for the proper operation of the Act. 25

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Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 36.**

An Act to amend the Combines Investigation Act.

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First reading, December 10, 1951.

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THE MINISTER OF JUSTICE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act to amend the Combines Investigation Act.

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

R.S., c. 26;  
1935, c. 54;  
1937, c. 23;  
1946, c. 44;  
1949, (2nd  
Sess.), c. 12;  
1950, (1st  
Sess.), c. 50.

1. The *Combines Investigation Act*, chapter twenty-six of  
the Revised Statutes of Canada, 1927, is amended by adding  
thereto, immediately after section thirty-seven thereof, the 10  
following section:

“dealer”  
defined.

“37A. (1) In this section ‘dealer’ means a person  
engaged in the business of manufacturing or supplying or  
selling any article or commodity.

Resale  
price  
maintenance.

(2) No dealer shall directly or indirectly by agreement, 15  
threat, promise or any other means whatsoever, require or  
induce or attempt to require or induce any other person to  
resell an article or commodity

(a) at a price specified by the dealer or established by 20  
agreement,

(b) at a price not less than a minimum price specified  
by the dealer or established by agreement,

(c) at a markup or discount specified by the dealer or  
established by agreement,

(d) at a markup not less than a minimum markup 25  
specified by the dealer or established by agreement,  
or

(e) at a discount not greater than a maximum discount  
specified by the dealer or established by agreement,  
whether such markup or discount or minimum markup or 30  
maximum discount is expressed as a percentage or other-  
wise.

Refusal to  
sell or supply  
goods.

(3) No dealer shall refuse to sell or supply an article or  
commodity to any other person for the reason that such  
other person 35

(a) has refused to resell or to offer for resale the article  
or commodity

### EXPLANATORY NOTES.

1. New. This is a new section, the purpose of which is to forbid persons engaged in manufacturing, supplying or selling articles or commodities from fixing specific or minimum resale prices for such articles or commodities. Subsections (5) and (6) of the new section make applicable to the investigation of a contravention of section 37A the provisions of the *Combines Investigation Act* which relate to the investigation and reporting of combines.

- (i) at a price specified by the dealer or established by agreement,
  - (ii) at a price not less than a minimum price specified by the dealer or established by agreement,
  - (iii) at a markup or discount specified by the dealer or established by agreement, 5
  - (iv) at a markup not less than a minimum markup specified by the dealer or established by agreement, or
  - (v) at a discount not greater than a maximum discount specified by the dealer or established by agreement, or 10
  - (b) has resold or offered to resell the article or commodity
    - (i) at a price less than a price or minimum price specified by the dealer or established by agreement, 15
    - (ii) at a markup less than a markup or minimum markup specified by the dealer or established by agreement, or
    - (iii) at a discount greater than a discount or maximum discount specified by the dealer or established by agreement. 20
- Penalty. (4) Every person who violates subsection two or three is guilty of an indictable offence and is liable on conviction to a penalty not exceeding ten thousand dollars or to two years' imprisonment, or if a corporation to a penalty not exceeding twenty-five thousand dollars. 25
- Inquiry. (5) The Commissioner has authority to institute and conduct an inquiry into all such matters as he considers necessary to inquire into with a view of determining whether this section has been or is being violated and to make a report thereon in writing to the Minister, and for such purposes the Commissioner has all the powers, authority, jurisdiction and duties that are conferred upon him by this Act, including sections sixteen and seventeen, with respect to an inquiry as to whether a combine exists or is being formed. 30 35
- Report. (6) A report of an inquiry under this section shall be dealt with in the same manner as a report of an inquiry or investigation under this Act as to whether a combine exists or is being formed. 40

2. The part of subsection two of section thirty-nine A of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

Evidence. "(2) In a prosecution under section thirty-two or thirty-seven A of this Act or under section four hundred and ninety-eight or four hundred and ninety-eight A of the *Criminal Code*:" 45

**2.** The purpose of this section is to make applicable to a prosecution under section 37A the evidentiary provisions of section 39A of the *Combines Investigation Act*.

1. The first section of the act...

2. The second section...

3. The third section...

4. The fourth section...

5. The fifth section...

6. The sixth section...

7. The seventh section...

8. The eighth section...

9. The ninth section...

10. The tenth section...

11. The eleventh section...

12. The twelfth section...

13. The thirteenth section...

14. The fourteenth section...

15. The fifteenth section...

16. The sixteenth section...

17. The seventeenth section...

18. The eighteenth section...

19. The nineteenth section...

20. The twentieth section...



Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 41.**

An act to amend The Dominion Elections Act, 1938,  
and to change its title to The Canada Elections Act.

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First reading, December 12, 1951.

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SECRETARY OF STATE.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

1938, c. 46;  
1947-48, c. 46;  
1950, c. 35;  
1951, c. 48.

An Act to amend The Dominion Elections Act, 1938,  
and to change its title to The Canada Elections Act.

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

1. (1) Section one of *The Dominion Elections Act, 1938*,  
chapter forty-six of the statutes of 1938, is repealed and the 5  
following substituted therefor:—

Short title.

“1. This Act may be cited as *The Canada Elections Act*.”

(2) The said Act is further amended by striking out the  
expressions “Dominion election” or “Dominion general  
election” wherever they appear therein and substituting 10  
therefor in each case the expressions “election” and “general  
election”, respectively.

(3) The said Act is further amended by striking out the  
expression “*The Dominion Elections Act, 1938*” wherever  
it appears in the Schedules thereto, and substituting therefor 15  
in each case the expression “*The Canada Elections Act*”.

(4) Notwithstanding subsections two and three, any  
forms, envelopes, ballot boxes, and other supplies on which  
appear the expressions “Dominion election”, “Dominion  
general election”, or “*The Dominion Elections Act, 1938*” 20  
shall be deemed to be valid.

2. (1) Paragraph five of section two of the said Act is  
repealed and the following substituted therefor:—

“election.”

“(5) “election” means an election of a member or  
members to serve in the House of Commons of Canada;” 25

(2) Paragraph twelve of the said section two is repealed.

(3) Paragraph seventeen of the said section two is  
repealed and the following substituted therefor:—

“list of  
electors.”

“(17) “list of electors” means either the preliminary list  
of electors or the official list of electors as herein defined, 30  
and as the context requires;”

## EXPLANATORY NOTES.

The various amendments contained in this Bill have been recommended by the Special Committee on *The Dominion Elections Act* in their second report dated November 16, 1951.

*Clause 1.* (1). Self-explanatory. The present provision reads as follows:—

“1. This Act may be cited as *The Dominion Elections Act, 1938.*”

(2) (3) and (4). New. Self-explanatory.

*Clause 2.* (1). This amendment is consequential to the change made in Clause 1. The present provision reads as follows:—

“(5) ‘Dominion election’ or ‘election’ means an election of a member or members to serve in the House of Commons of Canada;”

(2) (3) and (4). Subsection 12 is repealed consequential to the changes made in Clause 8 (1). The amendments to subsections 17 and 22 are consequential to the changes

(4) Subparagraph (a) of paragraph twenty-two of the said section two is repealed and the following substituted therefor:—

“official list of electors.”

“(a) in an urban polling division, any copy of the printed preliminary list prepared by the enumerators pursuant to Rules (1) to (16), inclusive, of Schedule A to section seventeen of this Act taken together with a copy of the statement of changes and additions certified by the revising officer pursuant to Rule (41) of the said Schedule A, or the appropriate portion of the preliminary list which has been divided by the returning officer for the taking of the votes taken together with the special statement of changes and additions certified by the returning officer pursuant to subsection seven of section thirty-three of this Act, and”

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(5) Paragraph thirty-five of the said section two is repealed and the following substituted therefor:—

“rural polling division.”

“(35) “rural polling division” means a polling division whereof no part is contained either within an incorporated city or town having a population of five thousand or more, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

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(6) Paragraph thirty-eight of the said section two is repealed and the following substituted therefor:—

“urban polling division.”

“(38) “urban polling division” means a polling division which is wholly contained within an incorporated city or town having a population of five thousand or more, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

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3. (1) Section six of the said Act is repealed and the following substituted therefor:—

35

Staff.

“(6. (1) The staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer, appointed by the Governor in Council, and such other officers, clerks, and employees as may be required, who shall be appointed in the manner authorized by law.”

40

Super-annuation.

“(2) The Assistant Chief Electoral Officer is a contributor under and entitled to all the benefits of the *Civil Service Superannuation Act.*”

4. (1) Section seven of the said Act is amended by adding thereto the following subsection:—

45

Withdrawal of writ.

“(4) Where the Chief Electoral Officer certifies that by reason of a flood, fire, or other disaster, it is impracticable to carry out the provisions of this Act in any electoral

made in Clause 8 (1). The present provisions read as follows:—

“(12) ‘finally revised list’ means the list of electors for an urban polling division which has been revised and corrected by the revising officer pursuant to the provisions of Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and which has been re-printed pursuant to subsection ten of the said section seventeen; such finally revised list to constitute the official list of electors to be used for the taking of the votes on polling day;”

“(17) ‘list of electors’ means either the preliminary list of electors, the finally revised list or the official list of electors as herein defined, and as the context requires;”

“(a) in an urban polling division, the list of electors revised and corrected by the revising officer pursuant to Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and re-printed by the returning officer pursuant to subsection ten of the said section seventeen, or the appropriate portion of the finally revised list of electors which has been divided by the returning officer for the taking of the vote, and”

(5) and (6). The amendments to subsections 35 and 38 are consequential to the change made in Clause 5. The present provisions read as follows:—

“(35) ‘rural polling division’ means a polling division whereof no part is contained either within an incorporated city or town having a population of three thousand five hundred or more persons, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

“(38) ‘urban polling division’ means a polling division which is wholly contained within an incorporated city or town having a population of three thousand five hundred or more persons, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

*Clause 3.* This amendment provides for the appointment of the staff of the Chief Electoral Officer in the manner authorized by law, with the exception of the Assistant Chief Electoral Officer. The present provisions read as follows:—

“6. (1) The permanent staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer appointed by the Governor in Council and such other officers, clerks, and employees, as may be appointed from time to time by the Governor in Council all of whom may be contributors under and entitled to all the benefits of the *Civil Service Superannuation Act*.

(2) The Chief Electoral Officer shall from time to time select and appoint such temporary employees as he may require for the proper performance of the duties of his office; the rate of remuneration to be paid to such temporary employees shall be determined by the Governor in Council, and such temporary employees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

(3) In the classification of the Civil Service of Canada, the rank of the permanent employees in the office of the Chief Electoral Officer shall be determined by the Governor in Council.”

*Clause 4.* New. This amendment provides that if after a writ has issued ordering an election, it is found impracticable to carry out the provisions of the Act, by reason of flood, fire, or other disaster, such writ may be withdrawn and a new writ issued at a later date.

district where a writ has been issued ordering an election, the Governor in Council may order the withdrawal of such writ, and a notice to that effect shall be published in a special issue of the *Canada Gazette* by the Chief Electoral Officer; in the event of such withdrawal, a new writ ordering an election shall be issued within six months after such publication in the *Canada Gazette*, and the procedure to be followed at such election shall be as prescribed in section one hundred and eight of this Act.” 5

5. (1) Subsection one of section twelve of the said Act is repealed and the following substituted therefor:— 10

Chief Electoral Officer to decide what polling divisions are rural or urban.

“12. (1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of five thousand or more. All the polling divisions comprised in every such place shall be treated as urban polling divisions.” 15

6. (1) Subparagraph (i) of paragraph (f) of subsection two of section fourteen of the said Act is repealed and the following substituted therefor:— 20

(i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, or” 25

(2) Subsection three of the said section fourteen is repealed and the following substituted therefor:—

Qualification of veteran under 21 years of age.

“(3) Notwithstanding anything in this Act, any person who, subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.” 30 35

(3) Subsection four of the said section fourteen is repealed and the following substituted therefor:—

Qualification of wife of an Indian veteran.

“(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in *The Indian Act*, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the ninth day of September, nineteen hundred and fifty, is entitled to have her name included in the list of electors prepared for the 40 45

*Clause 5.* Under the present law, all polling divisions in an incorporated city or town having a population of thirty-five hundred or more, must be treated as urban. This amendment raises this figure to five thousand. The present provision reads as follows:—

“12. (1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of three thousand five hundred or more persons. All the polling divisions comprised in every such place shall, for the purposes of this Act, be treated as urban polling divisions.”

*Clause 6.* (1). This amendment extends the right of voting to Indians living on a reserve who have served on active service in the Canadian Forces. The present provision reads as follows:—

“(i) he served in the naval, army or air forces of Canada in World War I or World War II, or”

(2). This amendment gives the right to vote to veterans of the Canadian Forces who served on active service and who are under twenty-one years of age. The present provision reads as follows:—

“(3) Notwithstanding anything in this Act, any person, man or woman, who, prior to the ninth day of August, nineteen hundred and forty-five, was a member of the naval, military, or air forces of Canada and has been discharged from such forces, and who, at a Dominion election, has not attained the full age of twenty-one years, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.”

(3). This amendment is consequential to the changes made in sub-clause (1) of this Clause. The present provision reads as follows:—

“(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who served in the naval, army or air forces of Canada in World War I or World War II, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector.”

polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

(4) Paragraph (a) of subsection five of the said section fourteen is repealed and the following substituted therefor:— 5

"(a) was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;" 10

(5) Subsections six and seven of the said section fourteen are repealed and the following substituted therefor:—

Residence  
qualifi-  
cations of  
members of  
the Canadian  
Forces at a  
by-election.

"(6) A Canadian Forces elector, as defined in paragraph twenty-one of *The Canadian Forces Voting Regulations*, is entitled to vote at a by-election only in the electoral 15 district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations.

Residence  
qualifi-  
cations of  
Veteran  
electors at a  
by-election.

"(7) A Veteran elector, as defined in paragraph forty-two of *The Canadian Forces Voting Regulations*, is en- 20 titled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence."

7. (1) Rule four of section sixteen of the said Act is repealed and the following substituted therefor:— 25

Members of  
the Canadian  
Forces.

"(4) A Canadian Forces elector, as defined in paragraph twenty-one of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations." 30

(2) Rule eight of the said section sixteen is repealed and the following substituted therefor:—

Persons  
temporarily  
engaged in  
public works.

"(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to 35 which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such 40 electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ."

(3) The said section sixteen is further amended by adding thereto, immediately after rule eight thereof, the following 45 rule:—



(4). This amendment is consequential to the changes made in sub-clause (2) of this Clause. The present provision reads as follows:—

“(a) was a member of the naval, military, or air forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine;”

(5). The amendments to subsections 6 and 7 are consequential to the changes made in Clauses 29 and 34. The present provisions read as follows:—

“(6) A Defence Service elector, as defined in paragraph twenty-one of *The Canadian Defence Service Voting Regulations*, in Schedule Three to this Act, is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as defined in paragraph twenty-three of the said Regulations.

(7) A Veteran elector, as defined in paragraph forty-two of *The Canadian Defence Service Voting Regulations*, in Schedule Three to this Act, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence.”

*Clause 7.* (1). This amendment is consequential to the changes made in Clauses 29 and 34. The present provision reads as follows:—

“(4) Any person on Defence Service, as defined in paragraph twenty-one of *The Canadian Defence Service Voting Regulations*, in Schedule Three to this Act, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as defined in paragraph twenty-three of the said Regulations.”

(2). This amendment extends the right of voting to persons who have come to an electoral district to be temporarily employed on a public work. The present provision reads as follows:—

“(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district.”

(3). New. This amendment provides for the wives and dependents of persons who have come to an electoral district to be temporarily employed on a public work, the same residence qualifications as now contemplated for such persons in sub-clause (2) of this Clause.

Wives or dependents of persons temporarily engaged in public works.

“(8A) The wife or dependent of a person mentioned in Rule eight who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, shall not be deemed to be ordinarily resident on the date of the issue of the writ ordering an election in such electoral district, unless such wife or dependent has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ.” 5

Persons residing in a sanatorium, etc.

(4) The said section sixteen is further amended by adding 10 thereto the following rule:—

“(10) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, at the date of the issue of the writ ordering an election, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ.” 15

S. (1) Paragraphs (a) and (b) of subsection five of section seventeen of the said Act are repealed and the following substituted therefor:— 20

Arrangement of names on urban lists, etc.

“(a) In the case of urban polling divisions, the names of the electors shall be arranged on the printed preliminary lists in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection sixteen of this section, in which case the names of the electors shall be arranged alphabetically. Notices shall be printed at the top of the preliminary list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station established in the urban polling division for the taking of the votes on polling day. 25 30

Arrangement of names on rural lists, etc.

“(b) In the case of rural polling divisions, the names of the electors shall be arranged on the printed preliminary lists in alphabetical order, as in the preliminary lists prepared by the enumerators in Form No. 21.” 35

(2) Subsections seven, eight, and nine of the said section seventeen are repealed and the following substituted therefor:— 40

Copy of printed preliminary list to electors in urban polling divisions.

“(7) The returning officer shall send a printed copy of the preliminary list of electors for the appropriate urban polling division, not later than Saturday, the twenty-third day before polling day, to the electors residing in such polling division whose names appear on such list, in accordance with the following provisions: 45

(4). New. This amendment provides the same residence qualifications for patients in a sanatorium, a chronic hospital or similar institution, as those provided in rule 9 of section 16 of the Act for persons residing in lodgings, hostels, refuges, etc.

*Clause 8.* (1). Under the present law, in urban polling divisions, the preliminary list of electors is re-printed to include or leave out the names added or deleted by the revising officer. This amendment does away with such re-printing and the official list will consist of the printed preliminary list of electors and the statement of changes and additions prepared by the revising officer. The present provisions read as follows:—

“(a) For urban polling divisions, the names of the electors shall be arranged on the printed list of electors in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection sixteen of this section, in which case the names of the electors shall be arranged alphabetically. Notices shall be printed at the foot of the list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station or polling stations established in the polling division for the taking of the vote on polling day. The type used in the printing of the preliminary lists of electors for urban polling divisions shall be kept available by the printer for use in the re-printing of the finally revised lists prescribed in subsection ten of this section.

(b) For rural polling divisions, the names of the electors shall be arranged on the printed lists in alphabetical order, as in the preliminary lists prepared by the enumerators in Form No. 21. The lists of electors for rural polling divisions shall not be re-printed after revision.”

(2) The amendment to subsection 7 provides a new procedure for the mailing of printed copies of the urban preliminary list of electors, and the amendments to subsections 8 and 9 are consequential to the changes made in Clause 8 (1). The present provisions read as follows:—

“(7) In every electoral district comprising the whole or part of a city having a population of twenty-five thousand or more persons, and in every urban area adjoining such city, the returning officer shall, not later than Saturday, the twenty-third day before polling day, send a printed copy of the preliminary list of electors for the appropriate urban polling division to each elector whose name appears on such list of electors. The Chief Electoral Officer shall have power

(a) where two or more electors having the same surname (in this subsection called "group of electors") reside in one dwelling place, one copy of such list shall be sent to one of the electors of such group and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of such group; 5

(b) where two or more groups of electors, each group having a different surname, reside in one dwelling place, one copy of such list shall be sent to one of the electors of each of such groups and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of each such group; and 10

(c) in the case of any other dwelling place and in the case of any hotel, hospital, university, college or other institution, one copy of such list shall be sent to each elector residing therein; 15

and such lists shall be enclosed in sealed envelopes and shall be entitled to pass through the mails free of postage. 20

Copies of preliminary lists to Chief Electoral Officer.

"(8) The returning officer shall, forthwith after the preliminary lists for the urban and rural polling divisions comprised in his electoral district have been printed, transmit to the Chief Electoral Officer thirty copies of such preliminary lists. 25

Receipt and disposal of copies of statement of changes and additions.

"(9) The returning officer shall, upon receipt of the two certified copies of the statement of changes and additions for each urban polling division comprised in the revising officer's revisal district, pursuant to Rule (42) of Schedule A to this section, and of the five certified copies of the statement of changes and additions from the enumerator of each rural polling division, pursuant to Rule (20) of Schedule B to this section, keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours; the returning officer shall immediately transmit or deliver to each candidate officially nominated at the pending election in the electoral district one copy of the statement of changes and additions received from the enumerator of each rural polling division; the returning officer shall also deliver, in the ballot box, one copy of the statement of changes and additions received from the revising officer or from the rural enumerator, together with the preliminary list, to the appropriate deputy returning officer, for use at the taking of the votes on polling day." 30 35 40

(3) Subsections ten, eleven and twelve of the said section seventeen are repealed. 45

(4) Subsections thirteen, fourteen and fourteen A of the said section seventeen are repealed and the following substituted therefor:—

to decide and he shall so decide upon the best available evidence whether any city has a population of twenty-five thousand or more persons, and whether, for the above mentioned purpose, any urban area adjoins such city. In every other urban area, the returning officer shall send, not later than Saturday, the twenty-third day before polling day, a printed copy of the preliminary list of electors for the appropriate urban polling division to every householder whose name appears on such list and who resides in a dwelling or apartment block situated therein, and to each individual elector whose name appears on such list and who resides in a hotel, rooming-house, hospital, college or other similar institution situated within such polling division. In both cases, such lists shall be enclosed in a sealed envelope which shall be entitled to pass through the mails free of postage. This provision shall apply only to urban polling divisions.

(8) The returning officer shall, forthwith after the lists have been printed, transmit to the Chief Electoral Officer thirty copies of the preliminary list of electors for every rural polling division comprised in his electoral district.

(9) The returning officer shall, upon receipt of the six certified copies of the statement of changes and additions in Form No. 17 from the revising officer for each urban polling division in the revising officer's revisal district, pursuant to *Rule (42)* of Schedule A to this section, and of the five certified copies of the statement of changes and additions in Form No. 23 from the enumerator of each rural polling division, pursuant to *Rule (20)* of Schedule B to this section, immediately transmit or deliver one copy of each, respectively, to each candidate officially nominated at the pending election, and shall keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours until the close of the poll on polling day. In rural polling divisions only, he shall also deliver one copy, together with the preliminary list of electors, to the appropriate deputy returning officer, enclosing the same in the ballot box for use on polling day."

(3) Subsections 10, 11 and 12 are repealed consequential to the changes made in sub-clause (1) of this Clause. The present provisions read as follows:—

"(10) As soon as possible after the duties of the revising officer have been completed, the returning officer shall cause the finally revised lists for urban polling divisions to be re-printed. Such re-prints shall contain all changes and additions made by the revising officer to the preliminary list of electors for such polling division during his sittings, and such finally revised list certified by both the revising officer and the returning officer, as re-printed, shall constitute the official list of electors to be used for the taking of the vote on polling day.

(11) The returning officer shall, forthwith after the finally revised urban lists of electors have been re-printed, transmit to the Chief Electoral Officer thirty copies thereof for every urban polling division comprised in his electoral district.

(12) Immediately after the finally revised urban lists of electors have been re-printed, the returning officer shall furnish twenty copies thereof for every polling division in his electoral district to every candidate officially nominated therein or to his representative."

(4) The amendments to subsections 13, 14 and 14A are consequential to the changes made in sub-clause (1) of this Clause. The present provisions read as follows:—

Official  
lists.

“(13) In urban and rural polling divisions, the preliminary lists and the statements of changes and additions shall together constitute the official lists of electors, to be used for the taking of the votes on polling day.

Issue of  
certificate  
in case of  
omission  
from list.

“(14) If, after the sittings of the revising officer, it is 5  
discovered that the name of an elector, to whom a notice  
in Form No. 7 has been duly issued by the enumerators, has,  
through inadvertence, been left off the official list for an  
urban polling division, the returning officer shall, on an  
application made in person by the elector concerned, upon 10  
the production by such elector of the notice in Form No. 7  
issued to him and signed by the two enumerators, and  
upon ascertaining from the carbon copy contained in the  
enumerators’ record books in his possession that such an  
omission has actually been made, issue to such elector a 15  
certificate in Form No. 18 entitling him to vote at the polling  
station for which his name should have appeared on the  
official list. The returning officer shall, at the same time,  
send a copy of such certificate to the deputy returning  
officer concerned and to each of the candidates officially 20  
nominated at the pending election in the electoral district,  
or to his representative, and the official list of electors shall,  
for all purposes, be deemed to have been amended in accor-  
dance with such certificate. No such certificate shall be  
issued by the returning officer in the case of a name struck 25  
off the printed preliminary lists of electors by the revising  
officer during his sittings for revision.

Issue of  
certificate  
in case of  
name  
omitted by  
revising  
officer.

“(14A) If, after the sittings of the revising officer, it is  
discovered that the name of an elector who has personally  
applied to a revising officer, or on whose behalf a sworn 30  
application has been made by an agent, pursuant to Rule  
(33) of Schedule A to this section, to have his name included  
in the list of electors, and whose application has been duly  
accepted by the revising officer during his sittings for re-  
vision, was thereafter inadvertently left off the official list 35  
of electors, the returning officer shall, on an application  
made in person by the elector concerned, and upon ascer-  
taining from the revising officer’s record sheets in his  
possession that such an omission has actually been made,  
issue to such elector a certificate in Form No. 18A, entitling 40  
him to vote at the polling station for which his name should  
have appeared on the official list; the returning officer shall,  
at the same time, send a copy of such certificate to the  
deputy returning officer concerned and to each of the candi-  
dates officially nominated at the pending election in the 45  
electoral district, or to his representative, and the official  
list of electors shall be deemed for all purposes to have been  
amended in accordance with such certificate.”

"(13) In rural polling divisions, the preliminary lists of electors and the statements of changes and additions, certified by the enumerator, shall together constitute the official list of electors to be used for the taking of the vote on polling day.

(14) If, after the lists have been re-printed, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the finally revised list of electors for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, upon the production by such elector of the notice in Form No. 7 issued to him and signed by the two enumerators, and upon ascertaining from the carbon copies contained in the enumerators' record book in his possession that such an omission has really been made, issue to such elector a certificate in Form No. 18 entitling him to vote at the polling station for which his name should have appeared on the finally revised list. The returning officer shall, at the same time, send a duplicate of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated, or their representatives, and the official list of electors shall, for all purposes, be taken to have been amended in accordance with such certificate. No such certificate shall be issued by the returning officer in the case of a name struck off the printed preliminary lists of electors by the revising officer.

(14A) Whenever, after the list of electors for an urban polling division has been re-printed, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent, pursuant to *Rule (33)* of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the finally revised list of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 18A, entitling him to vote at the polling station for which his name should have appeared on the finally revised list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate."

(5) Subsection sixteen of the said section seventeen is repealed and the following substituted therefor:—

Urban lists  
alpha-  
betically  
arranged in  
some cases.

“(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of five thousand or more, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act.”

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

Penalty for  
obstructing  
enumerator in  
performance  
of duties.

“(19) Every person who impedes or obstructs an enumerator in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine of not less than ten dollars and not more than fifty dollars.”

(7) Schedule A to the said section seventeen is amended by repealing paragraph (b) of Rule three thereof, and substituting the following therefor:—

“(b) in an electoral district returning two members and in an electoral district, the urban areas of which have been altered since the last preceding election, and in an electoral district where at the last preceding election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause (a) of this Rule is not available to nominate enumerators or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate urban enumerators, and then proceed with the appointment of such enumerators as above directed.”

(8) Rule thirty-three of Schedule A to the said section seventeen is repealed and the following substituted therefor:

“Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at any



(5). This amendment is consequential to the change made in Clause 5. The present provision reads as follows:—

“(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of three thousand five hundred or more persons, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act.”

(6). New. Self-explanatory.

(7). The underlined words are added for clarification.

(8). Heretofore, the agent submitting to a revising officer an application for registration on behalf of an elector, had to be a duly qualified elector of that revising officer's revisal district. This amendment will allow an agent to act as such, as long as he is a duly qualified elector in the electoral district in which the revising officer's revisal district is situated. The underlined words are added.

sitting for revision held by him, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's 5  
revisal district is situated, a sworn application of that elector in Form No. 15, exhibiting an application in Form No. 16, signed by the person who desires to be registered as an elector. If such person is then temporarily absent from the place of his ordinary residence, a sworn application may 10  
be made in the alternative Form No. 16 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising 15  
officer's record sheets as an accepted application for registration on the official list of electors for the polling division wherein such person ordinarily resides. The two applications shall be printed on the same sheet and shall be kept attached." 20

(9) Rule thirty-seven of Schedule A to the said section seventeen is repealed and the following substituted therefor:

"*Rule (37)*. Whenever the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act." 25

(10) Rule forty of Schedule A to the said section seventeen is repealed.

(11) Rules forty-one and forty-two of Schedule A to the said section seventeen are repealed and the following substituted therefor:— 30

"*Rule (41)*. The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at 35  
the pending election in the electoral district and two copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any 40  
polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the

(9). This amendment is consequential to the changes made in Clause 8 (1) and (8). The present provision reads as follows:—

“*Rule (37)*. Whenever the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act. Whenever it is deemed necessary, each revising officer may, with the prior approval of the returning officer, appoint a person as a clerical assistant for not more than three days, preferably after his sittings for revision.”

(10). *Rule (40)* is repealed consequential to the changes made in sub-clause (1) of this Clause. The present provision reads as follows:—

“*Rule (40)*. Immediately after the conclusion of his sittings for revision and at the latest on Monday, the fourteenth day before polling day, the revising officer shall prepare for re-printing the list of electors for each polling division comprised in his revisal district, by making the necessary corrections by writing with ink upon one of the printed preliminary lists of electors supplied to him. The revising officer shall consign every entry in his record sheets to its appropriate place on each list. The names added to the list shall be written on the border of the list opposite where such names would have appeared if the electors had been registered in the first place by the enumerators and where such names should be inserted in the re-printing of the finally revised list. Every correction in the name, address, or occupation shall be made in the same manner and as legibly as possible. In the case of a name struck off, the revising officer shall draw a line through the entry. All changes made in the list for every polling division shall correspond to the statement of changes and additions prescribed in the next following *Rule*. The preliminary list for each polling division so corrected shall be re-printed by the returning officer as prescribed in subsection ten of section seventeen of this Act.”

(11). The amendments to *Rules (41)* and *(42)* are consequential to the changes made in sub-clause (1) of this Clause. The present provisions read as follows:—

“*Rule (41)*. The revising officer shall, immediately after the conclusion of his sittings for revision, and not later than Monday, the fourteenth day before polling day, prepare from his record sheets at least six copies of the statement of changes and additions for each polling division comprised in his revisal district, and shall complete the certificate printed at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word “Nil” in the three spaces provided for the various entries on the prescribed form, and completing the said form in every other respect.

three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

“*Rule (42)*. Upon the completion of the foregoing requirements, and not later than Thursday, the eleventh day 5 before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the two copies, of the statement of changes and additions for each polling division comprised in his 10 revisal district, certified by the revising officer pursuant to *Rule (41)* of Schedule A to this section; in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.” 20

(12) Rule forty-three of Schedule A to the said section seventeen is repealed.

9. (1) Subsection one of section twenty of the said Act is amended by adding thereto the following paragraph:—

Members of  
Council of  
Northwest  
Territories.

“(g) every person who is a member of the Council of the 25 Northwest Territories—during the time he is such member.”

(2) Paragraph (a) of subsection two of the said section twenty is repealed and the following substituted therefor:—

Ministers  
of the Crown,  
etc.

“(a) a member of the King’s Privy Council for Canada 30 holding the recognized position of First Minister, any person holding the office of President of the King’s Privy Council for Canada or of Solicitor-General, or any member of the King’s Privy Council for Canada holding the office of a minister of the Crown;” 35

(3) Paragraph (b) of subsection two of the said section twenty is repealed and the following substituted therefor:—

Member of  
His  
Majesty’s  
Forces.

“(b) a member of His Majesty’s Forces while he is on active service as a consequence of war;”

(4) Paragraph (f) of subsection two of the said section 40 twenty is repealed and the following substituted therefor:—

Member of  
reserve  
forces of  
Canadian  
Forces.

“(f) a member of the reserve forces of the Canadian Forces who is not on full-time service other than active service as a consequence of war.”

(5) Subsection three of the said section twenty is repealed 45 and the following substituted therefor:—

Effect of  
election of  
ineligible  
person.

“(3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void.”

*Rule (42)*. Upon completing the foregoing requirements, and not later than Monday, the fourteenth day before polling day, the revising officer shall deliver or transmit to the returning officer the corrected copy of the preliminary list, the six copies of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to the next preceding *Rule*, together with the revising officer's record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

(12). *Rule (43)* is repealed consequential to the changes made in sub-clause (1) of this Clause. The present provision reads as follows:—

"*Rule (43)*. As soon as possible after receipt of the printer's proofs of the finally revised lists of electors from the returning officer it shall be the duty of the revising officer to read and examine the same in order to ascertain that they conform to the changes made during the sittings for revision. When duly certified by both the revising officer and the returning officer and re-printed, such finally revised lists of electors shall constitute the official lists of electors to be used for the taking of the vote at the pending election."

*Clause 9*. (1). New. This amendment will render a member of the Council of the Northwest Territories ineligible as a candidate at an election.

(2) This amendment changes the terminology only. The present provision reads as follows:—

"(a) the member of the King's Privy Council holding the recognized position of Prime Minister or any person holding the office of President of the Privy Council, Secretary of State for External Affairs, Minister of Justice, Minister of Finance, Minister of Mines and Resources, Minister of Public Works, Postmaster General, Minister of Trade and Commerce, Secretary of State of Canada, Minister of National Defence, Minister of National Health and Welfare, Minister of National Revenue, Minister of Fisheries, Minister of Labour, Minister of Transport, Minister of Agriculture, Minister of Reconstruction and Supply, Minister of Veterans Affairs, Solicitor-General, Parliamentary Secretary, or Parliamentary Under Secretary, or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown;"

(3) and (4). These amendments will make paragraphs (b) and (f) conform to the terminology of *The National Defence Act*. The present provisions read as follows:—

"(b) any person serving in the naval, military or air forces of Canada, or in any other of the naval or military forces of the Crown, while such forces are on active service in consequence of any war, and receiving salary, pay or allowance as a member of such forces while on such active service;"

"(f) an officer of the militia or militiaman, not receiving any salary or emolument out of the public money of Canada, except his daily pay when called out for drill or active service, or annual or other allowances of any kind, prescribed by the *Militia Act*, or fixed or prescribed by the Governor in Council under the provisions of the *Militia Act*, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction."

(5) This amendment takes away from the returning officer the right of declaring elected the candidate who at an election obtained the second largest number of votes, when the candidate who obtained the largest number of votes at such election is a member of a provincial legislature. The present provision reads as follows:—

"(3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void, and if such candidate is a member of the legislature of any province and receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible."

**10.** (1) Subsection two of section twenty-three of the said Act is repealed and the following substituted therefor:—

Notice and proclamation of new nomination and polling days.

“(2) Notice of the new day fixed for the nomination of candidates, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as specified in section eighteen of this Act, and there shall also be named by such proclamation a new day for polling, which shall, in the electoral districts specified in Schedule Four to this Act, be Monday the twenty-eighth day after the new day fixed for the nomination of candidates, and, in all other electoral districts, be Monday, the fourteenth day after the new day fixed for the nomination of candidates.”

**11.** (1) Subsection four of section thirty-three of the said Act is repealed and the following substituted therefor:—

Dividing lists for urban polling stations.

“(4) If the polling division is urban, the returning officer shall divide the preliminary list into as many separate lists as are required for the taking of the votes at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector registered on the preliminary list so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on.”

(2) Subsection seven of the said section thirty-three is repealed and the following substituted therefor:—

Special statements of changes and additions prepared by returning officer.

“(7) For any polling division for which the list of electors is divided, pursuant to the provisions of this section, the returning officer shall prepare from the statement of changes and additions as certified by the rural enumerator or by the revising officer, special statements of changes and additions, in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allocated in such special statement of changes and additions to the polling station to which it belongs. If no changes have been made in the preliminary list for any such polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word “Nil” in the three spaces provided for the various entries on the said form, and by completing the

*Clause 10.* This amendment will make subsection 2 conform to the provisions of section 21 (3) of the Act. The present provision reads as follows:—

“(2) Notice of the day fixed, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as specified in section eighteen of this Act, and there shall also be named by such proclamation a new day for polling which shall, in the electoral districts specified in Schedule Three to this Act, be Monday the fourteenth day after the day fixed for the nomination, and, in all other electoral districts, be Monday, the seventh day after the date fixed for the nomination.”

*Clause 11.* (1). This amendment is consequential to the changes made in Clause 8 (1). The present provision reads as follows:—

“(4) If the polling division is urban, the returning officer shall divide the re-printed official list of electors into as many separate lists as are required for the taking of the vote at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector on the official list of electors so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on.”

(2) This amendment is consequential to the changes made in Clause 8 (1). The present provision reads as follows:—

“(7) For any rural polling division for which the list of electors is divided, pursuant to the provisions of this section, the returning officer shall prepare from the statement of changes and additions in Form No. 23 as certified by the rural enumerator, special statements of the said changes and additions, in alphabetical order, and in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allocated in such special statement of changes and additions to the polling station to which it belongs. If no changes or additions have been made by the enumerator in the preliminary list for any such polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word “Nil” on the three blank spaces provided for the various entries on the said form, and completing the form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list of electors, together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list of electors to be used for the taking of the vote on polling day at such deputy returning officer’s polling station.”

form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list of electors, 5 together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list of electors to be used for the taking of the votes on polling day at such deputy returning officer's polling station." 10

(3) Subsection nine of the said section thirty-three is repealed and the following substituted therefor:—

Where urban electors vote.

"(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four, five and seven of this section, shall vote, 15 if at all, at the polling station to which such part of the list applies, and not otherwise."

**12.** (1) Subsection four of section thirty-four of the said Act is repealed and the following substituted therefor:—

Agents may absent themselves from poll.

"(4) Agents of candidates or electors representing 20 candidates may absent themselves from and return to the polling station at any time before one hour previous to the close of the poll."

**13.** (1) Subsection one of section forty-three of the said Act is repealed and the following substituted therefor:— 25

Issue of transfer certificates to agents of candidates.

"**43.** (1) At any time between the close of nominations and not later than ten o'clock in the evening of the Saturday immediately preceding polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially 30 nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 40 entitling him to vote at the latter 35 polling station."

(2) Subsection four of the said section forty-three is repealed and the following substituted therefor:—

Transfer certificates for deputy returning officer, poll clerk, and election clerk.

"(4) The returning officer or the election clerk may also 40 at any time issue a transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk for any polling station established in the electoral district other than that at which such person is entitled to 45



(3) This amendment is consequential to the changes made in Clause 8 (1). The present provision reads as follows:—

“(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four and five of this section, shall vote, if at all, in the polling station to which has been allotted such part of the list as contains his name, and not otherwise.”

*Clause 12.* This amendment will enable candidates' agents to leave the polling station without the permission of the deputy returning officer. The present provision reads as follows:—

“(4) Agents of candidates or electors representing candidates may, with the permission of the deputy returning officer, absent themselves from and return to the polling station at any time before one hour previous to the close of the poll.”

*Clause 13. (1).* This amendment is to provide the returning officer with sufficient time to deliver to the deputy returning officers concerned the duplicates of transfer certificates issued to candidates' agents. The present provision reads as follows:—

“43. (1) At any time between the close of nominations and the opening of the poll on polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 40 entitling him to vote at the latter polling station.”

(2) Clarification only—the underlined words are added.

vote; the returning officer may also issue a transfer certificate to his election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated."

**14.** (1) Section forty-five of the said Act is amended by adding thereto the following subsection:—

Voting by qualified elector who is a bedridden patient in a sanatorium, etc.

"(14) Whenever a polling station has been established in a sanatorium, a chronic hospital, or similar institution for the care and treatment of tuberculosis or other chronic diseases, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors; the procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such votes; the deputy returning officer shall give such patients any assistance which may be necessary in accordance with subsections seven and eight of this section."

**15.** (1) Subsections two and three of section fifty-one of the said Act are repealed and the following substituted therefor:—

Opening of ballot boxes and official addition of votes.

"(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation, in Form No. 4, for the official addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are present, shall open such ballot boxes, and from the official statements of the poll therein contained, add the number of votes cast for each candidate.

Attendance of electors in certain cases.

"(3) If, at the official addition of the votes, none of the candidates or their representatives are present, it shall be the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such official addition of the votes has been completed."

*Clause 14.* (1). New. This amendment provides a procedure for the taking of the votes of bedridden patients in a sanatorium, chronic hospital, or similar institutions.

*Clause 15.* (1) and (2). These amendments provide clarification in the procedure to be followed at the official addition of the votes and subsequently at the declaration of the elected candidate. The present provisions read as follows:—

“(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation for the final addition of the votes, and in the presence of the election clerk of and such of the candidates or their representatives as are present, shall open such ballot boxes, and from the statements therein contained, add together the number of votes given for each candidate.

(3) If at the final addition of the votes, none of the candidates or their representatives are present, it shall be the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such final addition of the votes has been completed.”

“(5) The candidate who, on such final addition of the votes, is found to have the largest number of votes, shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his agent, if present at the final addition of the votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered mail.

(6) Whenever on such final addition of votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared elected, the returning officer shall give such additional vote.”

(2) Subsections five and six of the said section fifty-one are repealed and the following substituted therefor:—

Declaration of  
name of  
candidate  
obtaining  
largest num-  
ber of votes.

“(5) The name of the candidate who, on the official addition of the votes, is found to have obtained the largest number of votes, shall then be certified in writing and there shall be delivered to such candidate or his representative a certificate giving the number of votes cast for each candidate, in the form prescribed by the Chief Electoral Officer, and a copy of such certificate shall also be forthwith delivered to any other candidate or his representative, if present at the official addition of the votes, or, if any candidate is neither present nor represented thereat, the certificate shall be forthwith transmitted to such candidate by registered mail. 5 10

Casting vote  
of returning  
officer.

“(6) Whenever, on the official addition of the votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared as having obtained the largest number of votes, the returning officer shall cast such additional vote.” 15 20

**16.** (1) Subsections one and two of section fifty-two of the said Act are repealed and the following substituted therefor:—

Adjournment  
if ballot boxes  
are missing.

“**52.** (1) If the ballot boxes are not all returned on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such official addition of the votes.” 25

Adjournment  
for other  
causes.

“(2) In case the statement of the poll for any polling station cannot be found and the number of votes cast thereat for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes cast for each candidate, he may thereupon adjourn to a future day and hour the official addition of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.” 30 35

(2) Subsection six of the said section fifty-two is repealed and the following substituted therefor:— 40

Declaration of  
name of candi-  
date who has  
obtained  
largest num-  
ber of votes.

“(6) In any case arising under subsections three, four or five, the returning officer shall declare the name of the candidate appearing to have obtained the largest number of votes, and shall mention specially, in a report to 45

Clause 16. (1) and (2). These amendments provide clarification. Consequential to the changes made in Clause 15. The present provisions read as follows:—

"52. (1) If the ballot boxes are not all returned on the day fixed for the final addition of the votes given for the several candidates, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such final addition of the votes.

(2) In case the statement of the poll cannot be found and the number of votes polled for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes given for each candidate, he may thereupon adjourn to a future day and hour the final addition of the votes given for each candidate, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks."

"(6) In any case arising under the last three preceding subsections, the returning officer shall declare elected the candidate appearing to have the largest number of votes, and shall mention specially, in a report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes given for each candidate."

be sent to the Chief Electoral Officer with the return to the writ, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes cast for each candidate." 5

17. (1) Subsections one and two of section fifty-four of the said Act are repealed and the following substituted therefor:—

Application to a judge for recount.

"54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs of the candidate who has obtained the largest number of votes, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes. 10 15 20 25

Meaning of "the judge."

"(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection fifteen of section two of this Act within whose judicial district is situated the place whereat the official addition of the votes was held, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district." 30

(2) Subsection thirteen of the said section fifty-four is repealed and the following substituted therefor:—

Procedure at conclusion of recount.

"(13) At the conclusion of the recount, the judge shall seal all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount, and forthwith certify in writing, in the form prescribed by the Chief Electoral Officer, the result of the recount to the returning officer, who shall, as prescribed in subsection one of section fifty-six of this Act, declare to be elected the candidate who has obtained the largest number of votes; the judge shall deliver a copy of such certificate to each candidate, in the same manner as the prior certificate delivered by the returning officer under subsection five of 35 40 45

*Clause 17.* (1) and (2). These amendments provide clarification. Consequential to the changes made in Clauses 15 and 16. The present provisions read as follows:—

"54. (1) If, within four days after the day on which the returning officer has declared a candidate elected, it is made to appear, on the affidavit of a credible witness, to the judge hereafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of ballots cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada, as security for the costs of the candidate declared elected, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes.

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection fifteen of section two of this Act within whose judicial district is situated the place whereat the declaration of the election was made, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district."

"(13) The judge shall thereupon declare the recount at an end, seal up all the ballot papers in separate packages, and forthwith certify the result of the recount to the returning officer, who shall forthwith in writing declare to be elected the candidate so certified as having the highest number of votes; such declaration shall be communicated to candidates, in the same way as the prior declaration made under subsection five of section fifty-one of this Act, and shall be deemed for all purposes to have been substituted therefor, whether it is the same as such prior declaration or different therefrom."

section fifty-one of this Act; the judge's certificate shall be deemed to be substituted for the certificate previously issued by the returning officer."

**18.** (1) That portion of subsection one of section fifty-six of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:— 5

Return of  
elected  
candidate.

"**56.** (1) The returning officer, immediately after the sixth day next following the date upon which he has completed the official addition of the votes, unless before that time he has received notice that he is required to attend 10 before a judge for the purpose of a recount, and, where there has been a recount, then immediately thereafter, the returning officer shall forthwith declare elected the candidate who has obtained the largest number of votes by completing the return to the writ on the form provided 15 for that purpose on the back of the writ; the returning officer shall then transmit by registered mail the following documents to the Chief Electoral Officer:"

**19.** (1) Subsection one of section ninety-four of the said Act is repealed and the following substituted therefor:— 20

Establish-  
ment of  
advance polls.

"**94.** (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two to this Act for the purpose of taking the votes of such persons as are described in section ninety-five and whose names appear on the list of electors for any 25 polling division of the electoral district in which such places are situated."

(2) Subsection two of the said section ninety-four is repealed.

(3) Subsection four of the said section ninety-four is 30 repealed.

(4) Paragraphs (a) and (b) of subsection five of the said section ninety-four are repealed and the following substituted therefor:—

"(a) if a total of less than fifteen votes is cast at the 35 advance poll held at such place, he shall after the election strike off the name of that place; or

"(b) if he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a 40 population of five hundred or more as determined by the last census taken pursuant to sections sixteen and seventeen of *The Statistics Act*, he may add the name of such place."



*Clause 18.* This amendment provides clarification. Consequential to the changes made in Clauses 15, 16 and 17. The present provision reads as follows:—

“56. (1) The returning officer, immediately after the sixth day next following that upon which he has made the final addition of or ascertained the number of votes given for each candidate, unless before that time he shall have received notice that he is required to attend before a judge for the purposes of a recount by such judge of the votes given at the election, and, where there has been a recount by the judge, immediately thereafter, shall transmit by registered mail to the Chief Electoral Officer:”

*Clause 19.* (1). Heretofore, the persons whose occupations are described in section ninety-five of the Act could only vote at advance polls if their names appeared on the lists of electors prepared for the polling divisions comprised in one of the places mentioned in Schedule Two to the Act. This amendment will allow such persons to vote at any advance poll established in the electoral district, irrespective of what polling division in such electoral district on the list of which their names appear. The present provision reads as follows:—

“94. (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two of this Act for the purpose of receiving the votes of such persons as are described in the next following section of this Act and whose names appear on the list of electors for one of the polling divisions included in such place or any other place mentioned in the said Schedule Two and situated in the same electoral district.”

(2) and (3). In view of the amendments made in sub-clause (1) of this Clause, these subsections are no longer applicable. The present provisions read as follows:—

“(2) When a single advance polling station would conveniently serve the electors resident in two or more of the places mentioned in the said Schedule which are situated in the same electoral district, it shall not be necessary to establish a separate polling station for each of such places.”

“(4) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in Schedule Two of this Act and included in the same electoral district as such place, there resides a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may, at any time before the Friday on which the advance polls are opened, direct that such area shall, for the purpose of this section and of sections ninety-six and ninety-seven of this Act, be deemed and be treated as part of the place which is mentioned in the said Schedule and which it adjoins.”

(4) In subparagraph (a) the only change consists in the words underlined. A new procedure is provided in subparagraph (b) which enables the Chief Electoral Officer to authorize the establishment of an advance poll in any incorporated village, town, or city having a population of 500 or more. The present provisions read as follows:—

- “(a) If a total of less than fifteen votes is polled at the advance polls held within any such place at the election which immediately preceded the amendment, he may strike off the name of that place; or
- (b) If he is advised and believes that a total of fifteen votes will be polled at any place in case an advance poll is established there, he may add the name of that place.”

(5) Subsection ten of the said section ninety-four is repealed and the following substituted therefor:—

Notice in  
Form No. 61

“(10) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall be in Form No. 61; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection eleven.”

(6) Section ninety-four of the said Act is further amended by adding thereto the following subsection:—

To be posted  
up.

“(11) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 61, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance polls on the Saturday immediately preceding the ordinary polling day, and failure to do so shall be ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.”

Postmaster  
election  
officer.

**20.** (1) Paragraph (b) of section ninety-five of the said Act is repealed and the following substituted therefor:—

“(b) to such persons as are members of the reserve forces of the Canadian Forces or to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.”

**21.** (1) Section one hundred and one of the said Act is repealed and the following substituted therefor:—

Political  
broadcasts  
forbidden.

“**101.** (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election; this prohibition only applies to the ordinary polling day and not to the three days on which advance polls are opened.

Definition of  
“broadcast”.

“(2) In this section “broadcast” has the same meaning as “broadcasting” in *The Radio Act, 1938.*”

(5) This amendment provides for an earlier and different method of distribution of the Notice of Holding of Advance Poll. The present provision reads as follows:—

“(10) The returning officer shall, not later than seven days before polling day, give public notice within the place where an advance poll is to be held, of the poll and of the location of the polling station, and such notice shall be in Form No. 61. The returning officer shall cause to be posted up at least two copies of such notice for every thousand of the population residing in such place.”

(6) New. This amendment provides a procedure for the posting up of the “Notice of Holding of Advance Poll” similar to that now provided for in section twenty-five of the Act for the “Notice of Grant of a Poll”.

*Clause 20.* This amendment extends to members of the reserve forces of the Canadian Forces the privilege of voting at advance polls. The present provision reads as follows:—

“(b) to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.”

*Clause 21.* Subsection (1). No change. Subsection (2). New. Clarification only.

**22.** (1) Subsection two of section one hundred and two of the said Act is repealed and the following substituted therefor:—

Posting up of notices, etc.

“(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.”

**23.** (1) Section one hundred and five of the said Act is repealed and the following substituted therefor:—

Penalty for disorderly conduct at public meetings.

“**105.** (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.”

Penalty for conspiracy to cause disorder.

“(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an indictable offence against this Act, punishable as in this Act provided.”

**24.** (1) Section one hundred and seven of the said Act is repealed and the following substituted therefor:—

Premature publication of results forbidden.

“**107.** (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, hand-bill, or in any other manner; any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act.”

Definition of “broadcast”.

“(2) In this section “broadcast” has the same meaning as “broadcasting” in *The Radio Act, 1938.*”

*Clause 22.* The only change consists in the words underlined. Consequential to the changes made in Clause 1. The present provision reads as follows:—

“(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any Dominion or provincial law or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.”

*Clause 23.* These amendments are consequential to the change made in Clause 1. The present provisions read as follows:—

“105. (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of:

(a) discussing Dominion issues, or

(b) promoting the election of a candidate as a member to serve in the House of Commons of Canada;

is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.

(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of:

(a) discussing Dominion issues, or

(b) promoting the election of a candidate as a member to serve in the House of Commons of Canada;

is guilty of an indictable offence against this Act, punishable as in this Act provided.”

*Clause 24.* Subsection (1). No change. Subsection (2). New. Clarification only.

**25.** (1) Section one hundred and ten of the said Act is repealed and the following substituted therefor:—

No amend-  
ment to apply  
to election for  
which writ is  
issued within  
six months,  
except after  
notice.

“**110.** No amendment to this Act shall apply in any election for which the writ is issued within six months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act printed for distribution to returning officers, to correct and re-print all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and re-printed.”

Consolida-  
tion of  
amendments.

**26.** (1) The said Act is further amended by striking out the expression “final addition” wherever it appears therein and substituting therefor in each case the expression “official addition”.

(2) The said Act is further amended by striking out the expressions “British subject” or “British subject by birth or naturalization” wherever they appear therein and substituting therefor in each case the expression “Canadian citizen or other British subject”.

**27.** (1) Forms Nos. 4, 15, 56, 61 and paragraph three of Form 62 of Schedule One to the said Act are repealed and the following forms and paragraph substituted therefor, respectively:—

Clause 25. This amendment is necessary to provide the Chief Electoral Officer with sufficient time to perform the necessary duties and to make the necessary preparations that amendments to *The Canada Elections Act* entail. The period of time is extended from three to six months. The only change consists in the word underlined.

Clause 26. (1). New. This provision is consequential to the changes made in Clauses 15, 16, 17 and 18.

(2) New. Self-explanatory.

Clause 27. Form No. 4. Consequential to the changes made in Clauses 1, 15, 16, 17 and 18. The present form reads as follows:—

## FORM No. 4.

## PROCLAMATION. (Sec. 18)

Electoral district of..... }  
 Province of..... } To wit:

Pursuant to His Majesty's writ bearing date the..... day of....., 19....., I am commanded to cause an election to be held according to law of a member (or two members) to serve in the House of Commons of Canada for the above mentioned electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations of candidates at such election and shall attend specially to receive such nominations at (*describe the place at which the returning officer will attend to receive nominations*), in the town (or city or village) of....., on the (*insert the date fixed as nomination day*) day of....., 19....., from noon until two o'clock in the afternoon, after which said last mentioned hour no further nominations of candidates will be received.

And that in case a poll is demanded and granted in the manner by law prescribed, such poll will be held on the (*insert the date fixed as polling day*) day of....., 19....., between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, at places of which I shall subsequently give notice.

And that in case a poll is held, I shall at..... o'clock in the..... noon, on the (*insert the date fixed for the official addition of the votes*) day of....., 19..., at (*describe the place at which the votes will be officially added up*), in the town (or city or village) of....., open the ballot boxes, add up the votes reported in the statements of the poll as having been cast for the several candidates, and declare the name of the candidate who has obtained the largest number of such votes.

And that (*the wording of this paragraph will be altered to suit the circumstances*) the territory comprised in the city (or town, or as the case may be) of..... will be urban polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule A to section seventeen of *The Canada Elections Act*, and that the territory comprised in the remainder of the electoral district will be rural polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule B to the said section seventeen.

And that I have established my office for the conduct of the above mentioned election at (*describe location of the returning officer's office*).

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at..... this..... day of....., 19.....

(*Print name of returning officer*)  
 Returning officer.



"FORM No. 4

PROCLAMATION. (Sec. 18)

Electoral district of ..... } To wit:  
Province of .....

Pursuant to His Majesty's writ bearing date the ..... day of ....., 19....., I am commanded to cause election to be made according to law of a member (or two members) to serve in the House of Commons of Canada for this electoral district, and I accordingly give public notice:

That I am now prepared to receive nominations of candidates at such election and shall attend specially to receive such nominations at (describe the place at which the returning officer will attend to receive nominations), in the town (or city or village) of ....., on (insert day and date of nomination day) the ..... day of ....., 19....., from noon until two o'clock in the afternoon, after which said last mentioned hour no further nominations of candidates will be received.

And that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be held on the ..... day of ....., 19....., between the hours of eight o'clock in the forenoon and six o'clock in the afternoon at places of which I shall subsequently give notice.

And that in case a poll is held, I shall at ..... o'clock in the ..... noon, on the (insert the earliest date at which the return of all the ballot boxes may be expected) day of ....., 19....., at (describe the place at which the votes are to be finally added up), in the town (or city or village) of ....., open the ballot boxes, add up the votes given for the several candidates, and declare elected the candidate having the majority of votes.

And that (the returning officer will alter the wording of this paragraph to suit the circumstances) the territory comprised within the city (or town, or as the case may be) of ..... will be urban polling divisions for which the lists of electors will be prepared and revised under the rules set forth in Schedule A to section seventeen of The Dominion Elections Act, 1938, and that the polling divisions in the remainder of the electoral district will be rural polling divisions, for which the lists of electors will be prepared and revised under the rules set forth in Schedule B to the said section seventeen.

And that I have established my office as returning officer for the electoral district at (giving the location of the returning officer's office).

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at ..... in the above mentioned electoral district, this ..... day of ....., 19.....

(Print name of returning officer)  
Returning officer."

FORM No. 15

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR  
(Sec. 17, Sched. A, Rule 33)

Electoral district of .....  
To the Revising officer for Revisal district No. .... comprised  
in the above mentioned electoral district.

I, the undersigned, (*insert name, address, and occupation of agent*), do  
swear (or solemnly affirm):

1. That I am a qualified elector of the above mentioned electoral  
district, and that my name properly appears on the preliminary list of  
electors for urban polling division No. .... of the said electoral  
district;

2. That pursuant to the provisions of Rule (33) of Schedule A to  
section seventeen of The Canada Elections Act, I hereby apply for the  
registration of the name of (*insert full name, address, and occupation,*  
*in capital letters, with family name first, of the person on whose behalf the*  
*application is made*) on the official list of electors for urban polling  
division No. .... comprised in the above mentioned revisal  
district;

3. That the name, address, and occupation of the person on whose  
behalf this application is made, as set forth in the annexed application  
in Form No. 16, are, to the best of my knowledge and belief, correctly  
stated;

4. That the said annexed application in Form No. 16 is signed in the  
handwriting of the person on whose behalf this application is made (or,  
owing to his temporary absence from the place of his ordinary residence,  
the alternative application printed on the back of the said Form No.  
16 has been duly sworn (or affirmed) by a relative by blood or marriage  
or the employer of such person).

SWORN (or affirmed) before me at  
.....  
this ..... day of ....., 19... } .....  
..... } (*Signature of deponent*)  
..... }  
*Revising officer*  
(*or as the case may be*)

Form No. 56

RETURN TO THE WRIT AFTER A POLL HAS BEEN TAKEN. (Sec. 56)

I hereby certify that the member (or members) elected for the electoral  
district of ....., in pursuance of the within  
writ, as having received the largest number of the votes lawfully cast,  
is (*insert name, address, and occupation of member or members elected,*  
*as stated in the heading of the nomination paper*).

Dated at ....., this .....  
day of ....., 19.....

.....  
*Returning officer.*

Form No. 15. Consequential to the changes made in Clauses 1 and 8 (8). The present form reads as follows:—

FORM No. 15

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR (Sec. 17, Sched. A, Rule 33)

Electoral district of.....

To the Revising officer for Revisal district No..... in the above mentioned electoral district;

I, the undersigned,..... (insert name of agent) (insert address) (insert occupation) make oath and say:

1. That I am a qualified elector of the above mentioned revisal district and my name properly appears on the list of electors for polling division No..... thereof;

2. That pursuant to the provisions of Rule (33) of Schedule A to section seventeen of The Dominion Elections Act, 1938, I hereby apply for registration of the name of (here insert full name, address, and occupation, in capital letters, with family name first, of the person on whose behalf the application is made) on the official list of electors for polling division No..... comprised in the above mentioned revisal district;

3. That the name, address, and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 16 are, to the best of my knowledge and belief, correctly stated;

4. That the said annexed application in Form No. 16 is signed in the handwriting of the person on whose behalf this application is made (or, owing to his temporary absence from his ordinary place of residence, the alternative application printed on the back of the said Form No. 16 has been duly sworn (or affirmed) by a relative by blood or marriage or employer of such person).

Sworn (or affirmed) before me at

.....

this..... day of....., 19.....

..... Revising officer (or as the case may be)

..... (Signature of deponent)

Form No. 56. Consequential to the changes made in Clauses 15, 16, 17 and 18. The present form reads as follows:—

FORM No. 56

RETURN AFTER A POLL HAS BEEN TAKEN. (Sec. 56)

I hereby certify that the member (or members) elected for the electoral district of....., in pursuance of the within writ, as having received the majority of votes lawfully given, is (insert name, address, and occupation of member or members elected, as stated in the nomination paper).

Dated at....., this..... day of..... 19.....

..... Returning officer.

## FORM No. 61.

## NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (10))

Electoral District of.....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of The Canada Elections Act, an advance poll will be opened in the above mentioned electoral district at the town }  
 city } of.....  
 village }

(Specify in capital letters the name of the place at which an advance poll is authorized to be established) at (Specify in capital letters the exact location of the advance polling station established at such place; one will be sufficient, and continue by specifying any other places, if any, at which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday, and Saturday, the....., ....., and..... days of....., 19....., being the three week days immediately preceding the date fixed as the ordinary polling day at the pending election in the above mentioned electoral district, and that an elector whose name appears on the list of electors for any polling division in the said electoral district, and who is entitled to the privilege of voting at an advance poll, may vote in advance of the said ordinary polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

- (a) such persons as are employed as commercial travellers as defined in subsection four of section two of The Canada Elections Act, or such persons as are employed as fishermen as defined in subsection 12A of the said section two, or such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears; and

Form No. 61. Consequential to the changes made in Clauses 19 and 20. The present form reads as follows:—

“FORM NO. 61

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (10) )

Electoral district of.....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of *The Dominion Elections Act, 1938*, (an) advance poll(s) will be opened in the above mentioned electoral district for the town of.....  
city  
village

(Here particularly specify in capital letters the name of the place at which an advance poll is authorized to be established) at (Here specify in capital letters the exact location of the polling station established for such place; one will be sufficient), and continue by specifying any other places for which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station(s) will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday, and Saturday, the....., and..... days of....., 19....., being the three week days immediately preceding the day fixed for the poll at the pending Dominion election in the above mentioned electoral district, and that any elector of this electoral district whose name appears on the list of electors for one of the polling divisions comprised in any place mentioned in Schedule Two to *The Dominion Elections Act, 1938*, and situated in the above mentioned electoral district, and who is entitled to the privilege of voting at an advance poll, may vote in advance of polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

- (a) such persons as are employed as commercial travellers as defined in subsection four of section two of *The Dominion Elections Act, 1938*, or such persons as are employed as fishermen as defined in subsection 12A of the said section two, or such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears; and

(b) such persons as are members of the reserve forces of the Canadian Forces or such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

And further take notice that advance poll certificates can be obtained only from the returning officer and the election clerk for the above mentioned electoral district. (Whenever a specially deputized person has been appointed, the following sentence will be added to this paragraph): Advance poll certificates may also be obtained from (insert name and address), who has been specially deputized to issue such certificates.

And further take notice that the office of the undersigned which has been established for the conduct of the pending election, is located

at.....in the town  
city of.....  
village

Dated at....., this.....  
 day of....., 19.....

(*Print name of returning officer*)  
*Returning officer.*

Form No. 62

“(3) That he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on such polling day in, the undermentioned polling division on the list of electors for which his name appears, or that he is a member of the reserve forces of the Canadian Forces or that he is a member of the Royal Canadian Mounted Police Force and that, on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on such polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list of electors for which his name appears, and”

(b) such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

And further take notice that advance poll certificates can be had only from the returning officer, the election clerk, or from Mr.....  
(Insert name and address)  
who has been specially deputized by the returning officer to issue such certificates.

And further take notice that the office of the undersigned is at.....  
city  
in the town of.....  
village  
Dated at....., this.....day of....., 19.....

(Name of returning officer to be printed.)  
Returning Officer for the above mentioned Electoral District.

Paragraph three of Form No. 62. Consequential to the change made in Clause 20. The present paragraph reads as follows:—

“(3) That he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on such polling day in, the undermentioned polling division on the list of electors for which his name appears, or that he is a member of the Royal Canadian Mounted Police Force and that, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on such polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list of electors for which his name appears, and”

- 28.** (1) The said Act is further amended
- (a) by striking out the expression "The Canadian Defence Service Voting Regulations" wherever it appears therein and substituting therefor in each case the expression "The Canadian Forces Voting Regulations", 5
- (b) by striking out the expression "Defence Service electors" wherever it appears therein and substituting therefor in each case the expression "Canadian Forces electors", and
- (c) by striking out the word "Military" wherever it 10 appears therein and substituting therefor in each case the word "Army".

**29.** (1) The expression "The Canadian Defence Service Voting Regulations" immediately following the heading "Schedule Three" in the said Act is repealed and the 15 expression "The Canadian Forces Voting Regulations" substituted therefor.

(2) Paragraph one of the said Regulations is repealed and the following substituted therefor:—

Short title.

"**1.** These Regulations may be cited as *The Canadian 20 Forces Voting Regulations.*"

**30.** (1) Clause (e) of paragraph four of the said Regulations is repealed and the following substituted therefor:—

"Deputy returning officer."

"(e) "deputy returning officer" means a Canadian Forces elector who has been designated by a commanding 25 officer to take the votes of Canadian Forces electors, pursuant to paragraph 30;"

(2) Clause (f) of the said paragraph four is repealed.

(3) Clause (p) of the said paragraph four is repealed and the following substituted therefor:— 30

"Unit".

"(p) "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section eighteen of *The National Defence Act*;"

(4) Clause (r) of the said paragraph four is repealed and the following substituted therefor:— 35

"Voting territory."

"(r) "voting territory" means a specified area where a special returning officer shall be stationed and where the votes of Canadian Forces electors and Veteran electors shall be taken, received, sorted, and counted, as prescribed in these Regulations." 40

**31.** (1) Clause (b) of subparagraph one of paragraph five of the said Regulations is repealed and the following substituted therefor:—

Nova Scotia,  
New Brunswick,  
Prince Edward  
Island, and  
Newfound-  
land.

"(b) the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland shall consti- 45 tute a voting territory, with the headquarters of the special returning officer located at Halifax;"



Clause 28. (a) and (b). The Naval, Army and Air Forces of His Majesty raised by Canada are constituted as the Canadian Forces by the *National Defence Act*. (c) The word "Military" where it appears in the Act or Regulations refers to the Canadian Army. Under the *National Defence Act* the word "Army" is now used when referring to the Canadian Army.

Clause 29. (1) and (2). The Naval, Army and Air Forces of His Majesty raised by Canada are constituted as the Canadian Forces by the *National Defence Act*. The present provision of paragraph 1 reads as follows:—

"1. These Regulations may be cited as *The Canadian Defence Service Voting Regulations*."

Clause 30. (1). The definition is made necessary by the provisions of the amendment in Clause 38. The present provision reads as follows:—

"(e) "commissioned officer" means the commissioned officer designated by the commanding officer, pursuant to paragraph 30, to take the votes of Defence Service electors; and includes a person of or above non-commissioned officer status designated by the commanding officer for that purpose where a commissioned officer is not available;"

(2) In view of the modifications made in Clause 34, this provision is no longer applicable. The present provision reads as follows:—

"(f) "Defence Service" means engagement in any of the services or duties referred to in subparagraph one of paragraph 21;"

(3) This amendment is suggested in order that the definition conform to that contained in the *National Defence Act*. The present provision reads as follows:—

"(p) "unit" means a formation, unit, detachment, ship, or establishment to which Defence Service electors are posted or attached for the time being;"

(4) This amendment is necessary in view of the modifications made in Clause 31 (3). The present provision reads as follows:—

"(r) "voting territory" means a specified area, within Canada, where a special returning officer shall be stationed and where the votes of Defence Service electors and Veteran electors shall be taken, received, sorted, and counted, as prescribed in these Regulations."

Clause 31. (1). The purpose of this amendment is to include the province of Newfoundland in the Atlantic voting territory. The present provision reads as follows:—

"(b) the provinces of Nova Scotia, New Brunswick, and Prince Edward Island shall constitute a voting territory, with the headquarters of the special returning officer located at Halifax; and"

Outside  
of Canada.

(2) Subparagraph one of the said paragraph five is further amended by adding thereto the following clause:—

“(d) a voting territory established by the Chief Electoral Officer pursuant to subparagraph three with the headquarters of the special returning officer located at a place to be determined by the Chief Electoral Officer.” 5

(3) The said paragraph five is further amended by adding thereto the following subparagraph:—

Establishment by  
Chief Electoral Officer  
of voting  
territory  
outside of  
Canada.

“(3) If, at the time of a general election, there is a substantial number of Canadian Forces electors, as defined in paragraph 21, serving outside of Canada, and the taking, receiving, sorting, and counting of the votes of such electors cannot be efficiently superintended from one of the voting territories mentioned in subparagraph one, the Chief Electoral Officer may, notwithstanding anything in these Regulations, establish a voting territory in the area where such Canadian Forces electors are serving.” 10 15

**32.** (1) Paragraph eleven and subparagraph (f) of paragraph thirteen of the said Regulations are repealed.

**33.** (1) Paragraph nineteen of the said Regulations is repealed and the following substituted therefor:—

Special  
procedure  
in electoral  
district  
returning  
two members.

“**19.** Each Canadian Forces elector and Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case the Canadian Forces elector and Veteran elector may vote for two candidates on the same ballot paper.” 25

**34.** (1) Paragraph twenty-one of the said Regulations is repealed and the following substituted therefor:—

Qualifica-  
tions of  
Canadian  
Forces  
elector.

“**21.** (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Regulations, while he or she

(a) is a member of the regular forces of the Canadian Forces; or 35

(b) is a member of the reserve forces of the Canadian Forces and is on full-time training or service, or on active service; or

(c) is a member of the active service forces of the Canadian Forces. 40

Exception.

“(2) Notwithstanding anything in these Regulations, any person who, on or subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under subparagraph one, shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Regulations.” 45

(2) New. This amendment provides for the appointment of a special returning officer in a voting territory established pursuant to the provisions of sub-clause (3) of this Clause.

(3) New. If substantial numbers of Canadian Forces electors are serving outside of Canada, it may not be either practicable or possible to superintend from one of the voting territories in Canada the taking of their votes. This amendment would authorize the Chief Electoral Officer to establish a voting territory outside of Canada in the locality where such Canadian Forces electors are serving.

*Clause 32.* Experience has shown that the preparation of an alphabetical list of all Canadian Forces electors by the special returning officer serves no useful purpose. The deletion of paragraph 11 and subparagraph (f) of paragraph 13 does not affect the provisions of paragraph 27 of the Regulations, which requires that each Commanding Officer forward a list of Canadian Forces electors attached to his unit to the special returning officer. The present provisions read as follows:—

"11. Forthwith upon receipt of the lists of names, ranks, and numbers of Defence Service electors furnished pursuant to paragraph 27, the special returning officer shall cause to be prepared a complete alphabetical list of all the names of Defence Service electors included in such lists."

"(f) cause to be prepared an alphabetical list of all the names of Defence Service electors appearing on the lists received from the liaison officers, as prescribed in paragraph 11;"

*Clause 33.* This amendment will make the provisions in the Regulations relating to electoral districts returning two members conform to those in the Act which do not single out such electoral districts by name. This amendment also provides that, in such electoral districts, a Canadian Forces elector may vote for two candidates on the same ballot paper. The present provision reads as follows:—

"19. Each Defence Service elector and Veteran elector shall vote only for one candidate, unless he is qualified to vote in the electoral district of Halifax in the province of Nova Scotia or in the electoral district of Queens in the Province of Prince Edward Island, both of which return two members to serve in the House of Commons; in the case only of the said electoral districts of Halifax and Queens, the Defence Service electors and the Veteran electors may vote for two candidates."

*Clause 34.* (1). The purpose of this amendment is to make the Regulations conform to the constitution of the Canadian Forces as set out in the *National Defence Act*. The amendment in subparagraph (2) waives the age qualification in respect of members of the Canadian Forces who have served on active service on or subsequent to the 9th of September, 1950. The present provisions read as follows:—

"21. (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a British subject by birth or naturalization, shall be deemed to be a Defence Service elector and qualified to vote under the procedure set forth in these Regulations, if he or she

**35.** (1) Paragraph twenty-three of the said Regulations is repealed and the following substituted therefor:—

Ordinary residence of member of Canadian Forces.

“**23.** (1) For the purpose of these Regulations, the place of ordinary residence of a member of the Canadian Forces shall be deemed to be the place of ordinary residence required to be shown by him or her in the statements provided for in this paragraph. 5

Ordinary residence of member of regular forces.

“(2) After the date of the coming into force of this paragraph, every member of the regular forces of the Canadian Forces shall within three months complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 15, in which he or she shall show as his or her place of ordinary residence 10

(a) the city, town, village, or other place in Canada, with street address, if any, in which was situated, at the time of the coming into force of this paragraph, the residence of a person who is the wife, dependent, relative or next of kin of such member; or 15

(b) the city, town, village, or other place in Canada, with street address, if any, where such member was residing as a result of the services performed by him or her in such forces, at the time of the coming into force of this paragraph; or, 20

(c) the city, town, village, or other place in Canada, with street address, if any, in which was situated his or her place of ordinary residence prior to enrolment; 25

but where none of the foregoing clauses (a), (b) or (c) is applicable to a member of the regular forces, the place of ordinary residence to be shown shall be the city, town, village, or other place in Canada, with street address, if any, where such member resided as a result of the services performed by him or her in such forces immediately prior to being appointed, posted, or drafted for service outside of Canada, including service in a ship. 30

Ordinary residence on enrolment in regular forces.

“(3) After the date of the coming into force of this paragraph, 35

(a) every person shall, forthwith upon his or her enrolment in the regular forces of the Canadian Forces, complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, village, or other place in Canada, in which was situated his or her place of ordinary residence immediately prior to enrolment; 40

(b) a person, not having a place of ordinary residence in Canada immediately prior to enrolment in the regular forces of the Canadian Forces, shall complete, as soon as one or more of the provisions of subparagraph 2 become applicable to his or her circumstances, a statement of ordinary residence, in Form No. 15, before a commissioned officer. 45 50

- (a) is a member of the Royal Canadian Navy other than those on the retired list; or
- (b) is a member of the Royal Canadian Navy (Reserve) who is performing (i) periodic training; (ii) voluntary service; (iii) special naval duty; or
- (c) is a member of the Canadian Army Active Force; or
- (d) is a member of the Canadian Army Reserve Force, and is absent from the place of his or her ordinary residence while undergoing training at a duly authorized training camp or school established for full-time courses, including any person who, being a member of a Reserve unit or formation of the Canadian Army Reserve Force, has been called up on service by the Minister of National Defence, but only with respect to the period during which such person is in receipt of compensation in consequence of his or her having been so called up; or
- (e) is a member of the Royal Canadian Air Force (Regular) employed on continuous general service; or
- (f) is a member of any other component of the Royal Canadian Air Force employed on continuous training or duty.

(2) Notwithstanding anything in these Regulations, any person, man or woman, who, prior to the ninth day of August, nineteen hundred and forty-five, was a member of the Naval, Military, or Air Forces of Canada and who, at the general election, has not attained the full age of twenty-one years, but is otherwise qualified under sub-paragraph one, is entitled to vote under the procedure set forth in these Regulations."

*Clause 35.* This amendment will provide clear and concise evidence of the place of ordinary residence of the members of the Canadian Forces by requiring such members to complete statements of ordinary residence for the purposes of an election. The present provisions read as follows:—

"23. (1) For the purpose of these Regulations, the place of ordinary residence in Canada of a Defence Service elector, as defined in paragraph 21, shall be as follows:

- (a) in the case of a person who becomes qualified as Defence Service elector after the first day of August, nineteen hundred and forty-eight, the place of his or her ordinary residence shall be the city, town, village, or other place in Canada, wherein he or she was ordinarily residing prior to his or her appointment or enlistment in the Naval, Military, or Air Forces of Canada; or
- (b) in the case of a person qualified as Defence Service elector on the first day of August, nineteen hundred and forty-eight, who has changed his or her place of residence since his or her appointment or enlistment, the place of his or her ordinary residence shall be the city, town, village, or other place in Canada, mentioned in a statement of ordinary residence completed before the first day of January, nineteen hundred and forty-nine, and filed at the Naval Service, or Military or Air Force Headquarters; whenever no such statement is made and filed at such Headquarters during the period herein specified, the place of ordinary residence of such Defence Service elector shall be the city, town, village, or other place in Canada, wherein such elector ordinarily resided prior to his or her appointment or enlistment in the Naval, Military, or Air Forces of Canada.

(2) A Defence Service elector, as described in clause (b), (d), or (f) of subparagraph one of paragraph 21, shall be deemed to be qualified to vote under the procedure set forth in these Regulations, at a general election, in the electoral district wherein he or she ordinarily resided on the date of the commencement of the period of his or her special service or on the date of the commencement of each of the individual periods of his or her training in the Naval, Military, or Air Forces of Canada; the commencement of such special service is that period of special training or duty on which he or she is engaged during the voting period prescribed in subparagraph one of paragraph 26."

Change of  
ordinary  
residence of  
member of  
regular  
forces.

“(4) Except when he or she is also a member of the active service forces of the Canadian Forces, a member of the regular forces may, during the month of December of any year and at no other time, change his or her place of ordinary residence to the city, town, village, or other place in Canada referred to in clause (a), (b) or (c) of subparagraph 2 by completing, in duplicate, before a commissioned officer, a statement of change of ordinary residence, in Form No 17. 5

Ordinary  
residence  
of member  
of reserve  
forces on  
full-time  
service.

“(5) (a) Every member of the reserve forces of the Canadian Forces not on active service who, at any time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day, is on full-time training or service, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 18, indicating the city, town, village, or other place in Canada wherein is situated his or her place of ordinary residence immediately prior to commencement of such period of full-time training or service. 10 15 20

Ordinary  
residence of  
member of  
reserve  
forces  
on active  
service.

(b) Every member of the reserve forces of the Canadian Forces who is placed on active service, and who, during a current period of full-time training or service, has not completed a statement of ordinary residence pursuant to clause (a), shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 18, in which will be stated 25

(i) in the case of a member on full-time training or service, his or her place of ordinary residence immediately prior to the commencement of such full-time training or service; or 30

(ii) in the case of a member not on full-time training or service, his or her place of ordinary residence immediately prior to being placed on active service. 35

Ordinary  
residence  
on enrolment  
in active  
service  
forces.

“(6) On enrolment in the active service forces of the Canadian Forces, every person, who is not a member of the regular or reserve forces, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, village, or other place in Canada in which is situated his or her place of ordinary residence immediately prior to enrolment in the active service forces. 40

Filing of  
statements.

“(7) The original of each statement of ordinary residence or statement of change of ordinary residence completed pursuant to the subparagraphs of this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents.” 45

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**36.** (1) Subparagraph one of paragraph twenty-six of the said Regulations is repealed and the following substituted therefor:—

Publication  
of notice of  
general  
election.

“**26.** (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed for polling day; it shall also be stated in the said notice that every Canadian Forces elector may cast his vote before any deputy returning officer designated by the commanding officer for that purpose, during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Canadian Forces electors attached to his unit to cast their votes in the manner prescribed in these Regulations.”

**37.** (1) Paragraph twenty-seven of the said Regulations is repealed and the following substituted therefor:—

List of  
names, etc.,  
of Canadian  
Forces  
electors.

“**27.** As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit. The commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit; at any reasonable time during an election, such list and the statements referred to in paragraph 23 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom.”

**38.** (1) Paragraph thirty of the said Regulations is repealed and the following substituted therefor:—

Before whom  
votes of  
Canadian  
Forces  
electors  
are to  
be cast.

“**30.** The vote of every Canadian Forces elector shall be cast before a Canadian Forces elector who has been designated by a commanding officer to act as a deputy returning officer.”



*Clause 36.* (1). This amendment is to clarify the notice published by the Commanding Officer by deleting the reference to nomination day because of the provisions of section 21 (3) of the Act. The present provision reads as follows:—

“26. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all Defence Service electors under his command that a general election has been ordered in Canada and shall therein state the dates fixed for nomination and polling days; it shall also be stated in the said notice that every Defence Service elector may cast his vote before any commissioned officer designated by the commanding officer for that purpose, during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from the Monday next following nomination day to the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Defence Service electors attached to his unit to cast their votes in the manner prescribed in these Regulations.”

*Clause 37.* The lists of Canadian Forces electors required to be prepared by Commanding Officers will now include the places of ordinary residence of the Canadian Forces electors concerned. The amendment also gives an officially nominated candidate, or his accredited representative, the right to inspect such lists of Canadian Forces electors and the statements of ordinary residence completed by Canadian Forces electors pursuant to the provisions in Clause 35. The present provision reads as follows:—

“27. As soon as possible after the publication of a notice in Daily Orders in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory a list of the names, ranks, and numbers of all Defence Service electors attached to his unit.”

*Clause 38.* The present Regulations provide that the votes of Canadian Forces electors must be cast before a commissioned officer (if such officer is available), designated for that purpose by the Commanding Officer. This amendment will permit the Commanding Officer to designate any Canadian Forces elector to act as a deputy returning officer for the purpose of taking the votes of Canadian Forces electors. The present provision reads as follows:—

“30. The vote of every Defence Service elector shall be cast before any commissioned officer who has been designated by the commanding officer for that purpose, and who is himself a Defence Service elector, and has not been officially nominated as a candidate in any electoral district at the general election; provided, however, that in the case of a small detachment in which no commissioned officer is available, the commanding officer may designate, for that purpose, a person of or above non-commissioned officer status, subject to the above mentioned limitations.”

Power to  
administer  
affidavit of  
qualifi-  
cation.

**39.** (1) Paragraph thirty-one of the said Regulations is amended by adding thereto the following subparagraph:—

“(2) The deputy returning officer shall, during the hours of voting by Canadian Forces electors, have the power to administer the affidavit of qualification, in Form No. 14.” 5

**40.** (1) Subparagraph one of paragraph thirty-four of the said Regulations is repealed and the following substituted therefor:—

Declaration  
by Canadian  
Forces  
elector.

“**34.** (1) Before delivering a ballot paper to a Canadian Forces elector, the deputy returning officer before whom the 10 vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Canadian Forces elector’s 15 name, rank, and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph two of paragraph twenty-one), that he has not previously voted at the general election, and the name of 20 the place in Canada, with street address, if any, of his ordinary residence as prescribed in paragraph 23; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy returning officer shall cause the 25 Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer.”

(2) Subparagraph two of the said paragraph thirty-four is 30 repealed and the following substituted therefor:—

Warning to  
Canadian  
Forces  
elector and  
deputy  
returning  
officer.

“(2) At this stage, the Canadian Forces elector and the deputy returning officer shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of both the Canadian Forces elector and 35 the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or any outer envelope upon which a sufficient description of the place of ordinary residence of the Canadian Forces elector does not appear, shall be laid aside unopened in the headquarters of the special 40 returning officer, and that the ballot paper contained in such outer envelope shall not be counted.”

*Clause 39.* This is a new provision and is required as a result of adding the new subparagraph (3) in Clause 40.

*Clause 40. (1).* This amendment is consequential to the changes made in Clauses 34 and 38. The present provision reads as follows:—

“34. (1) Before delivering a ballot paper to a Defence Service elector, the commissioned officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Defence Service elector's name, rank, and number, that he is a British subject by birth or naturalization, that he has attained the full age of twenty-one years, that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as defined in paragraph 23, the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the commissioned officer shall cause the Defence Service elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the commissioned officer.”

(2) This amendment is consequential to the changes made in Clauses 34, 38 and 41. The present provision reads as follows:—

“(2) At this stage, the Defence Service elector and the commissioned officer shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of both the Defence Service elector and the commissioned officer concerned (except in cases referred to in paragraph 37), or any outer envelope upon which a sufficient description of the place of ordinary residence of the Defence Service elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.”

(3) The said paragraph thirty-four is further amended by adding thereto, immediately after subparagraph two thereof, the following subparagraphs:—

Affidavit of qualification by Canadian Forces elector.

“(3) A Canadian Forces elector, if required by the deputy returning officer, or by an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification, in Form No. 14, and if such elector refuses to subscribe to such affidavit, he shall not be allowed to vote, nor again be admitted to the voting place. The said affidavit of qualification shall be subscribed to before the deputy returning officer. 5 10

Procedure in case of refusal.

“(4) If a Canadian Forces elector has refused to subscribe to the affidavit of qualification mentioned in subparagraph three, the deputy returning officer shall endorse, upon the outer envelope completed by such elector, the words “refused to subscribe to the affidavit of qualification” and lay the outer envelope aside. 15

Disposition of completed affidavits and outer envelopes.

“(5) At the conclusion of the voting period, all such outer envelopes together with all completed affidavits of qualification mentioned in subparagraphs three and four, shall be forwarded by the deputy returning officer to the appropriate special returning officer.” 20

41. (1) Paragraph thirty-nine of the said Regulations is repealed and the following substituted therefor:—

Incapacitated Canadian Forces elector.

“39. When a Canadian Forces elector is incapacitated from any physical cause, and is unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy returning officer before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the manner directed by the elector, in his presence, and in the presence of another Canadian Forces elector. Such other elector shall be selected by the incapacitated Canadian Forces elector. Such persons before whom the ballot paper of an incapacitated Canadian Forces elector is marked shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of the incapacitated Canadian Forces elector has been written on the back of the outer envelope, as above directed, the deputy returning officer and the other Canadian Forces elector shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto.” 25 30 35 40

(3) New. These amendments provide a procedure to be followed when the place of ordinary residence declared by a Canadian Forces elector, in Form No. 7, is challenged at a voting place by a deputy returning officer or an accredited representative of a political party.

*Clause 41.* This amendment provides a procedure in the event that an incapacitated Canadian Forces elector cannot affix his signature to the outer envelope because of his disability. The present provision reads as follows:—

"39. When a Defence Service elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the commissioned officer before whom the vote is to be cast, shall assist such elector by marking the ballot paper in the manner directed by the elector, in his presence and in the presence of another Defence Service elector who is able to read and to write; such other elector shall be selected by the incapacitated Defence Service elector."

**42.** (1) Subparagraph two of paragraph forty of the said Regulations is repealed and the following substituted therefor:—

Voting by  
Canadian  
Forces  
elector on  
duty, leave  
or on furlough.

“(2) A Canadian Forces elector who is absent from his unit, on duty, leave or on furlough, during the voting period 5 prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any deputy returning officer, when such person is actually engaged in 10 the taking of such votes.”

**43.** (1) Clause (c) of paragraph forty-two of the said Regulations is repealed and the following substituted therefor:—

“(c) was a member of His Majesty’s Forces during World 15 War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;”

**44.** (1) Paragraph fifty-four of the said Regulations is 20 repealed and the following substituted therefor:—

Period of  
voting by  
Veteran  
electors.

“**54.** The period of voting by Veteran electors shall commence on Monday the seventh day before polling day, and be concluded on the Saturday immediately preceding polling day, both inclusive.” 25

**45.** (1) Paragraph fifty-nine of the said Regulations is repealed and the following substituted therefor:—

Incapacita-  
ted Veteran  
elector.

“**59.** When a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure 30 prescribed in these Regulations, the deputy special returning officers before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the 35 manner directed by the elector, in his presence, and in the presence of another Veteran elector who is able to read and to write. Such other elector shall be selected by the incapacitated Veteran elector and he shall keep secret the name of the candidate for whom the ballot paper is marked. 40 Whenever the name of the incapacitated Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto.” 45

*Clause 42.* The insertion of the words "on duty" will make it clear that Canadian Forces electors, if absent from their unit on duty during the service voting period, will be able to vote at a service voting place where they are on duty. The present provision reads as follows:—

"(2) A Defence Service elector who is absent from his unit, on leave or on furlough, during the voting period prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is on leave or furlough, cast his vote elsewhere before any commissioned officer designated to take the votes of Defence Service electors by the commanding officer of a Naval, Military, or Air Force unit, when such commissioned officer is actually engaged in the taking of such votes."

*Clause 43.* This amendment will extend the right of voting under these Regulations to former members of His Majesty's Forces recruited in Newfoundland during World War I and World War II, and to former members of the Canadian Forces receiving treatment or domiciliary care in a hospital or institution operated under the direct control of the Department of Veterans Affairs, or in any hospital at the request of or on behalf of that department. The present provision reads as follows:—

"(c) was a member of the Naval, Military, or Air Forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine;"

*Clause 44.* This amendment is necessary because of the provisions of section 21 (3) of the Act. The present provision reads as follows:—

"54. The period of voting by Veteran electors shall commence on the Monday next following nomination day, and be concluded on the Saturday immediately preceding polling day, both inclusive."

*Clause 45.* This amendment provides a procedure in the event that an incapacitated Veteran elector cannot affix his signature to the outer envelope because of his disability. The present provision reads as follows:—

"59. When a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy special returning officers before whom the vote is to be cast, shall assist such elector by marking the ballot paper in the manner directed by the elector, in his presence and in the presence of another Veteran elector who is able to read and write. Such other elector shall be selected by the incapacitated Veteran elector."

**46.** (1) Paragraph sixty of the said Regulations is repealed and the following substituted therefor:—

Blind  
Veteran  
elector.

**60.** The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided in paragraph 59, or through the medium of a friend who is also a Veteran elector and who is acting at the request of the blind Veteran elector; in such case the friend may fill in the back of the outer envelope, including the writing of the name of the elector in the space provided for his signature, and mark the blind elector's ballot paper in the presence only of such blind elector; such friend shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of a blind Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto. No person shall at a general election be allowed to act as the friend of more than one blind Veteran elector." 5 10 15

**47.** (1) Subparagraph one of paragraph sixty-two of the said Regulations is repealed and the following substituted therefor:— 20

Declaration  
by Veteran  
elector.

**62.** (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that he is a Canadian citizen or other British subject, that he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, that he has been discharged from such Forces, that he has been ordinarily residing in Canada during the twelve months preceding polling day, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration (except in the 25 30 35 40 45



*Clause 46.* This amendment provides a procedure when a blind Veteran elector is unable to affix his signature to the outer envelope because of his disability. The present provision reads as follows:—

“60. The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided in paragraph 59, or through the medium of a friend, who is also a Veteran elector and who is acting at the request of the blind Veteran elector; in such case the friend may mark the blind Veteran elector's ballot paper in the presence only of such blind elector; no person shall at the general election be allowed to act as the friend of more than one blind Veteran elector.”

*Clause 47. (1).* This amendment is consequential to the changes made in Clauses 43, 45 and 46. The present provision reads as follows:—

“62. (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that he is a British subject by birth or naturalization, that he was a member of either the Naval, Military, or Air Forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine, that he has been discharged from such Forces, that he has been ordinarily residing in Canada during the twelve months preceding polling day, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be signed by both deputy special returning officers.”

case of an incapacitated or blind Veteran elector referred to in paragraphs 59 and 60), and the certificate printed thereunder shall then be signed by both deputy special returning officers."

(2) Subparagraph two of the said paragraph sixty-two is repealed and the following substituted therefor:—

Warning to  
Veteran  
elector and  
deputy  
special  
returning  
officers.

"(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71 (except in the cases referred to in paragraphs 59 and 60), any outer envelope which does not bear the signatures of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted."

48. (1) Clause (b) of paragraph sixty-eight of the said Regulations is repealed and the following substituted therefor:—

"(b) examine each outer envelope in order to ascertain that the declaration on the back thereof is signed by both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or by the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and 60);"

49. (1) Subparagraph one of paragraph seventy-one of the said Regulations is repealed and the following substituted therefor:—

Disposition  
of outer  
envelope  
when declar-  
ation incom-  
plete.

"71. (1) An outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and 60), or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper."

(2) This amendment is consequential to the changes made in Clauses 45 and 46. The present provision reads as follows:—

“(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.”

*Clause 48.* This amendment is consequential to the changes made in Clauses 41, 45 and 46. The present provision reads as follows:—

“(b) examine each outer envelope in order to ascertain that the declaration on the back thereof is signed by both the Defence Service elector and the commissioned officer concerned (except in cases referred to in paragraph 37), or by the Veteran elector and the two deputy special returning officers concerned;”

*Clause 49.* This amendment is consequential to the changes made in Clauses 41, 45 and 46. The present provision reads as follows:—

“71. (1) An outer envelope which does not bear the signatures of both the Defence Service elector and the commissioned officer concerned (except in cases referred to in paragraph 37), or the signatures of the Veteran elector and the two deputy special returning officers concerned, or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.”

**50.** (1) Clauses (c) and (d) of subparagraph one of paragraph seventy-nine of the said Regulations are repealed and the following substituted therefor:—

- “(c) that have been marked for more than one candidate except in the electoral districts returning two members; 5  
 “(d) that have been marked for more than two candidates in the electoral districts returning two members;”

**51.** (1) Clause (c) of paragraph eighty-two of the said Regulations is repealed and the following substituted therefor:—

“(c) the outer envelopes laid aside pursuant to sub-paragraph five of paragraph 34 and of paragraphs 71 and 72;” 10

(2) Clause (h) of the said paragraph eighty-two is repealed. 15

(3) Paragraph eighty-two of the said Regulations is further amended by adding thereto the following clauses:—

- “(j) the completed affidavits of qualification (Form 14), if any; and  
 “(k) the lists of Canadian Forces electors prepared and furnished to the special returning officer pursuant to paragraph 27.” 20

**52.** (1) Wherever the expressions “commissioned officer” or “commissioned officer designated” are mentioned or referred to in paragraphs ten, thirteen, twenty-six, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, sixty-eight, seventy-one, eighty-five, and eighty-eight of the said Regulations, or in Forms Nos. five, nine, and ten thereto, there shall in each and every case be substituted the expression “deputy returning officer”. 25 30

**53.** Forms Nos. 5, 7, 9 and 12 to the said Regulations are repealed and the following substituted therefor, respectively:—

*Clause 50.* (1). This amendment is consequential to the changes made in Clause 33. The present provisions read as follows:—

“(c) that have been marked for more than one candidate in any electoral district except Halifax, N.S. and Queens, P.E.I.;

(d) that have been marked for more than two candidates in the electoral districts of Halifax, N.S. and Queens, P.E.I.,”

*Clause 51.* (1). This amendment is consequential to the changes made in Clause 40. The present provision reads as follows:—

“(c) the unopened outer envelopes, laid aside pursuant to paragraphs 71 and 72;”

(2) In view of the amendment made in Clause 32, this clause (h) is no longer applicable. The present provision reads as follows:—

“(h) the alphabetical list of the names of Defence Service electors prepared pursuant to paragraph 11; and ”

(3) New. Consequential to the changes made in Clauses 37 and 40.

*Clause 52.* (1). New. The amended paragraph 30 of the Regulations provides for any Canadian Forces elector, officer or other rank, to be designated by a Commanding Officer to take the votes of Canadian Forces electors. The person so designated is now referred to as a “deputy returning officer”.

*Clause 53.* Form No. 5. This form has been revised to conform to the amendments set out in Clause 36. The present form reads as follows:—

FORM No. 5

NOTICE TO CANADIAN FORCES ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 26)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the date fixed as polling day is....., the..... day of....., 19.....

Notice is further given that pursuant to *The Canadian Forces Voting Regulations*, all Canadian Forces electors, as defined in paragraph twenty-one of the said Regulations, are entitled to vote at such general election upon application to any deputy returning officer designated for the purpose of taking such votes.

And that voting by Canadian Forces electors will take place on each of the six days from Monday, the.....day of....., 19....., to Saturday, the.....day of....., 19....., both inclusive.

And that a notice giving the exact location of each voting place established in the unit under my command, together with the hours fixed for voting on each day in such voting places, will be published in Daily Orders during the whole of the above mentioned voting period.

Given under my hand at....., this..... day of....., 19.....

.....  
*Commanding officer.*

"FORM No. 5

NOTICE TO DEFENCE SERVICE ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 26)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the nomination of candidates will take place on....., the..... day of....., 19....., and that the date fixed as polling day is....., the..... day of....., 19.....

Notice is further given that pursuant to *The Canadian Defence Service Voting Regulations*, all Defence Service electors, as defined in paragraph twenty-one of the said Regulations, are entitled to vote at such general election upon application to any commissioned officer designated for the purpose of taking such votes.

And that voting by Defence Service electors will take place on each of the six days from Monday, the..... day of....., 19....., to Saturday, the..... day of....., 19....., both inclusive.

And that a notice giving the exact location of each voting place established in the unit under my command, together with the hours fixed for voting on each day in such voting places, will be published in Daily Orders during the whole of the above mentioned voting period.

Given under my hand at....., this..... day of....., 19.....

.....  
"Commanding officer."

FORM No. 7

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR BEFORE  
BEING ALLOWED TO VOTE. (Par. 34)

I hereby declare

- 1. That my name is.....  
*(Insert full name, surname last)*
- 2. That my rank is.....
- 3. That my number is.....
- 4. That I am a Canadian citizen or other British subject.
- \*5. That I have attained the full age of twenty-one years.
- 6. That I have not previously voted as a Canadian Forces elector at the pending general election.
- 7. That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is  
.....  
*(Here insert the name of the city, town, village, or other place in Canada,*  
.....  
*with street address, if any)*  
.....  
*(Here insert name of electoral district)*  
.....  
*(Here insert name of province)*

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this.....  
day of....., 19.....

.....  
Signature of Canadian Forces elector.

CERTIFICATE OF DEPUTY RETURNING OFFICER

I hereby certify that the above named Canadian Forces elector did this day make before me the above set forth declaration.

.....  
Signature of deputy returning officer.

.....  
*(Here insert rank, number,  
and name of unit)*

\_\_\_\_\_  
\*Strike out this line if it is not applicable pursuant to paragraph 21 (2) of The Canadian Forces Voting Regulations.



Form No. 7. This form has been revised to conform to the amendments set out in Clauses 26, 29, 34 and 35. The present form reads as follows:—

"FORM No. 7

DECLARATION TO BE MADE BY A DEFENCE SERVICE ELECTOR BEFORE BEING ALLOWED TO VOTE. (Par. 34)

I HEREBY CERTIFY

1. That my name is.....  
*(Insert full name, surname last)*
2. That my rank is.....
3. That my number is.....
4. That I am a British subject by birth or naturalization.
5. That I have attained the full age of twenty-one years.
6. That I have not previously **voted** as a Defence Service elector at the pending general election.
7. That the place of my ordinary residence in Canada, as defined in paragraph 23 of *The Canadian Defence Service Voting Regulations*, is

.....  
*(Here insert the name of the city, town, or village, with street address, if any,*

.....  
*or the name of any other place of ordinary residence)*

.....  
*(Here insert name of electoral district)*

.....  
*(Here insert name of province)*

I hereby solemnly declare that the above statements are true in substance and in fact.

Dated at....., this..... day of  
....., 19....

.....  
*Signature of Defence Service Elector.*

CERTIFICATE OF COMMISSIONED OFFICER

I hereby certify that the above named Defence Service elector did this day make before me the above set forth declaration.

.....  
*Signature of commissioned officer.*

.....  
*(Here insert rank, number, and name of unit)"*

## FORM No. 9.

## CARD OF INSTRUCTIONS. (Par. 32)

A CANADIAN FORCES ELECTOR HAS THE RIGHT TO VOTE ONLY ONCE  
AT A GENERAL ELECTION.

1. A Canadian Forces elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of *The Canadian Forces Voting Regulations*.
2. During the hours fixed by the commanding officer for voting, a Canadian Forces elector may cast his vote before the deputy returning officer designated for that purpose.
3. The deputy returning officer shall require each Canadian Forces elector to complete the declaration printed on the back of the outer envelope.
4. A Canadian Forces elector, if required by the deputy returning officer, or an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification in Form No. 14 of *The Canadian Forces Voting Regulations*, and if such elector refuses so to subscribe to such affidavit he shall not be allowed to vote, or be again admitted to the voting place.
5. Each Canadian Forces elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members in which case he may vote for two candidates on the same ballot paper.
6. After the declaration has been completed and signed by the Canadian Forces elector and the certificate printed thereunder is completed and signed by the deputy returning officer, the Canadian Forces elector shall be allowed to cast his vote in the following manner:
7. Upon receiving a ballot paper from the deputy returning officer, the Canadian Forces elector shall secretly cast his vote by writing, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
8. The Canadian Forces elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the deputy returning officer, seal such inner envelope, and hand it to the deputy returning officer.

Form No. 9. This form has been revised to conform to the amendments set out in Clauses 33 and 40. The present form reads as follows:—

“FORM No. 9

CARD OF INSTRUCTIONS. (Par. 32)

A DEFENCE SERVICE ELECTOR HAS THE RIGHT TO VOTE ONLY ONCE  
AT A GENERAL ELECTION

1. A Defence Service elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as defined in paragraph twenty-three of *The Canadian Defence Service Voting Regulations*.
2. During the hours fixed by the commanding officer for voting, a Defence Service elector may cast his vote before the commissioned officer designated for that purpose.
3. The commissioned officer shall require each Defence Service elector to complete the declaration printed on the back of the outer envelope.
4. After the declaration has been completed and signed by the Defence Service elector and the certificate printed thereunder is completed and signed by the commissioned officer, the Defence Service elector shall be allowed to cast his vote in the following manner:
5. Each Defence Service elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Halifax, N.S., or Queens, P.E.I., in which case he may vote for two candidates).
3. Upon receiving a ballot paper from the commissioned officer, the Defence Service elector shall secretly cast his vote by writing, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
7. The Defence Service elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the commissioned officer, seal such inner envelope, and hand it to the commissioned officer.
8. The commissioned officer shall then, in full view of the Defence Service elector, place the inner envelope in the completed outer envelope and seal such outer envelope.

9. The deputy returning officer shall then, in full view of the Canadian Forces elector, place the inner envelope in the completed outer envelope and seal such outer envelope.
10. The deputy returning officer shall then hand the completed outer envelope to the Canadian Forces elector.
11. The Canadian Forces elector shall then mail the completed outer envelope in the nearest post office, mail box, or by such other postal facilities as may be available and expeditious.

*In the following specimen of ballot paper, given for illustration, the Canadian Forces elector has marked his ballot for William R. Brown.*

THE ELECTOR WILL WRITE HEREUNDER THE NAMES  
(OR INITIALS) AND SURNAME OF THE CANDIDATE  
FOR WHOM HE WISHES TO VOTE

I VOTE FOR.....

*William R. Brown*

(Write as above directed—Surname last.)

9. The commissioned officer shall then hand the completed outer envelope to the Defence Service elector.
10. The Defence Service elector shall then mail the completed outer envelope in the nearest post office or mail box.

*In the following specimen of ballot paper, given for illustration, the Defence Service elector has marked his ballot paper for William R. Brown.*

THE ELECTOR WILL WRITE HEREUNDER THE NAMES  
(OR INITIALS) AND SURNAME OF THE CANDIDATE  
FOR WHOM HE WISHES TO VOTE

*William R. Brown*

I VOTE FOR.....

(Write as above directed—Surname last.)

## FORM No. 12

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING  
ALLOWED TO VOTE. (Par. 62)I hereby declare

1. That my name is.....  
(Insert full name, surname last)
2. That I am a Canadian citizen or other British subject.
3. That I was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty.
4. That I have been discharged from such Forces.
5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.
6. That I have not previously voted as a Veteran elector at the pending general election.
7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is.....  
(Here insert the name of the city, town, village, or other place in Canada, with street address, if any)  
.....  
.....  
(Here insert name of electoral district) (Here insert name of province)

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this..... day of....., 19...

.....  
Signature of Veteran elector.

Form No. 12. This form has been revised to conform to the amendments set out in Clauses 26, 43 and 47. The present form reads as follows:—

“FORM No. 12

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING ALLOWED TO VOTE  
(Par. 62)

I HEREBY CERTIFY

1. That my name is.....  
*(Insert full name, surname last)*
2. That I am a British subject by birth or naturalization.
3. That I was a member of either the Naval, Military, or Air Forces of Canada in the war of 1914-1918, or in the war that began on the 10th day of September, 1939.
4. That I have been discharged from such Forces.
5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.
6. That I have not previously voted as a Veteran elector at the pending general election.
7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is at

.....  
*(Here insert the name of the city, town, or village, with street address, if any, or the name of any other place of ordinary residence).*

.....  
*(Here insert name of electoral district) (Here insert name of province)*

I hereby solemnly declare that the above statements are true in substance and in fact.

Dated at....., this.....day of.....19.....

.....  
*Signature of Veteran elector.*

## CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

.....  
*Signature of deputy special returning officer.*

.....  
*Signature of deputy special returning officer.*

**54.** (1) Paragraph five of Form No. 13 to the said Regulations is repealed and the following substituted therefor:—

**“5.** Each Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case he may vote for two candidates on the same ballot paper.”



CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

.....  
*Signature of deputy special returning officer.*

.....  
*Signature of deputy special returning officer."*

*Clause 54.* Form No. 13. The amendment to this paragraph 5 of Form No. 13 is consequential to the changes made in Clause 33. The present paragraph reads as follows:—

"5. Each Veteran elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Halifax, N.S., or Queens, P.E.I., in which case he may vote for two candidates)."

55. (1) The said Regulations are further amended by adding thereto the following Forms Nos. 14, 15, 16, 17 and 18:—

FORM NO. 14

AFFIDAVIT OF QUALIFICATION. (Par. 34 (3))

I, the undersigned, do swear (or solemnly affirm)

- 1. That my name is.....  
(Insert full name, surname last)
- 2. That my rank is.....
- 3. That my number is.....
- 4. That I am a Canadian citizen or other British subject.
- \*5. That I have attained the full age of twenty-one years.
- 6. That I have not previously voted as a Canadian Forces elector at the pending general election.
- 7. That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of *The Canadian Forces Voting Regulations*, is  
.....  
(Here insert the name of the city, town, village, or other place in  
.....  
Canada, with street address, if any)  
.....  
(Here insert name of electoral district)  
.....  
(Here insert name of province)

SWORN (or affirmed) before me }  
 at..... }  
 this..... day of ..... }  
 19..... } Signature of Canadian Forces  
 ..... } elector.  
 Deputy returning officer.

\*Strike out this line if it is not applicable pursuant to paragraph 21 (2) of *The Canadian Forces Voting Regulations*.

Clause 55. Form No. 14. New. This form is consequential to the modifications made in Clause 40.

FORM No. 15

STATEMENT OF ORDINARY RESIDENCE. (Par. 23 (2), (3b))

(Only applicable to members of the regular forces enrolled on or prior to the effective date of this paragraph)

I HEREBY DECLARE

THAT my name is....., that my age is....., that my rank is....., and that my number is.....

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is ..... (Insert name of city, town, village, or other place in Canada, with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day of....., 19.....

..... Signature of member of the regular forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

..... Signature of commissioned officer.

..... (Insert rank, number, and name of unit)



FORM No. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT.

(Par. 23 (3a) and (6))

(Applicable to regular force members on enrolment subsequent to effective date of this paragraph and to persons on enrolment in the active service forces)

I HEREBY DECLARE

THAT my name is.....,
that my age is....., that my rank is.....,
and that my number is.....

THAT my place of ordinary residence in Canada, immediately prior to the date of my enrolment, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, was

.....
(Insert name of city, town, village, or other place in Canada,
.....
with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this..... day
of....., 19.....

.....
Signature of member of the regular forces or
active service forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces or the active service forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....
Signature of commissioned officer.

.....
(Insert rank, number, and name of unit)

Form No. 16. New. This form is consequential to the modifications made in Clause 35.

FORM No. 17

STATEMENT OF CHANGE OF ORDINARY RESIDENCE. (Par. 23 (4))

(Only applicable to regular force members who are not members of an active service force)

I HEREBY DECLARE

THAT my name is . . . . ., that my age is . . . . ., that my rank is . . . . ., and that my number is . . . . .

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 23 of *The Canadian Forces Voting Regulations*, is now

.....  
(Insert name of city, town, village, or other place in Canada, with street address, if any)  
.....

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at . . . . ., this . . . . . day of . . . . ., 19 . . . . .

.....  
*Signature of member of the regular forces.*

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....  
*Signature of commissioned officer.*

.....  
(Insert rank, number, and name of unit)



Form No. 17. New. This form is consequential to the modifications made in Clause 35.

(Applicable to members of the reserve forces on full-time training or service and on active service during limited operations on full-time training or service or on active service)

I HEREBY DECLARE

that my name is ..... and that my number is .....  
I am my place of ordinary residence in Canada immediately prior to  
the commencement of my current continuous period of full-time training or service and active service

or

I am my place of ordinary residence in Canada immediately prior to the commencement of my current continuous period of full-time training or service and active service

and that my number is .....  
I declare that what is stated above is true in substance  
Dated at ..... this ..... day of ..... 19 .....

Signature of member of reserve forces

Signature of commanding officer

I hereby certify that the above mentioned member of the reserve forces of the Canadian Forces on the date stated above, did make before me the above and forth declaration.

Signature of commanding officer

(Print name, number, and rank of unit)

FORM NO. 18.

STATEMENT OF ORDINARY RESIDENCE. (Par. 23 (5) (a) and (b))

(Applicable to members of the reserve forces on full-time training or service not on active service during period commencing on date of ordering of general election, or on being placed on active service)

I HEREBY DECLARE

THAT my name is....., that my age is....., that my rank is....., and that my number is.....

THAT my place of ordinary residence in Canada immediately prior to:

the commencement of my current continuous period of full-time training or service/and active service,

OR

being placed on active service not immediately preceded by a period of full-time training or service,

as prescribed in paragraph 23 of *The Canadian Forces Voting Regulations*, is.....

(Insert name of city, town, village, or other place in Canada,

..... with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day of ..... 19.....

..... Signature of member of reserve forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the reserve forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

..... Signature of commissioned officer.

..... (Insert rank, number, and name of unit)

Form No. 18. New. This form is consequential to the modifications made in Clause 35.

**56.** The said Act is further amended by adding thereto the following Schedule:—

“SCHEDULE FIVE

THE CANADIAN PRISONERS OF WAR VOTING REGULATIONS, 1951

To enable persons eligible to vote under *The Canadian Forces Voting Regulations*, who become prisoners of war, to vote by proxy at a general election, notwithstanding anything to the contrary in *The Canada Elections Act*, contained. 5

- Short title. **1.** These Regulations may be cited as *The Canadian Prisoners of War Voting Regulations, 1951*.
- Application. **2.** These Regulations apply only to a general election held in Canada and do not apply to a by-election. 10
- General direction. **3.** (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of every detail prescribed by these Regulations.
- Special powers to Chief Electoral Officer. (2) For the purpose of carrying into effect the provisions of these Regulations, or supplying any deficiency therein, the Chief Electoral Officer may issue such instructions, not inconsistent therewith, as may be deemed necessary to the execution of their intent. 15
- Definitions. **4.** In these Regulations, the expression 20
- “Ballot paper.” (a) “ballot paper” means the ballot paper printed with the names, addresses, and occupations of the candidates officially nominated in an electoral district, pursuant to section twenty-eight of *The Canada Elections Act*;
- “Chief Electoral Officer.” (b) “Chief Electoral Officer” means the person who holds office as Chief Electoral Officer under sections three and four of *The Canada Elections Act*; 25
- “Deputy returning officer.” (c) “deputy returning officer” means the person appointed as deputy returning officer for a polling station, under section twenty-six of *The Canada Elections Act*; 30
- “Head-quarters.” (d) “Headquarters” means the headquarters of the Naval, Army or Air Forces of Canada, located at Ottawa, Ontario;
- “Next of kin.” (e) “next of kin” means a person officially recorded at Headquarters as the next of kin of a prisoner of war, as hereinafter defined; 35
- “Prisoner of War.” (f) “prisoner of war” means a Canadian Forces elector who is a prisoner of war and is officially recorded as such at Headquarters at the time of a general election;

*Clause 56.* The purpose of this amendment is to enable persons eligible to vote under The Canadian Forces Voting Regulations, who become prisoners of war, to vote by proxy at a general election. These Regulations are similar to The Canadian Prisoners of War Voting Regulations, 1944, which read as follows:

SCHEDULE B

“THE CANADIAN PRISONERS OF WAR VOTING  
REGULATIONS, 1944

To enable persons eligible to vote under *The Canadian War Service Voting Regulations, 1944*, who became prisoners of war or interned in a neutral country, to vote by proxy at a general election, notwithstanding anything to the contrary in *The Dominion Elections Act, 1938*, contained.

1. These Regulations may be cited as *The Canadian Prisoners of War Voting Regulations, 1944*.

2. These Regulations shall apply only to a general election held in Canada during the present war and within a period of six months thereafter.”

3. (1) No change.

(2) No change.

“4. In these Regulations, unless the context otherwise requires, the expression”

(a) No change in substance.

(b) No change in substance.

(c) No change in substance.

(d) “Headquarters” means the headquarters of the Naval, Military or Air Forces and of the Merchant Navy of Canada, located at Ottawa, Ontario;”

(e) No change.

“(f) “prisoner of war” means a person who, while on service or duty in any of the Naval, Military or Air Forces and Merchant Navy of Canada, became a prisoner of war or interned in a neutral country and is officially recorded as such at Headquarters at the time of a general election and who, had he not become a prisoner of war or so interned, would have been eligible to vote under *The Canadian War Service Voting Regulations, 1944*;”

"Qualified elector."

(g) "qualified elector" means a person duly entitled to vote in a polling division at a general election, pursuant to the provisions of *The Canada Elections Act*;

"Returning officer."

(h) "returning officer" means the person who holds office as returning officer for an electoral district, under section eight of *The Canada Elections Act*; 5

"Special proxy certificate."

(i) "special proxy certificate" means the certificate prescribed by the Chief Electoral Officer entitling the next of kin of a prisoner of war to vote by proxy on the latter's behalf; 10

"Canadian Forces elector."

(j) "Canadian Forces elector" means a person having the qualifications prescribed in paragraph 21 of *The Canadian Forces Voting Regulations*.

Who may vote by proxy.

5. Every prisoner of war, as herein defined, shall be entitled to vote by proxy at a general election, such proxy being his next of kin who is officially recorded as such at Headquarters, and such vote shall be cast in the polling division in which such next of kin is a qualified elector. 15

Voting to be on certificate.

6. The vote of a prisoner of war shall be cast by proxy on a special proxy certificate prescribed and issued by the Chief Electoral Officer. Every special proxy certificate shall bear the printed signature of the Chief Electoral Officer and shall be countersigned by a member of his staff specially designated for that purpose. 20

Proxy may vote in own right.

7. Any person to whom a special proxy certificate has been issued shall be entitled to vote in his own right in the polling division in which such person is a qualified elector, notwithstanding that he has voted, or is about to vote, as proxy for one or more prisoners of war. 25

Names and addresses of prisoners of war and their next of kin supplied by Headquarters.

8. Whenever deemed expedient, the Chief Electoral Officer shall be furnished by Headquarters with the names and surname, rank and regimental number of every member of the Naval, Army or Air Forces of Canada who is officially recorded at Headquarters as a prisoner of war, as herein defined. At the same time, the Chief Electoral Officer shall be furnished with the names and surname of the next of kin of such prisoner of war as officially recorded at Headquarters, together with the last known place of residence of such next of kin, with street address, if any. 30 35

Qualification as elector of next of kin ascertained by returning officer.

9. As soon as possible after a general election has been ordered, the Chief Electoral Officer shall communicate with the returning officer for the electoral district in which 40

(g) No change in substance.

(h) No change in substance.

(i) No change.

(j) New subparagraph. Consequential to the changes made in Clause 34.

**5.** No change.

**6.** No change.

**7.** No change.

**8.** No change in substance.

**9.** No change.

is situated the place of residence of the next of kin of a prisoner of war, as stated by Headquarters pursuant to the next preceding paragraph, and direct such returning officer to ascertain whether or not such next of kin is a qualified elector at such place of residence at the pending general election and to advise the Chief Electoral Officer accordingly. 5

Dispatch of certificates to next of kin.

**10.** Beginning on Monday of the second week before polling day at a general election, the Chief Electoral Officer shall issue the special proxy certificates to the next of kin of prisoners of war who are entitled to receive them. These certificates shall be dispatched to such next of kin by registered mail and shall be accompanied with such instructions as are deemed advisable by the Chief Electoral Officer as to the manner in which such certificates shall be used. 10

Notification to returning officer.

**11.** Whenever special proxy certificates are dispatched to next of kin of prisoners of war residing in a given electoral district, the Chief Electoral Officer shall advise the returning officer for such electoral district of the names and post office addresses of the persons to whom such certificates are issued. 15

Notification to deputy returning officer.

**12.** Upon the receipt of such notification, or as soon as possible thereafter, the returning officer shall, on the form prescribed by the Chief Electoral Officer, accordingly advise the deputy returning officer appointed for the polling station at which the holder of any special proxy certificate is a qualified elector. 20 25

Manner of voting by proxy.

**13.** Before being allowed to cast the vote of a prisoner of war the next of kin shall deliver his special proxy certificate to the deputy returning officer and shall satisfy that officer that he is the person mentioned as next of kin on such certificate. The deputy returning officer shall cause the usual entries to be made in the poll book, and shall record in the remarks column of such poll book, opposite such entries, the name of the prisoner of war and the fact that the next of kin has voted as proxy on his behalf. When this has been done the deputy returning officer shall hand a ballot paper to the next of kin who will proceed to one of the voting compartments and secretly mark such ballot paper for the candidate of his choice whose name, address and occupation are printed on such ballot paper. 30 35

Ballot paper initialled and dealt with in ordinary manner.

**14.** With the exception of the deputy returning officer's initials which must be affixed in the space provided for that purpose on the back of the ballot paper, there shall not be any marks written or made by any election officer on either 40



the front or the back of the ballot paper handed to a voter  
of this who is voting as proxy for a prisoner of war. When  
the ballot paper has been duly marked it shall be handed by  
the next of kin to the deputy returning officer who will  
remove the counterfoil and place the ballot paper in the ballot  
box or otherwise deal with such ballot paper as if it had been  
cast by a qualified elector in the polling station.

10. No change.

10. Every person who registers himself as a voter in a  
polling station under the authority of a special proxy  
certificate issued pursuant to times Regulations when he is  
known or has reasonable grounds for supposing that he is  
not entitled to exercise any such certificate, shall be guilty  
of an illegal practice within the meaning of the Canada  
Elections Act, and shall be liable to the penalties provided  
in that Act for such an offence.

11. No change.

11. The French version of the said Act shall be the  
authoritative version in all cases where the Act applies to  
the Province of Quebec.

12. No change.

12. The French version of the said Act shall be the  
authoritative version in all cases where the Act applies to  
the Province of Quebec, whether the special proxy  
certificate is issued in accordance with the provisions of  
section 20 of the Act or otherwise.

13. No change.

14. No change.

the front or the back of the ballot paper handed to a next of kin who is voting as proxy for a prisoner of war. When the ballot paper has been duly marked it shall be handed by the next of kin to the deputy returning officer who will remove the counterfoil and place the ballot paper in the ballot box or otherwise deal with such ballot paper as if it had been cast by a qualified elector in the polling division. 5

Offences  
and  
penalties.

**15.** Every person who votes or attempts to vote at a general election under the authority of a special proxy certificate issued pursuant to these Regulations, when he knows or has reasonable grounds for supposing that he is not entitled to receive any such certificate, shall be guilty of an illegal practice within the meaning of *The Canada Elections Act*, and shall be liable to the penalties imposed by the said Act for such an offence." 10 15

Non-appli-  
cation of  
section 110,  
to section 3.

**57.** Section one hundred and ten of the said Act does not apply to section three of this Act.

French  
version  
amended.

**58.** The French version of the said Act is amended by striking out the expressions "officier rapporteur", "sous-officier rapporteur", "officier rapporteur spécial" and "sous-officier rapporteur spécial" wherever they appear therein and substituting therefor, in each case, the expressions "directeur du scrutin", "sous-directeur du scrutin", "directeur spécial du scrutin" and "sous-directeur spécial du scrutin", respectively. 20 25

15. No change in substance.

*Clause 57.* New. The purpose of this amendment is to expedite the re-organization of the Staff of the Chief Electoral Officer by the Civil Service Commission.

*Clause 58.* New. The purpose of this amendment is to improve the French version of the Act.



Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 42.**

An Act respecting the National Gallery of Canada.

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First reading, December 12, 1951.

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THE MINISTER OF CITIZENSHIP AND IMMIGRATION.

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

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act respecting the National Gallery of Canada.

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

- Short title. **1.** This Act may be cited as *The National Gallery Act*.
- Definitions. **2.** In this Act, 5  
"Board". (a) "Board" means the Board of Trustees mentioned in section three;  
"Minister". (b) "Minister" means the Minister of Citizenship and Immigration; and  
"works of art". (c) "works of art" includes pictures, sculpture and other 10 similar property.
- National Gallery of Canada continued. **3.** (1) The Board of Trustees constituted by chapter thirty-three of the statutes of 1913 as a body corporate under the name of the National Gallery of Canada is hereby continued as a body corporate under the name of the 15 National Gallery of Canada.
- Membership. (2) The Board shall consist of not less than five and not more than nine members, appointed by the Governor in Council to hold office during pleasure.
- Chairman. (3) The Governor in Council may designate one of the 20 members of the Board to be the Chairman.
- Remuneration and expenses of members. (4) The members of the Board shall serve without remuneration but may receive reasonable travelling and other expenses when engaged on the business of the Board.
- Agent of His Majesty. **4.** (1) The Board is for all its purposes an agent of His 25 Majesty in right of Canada and its powers under this Act may be exercised only as an agent of His Majesty.
- Contracts. (2) The Board may on behalf of His Majesty enter into contracts in the name of His Majesty or in the name of the Board. 30

### EXPLANATORY NOTES.

The purposes of this Bill are to amend and clarify *The National Gallery of Canada Act*, Chapter 33 of the statutes of 1913.

It is proposed to continue the Board of Trustees constituted by chapter 33 of the Statute of 1913 as a body corporate under the same name.

It is also proposed to increase the number of trustees of the Board from five to nine members.

It is thought a Board of Trustees having five members is not sufficiently representative to deal with all aspects of the problems of the National Gallery, and, also, it is sometimes difficult to secure a quorum for meetings. Since the establishment of the design in Industry Section of the National Gallery, it is advisable to broaden the Act to include "applied arts" in addition to "fine arts".

The Board of Trustees is made an agent of His Majesty. This is to conform to recent legislative practice.

The Board, as agent of His Majesty, may enter into contracts in the name of His Majesty, or in the name of the Board; may hold and dispose of property.

Provision is made for purchase and operating accounts in the Consolidated Revenue Fund. Under the proposal, these funds do not lapse at the end of any fiscal year, but may be used for purchases at any time.

- Property. (3) Property vested in the Board at the commencement of this Act and property subsequently acquired by the Board is the property of His Majesty.
- Disposition of property. (4) Subject to the approval of the Minister, the Board may sell, lease, exchange or otherwise dispose of any property vested in the Board at the commencement of this Act or subsequently acquired by the Board. 5
- Employment of staff. 5. (1) Subject to subsection two, the Director of the National Gallery and such other officers, clerks and employees as are necessary for the proper conduct of the business of the Board shall be appointed in accordance with the provisions of the *Civil Service Act*. 10
- R.S., c. 22. (2) The Board may employ professional and technical advisers and employees for temporary periods or for specific work and may fix and pay the remuneration of the persons so employed, but no person shall be employed under this subsection for more than six months without the approval of the Treasury Board. 15
- Temporary staff.
- Objects and powers. 6. The objects and powers of the Board are as follows: 20
- (a) the development, maintenance, care and management of the national gallery and generally the encouragement of Canadian public interest in the fine and applied arts;
  - (b) the promotion of the interests generally of art in Canada; 25
  - (c) the exhibition of works of art and products of applied and industrial design under the auspices of the Board or of art societies or otherwise;
  - (d) the custody and preservation of the works of art contributed by members of the Royal Canadian Academy of Arts to the national gallery; and 30
  - (e) the acquisition of works of art by purchase, lease, bequest or otherwise.
- By-laws. 7. Subject to the approval of the Minister, the Board may make by-laws 35
- (a) for the conduct and management of its business;
  - (b) for the protection of its property and the property in its care or charge; and
  - (c) for the effective carrying out of the purposes of this Act. 40
- Purchase Account for acquisition of works of art. 8. (1) There shall be a special account in the Consolidated Revenue Fund called the National Gallery Purchase Account to which shall be credited any money appropriated by Parliament in any fiscal year for the purpose of acquiring works of art, and any expenditure for the acquisition of 45



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works of art in that or any subsequent fiscal year, including any costs in connection therewith, may be paid out of the moneys so appropriated and credited.

Special  
Operating  
Account.

(2) There shall be a special account in the Consolidated Revenue Fund called the National Gallery Special Operating Account to which shall be credited all money received by the Board by way of donation, bequest, revenue or otherwise. 5

Expenditures.

(3) Any expenditures for the purposes of this Act may be paid out of the National Gallery Special Operating Account or out of money appropriated by Parliament for such purposes. 10

Audit.

9. The accounts and financial transactions of the Board shall be audited by the Auditor General and his report shall be included in the annual report of the Board. 15

Annual  
report.

10. The Board shall as soon as possible but within three months after the termination of each fiscal year submit an annual report to the Minister, containing its financial statements and such other information and prepared in such form as the Minister may require, and the Minister shall lay the report before Parliament within fifteen days after he receives it or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof. 20

Repeal.

11. *The National Gallery of Canada Act*, chapter thirty-three of the statutes of 1913, is repealed. 25

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Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 43.**

An Act to amend the Civil Service Act.

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First reading, December 12, 1951.

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THE SECRETARY OF STATE.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 43.**

An Act to amend the Civil Service Act.

R.S., c. 22;  
1929, cc. 38,  
52;  
1932, c. 40;  
1938, c. 7;  
1947, c. 53;  
1949 (1st  
Sess.), c. 6;  
1950, c. 50

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

**1.** Subsection three of section three of the *Civil Service Act*, chapter twenty-two of the Revised Statutes of Canada, 1927, as enacted by section thirteen of chapter forty of the statutes of 1932, is repealed and the following substituted therefor:

Tenure of  
office.

“(3) Subject to this section, a commissioner holds office during good behaviour for a period of ten years from the date of his appointment, but on the expiration of his first or a subsequent term of office he is eligible to be re-appointed for a further term not exceeding ten years.

Extension.

“(3a) A commissioner ceases to hold office upon attaining the age of sixty-five years, except that, notwithstanding section ten of the *Civil Service Superannuation Act*, where the Governor in Council is of opinion that it would be in the public interest to extend the term of office of a commissioner beyond that age, the Governor in Council, on the recommendation of the Prime Minister, may extend the term of office of a commissioner beyond the age of sixty-five years for a period not exceeding five years.”

R.S., c. 24.

**2.** Subsection six of section three of the said Act, as enacted by section two of chapter fifty-three of the statutes of 1947, is repealed and the following substituted therefor:

Salaries

“(6) There shall be paid to each commissioner out of the Consolidated Revenue Fund such salary as may be fixed by the Governor in Council.”

## EXPLANATORY NOTES.

The purpose of this proposed amendment to the *Civil Service Act* is to make statutory provision for such adjustment in the Commissioners' salaries as the Governor in Council may consider desirable from time to time, without the necessity of utilizing the Appropriation Act for that purpose, and to render unnecessary the continuation of the two special items which appeared in the Commission's Estimates for 1951-52.

**1.** Subsection three of section three at present reads as follows:

"(3) Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, save that his tenure of office shall cease upon his attaining the age of sixty-five years. Provided that if a civil servant, who is a contributor under the provisions of the *Civil Service Superannuation Act*, be appointed to be a Commissioner, he shall be eligible, notwithstanding the provisions of the *Civil Service Superannuation Act*, to continue to be a contributor under the said Act; his tenure of office as Commissioner shall be counted as service in the Civil Service for the purposes of the said Act and he, his widow and children, or other dependents, if any, shall be eligible to receive the respective allowances or gratuities provided by the said Act; and, in case his tenure of office shall cease as in this subsection provided, or in the event of his being retired from the said office of Commissioner for any reason other than that of misconduct, he shall be eligible to receive the same benefits under the said Act as if his office as Commissioner had been abolished."

**2.** Subsection six of section three at present reads as follows:

"(6) There shall be paid out of the Consolidated Revenue Fund of Canada to the chairman, a salary of ten thousand dollars and to each of the other commissioners a salary of eight thousand dollars per annum."

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Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 44.**

An Act to provide for Short-Term Credit to Grain Producers in the Prairie Provinces to meet Temporary Financial Difficulties arising from inability to complete Harvesting Operations or to make Delivery of Grain.

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First reading, December 14, 1951.

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THE MINISTER OF TRADE AND COMMERCE.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 44.**

An Act to provide for Short-Term Credit to Grain Producers in the Prairie Provinces to meet Temporary Financial Difficulties arising from inability to complete Harvesting Operations or to make Delivery of Grain.

**H**IS 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 Prairie Grain Producers' Interim Financing Act, 1951.*

5

INTERPRETATION.

**2.** In this Act,  
Definitions  
"actual producer". (a) "actual producer" means a producer actually engaged in the production of grain;  
"application". (b) "application" means an application for a guaranteed loan;  
"bank". (c) "bank" means a bank incorporated by or under the 10 provisions of *The Bank Act*;  
"borrower". (d) "borrower" means a person to whom a guaranteed loan has been made;  
"crop". (e) "crop" means a crop of grain of any kind, as well before as after severance from the soil, harvesting or 15 threshing thereof, and includes grain of any kind;  
"grain". (f) "grain" means wheat, oats, barley, rye and flaxseed;  
"guaranteed loan". (g) "guaranteed loan" means a loan or advance made by a bank to an actual producer in accordance with the requirements of paragraphs (a) to (f) of section three 20 of this Act;  
"permit book". (h) "permit book" means a Canadian Wheat Board delivery permit issued pursuant to *The Canadian Wheat Board Act, 1935*, by the Canadian Wheat Board for a crop year;

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1. The first part of the report is a general statement of the work done during the year. It is a summary of the work done in the various departments of the institution, and is intended to give a general idea of the progress made during the year.

1887-88  
Annual Report  
of the  
Board of Trustees  
of the  
University of  
California  
at  
Berkeley  
for the  
Year  
1887-88

2. The second part of the report is a detailed statement of the work done in each of the departments. It is a summary of the work done in each of the departments, and is intended to give a general idea of the progress made during the year.
3. The third part of the report is a statement of the financial condition of the institution. It is a summary of the financial condition of the institution, and is intended to give a general idea of the progress made during the year.
4. The fourth part of the report is a statement of the physical condition of the institution. It is a summary of the physical condition of the institution, and is intended to give a general idea of the progress made during the year.
5. The fifth part of the report is a statement of the moral condition of the institution. It is a summary of the moral condition of the institution, and is intended to give a general idea of the progress made during the year.
6. The sixth part of the report is a statement of the social condition of the institution. It is a summary of the social condition of the institution, and is intended to give a general idea of the progress made during the year.
7. The seventh part of the report is a statement of the intellectual condition of the institution. It is a summary of the intellectual condition of the institution, and is intended to give a general idea of the progress made during the year.
8. The eighth part of the report is a statement of the scientific condition of the institution. It is a summary of the scientific condition of the institution, and is intended to give a general idea of the progress made during the year.
9. The ninth part of the report is a statement of the literary condition of the institution. It is a summary of the literary condition of the institution, and is intended to give a general idea of the progress made during the year.
10. The tenth part of the report is a statement of the artistic condition of the institution. It is a summary of the artistic condition of the institution, and is intended to give a general idea of the progress made during the year.

"prescribed".  
"responsible  
officer of the  
bank".

Other words  
and  
expressions  
1935, c. 53.

- (i) "prescribed" means prescribed by regulation;  
(j) "responsible officer of the bank" includes the manager or assistant manager of a branch of the bank or the person for the time being acting as such a manager or assistant manager; and  
(k) other words and expressions have the same meaning as in *The Canadian Wheat Board Act, 1935*.

5

### GUARANTEED LOANS.

Minister's  
liability to a  
bank.

3. Subject to the provisions of this section and of section four, the Minister of Finance shall, on the first day of October, nineteen hundred and fifty-two, be liable to pay to a bank the amount of loss sustained by it as a result of a loan made to an actual producer if

- (a) the loan was made pursuant to an application in the prescribed form signed by the borrower;  
(b) the borrower stated in his application  
(i) the estimated total quantity of all crops or grain of different kinds on the farm in respect of which he is the actual producer,  
(ii) the estimated quantity of grain that he may become entitled to deliver on his own behalf under the permit book for the farm,  
(iii) the quantity of the grain that he may become so entitled to deliver that he expects to deliver under the permit book on or before the thirty-first day of July, nineteen hundred and fifty-two, and  
(iv) the estimated amount that would be payable for the sale of the grain that he expects so to deliver if he were able to deliver and sell it at the time of the application;  
(c) a responsible officer of the bank certified  
(i) that he had scrutinized and checked the application for the loan with the care required of him by the bank in the conduct of its ordinary business, and  
(ii) that at the time the loan was made the borrower produced to the bank the permit book for the farm and endorsed therein a direction in a prescribed form that all moneys payable in respect of grain delivered by him or on his behalf under the permit book be paid to the bank until the loan is repaid in full;  
(d) the amount of the loan did not exceed  
(i) the estimated amount set out in his application pursuant to subparagraph (iv) of paragraph (b) that would be payable for the sale of grain that he expects to deliver under the permit book or one thousand dollars, whichever is less,

minus

The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a cocoon for the last few days. The sun was shining brightly, and the birds were chirping. I had never felt so alive before.

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### Conclusion

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- (ii) the amount received by him or that he would be entitled to receive at the time of the loan for the sale of grain delivered by him under the permit book before the making of the loan and on or after the first day of September, nineteen hundred and fifty-one; 5
- (e) repayment of the loan was secured by a security given under section six; and
- (f) the loan was made on such other terms and in accordance with such other conditions as may be prescribed. 10

When  
Minister  
not liable.

4. The Minister of Finance shall not be liable under this Act

- (a) to pay a bank a total amount in excess of twenty-five per cent. of the aggregate principal amount of the guaranteed loans made by that bank, or 15
- (b) to make any payment to a bank in respect of loss sustained by it as a result of a loan made after the aggregate principal amount of the guaranteed loans made by all banks exceeds twenty million dollars or of a loan made on or after the first day of June, nineteen hundred and fifty-two. 20

#### REGULATIONS.

Regulations.

5. The Governor in Council may make such regulations as he deems necessary or advisable to carry into effect the purposes and provisions of this Act and, without limiting the generality of the foregoing, such regulations may be made in relation to the following, 25

- (a) forms to be used in the administration of this Act;
- (b) terms and conditions upon which guaranteed loans shall be made in addition to those specified in paragraphs (a) to (e) of section three; 30
- (c) the method of determining losses sustained as a result of guaranteed loans and the procedure for making claims in respect thereof;
- (d) the collection of guaranteed loans in respect of which payment has been made by the Minister of Finance to banks, realization of security therefor and the liability of banks for failure or neglect to take steps for such collection; 35
- (e) subrogation of His Majesty to the rights of a bank with respect to a guaranteed loan; and 40
- (f) the delivery of grain acquired pursuant to a security given under this Act and purchase thereof by the Canadian Wheat Board.

17. In the event of a default by the borrower in the payment of any instalment of the loan, the lender may, without prejudice to any other remedy available to him, require the borrower to pay to the lender, within a period of 14 days of the date of the default, the amount of the instalment in default, together with interest thereon at the rate of 10% per annum.

18. The lender may, at any time, require the borrower to pay to the lender, within a period of 14 days of the date of the requirement, the amount of the instalment in default, together with interest thereon at the rate of 10% per annum.

Section 18 of the Act

18. In the event of a default by the borrower in the payment of any instalment of the loan, the lender may, without prejudice to any other remedy available to him, require the borrower to pay to the lender, within a period of 14 days of the date of the default, the amount of the instalment in default, together with interest thereon at the rate of 10% per annum.

19. The lender may, at any time, require the borrower to pay to the lender, within a period of 14 days of the date of the requirement, the amount of the instalment in default, together with interest thereon at the rate of 10% per annum.

## SPECIAL POWERS OF BANK.

Power of  
bank.

6. (1) Notwithstanding anything in *The Bank Act* or any other Act or law, a bank may, before the first day of June, nineteen hundred and fifty-two, lend money and make advances in an amount not exceeding one thousand dollars to an actual producer upon the security of crops and grain on the farm in respect of which he is the actual producer, and the security may be given by signature and delivery to the bank by or on behalf of the producer of a document in a form prescribed for that purpose or in a form to the like effect. 5

(2) Delivery of a document giving security upon crops and grain to a bank under the authority of this section has a like effect as delivery of a document giving security upon crops or grain under section eighty-eight of *The Bank Act* and all provisions of that Act, except subsection four of section eighty-eight thereof, apply with respect thereto as if the document were a document giving security under section eighty-eight of that Act. 10

## ENDORSEMENTS IN PERMIT BOOK.

When grain  
not to be  
received for  
storage.

7. Notwithstanding any other Act or law, no manager or operator of an elevator shall receive for storage grain delivered by or on behalf of an actual producer under a permit book in which the producer has endorsed a direction in accordance with paragraph (c) of section three with respect to a guaranteed loan and which direction has not been cancelled. 20

Priority of  
bank.

8. Where a producer to whom a guaranteed loan has been made by a bank has endorsed in the permit book for the farm in respect of which he is an actual producer a direction in accordance with paragraph (c) of section three to the effect that all moneys payable in respect of the purchase of grain delivered by him or on his behalf under the permit book be paid to the bank until the loan is repaid in full, the bank shall be entitled in priority to all other persons to payment of all moneys that become payable upon delivery and sale of grain by or on behalf of that producer under the permit book until the direction has been cancelled, and may recover any such moneys by action or proceedings against the manager of the elevator or other person receiving delivery of the grain as if the grain were delivered and sold on behalf of the bank and any such moneys received by the bank shall be deemed to be a payment on account of the loan. 25

1. The first section of the act provides that any person who is found guilty of...

2. It shall be the duty of every person who is found guilty of...

3. The second section of the act provides that any person who is found guilty of...

4. It shall be the duty of every person who is found guilty of...

5. The third section of the act provides that any person who is found guilty of...

6. It shall be the duty of every person who is found guilty of...

7. The fourth section of the act provides that any person who is found guilty of...

8. It shall be the duty of every person who is found guilty of...

9. The fifth section of the act provides that any person who is found guilty of...

10. It shall be the duty of every person who is found guilty of...

11. The sixth section of the act provides that any person who is found guilty of...

12. It shall be the duty of every person who is found guilty of...

13. The seventh section of the act provides that any person who is found guilty of...

14. It shall be the duty of every person who is found guilty of...

15. The eighth section of the act provides that any person who is found guilty of...

16. It shall be the duty of every person who is found guilty of...

17. The ninth section of the act provides that any person who is found guilty of...

18. It shall be the duty of every person who is found guilty of...

## OFFENCE.

Offences.

**9.** (1) A person who

(a) states in his application an estimated quantity of crops or grain or an estimated amount that he knows to be false; or

(b) makes any other statement in his application that is false in any material respect;

is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars and not more than five hundred dollars.

Penalty.

(2) Where a person is convicted of an offence under this section there shall be imposed on him, in addition to any fine, a penalty equal to such amount of any guaranteed loan made to him in respect of which the offence was committed as has not been repaid by him, with interest thereon to the date of the conviction, and the penalty shall be paid to the bank by which the loan was made, or, if payment has been made by the Minister of Finance to the bank in respect of the loan, the penalty shall be paid to the Receiver General of Canada and payment of the penalty shall discharge the liability of that person to repay the loan.

## GENERAL.

Notice to  
Canadian  
Wheat Board  
after payment  
made.**10.** Where the Minister of Finance has made a payment to a bank in respect of loss sustained by the bank as the result of a guaranteed loan, the Minister may give notice to the Canadian Wheat Board of the amount so paid and require the Board to withhold and to remit to him that amount out of the moneys that may at any time thereafter, other than at the time of the sale of grain by the borrower, become payable by the Board to the borrower, and notwithstanding *The Canadian Wheat Board Act, 1935*, the Board shall give effect to any such direction, and payment by the Board pursuant to any such direction shall, without prejudice to the rights of the borrower to recover any amount so paid from the Crown if entitled thereto, discharge the liability of the Board to the borrower with respect to the amount so paid.Borrower  
entitled to  
cancellation.**11.** Where a permit book has been endorsed in respect of a guaranteed loan with a direction in accordance with paragraph (c) of section three and the loan has been repaid in full, the borrower is entitled to require the bank by which the loan was made, to cancel the direction by an entry to that effect in the permit book.Minister in  
charge.**12.** The Minister of Trade and Commerce shall be charged with the administration of this Act.



him and with whom a Mr. ... ..  
... ..  
... ..

5. Good old to ... ..  
... ..

THE HOUSE OF COMMONS

1811

An Act to amend the Statute in relation to ... ..  
... ..  
... ..

Printed by ... ..

... ..

... ..

Payments out  
of C.R.F.

**13.** Any amount payable to a bank under this Act and the expenses of administration of this Act may be paid out of unappropriated moneys in the Consolidated Revenue Fund.

Coming into  
force.

**14.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. **5**

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Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 45.**

An Act to authorize the provision of moneys to meet certain commitments for new equipment incurred by the Canadian National Railways System during the calendar year 1951, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

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First reading, December 14, 1951.

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THE MINISTER OF FINANCE.

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

THE HOUSE OF COMMONS OF CANADA.

**BILL 45.**

An Act to authorize the provision of moneys to meet certain commitments for new equipment incurred by the Canadian National Railways System during the calendar year 1951, and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

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

Short title.

**1.** This Act may be cited as *Canadian National Railways Financing and Guarantee Act (No. 2)*, 1951.

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Definitions.

**2.** In this Act,

"authorized expenditures".

(a) "authorized expenditures" means the expenditures authorized by section three;

"National Company".

(b) "National Company" means the Canadian National Railway Company;

10

"National Railway System" 1937, c. 22.

(c) "National Railway System" means the National Railway System as defined in *The Canadian National Railways Capital Revision Act, 1937*; and

"securities".

(d) "securities" means the notes, obligations, bonds, debentures and other securities described in sub-section one of section four.

Capital expenditures authorized.

**3.** The National Railway System is hereby authorized to make expenditures, in addition to the expenditures authorized by any other Act, not exceeding in the aggregate fifty-five million five hundred and eighty-one thousand eight hundred and sixteen dollars, for the purpose of meeting the commitments that have been incurred by the said System in the year 1951 in respect of new equipment.

20



Issue of securities.

**4.** (1) Subject to this Act and with the approval of the Governor in Council, the National Company may issue notes, obligations, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for authorized expenditures, or for the repayment of loans made under section six. 5

Maximum amount of securities.

(2) The aggregate principal amount of securities, not including any securities issued to secure loans made under section six, outstanding at any one time shall not exceed fifty-five million five hundred and eighty-one thousand eight hundred and sixteen dollars. 10

Guarantee.

**5.** (1) The Governor in Council may authorize the guarantee by His Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees. 15

Signature of guarantees.

(2) A guarantee under this Act may be signed on behalf of His Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the relative provisions of this Act have been complied with. 20

Minister of Finance may make temporary loans for capital expenditures.

**6.** (1) The Minister of Finance, upon applications made to him by the National Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the National Company out of the Consolidated Revenue Fund of amounts required for authorized expenditures at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act. 30

Maximum amount of loans.

(2) The aggregate principal amount at any one time outstanding of the loans made pursuant to subsection one shall not exceed fifty-five million five hundred and eighty-one thousand eight hundred and sixteen dollars. 35

Power to aid other companies.

**7.** The National Company may aid and assist, in any manner not inconsistent with the terms of section three, any others of the companies and railways comprised in the National Railway System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways 40

(a) apply the proceeds of any loan of securities for the purpose of making additional expenditure on the railway or for the purpose of any other of the said purposes and (b) make advances of any kind for the purpose of making additional expenditure on any of the said purposes and railways and to do so in such manner as the Board may think fit.

5. The proceeds of any loan of securities for the purpose of making additional expenditure on the railway or for the purpose of any other of the said purposes shall be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance to draw for the National Company in any or more such instalments as may be determined by the Minister of Finance and approved by the Minister of Finance and shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund or on instructions from the Minister of Finance by the Minister of Finance in such manner as may be determined by the Minister of Finance.

Transferred to the Consolidated Revenue Fund

THE NATIONAL COMPANY

- (a) apply the proceeds of any issue of securities towards meeting authorized expenditures on its own account or on account of any others of the said companies and railways, and
- (b) make advances of amounts required for meeting authorized expenditures to any others of the said companies and railways and at its discretion may require or dispense with security for repayment thereof. 5

Proceeds paid to credit of Minister of Finance in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated by him, and upon applications made to the Minister of Finance by the National Company and approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such applications. 10 15 20



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Fifth Session, Twenty-First Parliament, 15-16 George VI, 1951.

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THE HOUSE OF COMMONS OF CANADA.

**BILL 46.**

An Act to amend The Prairie Farm Assistance Act, 1939.

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AS PASSED BY THE HOUSE OF COMMONS,  
29th DECEMBER, 1951.

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

5th Session, 21st Parliament, 15-16 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

**BILL 46.**

1939, c. 50;  
1940, c. 38;  
1940-41, c. 24;  
1942-43, c. 5;  
1947, c. 43;  
1947-48, c. 24;  
1949 (Sec.  
Sess.) c. 34;  
1950, cc. 47,  
50

An Act to amend The Prairie Farm Assistance Act, 1939.

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

No award.

**1.** Paragraph (c) of subsection three of section three of *The Prairie Farm Assistance Act, 1939*, chapter fifty 5 of the statutes of 1939, as enacted by section one of chapter forty-seven of the statutes of 1950, is amended by adding thereto the following subparagraph:

Exception.

“(vi) lands lying north of the south boundary of township sixty in each of the provinces of Alberta and 10 British Columbia.”

Coming into force.

**2.** This Act shall be deemed to have come into force on the first day of August, nineteen hundred and fifty.

#### EXPLANATORY NOTE.

*The Prairie Farm Assistance Act* was amended in 1950 to provide, *inter alia*, that Crown and municipal lands not sold or granted prior to December 31, 1940, would not be eligible for award. The primary purpose of this amendment was to exclude from payments under the Act all Crown and municipally owned lands under lease to farmers as it was considered that much of the land which had been, or might be, so leased was sub-marginal for farming purposes.

Since the amendment was passed in 1950 it has been found that certain provincial lands have been opened up for settlement since 1940 which are suitable for cultivation and had not previously been made available for settlement because of lack of access roads and other facilities. It is not considered desirable that farms in these pioneer areas should be excluded from the benefits of *The Prairie Farm Assistance Act*.

For the most part, these pioneer areas in Alberta and British Columbia, together with similar lands still to be opened up, lie north of township sixty, while the sub-marginal lands which it is desired to exclude from the awards lie to the south of that line.

The purpose of the present amendment is to exclude from the provisions of the 1950 amendment, as referred to above, all lands lying north of township sixty in the provinces of Alberta and British Columbia.

ALABAMA EXHIBIT NO. 1000000000

2

The Young Farm Association was organized in 1930 to provide with the State of Alabama and municipal lands not sold or granted prior to December 31, 1940, would not be eligible for award. The primary purpose of this organization was to acquire lands for the benefit of all citizens and municipality owned lands under lease to citizens. It was organized for the purpose of acquiring lands for the benefit of the citizens of the State of Alabama.

Since the organization was formed in 1930 it has been organized to acquire lands for the benefit of the citizens of the State of Alabama. It has been organized to acquire lands for the benefit of the citizens of the State of Alabama. It has been organized to acquire lands for the benefit of the citizens of the State of Alabama.

For the most part, these lands are in Alabama and British Columbia. These lands are in Alabama and British Columbia. These lands are in Alabama and British Columbia.

The purpose of the present amendment is to exclude from the provisions of the 1930 amendment, as amended, to provide all lands from north of township 34 in the Province of Alberta and British Columbia.













