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CANADA
HOUSE OF COMMONS

19th Parliament, 1st Session
1940

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First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 2.

An Act to amend the Naval Service Act.

First reading, May 20, 1940.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93503 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA

BILL 2.

An Act to amend the Naval Service Act.

R.S., c. 139.

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

Naval Service Act amended.

1. The *Naval Service Act*, chapter one hundred and thirty-nine of the Revised Statutes of Canada, 1927, is amended by inserting, immediately after section twenty-eight thereof, the following section as section twenty-eight A:—

Certain persons made subject to Naval Service Act.

"**28A.** (1) If any person who, not belonging to the Naval Service, enters into an engagement with the Minister to serve His Majesty—

(a) in a particular ship, or

(b) in a particular ship or in such ships as the Minister may from time to time determine,

and agrees to become subject to this Act upon entering into the engagement, that person shall, so long as the engagement remains in force, and notwithstanding that for the time being he may not be serving in any ship, be subject to this Act, and the provisions of this Act shall apply in relation to that person as if, while subject to this Act, he belonged to the Naval Service and were borne on the books of one of His Majesty's Canadian ships in commission.

May be deemed officers or petty officers.

(2) The Governor in Council may direct that, subject to such exemptions as may in particular cases be made by or on behalf of the Minister, persons of any such class as may be specified by the Governor in Council shall, while subject to this Act by virtue of this section, be deemed to be officers or petty officers, as the case may be, for the purposes of this Act or of such provisions of this Act as may be so specified; and the Governor in Council may from time time vary or revoke any directions so given."

Explanatory Note

The *Naval Service Act*, chapter 139 of the Revised Statutes of Canada, 1927, makes no provision by which civilians serving with the Naval Forces of Canada can be made subject to naval discipline.

During the last war the situation was met by enrolling such persons in the Royal Naval Canadian Volunteer Reserve "for discipline only." This procedure was not satisfactory for administrative reasons, it was open to certain legal objections, and it gave rise to many claims for war service compensation which, though not legally admissible, were extremely difficult to reject. In the interests of discipline, and to remove the administrative and other difficulties mentioned, it is essential that statutory provision be made in the *Naval Service Act* in respect of the civilian employees mentioned, and this is the purpose of this Bill.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to amend the Militia Pension Act.

First reading, May 20, 1940.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1214

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA

BILL 3.

An Act to amend the Militia Pension Act.

R.S., c. 133; 1928, c. 35; 1929, c. 6; 1930, c 32; 1937, c. 12.

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

1. Paragraph *(e)* of section thirty-six of the *Militia Pension Act*, chapter one hundred and thirty-three of the Revised Statutes of Canada 1927, as enacted by chapter thirty-five of the statutes of 1928, is amended by adding thereto the following sub-paragraph:—

Period of service in Royal Canadian Naval Reserve or Volunteer Reserve for computing pension.

"(iii) Half the time served in the Royal Canadian Naval Reserve or Royal Canadian Naval Volunteer Reserve if he has served at least ten years in the Royal Canadian Navy; provided, however, that the time to be credited to an Officer under this paragraph for service in the Royal Canadian Naval Reserve or Royal Canadian Naval Volunteer Reserve shall in no case exceed ten years; and provided further that if an Officer's pension is increased under the authority of this paragraph, then in addition to the deductions mentioned in this Act, such pension shall be subject to an annual deduction for a number of years equal to the number of years added to his service under the said authority, such deduction to be equivalent to five per centum of the pay which the Officer was receiving at the time of his retirement from the Force."

Explanatory Note.

The purpose of this amendment is to enable an Officer of the Permanent Naval Forces of Canada, who prior to appointment to said Forces had served in the Non-Permanent Naval Forces, to include in the period of service upon which Pension would be computed one-half of the time served in said Non-Permanent Naval Forces of Canada. The Act already makes provision for Officers of the Permanent Military and Air Forces of Canada reckoning one-half of their previous Non-Permanent Military or Air Force service for purposes of Pension, and the amendment is intended to accord like treatment to Officers of the Permanent Naval Forces.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend the Department of National Defence Act.

First reading, May 20, 1940.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1445

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act to amend the Department of National Defence Act.

R.S., c. 136.

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

1. The *Department of National Defence Act*, chapter one hundred and thirty-six of the Revised Statutes of Canada, 1927, is amended by adding thereto the following section:—

Regulations respecting service estates.

"**7.** (1) The Governor in Council may make regulations prescribing the manner in which there will be collected, administered and distributed the service estates of members of the Naval, Military or Air Forces of Canada who die while serving on active service, or who die while receiving hospital treatment or institutional care under the control or direction of the Department of Pensions and National Health on account of any disability suffered or incurred whilst serving on active service.

'Service estate' defined.

(2) For the purposes of this section, 'service estate' shall mean that part of the personal estate of the deceased member of the Naval, Military or Air Forces of Canada mentioned in this section which consists of balance of pay and allowances, and all other emoluments emanating from the Crown, which at date of death are due or otherwise payable, and effects issued by the Crown which, under the regulations applicable to a member of any of said Forces, he is permitted to retain, and all personal belongings found on the deceased and in camp, quarters, or otherwise in the care or custody of the Naval, Military or Air Force Authorities concerned, including cash on hand and personal articles and effects."

Explanatory Notes.

The purpose of this Bill is to empower the Governor in Council to make Regulations designed for the speedy collection, administration and distribution of the service estates of members of the Naval, Military and Air Forces of Canada who die whilst serving on active service, or who die while receiving hospital or institutional treatment under the control of the Department of Pensions and National Health, on account of wounds or disabilities suffered while serving on active service.

In the last war the "military" estates of the deceased members of the Canadian Expeditionary Force were dealt with under the Regimental Debts Act, a statute of the United Kingdom, the provisions of which were found to be cumbersome and could not be applied conveniently to meet Canadian conditions. Since the last war the Royal Canadian Air Force has been established, and provision for the collection, administration and distribution of Air Force estates also became necessary.

Like provision was also required with respect to Naval estates.

Regulations governing the collection, administration and distribution of the service estates of deceased members of the Naval, Military and Air Forces of Canada who die on active service, were accordingly made by the Governor in Council under the *War Measures Act*, and an Administrator of Estates has been appointed in the Department of National Defence. These service estates are dealt with in a uniform manner, and the procedure followed is designed to effect the speedy collection of service estates, and the distribution of the estate without delay to the beneficiary named in the deceased's will, or to the deceased's heirs in the case of an intestacy.

With respect to the assets of a service estate, these do not come within the scope of provincial legislation dealing with the devolution of estates, nor do they include any real property. Any personal assets which are not assets of the service estate, and any real property belonging to the deceased, are not dealt with by the Administrator of Estates, but are dealt with independently of the Department and in accordance with the laws of the province concerned.

As the administration and distribution of these service estates will doubtless continue for some time after the *War Measures Act* is capable of being invoked, it was considered desirable that other legislation be enacted empowering the Governor in Council to make regulations pertaining to the matter in question.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act respecting the Royal Canadian Air Force.

First reading, May 20, 1940.

THE MINISTER OF NATIONAL DEFENCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1837

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act respecting the Royal Canadian Air Force.

Preamble.

R.S., c. 3.

WHEREAS an air force has been constituted by the Governor in Council pursuant to the powers conferred by the *Aeronautics Act*, and His Majesty has been graciously pleased to authorize the said Force to be known as the Royal Canadian Air Force; and Whereas it is desirable that further provisions should be made in respect of the constitution and government of the said force, which is hereinafter referred to as the "air force:" Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be referred to as *The Royal Canadian Air Force Act.*

INTERPRETATION.

Definitions.

"air force works".

"airman".

"emergency".

"Minister".

"officer".

2. In this Act unless the context otherwise requires:—

(a) "air force works" includes aerodromes, air harbours, hangars, barracks and other property used for air force purposes;

(b) "airman" means a person who is liable under this Act or the regulations to perform air force duty otherwise than as an officer;

(c) "emergency" means war, invasion, riot or insurrection, real or apprehended;

(d) "Minister" means the Minister of National Defence;

(e) "officer" means a person commissioned by His Majesty as an officer in the air force and includes a person commissioned by His Majesty in any other of His Majesty's forces who, by virtue of this Act or the regulations, is entitled to exercise the functions of an officer of the air force;

Explanatory Notes.

By the *Aeronautics Act*, R.S.C. c. 3, s. 4, the Minister of National Defence is empowered with the approval of the Governor in Council to "make regulations with respect to.... (j) organization, discipline, efficiency and good government generally of the officers and men employed in the air force", it being directed (s. 4(3)) that any regulations made in exercise of this power "shall be published in the *Canada Gazette* and upon being so published shall have the same force in law as if they formed part of this Act".

The air force having been constituted in virtue of the powers by the said Act conferred and His Majesty having been graciously pleased to approve of its being known as the "Royal Canadian Air Force", it has been known and administered accordingly.

The air force thus constituted and governed has functioned satisfactorily. The sufficiency of the authority for its organization has never been called into question.

Since, however, the militia and the naval forces are constituted under special statutes, it is regarded as advisable to enact a corresponding statute dealing with the air force and defining its relations with the other forces and with the civil authorities.

The present Bill makes no change in the present constitution of the air force or in the mode in which it is now administered. The provisions the Bill contains are similar to provisions which appear in the *Militia Act*, R.S.C., c. 132, and the *Naval Service Act*, R.S.C., c. 139, with such modifications as are required in view of the special character of the air force and its special duties.

"on active service". *(f)* "on active service" as defining any period means, in respect to any officer or airman, the period beginning when such officer or airman is ordered for duty by reason of an emergency and ending when he is released from such duty;

"on service". *(g)* "on service" as defining any period means, in respect to any officer or airman, the period beginning when he is ordered for duty otherwise than by reason of an emergency, and ending when he is released from such duty;

"prescribed". *(h)* "prescribed" means prescribed by this Act or by regulation or order made by or with the authority of the Governor in Council;

"regulation". *(i)* "regulation" means a regulation made by the Governor in Council under the authority of this Act;

"unit". *(j)* "unit" means any body of the air force constituted for the purpose of administration or command and to which officers or airmen may be attached for duty.

Interpretation Act to apply. R.S., c. 1. **3.** The *Interpretation Act* and the last preceding section shall apply to all regulations made under this Act.

COMMAND.

Command in chief. **4.** The command in chief of the air force is declared to continue to be vested in the King, and shall be exerciseable by His Majesty or by the Governor General on His Majesty's behalf.

R.C.A.F. continued as now constituted. **5.** The air force shall continue as presently constituted under the *Aeronautics Act* and all orders in council and other orders made in virtue of that Act shall, insofar as they are not inconsistent with this Act, continue in force until rescinded or altered hereunder.

Persons subject to the Act. **6.** Persons in this section mentioned shall be subject to this Act as officers or airmen in the circumstances hereinafter defined, namely:—

Officers and airmen. *(a)* every officer and airman when

(i) in pay as such, or

(ii) on service or on active service, or

(iii) in air force uniform, or

(iv) on any aerodrome, air harbour or other property occupied by the air force, or

(v) serving with any unit of the air force, the members of which are at the time subject to this Act, or

(vi) present, whether in uniform or not, at any drill, parade or exercise of any unit of the air force;

3. See s. 3 of the *Militia Act* and s. 3 of the *Naval Service Act.*

4. See s. 4 of the *Militia Act* and s. 4 of the *Naval Service Act.*

6. See ss. 69 (2) and 70 of the *Militia Act.*

Members naval forces, militia and R.C.M.P.

(b) every officer, petty officer, non-commissioned officer, seaman, soldier and constable of the naval forces, of the militia or of the Royal Canadian Mounted Police while attached or lent to the air force;

Members British forces.

(c) subject to such exceptions, adaptations and modifications as may be directed by the Governor in Council under the *Visiting Forces (British Commonwealth) Act*, 1933, every officer and member of any force to which the said Act applies when such officer or member of such force is attached to the air force;

Persons holding passes.

(d) every person accompanying any part of the air force on active service who holds from the commanding officer of such part a pass entitling him to be treated on the footing of an officer;

Followers and employed persons.

(e) every person not otherwise subject to this Act who is employed by or in the service of any part of the air force when on active service or who is a follower of or accompanies any part of the air force when on such service.

Enlistment of airmen for three or five years.

7. (1) Airmen may be enlisted for continuous service in pay for any period not longer than five years and may be enlisted for non-continuous service, while remaining free to engage in a civil occupation, for any period not longer than three years.

Extension of term of service in emergencies.

(2) The term of service of any airman which expires during an emergency shall be subject to extension with his consent until the emergency comes to an end and for not more than one year thereafter, and shall be subject to extension without his consent until the emergency comes to an end or for one year, whichever is the shorter period.

Service in accordance with terms of engagement.

(3) Notwithstanding anything in this section contained, an airman who, on his enlistment in, or in anticipation of an emergency, has engaged to serve on active service during such emergency, may be required to serve in accordance with the terms of his engagement.

Calling out air force.

8. The Governor in Council may at any time call out any unit of the air force or any officer or airman of such force on service when required for duty, and may call out any such unit, officer or airman on active service in an emergency.

Aid to civil power.

R.S., c. 132.

9. When an officer performing the duties of a district officer commanding a military district has called out the active militia or any portion thereof in aid of the civil power under the provisions of the *Militia Act* and considers that the services of any part of the air force are necessary for the purpose of assisting the militia so called out, he may address to the Minister a request stating the nature and extent of the assistance from the air force which he deems

7. See s. 68 of the *Militia Act* and ss. 13 and 18 of the *Naval Service Act.*

8. See ss. 63 and 64 of the *Militia Act* and s. 19 of the *Naval Service Act.*

9. The provisions governing the calling out of the militia in aid of the civil power and the payment of the expense thereby incurred are contained in ss. 75 and 85 of the *Militia Act.* Under these certain statutory duties are imposed upon the district officer commanding the militia and it is consequently through him that the services of the air force must be obtained when required.

necessary, and upon receiving such request the Minister may authorize the appropriate officer of the air force to call out on active service such units of the air force or officers and airmen thereof, together with their aircraft and equipment, as the Minister considers proper in view of such request.

Powers of peace officer.

(2) Every unit, officer and airman called out under this section shall remain on active service until further order, and every such officer or airman shall while on such service have the powers of a peace officer.

Expenses.

(3) All expenses and costs incurred by His Majesty by reason of any unit of the air force being placed on active service in aid of the civil power shall be payable and recoverable in the same way as like expenses and costs in the case of the militia.

Interference with property in emergencies.

10. (1) The officer commanding any unit of the air force on active service may, subject to regulations, enter upon, take or destroy any private property, real or personal, required to be entered upon, taken or destroyed for the purpose of meeting the emergency.

Compensation.

(2) Any person who suffers damage by reason of the exercise of the powers by this section conferred shall be compensated from the Consolidated Revenue Fund of Canada.

AIR FORCE LAW.

Application of *Air Force Act* (U.K.).

11. The provisions of the *Air Force Act* for the time being in force in the United Kingdom and not inconsistent with this Act or with any regulation, shall have force and effect as if such provisions formed part of this Act, and any powers conferred by the said Act shall be exerciseable by the Governor in Council, or by such person as may be specified by regulation.

Liability for air force offences.

12. (1) An officer or airman who is alleged to have committed an offence under this Act while on service or active service may be charged with such offence under this Act at any time during such service or active service or within six months following the termination thereof.

Disposition when charge laid.

(2) Any officer or airman so charged shall for the purpose of the disposition of such charge continue to be subject to this Act until the charge has been disposed of by court martial or as otherwise authorized by this Act, and thereafter until any punishment awarded has been completed.

Desertion.

(3) Any officer or airman charged with desertion may be charged, tried and punished under this Act for such offence at any time, and shall remain subject to this Act accordingly.

10. See s. 7 of the *Militia Act.*

11. See s. 69 (1) of the *Militia Act* and ss. 45 and 46 of the *Naval Service Act.*

12. See s. 71 of the *Militia Act.*

Air Force officers may act on any court.

13. An officer of the air force shall be eligible and may be ordered to serve on any court martial constituted under any statute to try any person not subject to this Act.

Imprisonment for air force offences.

14. (1) A warrant for the imprisonment of any person sentenced to imprisonment by an air force court martial may, if the sentence is for less than two years, direct the person sentenced to be imprisoned either in any place specially appointed for the imprisonment of offenders under this Act, the *Naval Service Act* or the *Militia Act*, or in the common gaol or other lawful prison or place of confinement, other than a penitentiary, nearest to the place at which the sentence was pronounced, but if the sentence is for imprisonment for two years or more, the warrant shall direct the person sentenced to be imprisoned in a penitentiary.

R.S., c. 139. R.S., c. 132.

Custody of prisoners.

(2) Every officer in charge of any place specially appointed for the imprisonment of offenders under this Act, the *Naval Service Act* or the *Militia Act*, and every governor, keeper or warden of every gaol, prison or penitentiary in Canada shall receive and detain any person delivered into his custody and named in such warrant addressed to him, and shall confine such prisoner until discharged or delivered over in due course of law.

R.S., c. 139. R.S., c. 132.

Air force property in His Majesty.

15. The property in any money or other chattel held by any person for the use or benefit of the air force or any unit thereof shall, for the purpose of any legal proceedings, be deemed to be in His Majesty.

Regulations.

16. (1) The Governor in Council may make regulations not inconsistent with the provisions of this Act relating to

(a) the organization, discipline, training and good government of the air force;

(b) the pay and allowances of officers and airmen;

(c) air force works, equipment and supplies and the custody, supervision, use and issue thereof;

(d) the provision of the transport of officers and airmen and the compensation payable therefor; and

(e) the ascertainment of the compensation payable for damage suffered by members of the public by reason of air force training or by reason of the entering upon, taking or destruction of property in an emergency.

Publication of regulations.

(2) Any such regulation shall, upon publication in the *Canada Gazette*, have the same force in law as if it had formed part of this Act, and shall be laid before both Houses of Parliament within ten days after such publication, if Parliament is then sitting, and if Parliament is not then sitting, then within ten days after the commencement of the next session thereof.

Laid before Parliament.

13. The purpose of this section is to facilitate the constitution of courts martial under the *Militia Act* and the *Naval Service Act* when desired by the service concerned.

14. See s. 131 of the *Militia Act* and ss. 48-50 of the *Naval Service Act.*

15. See s. 129 of the *Militia Act* and s. 35 of the *Naval Service Act.*

16. See ss. 139-141 of the *Militia Act* and ss. 17, 42-44 of the *Naval Service Act.*

Interference with training or movement.

17. Any person who interferes with the training or movement of any unit, officer or airman on service or on active service shall be liable on summary conviction to a fine not exceeding two hundred dollars or to six months imprisonment or to both fine and imprisonment.

Payments from Consolidated Revenue Fund.

18. All sums of money payable under this Act by way of compensation for damage arising from acts done in case of emergency or for the pay, allowance and other expenses incurred by reason of the calling out of officers or airmen on active service during such emergency may be paid out of the Consolidated Revenue Fund upon warrant directed by the Governor-General to the Minister of Finance.

17. See s. 121 of the *Militia Act.*

18. See s. 143 of the *Militia Act.*

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Canada Evidence Act.

First reading, May 20, 1940.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1295

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to amend the Canada Evidence Act.

R.S. c. 59; 1931, c. 5; 1938, c. 4.

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

1. Section twenty-six of the *Canada Evidence Act*, chapter fifty-nine of the Revised Statutes of Canada, 1927, as amended by section one of chapter five of the statutes of 1931, and by section two of chapter four of the statutes of 1938, is further amended by adding thereto as subsection four the following:

Not necessary to prove official character.

"(4) Where proof is offered by affidavit pursuant to the provisions of this section it shall not be necessary to prove the official character of the person making the affidavit if that information is set out in the body of the affidavit."

2. Subsection two of section twenty-nine of the said Act, as enacted by section three of chapter four of the statutes of 1938, is amended by adding thereto as paragraph *(c)* the following:

Not necessary to prove official character.

"*(c)* Where proof is offered by affidavit pursuant to the provisions of this section it shall not be necessary to prove the official character of the person making the affidavit if that information is set out in the body of the affidavit."

Explanatory Notes.

1. and **2.** The object of these amendments is to permit the affidavits referred to in these sections to be accepted as evidence without otherwise proving the official character of the person making the same. The subsection and paragraph are new.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act to amend The Canada Grain Act.

First reading, May 20, 1940.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

480

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

1930, c. 5; 1932-33, cc. 9, 24; 1934, c. 26; 1938, c. 5; 1939, c. 36.

An Act to amend The Canada Grain Act.

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

Binning of tough with straight grades as a means of drying.

1. Section one hundred and twenty-five of *The Canada Grain Act*, chapter five of the statutes of 1930, as amended by chapter five of the statutes of 1938 and chapter thirty-six of the statutes of 1939, is further amended by renumbering subsections (3), (4) and (5), as enacted by chapter five of the statutes of 1930, as subsections "(4)," "(5)" and "(6)," respectively.

Excess to belong to His Majesty.

2. Subsection two of section one hundred and thirty-eight of the said Act, as enacted by section fifty-two of chapter thirty-six of the statutes of 1939, is amended by striking out the word "hereinbefore" in the fifth line thereof and substituting therefor the word "hereinafter".

Schedule 1.

3. Schedule One of the said Act, as enacted by section sixty-six of chapter thirty-six of the statutes of 1939, is amended by striking thereout the definition for No. Extra 3 Canada Western Oats and substituting therefor the following definition:—

Explanatory Notes

The object of this Bill is to correct inaccuracies in chapter thirty-six—An Act to amend The Canada Grain Act, assented to 3rd of June, 1939.

1. As section one hundred and twenty-five of the Act now contains two subsections numbered "3" the subsections require re-numbering.

2. Subsection two of Section one hundred and thirty-eight of the said Act reads as follows:—

"(2) If upon any such weighover it appears that the handling of grain in a public terminal elevator has resulted in the transfer of any grain from a lower to a higher grade the excess in any grade shall be the property of His Majesty and shall, subject as *hereinbefore* provided, be disposed of as the Board may direct."

The procedure regarding disposition of the excess is laid down in following subsections of section one hundred and thirty-eight and the amendment corrects an obvious error.

3. The definition of the grade of No. Extra 3 Canada Western Oats in Schedule One of the said Act reads as follows:—

Grade Name	Standard of Quality			Maximum Limits of Foreign Material			
	Minimum weight per measured bushel in pounds	Varieties	Degree of Soundness	Seeds (See Note)	Wild Oats	Other Grains	Total not to exceed
No. Extra 3 Canada Western.	40	Domestic Oats, any variety.	Reasonably well matured, practically free from damage	Practically free	About 2%	About 2 %	3%

Grade Name		No. Extra 3 Canada Western
Standard of Quality.	Minimum weight per measured bushel in pounds	40
	Varieties	Domestic Oats, any variety.
	Degree of Soundness	Reasonably well matured, practically free from damage.
Maximum Limits of Foreign Material	Seeds	About 1%
	Wild Oats	4%
	Other Grains	4%
	Total not to exceed	6%

This amendment reduces the maximum limits of foreign material allowed in this grade of oats and thus makes it a special grade for good quality oats which, except for not being so well matured, are in all other respects equal to oats of the grade of No. 2 Canada Western.

When Section 3 comes into force.

4. Section three of this Act shall come into force on the first day of August, 1940.

First Session, Nineteenth Parliament, 4 George VI, 1940

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act respecting the appointment of Auditors for National Railways.

First reading, May 20, 1940.

MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1st Session, 19th Parliament, 4 George VI, 1940

THE HOUSE OF COMMONS OF CANADA.

BILL 8.

An Act respecting the appointment of Auditors for National Railways.

1932-33, c. 33; 1934, c. 3; 1935, c. 1; 1936, c. 21; 1937, c. 3; 1938, c. 3. 1939, c. 2.

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

Appointment of auditors.

1. Notwithstanding the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, chapter thirty-three of the statutes of 1933, as enacted by section three of chapter twenty-five of the statutes of 1936, respecting the appointment of auditors by joint resolution of the Senate and House of Commons, George A. Touche and Company, of the cities of Toronto and Montreal, chartered accountants, are appointed as independent auditors for the year 1940, to make a continuous audit under the provisions of the said section, of the accounts of National Railways as defined in the said Act.

Explanatory Note.

This Bill is the required annual legislation for the appointment of Canadian National Auditors.

9.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act respecting the Beauharnois Light, Heat and Power Company.

First reading, May 20, 1940.

THE MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

94429

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 9.

An Act respecting the Beauharnois Light, Heat and Power Company.

Preamble. WHEREAS by section two of chapter nineteen of the statutes of 1931, the Beauharnois Light, Heat and Power Company, its successors or assigns, is granted the right to divert from Lake St. Francis up to but not exceeding 53,072 cubic second feet of water of the flow of the River St. Lawrence, to be returned to Lake St. Louis and to be used for the development of hydro-electric power between said two points in such manner, upon such terms and conditions and with such limitations and reservations as may be prescribed by Order of the Governor in Council;

Preamble. AND WHEREAS section three of the said Act provides that the Governor in Council shall not consent to any further or additional diversion by said Company of water of the River St. Lawrence except with the express approval of Parliament;

Preamble. AND WHEREAS the development of additional hydro-electric power by the Company is urgently required to meet the increased demand incident to manufacture of materials for war purposes and other immediate requirements of the users thereof;

Preamble. AND WHEREAS the said Company desires the approval of Parliament to the diversion of an additional 30,000 cubic second feet of water from Lake St. Francis to be used for the development of hydro-electric power upon and subject to such terms and conditions, limitations and reservations as may be prescribed by Order of the Governor in Council:

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

Explanatory Notes

1. By chapter 20 of the statutes of Canada, 1931, the canal then being constructed by Beauharnois Light, Heat and Power Company, and the works appurtenant thereto, were declared to be works for the general advantage of Canada, and the Governor in Council was authorized to make any orders, rules and regulations which might be deemed necessary or convenient with respect to any diversion of waters of the St. Lawrence River by said Company. As a result of the construction of the said canal by the company, the Crown in the right of the Dominion of Canada, the acquisition being authorized by said statute, has acquired without cost to it the lands and works then deemed necessary or useful to the improvement of navigation by means of said canal, these lands and works having been conveyed to the Crown by the company without compensation, subject only to the exclusive right of the company to use said canal for power purposes.

2. Acting under the provisions of section 2, chapter 19 of the statutes of Canada, 1931, the Governor in Council by P.C. 504, dated March 1, 1932, has prescribed such terms and conditions. limitations and reservations as were deemed expedient to maintain and preserve the paramount interests of navigation. These terms, conditions, limitations and reservations have been accepted by the company and are being carried out in accordance with plans which have been approved pursuant to said Order in Council.

3. The canal and works appurtenant thereto, as constructed and as designed in the plans approved by the said Order in Council, permit of efficient and economic development and use of an additional quantity of water for power purposes as and when the diversion of the same shall be authorized.

4. The nature of this power development will enable additional power to be made available within a relatively short time, and it is considered desirable that steps be taken to insure an adequate supply of power to meet increased demands arising from the war.

5. The company has already sold or contracted for all the power which can be produced from the presently authorized diversion of 53,072 cubic second feet of water, and has acquired, by emphyteutic lease, from the province of Quebec, the rights of that province to the water power which can be developed through the use of an additional maximum flow of 30,000 cubic second feet of water.

Authority to divert.

1. Beauharnois Light, Heat and Power Company, its successors or assigns, in so far as it may be within the competence of Parliament, is hereby granted the right to divert from lake St. Francis up to but not exceeding thirty thousand cubic second feet of water (in addition to the fifty-three thousand, no hundred and seventy-two cubic second feet of water authorized to be diverted by the provisions of chapter nineteen of the statutes of 1931) of the flow of the river St. Lawrence, to be returned to lake St. Louis and to be used for the development of hydro-electric power between the two said points, in such manner, upon such terms and conditions and with such limitations and reservations as may be prescribed by order of the Governor in Council.

6. The purpose of the Bill is to obtain from Parliament its approval, as required by chapter 19 of the statutes of Canada, 1931, of the diversion by the company, subject to regulation by the Governor in Council, of an additional quantity of 30,000 cubic second feet of water of the river St. Lawrence for power purposes.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to ratify and confirm a certain agreement respecting the joint use by Canadian National Railways of certain tracks and premises of the Vancouver, Victoria and Eastern Railway and Navigation Company, at Vancouver, in the Province of British Columbia.

First reading, May 20, 1940.

MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94433 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to ratify and confirm a certain agreement respecting the joint use by Canadian National Railways of certain tracks and premises of the Vancouver, Victoria and Eastern Railway and Navigation Company, at Vancouver, in the Province of British Columbia.

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

Agreement ratified and confirmed.

1. The agreement made by and between the Vancouver, Victoria and Eastern Railway and Navigation Company of the first part, and the Canadian Northern Pacific Railway Company of the second part, dated the thirtieth day of March, 1939, a copy of which forms Schedule "A" to this Act, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto in all respects whatsoever, as fully and completely as if the said agreement were set out at length and enacted in this Act, and the parties to said agreement are hereby authorized and empowered to do whatever may be necessary on their respective parts to give full effect to the provisions of the said agreement.

Board of Transport Commissioners' powers.

Railway Act, R.S., c. 170, to apply.

2. Nothing in this Act contained shall be deemed in any way to impair the powers of The Board of Transport Commissioners for Canada, and all the provisions of the *Railway Act* now applying to the said Companies and their respective undertakings, and not inconsistent with the provisions of this Act, shall continue to apply to the same.

Explanatory Notes.

Under agreement dated November 6, 1915, the Vancouver, Victoria and Eastern Railway and Navigation Company granted to the Canadian Northern Pacific Railway Company the right to run over the former Company's tracks between New Westminster and Vancouver, and this agreement became effective in perpetuity upon ratification by Parliament under Chapter 59 of the Statutes of 1917.

Owing to the construction by the City of Vancouver of a bridge over the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Company at First Avenue connecting with Terminal Avenue and the removal of the tracks of the Canadian Northern Pacific Railway Company from Terminal Avenue in order to avoid a level crossing, it has been found necessary for the Canadian Northern Pacific Railway Company to make an arrangement with the Vancouver, Victoria and Eastern Railway and Navigation Company for a new entrance to its station in Vancouver, and an agreement, dated March 30, 1939, has been made between the two companies and approved by The Board of Transport Commissioners for Canada and by the Governor in Council pursuant to the provisions of the Railway Act.

Under clause 6 of the new agreement it is provided that the agreement, upon approval by The Board of Transport Commissioners and the Governor in Council, shall be effective for a period of twenty years (21 years is the maximum period permitted under the Railway Act) but that upon ratification by Parliament the agreement shall be effective in perpetuity.

As the original 1915 agreement between the said companies covering the line between New Westminster and Vancouver is in perpetuity, it is considered necessary that the direct approach to the station be also secured in perpetuity, and the purpose of the Bill is to make the new agreement dated March 30, 1939, effective in perpetuity.

SCHEDULE "A".

AGREEMENT, made this 30th day of March, 1939, between the VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY, a corporation organized and existing under and by virtue of the laws of Canada, party of the first part, hereinafter called the "Vancouver Company", and the CANADIAN NORTHERN PACIFIC RAILWAY COMPANY, a corporation organized and existing under and by virtue of the laws of Canada, party of the second part, hereinafter called the "Canadian Company",

WITNESSETH:

By agreement between the parties hereto dated November 6, 1915, as amended (hereinafter referred to as the "main agreement"), the Vancouver Company granted to the Canadian Company in perpetuity the joint use of the Vancouver Company's main track and certain other tracks extending from the connection of the Vancouver Company's tracks with the northerly approach to the Provincial bridge across the Fraser River at New Westminster, British Columbia, northerly to a point in Vancouver, British Columbia, designated as "C" on the plan referred to in the main agreement.

By agreement between the parties hereto dated January 31, 1925 (premised on a recital that a portion of the trackage referred to in the main agreement had not been constructed by the Vancouver Company) the Vancouver Company granted to the Canadian Company, in lieu of the use of said trackage not constructed, the joint use of an alternative track shown in red between the points "G" and "H" on the plan attached and made a part hereof and marked Exhibit "A", and the use of the Vancouver Company's right of way tinted red between points "H" and "H[1]" on said Exhibit "A", on which right of way the Canadian Company has constructed the track shown in black on said Exhibit "A". Said agreement of January 31, 1925, provides that it is cancellable by either party on 6 months' notice.

By agreement between the parties hereto dated January 16, 1926, the Vancouver Company *inter alia* granted to the Canadian Company the joint use of the additional tracks shown in red on said Exhibit "A" between the points "B" and "D", between the points "E" and "C", and of the tracks leading to the Vancouver Company's engine house (except the track 457·2 feet in length connecting with one of the tracks leading to the engine house). Said agreement of January 16, 1926, provides that it is cancellable by either party on 60 days' notice.

The Canadian Company, by permission of the Vancouver Company, is using the track of the Vancouver Company shown in red on said Exhibit "A" between the points "D" and "A", including the turnout at point "A" (95·9 feet), and has constructed and is maintaining the tracks shown in black on the Vancouver Company's right of way and fill shown tinted red between said turnout and point "F".

By agreement dated September 25, 1923, the Vancouver Company granted the Vancouver Harbour Commissioners the joint possession and use of the Vancouver Company's line of railway shown in red on said Exhibit "A" between the points "H" and "E".

By agreement dated August 11, 1913, as amended, the Vancouver Company granted *inter alia* to the Northern Pacific Railway Company the joint use of certain tracks owned by the Vancouver Company, including the tracks shown in red on said Exhibit "A" between the points "C" and "D".

The Canadian Company desires to obtain the perpetual right to the joint use of the railroad tracks shown coloured red and of the land or right of way shown tinted red on said Exhibit "A", and the Vancouver Company is willing to grant such right but strictly upon the terms and conditions hereinafter set forth.

Now, Therefore, in consideration of the mutual and dependent covenants and promises hereinafter contained, the parties hereto agree as follows:—

(1) The Vancouver Company hereby grants to the Canadian Company, in perpetuity, the full, joint and equal use, in common with the Vancouver Company and such other company or companies as the Vancouver Company has heretofore permitted or may hereafter at any time permit to use the same or any part thereof, and subject to the conditions, limitations and restrictions in this agreement set forth, of the tracks shown coloured red and of the land or right of way shown tinted red on said Exhibit "A" hereto attached, all of which are hereinafter referred to as the "Supplemental Joint Section". Under the above grant the Canadian Company shall have the right to connect its tracks with said Supplemental Joint Section, and to maintain on said right of way its exclusive tracks shown in black on said Exhibit "A", and in perpetuity to operate the same, and with its own employees to run and operate its trains, engines and cars over and upon the same, and to conduct thereon, subject to the limitations herein set forth, all such business as is or hereafter may be conducted and carried on by a common carrier by rail, including the carrying of mail and express. Provided, however, the Canadian Company shall not have the right hereunder to use either the existing or hereafter created team tracks or industrial spurs connecting with said Supplemental Joint

Section, or to do or transact any local business to or from any point on said Supplemental Joint Section, but nothing herein contained shall prevent the Canadian Company from constructing and maintaining any spur track connecting with the Supplemental Joint Section for the purpose of serving any industries which are now located or which may hereafter be located on the False Creek property presently owned by the Canadian Company and outlined on said Exhibit "A", including the parcel of land sold to and occupied by Canada Packers, Limited, and to operate over the Supplemental Joint Section in so far as is necessary for the purpose of serving such industries. But if any such spur track connects directly with the Supplemental Joint Section, the point of connection and the location of said spur track, so far as same is on the property of the Vancouver Company, shall be subject to the approval of the Vancouver Company. In the event that after such a spur track shall be constructed the Vancouver Company shall require for its own purposes any property of the Vancouver Company occupied by such spur track, the Canadian Company shall at its own expense make such changes in the location or manner of construction of such spur track as may be necessary to make the said property of the Vancouver Company available to it.

(2) For the purposes of this agreement only, it is agreed that the value of the several subsections of the Supplemental Joint Section is as follows:—

(a) Main track between points "A" and "D", and the right of way on which same is constructed (hereinafter separately referred to as Zone "A")		$ 4,213 00
(b) Main track between points "D" and "C" and the right of way on which same is constructed (hereinafter separately referred to as Zone "B")	$75,821 00	
Less for right of way, grade and track to point "C" as referred to in the main agreement, not constructed (shown coloured yellow on said Exhibit "A")	11,181 00	
		64,640 00
(c) Main track between points "G" and "B", and the right of way on which same is constructed (hereinafter separately referred to as Zone "C")		69,218 00
(d) Main track between points "B" and "H", and the right of way on which same is constructed (hereinafter separately referred to as Zone "D")		20,269 00

(e) Vancouver Company's right of way occupied by Canadian Company's track between points H and H^1 (hereinafter separately referred to as Zone "E") 10,840 00

(f) Wye track between points "B" and "E", and the right of way on which same is constructed (hereinafter separately referred to as Zone "F") 80,294 00

(g) Three tracks leading to turntable at Vancouver Company's engine house and one fueling spur, and the right of way on which the same are constructed, (hereinafter separately referred to as Zone "G") .. 45,378 00

(h) Turnout at point "A" (95·9 feet) and Vancouver Company's right of way shown tinted red between points "A" and "F" and fill placed thereon on which Canadian Company's tracks shown in black have been constructed from said turnout to point "F" (hereinafter separately referred to as Zone "H") 17,367 00

(3) The Canadian Company shall pay the Vancouver Company during the existence of this agreement as full compensation and rental for all of the rights, interests, services and privileges herein provided for, the following sums monthly:—

(a) One-twelfth of two per cent (1/12 of 2%) per annum of agreed valuation of Zones A, B and F, plus one-twelfth of two per cent (1/12 of 2%) per annum of the cost of all additions to and betterments of the said zones. The terms "additions to" and "betterments of" shall include the items specified as such in the rules, orders, regulations and classifications of the Board of Transport Commissioners for Canada properly applicable and from time to time current during the existence of this agreement, and the interest thereon shall be computed from the time when expenditures for each thereof shall be made.

(b) One twelfth of two and one-half per cent (1/12 of $2\frac{1}{2}\%$) per annum of the agreed valuation of Zones C, D, E and G, plus one-twelfth of two and one-half per cent (1/12 of $2\frac{1}{2}\%$) per annum of the cost of all additions to and betterments of said Zones determined in the manner set forth in subparagraph *(a)* hereof.

(c) One-twelfth of five per cent (1/12 of 5%) per annum of the agreed valuation of Zone H, plus one-twelfth of five per cent (1/12 of 5%) per annum of the cost of all additions to and betterments of said zone determined in the manner set forth in subparagraph *(a)* hereof.

(d) A *pro rata* proportion of (1) the cost of maintaining, operating, renewing and replacing the said Zones A, B and C; (2) taxes and assessments by the Government, Municipal and otherwise, (other than taxes upon earnings) charged against or payable upon or in respect of said Zones A, B and C; and (3) insurance premiums payable in respect to structures on said Zones A, B and C, which said proportion shall bear the same ratio to the total amount expended for such purposes as the number of miles run in each month by the engines and cars of the Canadian Company over said Zones A, B and C shall bear to the total number of miles run over said Zones A, B and C during the same month by all parties using the same or any part thereof, an engine and tender being counted as two cars. In computing car mileage under this sub-paragraph switching movements shall not be counted. For the purposes of this sub-paragraph *(d)* it shall not be necessary for the Vancouver Company to render a separate statement of expenses herein mentioned incurred upon said Zones A, B and C, but the statements submitted under paragraph *(c)* of Section 1 of Article II of the main agreement shall include all items of expense specified in said section whether incurred upon the joint section described in said main agreement or upon the said Zones A, B and C, and in distributing the said expenses between said companies it shall not be necessary to segregate the miles run as between the joint section described in the main agreement and the said Zones A, B and C.

(e) One third ($\frac{1}{3}$) of the cost of maintaining, operating, renewing and replacing Zones D and F, and of taxes, assessments, and insurance premiums charged against and payable in respect to such zones.

(f) One-half ($\frac{1}{2}$) of the cost of maintaining, operating, renewing and replacing Zone G, and of taxes, assessments, and insurance premiums charged against and payable in respect to such zone.

The Vancouver Company shall at the expense of the Canadian Company maintain the turnout at A in Zone H. The Canadian Company shall at its own expense maintain the tracks coloured black, including the turnout at H, and all structures appurtenant to said tracks coloured black, in said Zones E and H.

The sums payable by the Canadian Company under sub-paragraphs *(a)*, *(b)*, *(c)*, *(d)*, *(e)* and *(f)* above are based generally upon the number of users of the Supplemental Joint Section or zones thereof at the date hereof or upon the use thereof made by the parties using the Supplemental Joint Section or zones thereof. Zones A, B, C and G are being used by the Vancouver Company and the Canadian Company. The Northern Pacific Railway Company is

entitled to the use of Zone B under the agreement before referred to. Zones D and F are being used by the Vancouver Company, the Canadian Company and the Vancouver Harbour Commissioners (now the National Harbours Board). Zone E is being used by the Canadian Company and the Vancouver Harbour Commissioners. The Vancouver Company has some tracks that cross a portion of said Zone E. Zone H is being used by the Canadian Company, but the Vancouver Company has a track that crosses a portion of said Zone H. In the event the Vancouver Company shall admit any other railway company or companies to the use of the Supplemental Joint Section or any zone thereof, or in the event that any railway company or companies at present using the Supplemental Joint Section or any zone thereof, other than the parties hereto, shall discontinue such use, or in the event that the Vancouver Company shall make further use of Zones E and H than it presently makes, the rentals payable by the Canadian Company under sub-paragraphs *(a)*, *(b)*, or *(c)* above shall be readjusted in accordance with the intent and meaning of Article II of the main agreement and the charges for maintenance, operation, renewal, replacement, taxes, assessments and insurance premiums payable by the Canadian Company, to the extent that such charges are apportioned on the basis of the number of users of the Supplemental Joint Section or zones thereof, shall also be readjusted and re-apportioned. The Northern Pacific Railway Company is not now operating over the said Zone B, but for the purposes above mentioned shall be considered as one user of said zone so long as it or its successors and assigns shall pay the Vancouver Company for the right to use the same, but the Northern Pacific Railway Company shall not be considered a user of said zone if its said contract with the Vancouver Company is terminated either by expiration under its terms or otherwise.

(4) The said valuation of Zone B and the said valuation of Zone F as stated in Section 2 hereof each has included one-half of the cost to the Vancouver Company of the construction of the viaduct carrying First Avenue over the Vancouver Company's tracks. In the event that the Vancouver Company shall at any time construct for its exclusive use any additional track or tracks under said First Avenue viaduct, or in the event that the Canadian Company, with the consent of the Vancouver Company, shall construct for its exclusive use any track or tracks under said viaduct the valuations of said Zones B and F shall not be revised with respect to the cost of such viaduct. The tracks which the Vancouver Company has heretofore

permitted the Vancouver Harbour Commissioners to construct on the Vancouver Company's right of way beneath said viaduct have not been considered in determining the valuations of said Zones B and F. But in the event that the Vancouver Company shall hereafter permit the Vancouver Harbour Commissioners or the National Harbour Board to construct any additional track or tracks on the Vancouver Company's right of way beneath said viaduct for the exclusive use of the Vancouver Harbour Commissioners or the National Harbour Board, the valuation of said zones B and F shall be revised so as to reduce each of said valuations by one-half the amount which shall be included in the valuation on which the Vancouver Harbour Commissioners or the National Harbour Board shall pay rental with respect to said viaduct.

If and when the Canadian Company desires to construct, maintain and operate for its exclusive use an additional track in Zones A, B, F and H, the Vancouver Company will for that purpose grant to the Canadian Company a lease for the term of this agreement of an additional strip of land immediately contiguous to and adjoining Zones A, B, F and H on the west and south thereof, and in that event the Canadian Company will pay to the Vancouver Company *(a)* a rental equivalent to 5 per cent of the fair value of such additional right of way, and *(b)* a *pro rata* share of the annual taxes payable on the land of the Vancouver Company and will maintain said track at its own expense. The rent payable under the said lease shall be payable in monthly instalments along with the other monthly payments herein provided for. Said additional track shall be constructed in a location and manner satisfactory to the Vancouver Company so as not to impair the usefulness of the Supplemental Joint Section to the Vancouver Company.

(5) This agreement shall be supplementary to the main agreement and the exercise by the Canadian Company of the rights hereby given in respect of the Supplemental Joint Section shall be subject to and be governed by provisions the same as those contained in the main agreement, the provisions of which *mutatis mutandis*, are for convenience imported herein except the sections and clauses herein particularly specified. In particular it is understood that the following provisions of the said main agreement have no application to this agreement, namely: Article I, Sections 1 and 9; Article II, Section 1; Article V, Sections 4 and 7. It is understood that trains, engines and cars of the Canadian National Railway Company and The Canadian Northern Railway Company shall be considered as trains, engines and cars of the Canadian Company.

(6) This agreement shall become effective for a period of twenty (20) years upon the execution thereof and its approval by the Governor in Council and the Board of Transport Commissioners for Canada, and shall become effective in perpetuity upon the approval thereof by Parliament pursuant to Section 7 hereof. Provided, however, that the Canadian Company shall be required to begin the payment of sums which it agrees by the provisions of Section (3) to pay for the joint use of the Joint Section commencing as of June 23, 1938.

(7) The Vancouver Company shall join with the Canadian Company in making application to the Parliament of Canada for any necessary legislation confirming and ratifying this agreement. Both parties shall make application to the Governor in Council and/or the Board of Transport Commissioners for Canada for approval of any matters covered by this agreement in respect of which such approvals may be necessary. The expense in connection with such applications shall be charged to operating expenses and apportioned and paid accordingly.

(8) The agreement between the parties hereto dated January 31, 1925, and that portion of the agreement dated January 16, 1926, relating to the payments for the use of the tracks between the points "B" and "D", between the points "E" and "C", and of the tracks leading to the Vancouver Company's engine-house, are hereby terminated and cancelled. The right of the Canadian Company to use the right of way of the Vancouver Company shown coloured yellow on said Exhibit "A" granted by the main agreement is hereby terminated and cancelled.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first hereinabove written.

In the presence of—

C. H. Trembly,
C. F. Ziegahn.

VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COM-
By F. R. Newman,
Its Vice President.
Attest: F. L. Paetzold, [SEAL.]
Its Asst. Secretary.

CANADIAN NORTHERN PACIFIC RAILWAY COMPANY
By N. B. Walton,
Its Vice President. [SEAL.]
Attest: W. H. Hobbs,
Its Secretary.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend the Yukon Act.

First reading, May 20, 1940.

THE MINISTER OF MINES AND RESOURCES.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
888 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA

BILL 11.

An Act to amend the Yukon Act.

R.S.C. 215.

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

Powers to make ordinances.

1. Subsection one of section twenty-six of the *Yukon Act*, chapter two hundred and fifteen of the Revised Statutes of Canada, 1927, is amended by adding thereto the following paragraph as paragraph *(n)* thereof:—

Tax on furs exported.

"*(n)* The levying of a tax upon furs to be shipped or carried from the Territory to any other part of Canada or to any other country."

Coming into force. Retroactive.

2. The provisions of section one of this Act shall be deemed to have come into force on the nineteenth day of May, 1919.

Explanatory Note.

On the 20th May, 1919, the Yukon Territorial Council passed an ordinance entitled "An Ordinance to provide for a tax on raw furs exported from the Yukon Territory".

Doubt has arisen as to whether the Yukon Territorial Council had the authority under the *Yukon Act* to enact such an ordinance. This proposed amendment to the *Yukon Act* is designed to give such authority and to validate the Yukon Fur Export Tax Ordinance assented to on the 20th May, 1919.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Northwest Territories Act.

First reading, May 20, 1940.

THE MINISTER OF MINES AND RESOURCES.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2004 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 12.

An Act to amend the Northwest Territories Act.

R.S., c. 142; 1938, c. 38.

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

1. Section thirty-five of the *Northwest Territories Act*, chapter one hundred and forty-two of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

Jurisdiction of provincial courts in civil matters.

"**35.** (1) The superior courts of Manitoba, Saskatchewan, Alberta and British Columbia, respectively, shall, in that portion of the Territories which lies west of the eightieth meridian of west longitude, and the superior courts of Ontario shall, throughout the Territories, have and exercise in civil matters the like jurisdiction and powers with respect to persons and property and to actions, suits and proceedings affecting them as they have with respect to persons and property within the territorial limits of their ordinary jurisdiction and to actions, suits and proceedings affecting them.

Provincial courts with surrogate powers to have jurisdiction.

"(2) The courts of Manitoba, Saskatchewan, Alberta and British Columbia, respectively, having surrogate powers, shall, in that portion of the Territories which lies west of the eightieth meridian of west longitude, and the courts of Ontario having surrogate powers shall, throughout the Territories, have the like jurisdiction and authority in relation to the granting or revoking probate of wills and letters of administration of the property of deceased persons and all matters arising out of or connected with the grant or revocation of grant of probate or administration as the said courts have within the territorial limits of their respective ordinary jurisdiction."

EXPLANATORY NOTES.

1. (1) No provision is made in the Northwest Territories Act for civil court procedure for that portion of the Territories lying east of the 80th Meridian. The amendment proposed will extend to superior courts of Ontario jurisdiction in civil matters within that area.

(2) The Act contains no express provision conferring surrogate powers on the Provincial Courts and some surrogate court judges have doubted their authority to deal with wills and estates in the Northwest Territories. The proposed subsection is to remove such doubt.

Section 35 of the Act reads:—

"**35.** The superior courts of the provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia, respectively, shall have and exercise in civil matters the like jurisdiction and powers with respect to persons and property in that portion of the Territories which lies west of the eightieth meridian of west longitude, and with respect to actions, suits and proceedings affecting them, as they have with respect to persons and property within the territorial limits of their ordinary jurisdiction, and to actions, suits and proceedings affecting them." 1908, c. 49, s. 2.

2. Subsection one of section seventy-five of the said Act is hereby repealed and the following substituted therefor:—

Confinement of insane persons in provincial institutions.

"**75.** The Minister may, subject to the approval of the Governor-in-Council, arrange with the Lieutenant Governor of any province for the removal to and confinement in any asylum or place of confinement within that province of any insane person who is kept in custody until the pleasure of the Commissioner is known or until such person is discharged by law and as to the compensation to be made by Canada to that province for the care and maintenance of such person while detained in the asylum or place of confinement within the province."

2. Section 75 of the Act as it stands authorizes the Minister to make arrangements for the care of insane persons with the Lieutenant-Governor of Manitoba only. The increase in population of the Territories makes it desirable to provide for increased accommodation. The proposed amendment will enable the Minister to make such arrangements with any Province. The proposed section 75 has been re-cast.

Section 75 of the Act reads:—

"**75.** The Minister may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant-Governor of Manitoba as seems reasonable as to the compensation to be made by Canada to that province for the care and maintenance of persons detained in the Manitoba lunatic asylum or in any temporary asylum.

2. Any such person lawfully detained in any such asylum at the time of the coming into force of this Act may be detained in such asylum by the superintendent or warden thereof until otherwise discharged by law." R.S., c. 62, s. 70.

13.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend the Dairy Industry Act.

First reading, May 20, 1940.

THE MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2196 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 13.

An Act to amend the Dairy Industry Act.

R.S., c. 45; 1928, c. 19; 1931, c. 31; 1934, c. 12; 1936, c. 32; 1937, c. 8; 1938, c. 45; 1939, c. 15.

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

1. Subsection two of section eight of the *Dairy Industry Act*, chapter forty-five of the Revised Statutes of Canada, 1927, as enacted by section three of chapter eight of the statutes of 1937, is repealed and the following substituted therefor:—

Cheese.

"(2) No person shall manufacture, import into Canada, sell, offer or have in possession for sale, any package cheese unless such package contains cheese of the full net weight of one-quarter pound, one-half pound, one pound or multiples thereof, but nothing in this subsection shall be held to apply to portions of Cheddar or other unprocessed cheese of indiscriminate weight or to portions of processed cheese of indiscriminate weight cut from loaves or bricks having an initial weight of not less than five pounds, or to cheese of indiscriminate weight manufactured by individual farmers."

Explanatory Note.

1. The underlined words are new and are intended to permit the sale of portions of unprocessed cheese and of portions of processed cheese of indiscriminate weight if cut from loaves or bricks having an initial weight of not less than five pounds.

14.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to amend The Transport Act, 1938.

First reading, May 20, 1940.

THE MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2220 1940

st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act to amend The Transport Act, 1938.

1938, c. 53.

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

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

'licensee'. "*(h)* 'licensee' means a person licensed under this Act to engage in transport by water, air or highway;"

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

'Minister'. "*(j)* 'Minister' means the Minister of Transport save in Part VIII of this Act (Transport by Highway in National Parks) where it means the Minister of Mines and Resources;"

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

'ship'. "*(k)* 'ship' includes every description of vessel exceeding fifty tons gross tonnage;"

4. Paragraph *(o)* of subsection one of section two of the said Act is repealed and the following substituted therefor:—

'transport'. "*(o)* 'transport' means the transport of goods or passengers whether by air, by highway, by water or by rail, for hire or reward, to which the provisions of this Act apply, and 'transported' and 'transporting' shall have corresponding meanings;"

5. Subsection one of section two of the said Act is further amended by adding the following paragraphs:—

'Dominion highway'. "*(aa)* 'Dominion highway' means any highway owned by His Majesty in right of Canada which is located within or passes through any Park;"

EXPLANATORY NOTES.

The repealed and amended sections, subsections and paragraphs of the Act read as follows :

1. *(h)* "licensee" means a person licensed under this Act to engage in transport by water or by air;

2. *(j)* "Minister" means the Minister of Transport;

3. *(k)* "ship" includes every description of vessel exceeding *five hundred* tons gross tonnage;

4. The only change is the added word "highway."

5. These are new definitions.

'highway'. "*(bb)* 'highway' includes any highway, road, street or way;"

'international trade'. "*(cc)* 'international trade' means the transport of goods or passengers between a place in Canada and a place outside of Canada, or through Canada between points outside of Canada, or between points in Canada through a foreign country, and shall include any transport of goods wholly within Canada which forms part of a through movement of goods, whether or not on one bill of lading, when the points of origin and destination are in Canada and a foreign country;"

'motor vehicle'. "*(dd)* 'motor vehicle' means any vehicle or trailer propelled or drawn by mechanical power and used upon a highway for the transport of goods or passengers;"

'Park'. "*(ee)* 'Park' means any National Park of Canada;"

'private commercial vehicle'. "*(ff)* 'private commercial vehicle' means any motor vehicle operated on a highway for the carriage of goods by or on behalf of any person who is the owner of both the goods and the vehicle;"

'Public commercial vehicle'. "*(gg)* 'public commercial vehicle' means any motor vehicle operated on a highway by or on behalf of any person who receives compensation for the transport of goods or passengers by means of such vehicle;"

'transport by highway'. "*(hh)* 'transport by highway' means the transport in international trade or upon a Dominion highway of goods or passengers for hire or reward by means of public commercial vehicles;"

6. Paragraph *(a)* of subsection one of section five of the said Act is repealed and the following substituted therefor:—

Considerations when considering application for licence. "**5.** (1) *(a)* any objection to the application which may be made by any person or persons who are already providing transport facilities, whether by rail, water, air or highway, on the routes or between the places which the applicant intends to serve on the ground that suitable facilities are or, if the licence were issued, would be in excess of requirements, or on the ground that any of the conditions of any other transport licence held by the applicant have not been complied with;"

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

Acceptable evidence of public convenience and necessity. "(2) Notwithstanding anything contained in subsection one of this section, if, prior to the first day of July, 1940, application is made to the Board accompanied by evidence to prove:—

(a) that, during the period of twelve months next preceding the first day of July, 1938, and continuously thereafter, the applicant for a licence was *bona fide*

6. The only change is the added word "highway."

7. 5. (2) Notwithstanding anything contained in subsection one of this section, if evidence is offered to prove,—

(a) that at any time during the period of twelve months next preceding the coming into force of the relevant Part of this Act on, in or in respect of the sea or inland waters of Canada, or the route between specified points or places in Canada or between specified points or places in Canada and specified points or places

engaged in the business of transport by air between the specified points and places to which the application relates; or

(b) that, during the period of twelve months next preceding the 15th day of January, 1939, the applicant for a licence was *bona fide* engaged in the business of transport by water upon the sea or inland waters of Canada to which the application relates, and that each ship for which licence is sought was at any time during the period of ten years next preceding the 15th day of January, 1939, used for the transport of goods, other than goods in bulk, upon the sea or inland waters of Canada in respect of which this Act has been proclaimed to be in force;

(c) that, during the period of twelve months prior to the coming into force of Part VII of the Act in respect of any province, the applicant was *bona fide* engaged in the business of transport by highway in international trade in such province;

the Board shall, if satisfied with such proof, accept the same as conclusive evidence of public convenience and necessity and issue a licence accordingly: Provided, however, that a ship temporarily out of service during the period of twelve months aforesaid shall nevertheless be deemed to have been in use during such period; and provided further, that, if the applicant is entitled to a licence to transport by air under the provisions of this subsection, the Board may give consideration to the subsequent addition to the licence of points and places situated on the route between the points and places named in the licence without requiring proof of public convenience and necessity for such additional points and places, and may determine, in respect of each application, what additional points and places shall be included on the licence."

8. Section five of the said Act is further amended by adding thereto as subsection three the following:—

Renewal of licence.

"(3) Where the Board has granted a licence under the provisions of this section for any period of time, such licence may be renewed for such further period of time as the Board may determine; provided that the licensee shall have made application for renewal prior to the date upon which the licence terminates."

9. Subsection one of section six of the said Act is repealed and the following substituted therefor:—

Period of licence.

Fee.

"**6.** (1) Every licence issued under this Act shall, subject to the provisions of this Act, be for one year or for such other period as the Board may determine, and a fee therefor shall be fixed by the Board with the approval of the Governor in Council."

outside of Canada, or the part of Canada to which the application for a licence relates, the applicant was *bona fide* engaged in the business of transport, whether in bulk or otherwise, and

(b) that such ship for which such licence is sought was at any time during the period of ten years next preceding the coming into force of this Act used for the transport of goods other than goods in bulk, and

(c) that the applicant was during such period using ships or aircraft, as the case may be, for the purpose of such business,

the Board shall, if satisfied with such proof, accept the same as evidence of public convenience and necessity and issue a licence accordingly: Provided, however, that a ship temporarily out of service during the period of twelve months aforesaid shall nevertheless be deemed to have been in use during such period.

8. This subsection makes provision for renewal of licence.

9. **6.** (1) Every licence issued under this Act shall, subject to the provisions of this Act, be for one year or for such other period as the Board with the approval of the Governor in Council may determine, and a fee shall be payable therefor according to a tariff of fees to be fixed by the Board with the approval of the Governor in Council.

(2) Fees for licences shall be paid to the Receiver General of Canada for the use of His Majesty.

10. Subsection five of section twelve of the said Act is repealed and the following substituted therefor:—

Provisions not to apply.

"**12.** (5) The provisions of this Part shall not apply in the case of ships engaged in the transport of goods or passengers between ports or places in the Maritime Provinces and ports or places on the Great Lakes: provided, however, that such ships shall be subject to the provisions of this Part in respect of goods or passengers accepted for transport by water from a port or place on the Great Lakes to another port or place on the Great Lakes."

11. Section twelve of the said Act is amended by adding thereto as subsection six the following:—

This Part not to apply in certain cases.

"(6) The provisions of this Part shall not apply in the case of ships of not more than five hundred tons gross tonnage engaged in the transport of goods or passengers between ports or places on the River St. Lawrence and its tributaries east of the west end of the Lachine Canal on the Island of Montreal."

12. Section thirteen of the said Act is repealed and the following substituted therefor:—

Board licence within or without Canada.

"**13.** (1) The Board may, notwithstanding anything contained in the *Aeronautics Act*, subject to the relevant provisions of this Act, license the owner or lessee of aircraft, or other person entitled to engage in transport by air by means of aircraft, to transport passengers and/or goods between specified points or places or stated areas, in Canada, or between specified points or places in Canada and specified points or places outside of Canada.

R.S. c. 3.

Terms in licence.

(2) The Board may, in the licence, prescribe the terms and conditions thereof, the route or routes which the aircraft may follow and the schedule of services which shall be maintained.

Convenience and necessity a condition.

(3) The Board shall not issue a licence without being first satisfied that the proposed service is and will be required by the present and future public convenience and necessity."

10. The effect of the amendment is to strike out at the end of subsection 5 the following words:—

"Nor shall the provisions of this Part apply in the case of ships engaged in the transport of goods or passengers between ports or places on the Pacific Ocean and ports or places on the Atlantic Ocean or the Great Lakes or both; but such ships shall be at liberty, notwithstanding the provisions of this Part, to receive at any number of ports or places on the Pacific Ocean goods or passengers consigned or destined to any number of ports or places on the Atlantic Ocean or the Great Lakes or both, and likewise to receive at any number of ports or places on the Atlantic Ocean or the Great Lakes or both, goods or passengers consigned or destined to any number of ports or places on the Pacific Ocean: Provided, however, that such ships shall be subject to the provisions of this Part in respect of goods or passengers accepted for transport by water from a port or place on the Pacific Ocean to another port or place on the Pacific Ocean or from a port or place on the Atlantic Ocean or on the Great Lakes to another port or place on the Atlantic Ocean or on the Great Lakes."

11. This subsection is new.

12. "**13.** (1) The Board may, notwithstanding anything contained in the *Aeronautics Act*, subject to the provisions of this Part, license aircraft to transport passengers and/or goods between specified points or places in Canada or between specified points or places in Canada and specified points or places outside of Canada.

(2) The licence shall be issued in the name of the owner, lessee or other person entitled to engage in transport by air by means of such aircraft.

(3) The licence may apply to one or more aircraft.

(4) The Board may in the licence prescribe the route or routes which the aircraft named therein may follow and the schedule of services which will be maintained.

(5) The Board shall not issue a licence without being first satisfied that the proposed service is and will be required by the present and future public convenience and necessity."

Subsection (5) of the Act becomes subsection (3) in the new section 13 without change.

13. Section fourteen of the said Act is repealed and the following substituted therefor:—

Transportation only under licence.

"**14.** (1) Subject to the provisions of this Part, no goods or passengers shall be transported by air except under and in accordance with a licence issued by the Board.

Transportation under s. 15 of Act by permission only.

(2) No goods or passengers shall be transported by air between any point, place or stated area named under section fifteen of this Act and any point, place or stated area not so named without permission of the Board.

Penalty.

(3) If any goods or passengers are transported contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence, the owner or other person operating the aircraft shall be liable upon summary conviction to a fine not exceeding five hundred dollars.

Suspension or cancellation of licence.

(4) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that a licensee has violated the terms of licence or Order or Regulation of the Board, the Board may suspend or cancel the licence in whole or in part."

14. Paragraph *(b)* of subsection one of section fifteen of the said Act is repealed and the following substituted therefor:—

Application of Part III.

"**15.** (1) *(b)* by means of air transport services, not being international or interurban within the meaning of paragraph *(a)*, between specified points or places or stated areas named by an Order of the Board, to which, in the opinion of the Board, all the relevant provisions of this Act may fittingly be applied."

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

Licensee to file tariff with Board.

Powers of Board *re* tariffs.

"**17.** Every licensee shall file a tariff, or tariffs, of the tolls to be charged in respect of the operation of its ships, aircraft or public commercial vehicles in accordance with provisions of this Part and regulations of the Board. The Board may designate the date at which any tariff shall come into force, and either on application or of its own motion may, pending investigation or for any reason, postpone the effective date of, or either before or after it comes into effect suspend, any tariff or any portion thereof."

16. Subsection one of section eighteen of the said Act is repealed and the following substituted therefor:—

Licensee corporation.

"**18.** (1) If the licensee is a corporation, the licensee or the directors thereof by by-law or resolution or any officer of the licensee who is thereunto authorized by by-law or resolution of the licensee or its directors may, from time to time, prepare and issue tariffs of the tolls to be charged

13. 14. (1) Subject to the provisions of this Part, no goods or passengers shall be transported by air by means of any aircraft other than an aircraft licensed under this Part.

(2) If any goods or passengers are transported contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the aircraft, the owner or other person operating the aircraft shall be liable upon summary conviction to a fine not exceeding five hundred dollars.

(3) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that an aircraft is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may suspend or cancel the licence of such licensee in respect of one or all of the aircraft licensed.

14. 15. (1) This Part is applicable to transport by air, only,

(b) by means of reasonably regular air transport services between points and places named by the Governor in Council on the recommendation of the Board that, in the opinion of the Board, all the provisions of this Part may fittingly be applied to such air services.

15. 17. (1) Every licensee shall file a standard tariff or tariffs of tolls with the Board for approval and may file such other tariff or tariffs as are authorized by this Part.

(2) Except as otherwise provided, any tariff in force may, subject to disallowance or change by the Board, be amended, supplemented, or superseded by new tariffs, in accordance with the provisions of this Part and regulations of the Board.

16. "**18.** (1) If the licensee is a corporation, the licensee or the directors thereof by by-law or resolution or any officer of the licensee who is thereunto authorized by by-law or resolution of the licensee or its directors may, from time to time, prepare and issue tariffs of the tolls to be charged in respect of the operation of its ships or aircraft, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid."

The amendment consists of the addition of the words underlined in the text of the Bill,

in respect of the operation of its ships, aircraft or public commercial vehicles, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid."

17. Subsection four of section eighteen of the said Act is repealed and the following substituted therefor:—

Tolls chargeable only after conditions complied with.

"**18.** (4) If the licensee is a corporation, no tolls shall be charged by the licensee or by any person until a by-law or resolution authorizing the preparation and issue of tariffs of such tolls has been approved by the Board; and, whether the licensee is a corporation or not, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with the Board; and until any other requirements of this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or which has not been brought into operation in accordance with the provisions of this Act, nor shall the licensee charge, levy or collect any toll for any service except under and in accordance with the provisions of this Act."

18. Section nineteen of the said Act is repealed and the following substituted therefor:—

Tolls to be as specified in tariff.

"**19.** When a tariff is filed with the Board the licensee 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."

Repeal.

19. Sections twenty, twenty-one and twenty-two of the said Act are repealed.

17. "**18.** (4) If the licensee is a corporation, no tolls shall be charged by the licensee or by any person until a by-law or resolution authorizing the preparation and issue of tariffs of such tolls has been approved by the Board; or, whether the licensee is a corporation or not, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board, or until any other requirements of this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or which has not been brought into operation in accordance with the provisions of this Act, nor shall the licensee charge, levy or collect any toll for any service except under and in accordance with the provisions of this Act."

The change in this amendment is by the dropping of the above underlined words.

18. "**19.** When a tariff is filed with and approved by the Board, where approval is necessary under this Act, the licensee 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."

The proposed amendment is to drop the above underlined words.

19. Sections repealed:

20. The tariffs of tolls which a licensee shall be authorized to issue under this Part shall be divided into five classes:—

(a) Standard freight tariffs;
(b) Special freight tariffs;
(c) Competitive freight tariffs;
(d) Standard passenger tariffs;
(e) Special passenger tariffs.

21. (1) The standard tariff or tariffs shall specify the maximum mileage tolls to be charged for passengers and for each class of the freight classification for all distances covered by the licensee.

(2) Every standard tariff and every amendment and supplement thereto shall require the approval of the Board before it becomes effective.

22. Special tariffs shall specify a toll or tolls lower than in the standard tariffs.

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

Competitive freight tolls.

23. (1) The Board shall not approve or allow any toll, which for the like description of goods, under substantially similar circumstances and conditions in the same direction over the same route, is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that, owing to competition, it is expedient to allow such toll.

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

Licensee to offer proper facilities.

"**25.** (1) Every licensee shall, according to his powers and within the limits of the capacity of the ships, aircraft or public commercial vehicles operated under licence, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic."

22. Subsection one of section thirty of the said Act is repealed and the following substituted therefor:—

Offences of licensees, shippers or agents.

"**30.** (1) Any licensee or shipper or any officer, employee or agent of such licensee or shipper who

(i) offers, grants or gives or solicits, accepts or receives any rebate, concession or discrimination, or

(ii) knowingly is party or privy to any false billing, false classification, false report of weight or any other device,

whereby any person obtains transport by air or transport by water or transport by highway for less than the lawful tolls applicable thereto, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars."

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

Special rate notices.

"**31.** Notwithstanding anything in this Act, the Board may make regulations permitting the licensee to issue special rate notices prescribing tolls lower than the tolls in force upon the ships, aircraft or public commercial vehicles of the licensee, to be charged for specific shipments between points on the route or routes of the licensee, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the licensee, or be in the public interest, and is not otherwise contrary to the provisions of this Act."

20. 23. (1) Competitive freight tariffs shall specify a toll or tolls lower than in the standard freight tariff to be charged between points which the Board may deem or have declared to be competitive points.

21. "**25.** (1) Every licensee shall, according to his powers and within the limits of the capacity of the ships or aircraft specified in the licence, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic."

Public commercial vehicles are added by the amendment.

22. "**30.** (1) Any licensee or shipper or any officer, employee or agent of such licensee or shipper who

(i) offers, grants or gives or solicits, accepts or receives any rebate, concession or discrimination, or

(ii) knowingly is party or privy to any false billing, false classification, false report of weight or any other device,

whereby any person obtains transport by air or transport by water for less than the lawful tolls applicable thereto, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars."

The amendment consists of the addition of the words "or transport by highway," underlined in the text.

23. "**31.** Notwithstanding anything in this Act, the Board may make regulations permitting the licensee to issue special rate notices prescribing tolls lower than the tolls in force upon the ships or aircraft of the licensee, to be charged for specific shipments between points on the route or routes of the licensee, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the licensee, or be in the public interest, and is not otherwise contrary to the provisions of this Act."

The amendment is indicated by the underlined added words in the text.

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

Traffic free or at reduced rates.

"**32.** Notwithstanding anything in this Act contained a licensee engaged in transport by water air or highway may carry traffic free or at reduced rates to the same extent and subject to the same restrictions, limitations and control as are applied in the case of a railway company under the *Railway Act.*"

R.S. c. 170.

25. The said Act is further amended by inserting the following section immediately after section thirty-two:—

Licensee may not contract out of liability.

"**32**A. (1) No contract, condition, by-law, regulation, declaration or notice made or given by any licensee, impairing, restricting or limiting the liability of the licensee in respect of the transport of any goods or passengers shall, except as hereinafter provided, relieve the licensee from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice has been first authorized or approved by order or regulation of the Board.

Board may determine liability.

(2) The Board may, in any case, or by regulation, determine the extent to which the liability of a licensee may be so impaired, restricted or limited.

Board regulations.

(3) The Board may be regulation prescribe the terms and conditions under which any goods or passengers may be transported by a licensee."

26. The said Act is further amended by adding thereto the following Part:—

"PART VII.

TRANSPORT BY HIGHWAY (INTERNATIONAL TRADE)

Licence commercial vehicles in international trade.

43. (1) The Board may, subject to the provisions of this Part, license public or private commercial vehicles to transport or to carry, as the case may be, goods and/or passengers in international trade.

Licence in name of owner, lessee or other person entitled.

(2) The licence shall be issued in the name of the owner, lessee, or other person entitled to engage in transport by highway by means of such public or private commercial vehicle.

Licence applicable to one or more vehicles.

(3) The licence may apply to one or more vehicles.

Services and routes.

(4) The Board may, in any licence relating to a public commercial vehicle or vehicles, prescribe—

(a) the schedule of services which shall be thereby be maintained;

(b) the route or routes which, subject to the laws of any province affected, shall be thereby followed.

24. "**32.** Notwithstanding anything in this Act contained a licensee engaged in transport by water or air may carry traffic free or at reduced rates to the same extent and subject to the same restrictions, limitations and control as are applied in the case of a railway company under the *Railway Act.*"

The amendment is indicated by the addition of the underlined words in the text.

25. New.

26. New.

Licence only when public convenience and necessity requires.

(5) The Board shall not issue a licence in the case of a public commercial vehicle without first being satisfied that the proposed service is and will be required by the present and future public convenience and necessity.

Standard of design and operating efficiency.

(6) The Board shall not issue a licence in the case of a public or private commercial vehicle until it has been first satisfied that the said vehicle conforms to such standards of design and operating efficiency as the Board deems necessary for the service to be performed. It shall be a condition of every licence that the licensed vehicle shall be maintained in a satisfactory and serviceable condition, and the Board may at any time suspend or cancel a licence if the licensee fails or omits, on demand, to satisfy the Board that the vehicle is being maintained in that condition.

Regulations.

"**44.** The Board may, with the approval of the Governor in Council, make regulations—

(a) for executing all or any of the purposes of the last preceding section;

(b) prescribing the procedure and basis upon which renewal of any licence under this Part may be granted; and

(c) generally, looking to the proper administration of this Part.

No carriage without licence.

"**45.** (1) No goods or passengers shall be transported or carried by means of a public or private commercial vehicle in international trade unless the vehicle is licensed under this Part;

Penalty for contravention.

(2) If any goods or passengers are transported or carried contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the vehicle, the person transporting such goods or passengers shall be liable upon summary conviction to a fine not exceeding five hundred dollars;

Suspend or cancel licence.

(3) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that a public commercial vehicle is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may suspend or cancel the licence of such licensee in respect of any or all of the vehicles licensed.

Coming into force by proclamation.

"**46.** (1) The provisions of this Part shall not come into force in any province until proclaimed in the *Canada Gazette* by the Governor in Council to be in force in such province, and thereafter shall apply in any such province only to the transport or carriage of goods and passengers in international trade;

Exemption.

(2) The Governor in Council may by regulation exempt any vehicle or class of vehicles from the operation of this Part.

Board may administer provincial scheme.

"**47.** In any case where a provincial legislature has enacted legislation for the regulation of the transport of goods or passengers by public or private commercial vehicles, the Board may, if so authorized by provincial law, undertake the administration or enforcement of such scheme of regulation, if the Board considers that such scheme can be co-ordinated with the regulation of international trade provided for in this Part."

27. The said Act is further amended by adding thereto the following Part:—

"PART VIII.

TRANSPORT BY HIGHWAY (NATIONAL PARKS)

1930, c. 33. Parks.

"**48.** (1) Notwithstanding anything contained in *The National Parks Act*, the Minister may, subject to the provisions of this Part, license public or private commercial vehicles to transport or to carry, as the case may be, goods and/or passengers upon a Dominion highway.

Dominion highway.

Name on licence.

(2) The licence shall be issued in the name of the owner, lessee, or other person entitled to engage in transport by highway by means of such public or private commercial vehicles.

One or more vehicles.

(3) The licence may apply to one or more vehicles.

Services and routes.

(4) The Minister may, in any licence, prescribe—

(a) the schedule of services which shall be maintained, and

(b) the route or routes which shall be followed.

Standards of design and operating efficiency.

(5) The Minister shall not issue a licence in respect of any public or private commercial vehicle until he has been first satisfied that the said vehicle conforms to such standards of design and operating efficiency as the Minister deems necessary for the service to be performed, and that adequate provision has been made for the protection of passengers and the general public by means of insurance. It shall be a condition of every licence that the licensed vehicle shall be maintained in a satisfactory and serviceable condition, and the Minister may at any time suspend or cancel a licence if the licensee fails or omits, on demand, to satisfy him that the vehicle is being maintained in that condition.

Insurance.

Regulations.

"**49.** The Minister may, with the approval of the Governor in Council, make orders and regulations for—

(a) prescribing standards of design and operating efficiency of vehicles to be licensed under this Part;

(b) determining what evidence shall be required to establish that the vehicles conform to the required standards of design and operating efficiency, and that

27. New.

a licensed vehicle is being maintained in a satisfactory and serviceable condition;

(c) limiting or regulating the hours of duty of any employee or class of employees with a view to the safety of the public and of the employee;

(d) specifying the form of licence plates or other certifying marks indicating a licence under this Part, and requiring that they shall be prominently displayed on the vehicle;

(e) prescribing the procedure and basis upon which renewals of any licence under this Part may be granted;

(f) determining the qualifications of the drivers of any licensed vehicles;

(g) generally, providing for anything which the Minister deems necessary for the proper administration of this Part.

Term of licence.

"**50.** Notwithstanding the provisions of subsection one of section six of this Act, every licence issued under this Part shall, subject to the provisions of this Part, be for one year or for such other period as the Minister may determine, and a fee shall be payable therefor according to a tariff of charges to be fixed by the Board with the approval of the Governor in Council.

Fee.

Dominion highway licence.

"**51.** (1) No goods or passengers shall be transported or carried by means of a public or private commercial vehicle upon a Dominion highway unless the vehicle is licensed under this Part;

Penalty.

(2) If any goods or passengers are transported or carried contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the vehicle, the person transporting or carrying such goods or passengers shall be liable upon summary conviction to a fine not exceeding five hundred dollars;

Suspend or cancel licence.

(3) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that a public or private commercial vehicle is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may suspend or cancel the licence of such licensee in respect of any or all of the vehicles licensed.

Tariff of tolls to be filed.

"**52.** Before any goods or passengers are transported by means of any public commercial vehicle licensed under this Part, the licensee shall file with the Board for approval a tariff, or tariffs, of the tolls to be charged in respect of the operation of such public commercial vehicle in accordance with the provisions of this Part and regulations of the Board. The Board may designate the date at which any tariff shall come into force, and either on application or

of its own motion may, pending investigation or for any reason, postpone the effective date of, or either before or after it comes into effect suspend, any tariff or portion thereof.

Tolls not to be charged until tariff approved.

"**53.** No tolls shall be charged by the licensee or by any person until a tariff of such tolls has been filed with and approved by the Board; and until any other requirements of this Part to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or which has not been brought into operation in accordance with the provisions of this Part, nor shall the licensee charge, levy or collect any toll for any service except under and in accordance with the provisions of this Part.

Tolls to be charged as set out in tariff.

"**54.** When a tariff is filed with and approved by the Board the licensee shall thereafter, until such tariff is disallowed or suspended by the Board or superseded by a new tariff filed with and approved by the Board, charge the toll or tolls as specified therein.

Board powers regarding tariffs.

"**55.** The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any provisions of this Part, and may require the licensee, 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.

Board regulations applicable.

"**56.** (1) The provisions of section thirty-three of this Act shall apply, *mutatis mutandis*, to this Part;

Application of Part IV.

(2) Save as provided in subsection one, the provisions of Part IV of this Act relating to traffic, tolls and tariffs and the provisions of section five of this Act shall not apply in the case of public commercial vehicles licensed under this Part.

Coming into force as to Parks.

"**57.** (1) This Part shall not come into force in, or in respect of, any Park until proclaimed by the Governor in Council to be in force in, or in respect of, such Park;

Exemption.

(2) The Governor in Council may by regulation exempt any vehicle or class of vehicles from the operation of this Part."

15.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Department of National Defence Act.

AS PASSED BY THE HOUSE OF COMMONS, 22nd May, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2682 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to amend the Department of National Defence Act.

R.S., c. 136.

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

Definitions.

1. Paragraph *(c)* of section two of the *Department of National Defence Act*, chapter one hundred and thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

"Minister".

"*(c)* "Minister" means the Minister of National Defence unless under the provisions of this Act a Minister of National Defence for Air has been appointed, in which case "Minister" means the Minister of National Defence or the Minister of National Defence for Air acting as in this Act provided."

2. The said Act is further amended by inserting therein, as section four A thereof, the following section:—

Minister of National Defence for Air may be appointed.

R.S., c. 206.

"**4**A. (1) When such a proclamation as is first mentioned in section two of the *War Measures Act* has been issued under the said section, an additional Minister of National Defence may be appointed to administer the air service; such additional Minister shall be the Minister of National Defence for Air and shall be charged with all matters relating to the air service.

Powers of the Minister.

(2) During the tenure of office of any Minister of National Defence for Air he shall, in respect of any matter relating exclusively to the air service, exercise all the powers of the Minister of National Defence and in respect of any matter affecting both the air service and any other defence service, such powers shall be exercisable by the Minister of National Defence acting in consultation with the Minister of National Defence for Air.

Powers of one Minister exercisable by the other.

(3) In order to ensure continuity of departmental administration and the co-ordination of the defence services within the Department, the powers of the Minister of National Defence and the powers of the Minister of National Defence for Air, shall, in the absence of either one of them, be exercisable by the other.

Salary.

(4) Any Minister of National Defence for Air appointed under this section shall be entitled to receive the same salary as the Minister of National Defence and may continue to hold office until the expiration of a period not exceeding six months after the issue of the second of the two proclamations specified in section two of the *War Measures Act*."

3. Section five of the said Act is amended by inserting therein the following subsections after subsections one thereof:—

Appointment of additional deputy ministers.

"(1A) When such a proclamation as is first mentioned in section two of the *War Measures Act* has been issued thereunder, additional deputy ministers may be appointed by the Governor-in-Council for the military, naval and air services respectively.

Duties of deputy minister for the air service.

"(1B) If a Minister of National Defence for Air has been appointed, the duties of the deputy minister for the air service shall be such as are specified by such Minister and the powers of such deputy shall be such as might have been exercisable by him if there were a separate department for the air service."

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend the Dominion Elections Act, 1938.

First reading, May 24, 1940.

Mr. LACROIX,
(Quebec-Montmorency)

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2943 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend The Dominion Elections Act, 1938.

1938, c. 46.

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

Ineligibility of candidates.

1. Subsection one of section twenty of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938, is amended by adding at the end thereof the following paragraph:—

Members of Communist or Nazi Party.

"*(g)* every person who is a member of the Communist Party of Canada, or of the National Socialist or Nazi Party, so long as he is a member of such Party, and every person who offers himself as a candidate for any such Party."

Explanatory Note.

The German Reich being at war with Canada, and Russia having allied herself with the German Reich, it is fit and proper that the Communists and Nazis, representing the ideologies of Russia and Germany, should not be allowed to run as candidates at elections, no more than a capitalist would be allowed to run as such at an election in Russia.

The first three lines of subsection one of section twenty of the Dominion Elections Act, to be amended, reads as follows:—

"**20.** (1) The respective persons hereunder mentioned shall not for the time specified as to each such person be eligible as candidates at an election, namely:—"

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend the Criminal Code.

First reading, May 24, 1940.

Mr. LACROIX,
(Quebec-Montmorency)

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2939 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 17.

An Act to amend the Criminal Code.

R.S., c. 36.

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

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

Communist Party and Nazi Party unlawful associations.

"**134A.** (1) The Communist Party of Canada, section of the Communist International, the National Socialist or Nazi Party, and any group or organization having similar aims and professed purposes, and any group or organization attached to, controlled or directed by any such party or having such revolutionary, seditious, totalitarian or communistic aims and aspirations, shall be unlawful associations.

Membership.

(2) Any person who is a member of or who without lawful authority attends meetings of such an association, or who speaks publicly, writes or publishes anything in advocacy of the aims or doctrines of any such party, group or association, or knowingly distributes the literature of such an unlawful association, or whose acts or works give reasonable ground for the belief that he is a member of the Communist Party, the National Socialist Party or of such an unlawful association, shall be presumed, in the absence of proof to the contrary, to be a member of such unlawful association, and shall be guilty of an indictable offence and liable to imprisonment for not less than two years and not more than twenty years."

Penalty.

Explanatory Note.

The German Reich being at war with Canada, and Russia having allied herself with the German Reich, it is fit and proper that the Communists and Nazis, representing the ideologies of Russia and Germany, should not be allowed to spread throughout Canada the doctrines of these revolutionary or totalitarian states.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act for granting to His Majesty aid for National Defence and Security.

First reading, May 27, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2028 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 18.

An Act for granting to His Majesty aid for National Defence and Security.

Preamble.

WHEREAS a state of war exists between Canada and the German Reich; and whereas it is necessary that measures be taken for the common defence and security and to this end it is expedient that aid as hereinafter provided be rendered to His Majesty: 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 War Appropriation Act, 1940.*

Appropriation.

2. From and out of the Consolidated Revenue Fund there may be paid and applied beyond the ordinary grants of Parliament, a sum not exceeding seven hundred million dollars towards defraying any expenses that may be incurred by or under the authority of the Governor in Council during the year ending the thirty-first day of March, 1941, for:—

(a) the security, defence, peace, order and welfare of Canada;

(b) the conduct of naval, military and air operations in or beyond Canada;

(c) promoting the continuance of trade, industry and business communications, whether by means of insurance or indemnity against war risk or in any other manner whatsoever; and

(d) the carrying out of any measure deemed necessary or advisable by the Governor in Council in consequence of the existence of a state of war.

Government may act as agent.

3. The Government of Canada may act as the agent of the government of any British or foreign country allied with His Majesty for any purpose which, in the opinion of the Governor in Council, will aid directly or indirectly in

Explanatory Notes.

This Bill provides for the payment out of the Consolidated Revenue Fund of a sum not exceeding $700,000,000 in addition to the ordinary grants of Parliament towards defraying expenses incurred by or under the authority of the Governor in Council during the current fiscal year *inter alia* for the security, defence, peace, order and welfare of Canada. Authority is also granted to borrow the sum of $700,000,000 for any of the purposes set out in the Bill. A similar Act (The War Appropriation Act, 1939) was passed at the session of Parliament held in September, 1939.

The requirements of particular services on war account will depend on the course and progress of the war in circumstances which cannot now be foreseen. Therefore, it is clearly unwise to attempt to make specific allocations of the total appropriation to particular services. It is nevertheless desired that Members of Parliament shall have the usual opportunities for discussion of expenditures which may be made under various headings. Accordingly, there is set out below a list of the principal objects of expenditure under the Department of National Defence and a list of the other Departments for which provision for expenditures on war account is now known to be necessary:

the prosecution of the war, and any obligations or costs incurred temporarily or assumed by the Government of Canada in the exercise of the powers hereby conferred may be paid out of any unappropriated moneys in the Consolidated Revenue Fund.

Loans authorized.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole the sum of seven hundred million dollars as may be required for the purposes of this Act.

Charge on Consolidated Revenue Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon and payable out of the Consolidated Revenue Fund.

Orders and regulations.

5. (1) The Governor in Council may make, from time to time, such orders or regulations as may be deemed necessary to give effect to the purposes of this Act; and for greater certainty, but not so as to restrict the generality of the foregoing terms, the Governor in Council may, by order or regulation:—

(a) make provisions for the appointment of temporary civil officers, clerks and employees and determine their rates of compensation and conditions of employment;

(b) determine the rates of pay and allowances of officers and men of the naval, military and air forces of Canada;

(c) prescribe administrative practices with respect to contracts and agreements for the execution of any public work or for the acquisition of lands, buildings, equipment, stores, materials and supplies, by purchase or otherwise, for the use of the public service of Canada;

(d) provide for the utilization, control and disposal of equipment, materials and supplies; and

(e) prescribe administrative practices with respect to the making of financial commitments, the taking of security for the performance of contracts and agreements, and the recording and paying of accounts.

Amendment, extension or revocation.

(2) All orders and regulations of the Governor in Council made hereunder shall have the force of law and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder shall be affected thereby,

DEPARTMENT OF NATIONAL DEFENCE.

MILITIA SERVICES.

Civilian personnel—Salaries and wages.
Pay and allowances, C.A.S.F. and other personnel charges.
Non-Permanent Active Militia—all expenses.
Construction, repairs and operating expenses of military buildings, works and lands.
Transportation and food supplies.
Stores and Equipment—Unit equipment, personal equipment and ammunition.
Royal Military College—all expenses.
Northwest Territories Radio Services—all expenses.
Sundries.

NAVAL SERVICES.

Civilian personnel—Salaries and wages.
Pay and allowances, R.C.N., and other personnel charges.
Royal Canadian Naval Reserves.
Acquisition, construction and repairs of ships.
Construction, repairs and operating expenses of Naval buildings, works and lands.
Transportation.
Naval stores, armament, equipment and food supplies.
Sundries.

AIR SERVICES.

(Including Air Training Plan.)

Civilian personnel—Salaries and wages.
Pay and allowances, R.C.A.F. and attached personnel.
Operating expenses of properties.
Construction of R.C.A.F. and B.C. Air Training Plan, buildings, works and lands.
Transportation.
Stores, equipment and food supplies.
Sundries.

nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by any such variation, extension or revocation.

Accounting record of commitments.

6. Upon the Governor in Council making an allotment of any part of the seven hundred million dollars granted by this Act to provide for the cost of any service, the Minister of Finance shall cause an accounting record to be maintained in a form that will disclose the financial commitments entered into and the expenditure made as a consequence of the allotment being provided for the service concerned.

Civilian Personnel—Salaries and Wages.
Pay and allowances.
Transportation.
Operating expenses of properties.
Construction and repairs.
Stores, equipment and supplies.
Sundries.

OTHER DEPARTMENTS.

Agriculture.
Auditor General.
Civil Service Commission.
External Affairs.
Finance.
Fisheries.
Justice.
Labour.
Mines and Resources.
Munitions and Supply.
National Revenue.
Pensions and National Health.
Post Office.
Privy Council.
Public Works.
Royal Canadian Mounted Police.
Secretary of State.
Trade and Commerce.
Transport.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend The Seeds Act, 1937.

First reading, May 28, 1940.

The MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2181 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend The Seeds Act, 1937.

1937, c. 40.

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

Regulations.

1. Section three of *The Seeds Act, 1937*, chapter forty of the statutes of 1937, is amended by adding thereto the following paragraphs as paragraphs *(k)* and *(l)*:—

"*(k)* the fees for inspection of seed crops, seed inspection certificates, seed testing and control sample certificates, licences, registration control numbers or any other seed control service;

"*(l)* that the inspection or testing of seed crops or the issuing of seed inspection certificates, control sample certificates, licences, registration control numbers or any seed control service, may be refused to any person who is indebted to His Majesty with respect to any of the said services."

Explanatory Note.

The purpose of this Bill is to empower the Minister to prescribe fees for seed control services. Fees are considered necessary to confine these services within reasonable bounds and to prevent misuse of them, also to obtain revenue which will assist in providing the services.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend The Wheat Co-operative Marketing Act, 1939.

First reading, May 28, 1940.

MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2145 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to amend The Wheat Co-operative Marketing Act, 1939.

1939, c. 34.

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 Wheat Co-operative Marketing Amendment Act, 1940.*

2. Paragraphs *(g)*, and *(i)* of subsection one of section two of *The Wheat Co-operative Marketing Act, 1939*, chapter thirty-four of the statutes of 1939, are repealed and the following substituted therefor:—

'primary producer'.

"*(g)* 'primary producer' means any person who is engaged in the production of wheat but, for the purposes of this Act, shall be deemed to include any person entitled, whether as landlord, vendor, mortgagor or otherwise or by contract or operation of law, to wheat grown by a producer or to any share therein;

'selling agency'.

"*(i)* 'selling agency' means a person authorized by one or more co-operative associations or one or more elevator companies or one or more co-operative associations and elevator companies to market wheat under a co-operative plan;"

EXPLANATORY NOTES.

2. The amendments to these definitions are indicated as a result of experience during the past year.

The paragraphs to be repealed at present read as follows:—

"*(g)* 'primary producer' means a person engaged in growing spring wheat *in any of the provinces of Manitoba, Saskatchewan, Alberta or British Columbia;*

"*(i)* 'selling agency' means a person authorized by one or more co-operative associations or one or more elevator companies or one or more co-operative associations and elevator companies to market wheat under *one or more co-operative plans;*"

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

Initial payments paid to selling agencies.

"**3.** (1) The Minister may, with the approval of the Governor in Council, by agreement with any selling agency, undertake that if the average sale price of all wheat of any grade grown in a crop year delivered to the selling agency under a co-operative plan is less than a sum certain per bushel to be fixed by the agreement in the case of each grade of wheat, but which sum certain shall, in the case of wheat of the grade No. 1 Manitoba Northern, in store at Fort William, be sixty cents, there shall be paid to such selling agency the amount, if any, by which the initial payment together with storage, carrying and transportation charges and operating expenses exceeds the average sale price aforesaid computed on the number of bushels so delivered; provided, however, that the initial payment shall not, in the case of wheat of any grade, exceed the sum certain per bushel aforesaid, fixed by the agreement for such grades of wheat, and provided further that the maximum that may be paid hereunder shall not exceed the difference between the average sale price aforesaid and said sum certain per bushel fixed by the agreement for such grade of wheat computed as aforesaid."

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

Report to Parliament.

"**7.** The Minister shall at the end of the fiscal year prepare a report of the proceedings taken under this Act and shall lay it before Parliament forthwith, or if Parliament be not then sitting, within fifteen days after the commencement of the next ensuing session."

5. The said Act is further amended by adding thereto the following sections:—

Payment of liabilities of Minister.

"**8.** If at any time the Minister becomes liable under any approved agreement under this Act, the Minister of Finance may, out of unappropriated moneys forming part of the Consolidated Revenue Fund and with the approval of the Governor in Council, pay the amount for which the Minister may be liable under such agreement.

Administrative expenses.

"**9.** All administrative, including travelling and other expenses, incurred under this Act shall be paid out of the money provided by Parliament for the purpose.

Coming into force.

"**10.** This Act shall come into force on a date to be fixed by proclamation."

3. The principal amendment in this section is to provide that, if the initial payment together with charges exceeds the average sale price, the amount payable to the selling agency is ascertained by multiplying that difference by the number of bushels of wheat delivered.

The underlined words "computed on the number of bushels so delivered" and "computed as aforesaid" are added to the subsection as it reads at present.

The expression "one or more co-operative plans" in the Act is changed to "a co-operative plan," with the new meaning ascribed by par. 2 of this bill.

4. This is new and self-explanatory.

5. This is new. It provides authority for payment of any liability of the Minister under any agreement and also for payment of administrative expenses.

Section ten is simply former section seven re-numbered.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1941.

AS PASSED BY THE HOUSE OF COMMONS, 28th MAY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3029 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1941.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable Sir Lyman Poore Duff, Administrator of the Government of Canada and the estimates accompanying the said message that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and forty-one, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 1, 1940.*

$41,455,066.47 granted for 1940-41.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole forty-one million, four hundred and fifty-five thousand, sixty-six dollars and forty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty, to the thirty-first day of March, one thousand nine hundred and forty-one, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted, set forth in the Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and forty-one, as laid before the House of Commons at the present session of Parliament.

Additional interim vote of $2,318,646.13 granted for 1940-41 on certain items.

3. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor in the preceding section, a sum not exceeding in the whole two million, three hundred and eighteen thousand, six hundred and forty-six dollars and thirteen cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty, to the thirty-first day of March, one thousand nine hundred and forty-one, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth in Schedule A to this Act.

Additional interim vote of $507,316.67 granted for 1940-41 on certain items.

4. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor in the preceding sections, a sum not exceeding in the whole five hundred and seven thousand, three hundred and sixteen dollars and sixty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty to the thirty-first day of March, one thousand nine hundred and forty-one, not otherwise provided for, and being one-sixth of the amount of the several items to be voted set forth in Schedule B to this Act.

Additional interim vote of $5,543,071.67 granted for 1940-41 on certain items.

5. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor in the preceding sections, a sum not exceeding in the whole five million, five hundred and forty-three thousand, seventy-one dollars and sixty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty, to the thirty-first day of March, one thousand nine hundred and forty-one, not otherwise provided for, and being one-third of the amount of the several items to be voted set forth in Schedule C to this Act.

Account to be rendered in detail.

6. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE A

Based on the Main Estimates, 1940–41. The amount hereby granted is $2,318,646.13, being one-twelfth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1941, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
	Science Service—		
6	Science Service Administration	25,467 00	
8	Bacteriology and Dairy Research	38,637 00	
	EXTERNAL AFFAIRS		
42	Representation Abroad	626,575 00	
	JUSTICE		
	Exchequer Court of Canada—		
101	Administration	34,265 00	
	LEGISLATION		
	Senate—		
124	General Administration	201,965 00	
	House of Commons—		
127	General Administration—Estimates of the Clerk	472,327 50	
128	Estimates of the Sergeant at Arms	211,083 00	
	MINES AND RESOURCES		
	Mines and Geology Branch—		
140	Geological Surveys	254,842 00	
141	Topographical Surveys	187,980 00	
	LANDS, PARKS AND FORESTS BRANCH		
	Government of the Northwest Territories—		
147	General Administration	268,334 00	
	Government of the Yukon Territory—		
149	Administration	43,995 00	
150	Grant to Yukon Council	50,000 00	
	SURVEYS AND ENGINEERING BRANCH		
162	Dominion Water and Power Bureau	204,600 00	
167	Engineering and Construction	97,487 00	
168	Geodetic Service	139,300 00	
170	International Boundary Commission	28,600 00	
	Hydrographic and Map Service—		
171	Hydrographic Service	316,248 00	
172	Legal Surveys and Map Service	169,150 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	POST OFFICE		
268	Railway Mail Service	10,421,906 50	
270	Audit of Revenue, Money Order, Postal Note and Savings Bank Business	1,281,905 00	
	ROYAL CANADIAN MOUNTED POLICE		
355	Land Services	5,069,949 54	
	SOLDIER SETTLEMENT		
375	To provide for the cost of administration	615,625 00	
	TRANSPORT		
	Civil Aviation Division		
407	Airways and Airports—Construction and Improvements—Capital	1,224,969 00	
410	To provide for contributions to assist municipalities to improve existing airports, etc	500,000 00	
	CANALS SERVICE		
419	Canals—Improvements	183,450 00	
	MARINE SERVICE		
439	River St. Lawrence Ship Channel—Contract Dredging	1,978,093 00	
	RAILWAY SERVICE		
443	Hudson Bay Railway—Deficit	350,000 00	
445	Maritime Freight Rates Act—Canadian National Railways, Eastern Lines	2,000,000 00	
	CANADIAN TRAVEL BUREAU SERVICE		
447	To assist in promoting Tourist business in Canada	500,000 00	
	GOVERNMENT OWNED ENTERPRISES		
460	Prince Edward Island Car Ferry and Terminals—Deficit	327,000 00	
	Total		*27,823,753 54

* Net total, $2,318,646.13.

SCHEDULE B

Based on the Main Estimates 1940–41. The amount hereby granted is $507,316.67, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1941, and the purpose for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
	PRODUCTION SERVICE		
17	Health of Animals— Compensation for animals slaughtered	543,900 00	
31	Special— Prairie Farm Rehabilitation Act	2,500,000 00	
	Total		*3,043,900 00

*Net total, $507,316.67.

SCHEDULE C

Based on the Main Estimates, 1940–41. The amount hereby granted is $5,543,071.67, being one-third of the amount of each item in the said Estimates as contained this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1941, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
	PRODUCTION SERVICE		
22	Grants to Fair and Exhibitions	65,000 00	
	CHIEF ELECTORAL OFFICER		
39	Salaries and Expenses of Office	18,665 00	
	JUSTICE		
99	Annual contribution to the Canadian Law Library	500 00	
	MINES AND RESOURCES		
	LANDS, PARKS AND FORESTS BRANCH		
	National Parks Bureau—		
156	National Parks and Historic Sites	1,144,215 00	
	SURVEYS AND ENGINEERING BRANCH		
165	To provide for acquiring flowage easements	8,000 00	
	SPECIAL		
	National Parks Bureau—		
191	National Parks	171,125 00	
192	Historic Sites	500 00	
193	Forest Conservation	40,000 00	
	Indian Affairs—		
196	To provide for the completion and for equipment and furnishings of Indian Residential Day Schools	146,210 00	
	TRANSPORT		
	SPECIAL		
453	Canals—Improvements	35,000 00	
	GOVERNMENT OWNED ENTERPRISES		
459	Canadian National Railways—Deficit	15,000,000 00	
	Total		*16,629,215 00

*Net total, $5,543,071.67.

22.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

First reading, May 30, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2045 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

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 Loan Act, 1940.*

Loan authorized.

2. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as may be required, not to exceed in the whole the sum of seven hundred and fifty million dollars, for paying or redeeming the whole or any portion of loans or obligations of Canada, and also for purchasing from time to time unmatured securities of Canada to be withdrawn from circulation or re-sold, and for public works and general purposes.

1931, c. 27.

Charge upon Consolidated Revenue Fund.

3. The principal raised by way of loan under this Act and the interest thereon shall be a charge upon and payable out of the Consolidated Revenue Fund.

Orders and regulations.

4. The Governor in Council may from time to time grant such authority and make such orders or regulations as may be deemed necessary or desirable to give effect to the purposes of this Act.

Explanatory Note.

This Bill gives authority to the Governor in Council to borrow a sum not exceeding $750,000,000, for the purposes set out in clause 2 of the Bill. The principal and interest of any loan are to be a charge upon and payable out of the Consolidated Revenue Fund. The Bill is for the same amount as *The Loan Act, 1939*.

23.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend The Trans-Canada Air Lines Act, 1937.

First reading, May 31, 1940.

The MINISTER OF TRANSPORT.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94548 1940

1st Session. 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 23.

An Act to amend The Trans-Canada Air Lines Act, 1937.

1937, c. 43.

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

Initial period extended.

"Initial period."

1. Paragraph *(g)* of section two of *The Trans-Canada Air Lines Act, 1937*, chapter forty-three of the statutes of 1937, is repealed and the following substituted therefor:—

"*(g)* 'initial period' means the period of time commencing on the date of the Trans-Canada contract and ending on the thirty-first day of December, 1940;"

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

Fixation of rates.

"**17.** (1) In the month of January in the year one thousand nine hundred and forty-one and in every year thereafter while the Trans-Canada contract is in force, the Governor in Council on the joint recommendation of the Minister and the Postmaster General, shall, as hereinafter provided, fix the rate or rates for the current year."

Coming into force.

3. This Act shall be deemed to have come into force on the first day of January, 1940.

Explanatory Notes.

The object of the Bill is to extend, from the 31st December, 1939, to the 31st December, 1940, the initial period during which a subsidy may be payable to Trans-Canada Air Lines out of moneys appropriated by Parliament.

1. Paragraph *(g)* of section 2 of *The Trans-Canada Air Lines Act, 1937*, at present reads as follows:—

"*(g)* 'initial period' means the period of time commencing on the date of the Trans-Canada contract and ending on the thirty-first day of December, 1939;"

2. Subsection (1) of section 17 of the said Act reads as follows:—

"**17.** (1) In the month of January in the year nineteen hundred and forty and in every year thereafter while the Trans-Canada contract is in force, the Governor in Council on the joint recommendation of the Minister and the Postmaster General, shall, as hereinafter provided, fix the rate or rates for the current year."

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend The Agricultural Products Co-operative Marketing Act, 1939.

First reading, May 31, 1940.

THE MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2159 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend The Agricultural Products Co-operative Marketing Act, 1939.

1939, c. 28.

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

Short title.

1. This Act may be cited as *The Agricultural Products Co-operative Marketing Amendment Act, 1940.*

2. Section two of *The Agricultural Products Co-operative Marketing Act, 1939,* chapter twenty-eight of the statutes of 1939, is amended by repealing paragraph *(b)* thereof and substituting the following:—

'co-operative association'.

"*(b)* 'co-operative association' means an association of primary producers having for its object the marketing, under a co-operative plan, of agricultural products delivered to it for sale."

co-operative plan.

3. Section two of the said Act is further amended by repealing subparagraphs (ii) and (iii) of paragraph *(c)* thereof and substituting the following:—

"(ii) for the return to primary producers of the proceeds of the sale of all agricultural products delivered thereunder produced during the year, after deduction of processing, carrying and selling costs and reserves, if any;

"(iii) for an initial payment to primary producers of a percentage, not exceeding eighty per centum, approved by the Governor in Council on the recommendation of the Minister, of the average price paid to producers according to grade and quality for an agricultural product over a period of three years immediately preceding the year of production."

EXPLANATORY NOTES.

3. Sub-paragraphs (ii) and (iii) read as follows:—

"(ii) for the return to primary producers of the proceeds of the sale of all agricultural products delivered thereunder produced during the year, after the deduction of processing, carrying and selling *charges*."

The amendment is to enable co-operative associations to establish reserve funds.

"(iii) for an initial payment to primary producers of a percentage, not exceeding eighty per centum, approved by the Governor in Council on the recommendation of the Minister, of the average *wholesale* price for an agricultural product over the period of three years immediately preceding the year of production."

The amendment is to authorize an initial payment based on the average price paid to producers rather than on the average wholesale price.

'initial payment'.

4. Section two of the said Act is further amended by repealing paragraph *(d)* thereof and substituting the following:—

"*(d)* 'initial payment' means the sum paid, or credited for merchandise delivered or money advanced to primary producers of an agricultural product to be marketed under a co-operative plan."

5. Section two of the said Act is further amended by repealing paragraph *(h)* thereof and substituting the following:—

'selling agency'.

"*(h)* 'selling agency' means the person authorized by one or more co-operative associations or one or more processors or one or more co-operative associations and processors to market an agricultural product under a co-operative plan.

Payment to selling agency.

6. Section three of the said Act is amended by repealing subsection one thereof and substituting the following:—

"**3.** (1) The Minister may, with the approval of the Governor in Council, by agreement with a co-operative association, processor or selling agency, undertake that if the average wholesale price of an agricultural product of any grade or quality produced during the year and delivered to a co-operative association, processor or selling agency under a co-operative plan, is less than the initial payment together with the actual processing, carrying and selling costs, which shall not exceed the maximum to be fixed under the agreement in the case of each grade of the agricultural product, there shall be paid to the co-operative association, processor or selling agency the amount, if any, by which the initial payment together with such costs exceeds the average wholesale price aforesaid computed on the amount of the agricultural product of such grade or quality so delivered; provided that, in determining the average wholesale price of an agricultural product, the Minister may, with the approval of the Governor in Council, require that any excess over the initial payment and costs in the Sales Account of a particular grade or grades shall be applied against any deficit in the Sales Account of any other grade or grades of such product."

4. It is desirable to enable co-operative associations to reimburse themselves out of the initial payment due the producers for merchandise delivered or money advanced.

The paragraph proposed to be amended reads:—

"*(d)* 'initial payment' means the sum paid to primary producers *at the time of delivery by them* of any agricultural product *pursuant to* a co-operative plan;"

5. The amendment is to correct the words "under one or more co-operative plans."

6. Section three now reads as follows:—

"**3.** (1) The Minister may, with the approval of the Governor in Council, by agreement with a selling agency, undertake that if the average *sale* price of an agricultural product of any grade or quality produced during the year delivered to the selling agency under *one or more co-operative plans* is less *than a sum certain to be fixed by the agreement* in the case of each grade of the agricultural product, there shall be paid to such selling agency the amount, if any, by which the initial payment exceeds the average *sale* price aforesaid.

(2) No payment shall be made to primary producers subsequent to the initial payment unless such subsequent payment is first approved by the Governor in Council.

(3) In the event of a difference arising as to the average *sale* price under an agreement made under this section, the decision of the Minister shall be final.

(4) No agreement shall be made under this section unless the co-operative plan applies to such a proportion of the primary producers within a certain geographical area or to such a proportion of an agricultural product produced in such area that the Minister is of opinion that the marketing of the aforesaid agricultural product under the co-operative plan will benefit the primary producers."

The section as amended is intended to enable the Minister to enter into agreements with co-operative associations and processors as well as selling agencies and to authorize the maximum costs to be fixed in the agreement. It also does away with the words "a sum certain" which has been found to be confusing and changes the word "sale" to "wholesale" where found.

The proviso enables the Minister to require, under any agreement, that, in determining the extent of the amount of liability, any excess with respect to the proceeds of sale of a grade or grades of a product shall be applied to offset any deficit in the proceeds of sale of any other grade.

7. Section three of the said Act is further amended by repealing subsection three thereof and substituting the following:—

Decision of Minister to be final.

"(3) in the event of a difference arising as to the average wholesale price under an agreement made under this section, the decision of the Minister shall be binding."

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

Minister may prescribe with approval of Governor in Council.

"4 (1) The Minister may, with respect to any agreement under this Act and with the approval of the Governor in Council, prescribe,

(a) variations from the initial payment for the basic grade applicable to other grades of an agricultural product;

(b) the maximum amount that may be allowed under the agreement for processing, carrying or selling costs with respect to the marketing of an agricultural product;

(c) any other matter deemed necessary for the efficient administration of the Act.

Regulations by the Minister.

(2) The Minister may make regulations prescribing,

(a) the manner in which the average price or average wholesale price of an agricultural product shall be ascertained;

(b) the manner of ascertaining the proportion of primary producers in a designated geographical area whose agricultural product is to be marketed under a co-operative plan;

(c) the manner of ascertaining the proportion of an agricultural product produced in a designated area which is to be marketed under a co-operative plan;

(d) any other matter deemed necessary for the efficient administration of the Act."

9. Section seven of the said Act is repealed and the following substituted therefor:—

Report to be laid before Parliament.

"**7.** The Minister shall at the end of the fiscal year prepare a report of the agreements made under this Act and shall lay it before Parliament forthwith, or if Parliament be not then sitting, within fifteen days after the commencement of the next ensuing session."

10. The Act is further amended by adding thereto the following sections:—

Payment of liabilities under agreement.

"**8.** If at any time the Minister becomes liable under any approved agreement under this Act, the Minister of Finance may, out of the unappropriated moneys forming part of the Consolidated Revenue Fund and with the approval of the Governor in Council, pay the amount for which the Minister may be liable under such agreement.

7. The word "sale" is changed to "wholesale."

8. Section four of the Act reads at present as follows:—

"**4.** The Minister may, with the approval of the Governor in Council, make regulations prescribing,

(a) the time and times when any payment subsequent to the initial payment may be made;

(b) variations from the initial payment for the *highest* grade applicable to other grades of an agricultural product;

(c) the manner in which the average price of an agricultural product shall be ascertained;

(d) the manner of ascertaining the proportion of primary producers in a designated geographical area whose agricultural product is to be marketed under a co-operative plan;

(e) the manner of ascertaining the proportion of an agricultural product produced in a designated area which is to be marketed under a co-operative plan;

(f) the maximum amount that may be *charged against any agricultural product* for processing, carrying or selling *charges;*

(g) any other matter deemed necessary for the efficient administration of this Act."

The section has been divided so that those matters which require the approval of the Governor in Council are distinguished from those which may be administered by the Minister.

Subsection (2) proposes to give the Minister power to regulate without the approval of the Governor in Council.

9. This is new and requires that a report of the agreements made under the Act be laid before Parliament.

10. This is new and provides authority to pay any liability that may arise under any agreement as well as administrative expenses.

Section 10 is simply former section seven re-numbered.

Administrative expenses.

"**9.** All administrative, including travelling or other expenses, incurred under this Act shall be paid out of the money provided by Parliament for the purpose.

Coming into force.

"**10.** This Act shall come into force on a date to be fixed by proclamation."

25.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend The Farmers' Creditors Arrangement Act, 1934.

First reading, May 31, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3609 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend The Farmers' Creditors Arrangement Act, 1934.

1934, c. 53; 1935, cc. 20, 61; 1938, c. 47.

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

Compositions.

1. Subsection three of section eleven of *The Farmers' Creditors Arrangement Act, 1934*, chapter fifty-three of the statutes of 1934, as enacted by section nine of chapter forty-seven of the statutes of 1938, is repealed and the following substituted therefor:—

Proposals in Manitoba, Saskatchewan and Alberta.

"(3) No proposal shall be received in the province of British Columbia later than the thirtieth day of June, 1939, nor in any other province except the provinces of Manitoba, Saskatchewan and Alberta later than the thirty-first day of December, 1938; provided that this subsection shall not apply to farmers who are soldier settlers within the meaning of the Soldier Settlement Act."

2. Section nineteen of the said Act, as enacted by section eight of chapter twenty of the statutes of 1935, is repealed and the following substituted therefor:

When Act shall not apply.

"**19.** This Act shall not, without the concurrence of the creditor, apply in the case of any debt incurred after the first day of May, 1935."

EXPLANATORY NOTES.

1. The subsection to be repealed at present reads as follows:—

"(3) No proposal shall be received in either of the provinces of Manitoba and British Columbia later than the thirtieth day of June, 1939, nor in any other province except the provinces of Saskatchewan and Alberta later than the thirty-first day of December, 1938: Provided that this subsection shall not apply to farmers who are soldier settlers within the meaning of the Soldier Settlement Act."

The purpose of this amendment is to provide that proposals for a composition, extension of time or scheme of arrangement may be made by farmers in the Province of Manitoba. Farmers in Saskatchewan and Alberta may now make such proposals.

2. Section 19 of the Act at present reads as follows:—

"**19.** The said Act shall not, without the concurrence of the creditor, apply in the case of any debt incurred after the first day of May, 1935."

The sole change is to correct an error in drafting by replacing the words "the said" in the first line by the word "this". There is no change in principle.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to incorporate The Alberta Provincial Bank.

First reading, June 3, 1940.

(PRIVATE BILL.)

MR. BLACKMORE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2975 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act to incorporate The Alberta Provincial Bank.

Preamble.

WHEREAS the province of Alberta acting by and through its Executive Council has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. Those persons who are for the time being members of the Executive Council of the province of Alberta are incorporated under the name of "The Alberta Provincial Bank" hereinafter called "the Bank".

Directors.

2. (1) The members of the Executive Council referred to in section one of this Act, shall be the directors of the Bank.

No remuneration.

(2) No director shall receive any remuneration for his services as a director.

No loans to directors.

(3) No director shall be granted any discount or loan by the Bank.

Powers of Lieutenant-Governor in Council.

3. The Lieutenant Governor in Council may—

(a) appoint one of the directors the president and another the vice-president of the Board of Directors of the Bank;

(b) fix the quorum of directors for the purpose of a directors meeting;

1934, c. 24.

(c) subject to the provisions of *The Bank Act*, fix the amount of discounts or loans which may be made to the Government of the province of Alberta, or to any one firm or person or to corporations.

Capital stock.

4. The capital stock of the Bank shall be five hundred thousand dollars.

Explanatory Note.

This is a Bill to incorporate a provincial bank in Alberta. For obvious reasons it is not drafted exactly in the form suggested by section nine of *The Bank Act* and contained in schedule "B" of same.

For the same reasons certain sections of *The Bank Act* are declared in clause seven of this Bill not to apply to The Alberta Provincial Bank. Those sections deal with the requirement of a Treasury Board certificate and generally with stock books, internal regulations, management, qualifications of directors and their election, special general meetings, voting powers, the allotment of capital stock, shares and calls, the transfer and transmission of shares, certain liabilities of shareholders and finally certain offences and penalties respecting the sale and transfer of shares contrary to requirements.

Vested in the Provincial Treasurer.

5. The capital stock of the Bank shall be issued to and vested in the Provincial Treasurer of the province in his official capacity and shall be held by him and his successors in office on behalf of and for the use of the province.

Head-office.

6. The head-office of the Bank shall be in the city of Edmonton in the province of Alberta.

Sections not applicable.

7. The following sections of *The Bank Act* shall not apply to the Bank: sections 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 54, 130 and 135.

Statement.

8. The statement required to be made by section fifty-three of *The Bank Act* shall be made at such date in each year as may be fixed for that purpose by Order of the Lieutenant Governor in Council, and shall be made to the Lieutenant Governor in Council, and shall be submitted to the Legislative Assembly at the session held next after the date of making such statement and within ten days after the opening of such session.

Powers of shareholders exercised by Lieutenant-Governor in Council.

9. The powers conferred upon the shareholders of the Bank by any provision of *The Bank Act* applicable to the Bank shall be exercised by the Lieutenant Governor in Council, as if the Lieutenant Governor in Council had been named in the said Act in the place and stead of the shareholders.

1924, c. 24 to apply.

10. Save and except to the extent that is otherwise expressly provided by this Act all the provisions of *The Bank Act* shall *mutatis mutandis* apply to the Bank.

Act in force until the 1st July, 1944.

11. This Act shall remain in force until the first day of July in the year one thousand nine hundred and forty-four.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 27.

An Act to amend the Department of National Revenue Act.

First reading, June 3, 1940.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3310 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 27.

An Act to amend the Department of National Revenue Act.

R.S., 1927 c. 137; 1928, c. 37; 1937, c. 27.

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

Appointment and transfer of certain officers.

1. Subsections four, six and seven of section three of the *Department of National Revenue Act*, chapter one hundred and thirty-seven of the Revised Statutes of Canada, 1927, as enacted by section one of chapter thirty-seven of the statutes of 1928, are repealed.

Validity of appointments.

2. It is hereby expressly declared that all such persons as have been appointed by the Governor in Council under the provisions of the above repealed subsections and are now serving His Majesty in any civil position in any department of the Government of Canada, have been validly appointed to the Civil Service, notwithstanding anything in the *Civil Service Act* contained. All such persons shall hereafter be subject in all respects to the *Civil Service Act;* provided, however, no such person shall have the present salary or compensation of his position reduced by reason of anything in this Act contained.

Civil Service Act, R.S., 1927, c. 23 to apply.

Return to Parliament.

3. Section two of chapter thirty-seven of the statutes of 1928, *An Act to amend the Department of National Revenue Act*, is repealed.

Explanatory Note

The subsection to be repealed reads as follows:—

"(4) The Minister may, after such examination as he may prescribe, select and nominate suitable persons for appointment by the Civil Service Commission, to positions appertaining to any of the following classes of officers,—

(a) Customs appraisers of all classes whether serving at the various ports and places of entry or as Dominion appraisers;

(b) All officers in the Customs-Excise preventive service;

(c) All officers assigned to duty as investigators of values and claims for drawback.

If such appointment is not made by the Commission within fifteen days from the date of notice to it of such selection and nomination, the Governor in Council may, on the recommendation of the Minister appoint during pleasure any such officer. The officers so appointed by the Commission or by the Governor in Council, as the case may be, shall be paid such salaries or remuneration in accordance with civil service regulations as may be determined by the Commission or the Governor in Council respectively, and the Minister may appoint the times and manner in which the same shall be paid.

Provided, however, that the Minister may, after such examination as he may prescribe, select and appoint during pleasure and may remove or suspend all masters, officers and seamen, and every other person engaged or employed on cruisers or other vessels used in the Preventive Service, and all officers and persons so appointed shall be paid such salaries or remuneration at such times and in such manner as the Minister may determine.

Provided, further, that in the appointment of officers under the provisions of this subsection, other qualifications being equal, preference shall be given to persons who have been on active service overseas on the military forces, or being resident or domiciled in Canada at the outbreak of the war, served in His Majesty's forces, or who have served on the high seas in a seagoing ship of war in the naval forces of His Majesty during the war, who have left such service with an honourable record or who have been honourably discharged.

"(6) The Civil Service Commission may on the recommendation of the Minister at any time when deemed by the Minister desirable for the betterment of the service, transfer any Collector or Surveyor of Customs and Excise or any Appraiser of Customs from one position to another.

If such transfer is not authorized or approved by the Commission within fifteen days from the date of the Minister's recommendation, the Governor in Council may on the recommendation of the Minister authorize such transfer.

"(7) The provisions of subsections four and six of this section shall have effect notwithstanding the provisions of the *Civil Service Act* or any other law."

The object of the amendment is to provide that in future all such appointments will be made by the Civil Service Commission as was the case prior to the enactment of the subsections repealed.

The object of section 2 of the Bill is to place the status of persons now in the service, who were appointed under the *Department of National Revenue Act*, beyond any possibility of doubt.

Section two of chapter thirty-seven of the statutes of 1928 provides for returns to be laid before Parliament giving the names of persons appointed by Order in Council.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

An Act to amend the Civil Service Superannuation Act, 1924.

First reading, June 3, 1940.

THE MINISTER OF NATIONAL REVENUE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2216 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

An Act to amend the Civil Service Superannuation Act, 1924.

R.S., c. 24.

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

Order in Council to have force and effect as from the 11th of August, 1939.

1. (1) Except as hereinafter provided, the Order in Council dated August 11th, 1939, set out in the Schedule hereto shall have the same force and effect as if it had been sanctioned by Act of Parliament at the date on which it was approved.

Paragraph and Schedule "M" revoked.

(2) The following paragraph of the said Order in Council and Schedule "M" therein referred to are hereby revoked:

"In respect of the recommendations set forth in paragraphs 1 *(a)*, *(b)* and *(d)* hereof, the Minister is of opinion that the eligibility of any person hereafter to become a contributor under the Superannuation Act should be made conditional upon his undertaking to comply with the requirements of such recommendations, and accordingly recommends that Schedule "M" hereto be approved."

SCHEDULE

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by the Deputy of His Excellency the Governor General on the 11th August, 1939.

P.C. 2261

The Committee of the Privy Council have had before them a report, dated 10th August, 1939, from the Acting Minister of Finance submitting as follows:—

1. The recommendations of the Special Committee of the House of Commons on the Civil Service Superannuation Act, 1939 Session, include the following:—

(a) That new contributors be required to make contributions as follows:—

Male Contributors—

Salary	*Contribution*
$ 200 and under	5%
Over $1200 and not exceeding $1500	(1) 5½%
Over $1500	(2) 6%

Female Contributors—

Regardless of amount of salary	5%

Provisos inserted to eliminate unfair application—

(1) Provided that this rate shall not reduce the remainder of salary below $1140.00.

(2) Provided that this rate shall not reduce the remainder of salary below $1417.50.

(b) That, in future, only service in respect of which a contributor elects to pay should be counted. In other words, no more free service should be allowed.

(c) That Overseas Active Service in an actual theatre of war be permitted to count for purposes of the Act under certain specified conditions.

(d) That, if appointed other than by the Civil Service Commission, contributors be required to furnish a certificate of health before coming under the Civil Service Superannuation Act.

2. It was not possible, during the 1939 Session to amend the Superannuation Act to give effect to these recommendations, because of lack of time and other considerations.

3. The House unanimously approved the report of the Committee and the Government agreed to give careful consideration to the recommendations of the report which may be given effect by Order in Council.

The Minister accordingly recommends that pending the enactment of appropriate legislation by Parliament, the Department of Finance be hereby directed to apply the recommendations of the Parliamentary Committee listed in paragraph 1 above, with effect from the date of approval hereof, to all new contributors in respect of past as well as future service, and also to present contributors in respect of any past service which has not heretofore been taken into account either by reason of oversight or by reason of its not having been determined by regulation to be service for the purposes of the Superannuation Act, but which may hereafter be allowed or, in virtue of the present direction or of regulations hereafter passed, be determined to be service for such purposes.

In respect of the recommendations set forth in paragraphs 1 *(a)*, *(b)* and *(d)* hereof, the Minister is of opinion that the eligibility of any person hereafter to become a contributor under the Superannuation Act should be made conditional upon his undertaking to comply with the requirements of such recommendations, and accordingly recommends that Schedule M hereto be approved.

In respect of the recommendation set forth in paragraph 1 *(c)* hereof, the Minister recommends that the said recommendation be applied in accordance with the terms of the following direction:

A contributor who *(a)* was employed in a temporary capacity in the Civil Service prior to enlistment and served overseas during the Great War in a theatre of actual war, or, *(b)* was employed in a permanent or temporary capacity prior to enlistment and resigned from the Civil Service and served overseas during the Great War in a theatre of actual war, may count such period of absence as service for the purpose of the Superannuation Act from the date of his enlistment for such service, if the contributor elects within one year from the date of this direction to do so, subject to compliance with the following conditions:

(a) service in His Majesty's Forces may be counted whether the contributor was or was not resident in Canada before his enlistment;

(b) service in any of the Allied or Associated powers may be counted only if the contributor immediately prior to enlistment in such forces was a resident of Canada;

(c) the contributor shall contribute to the Consolidated Revenue Fund for such service an amount equal to that which he would have contributed had he during such service been in receipt of salary at his average

rate for the period of his first three years of service in the Civil Service, at the relevant rate or rates set out in this direction, together with simple interest thereon at the rate of 4% per annum up to the date of his election under this direction, which amount shall be deemed to be a contribution under the Act and shall be payable in one sum or in instalments of equivalent value computed on such bases as to mortality and interest as provided by Regulation No. 13.

For the purpose of this direction "theatre of actual war", and "war" are defined as follows:—

'theatre of actual war' means:—

(i) in the case of the military or air forces, the zone of the allied armies on the Continents of Europe, of Asia, or of Africa, or wherever the contributor has sustained injury by a hostile act of the enemy.

(ii) in the case of the naval forces, the high seas or wherever contact has been made with hostile forces of the enemy, or wherever the contributor has sustained injury by a hostile act of the enemy;

'war' means:—

The war waged by the German Emperor and his allies against His Majesty and His Majesty's allies, the dates of the commencement and conclusion of which shall be deemed to be the 4th day of August, 1914, and the 11th day of November, 1918, respectively.

In respect of the recommendation set forth in paragraph 1 *(d)* hereof, the Minister recommends that the said recommendation be applied in accordance with the terms of the following direction:—

No person hereafter appointed to a permanent position in the Civil Service, which is exempted from the operation of the Civil Service Act, shall become or be eligible to be a contributor under the Act, unless the Department of Pensions and National Health certify to the head of the Department concerned and to the Minister of Finance, that the physical condition and health of the person so appointed, are such as make him eligible for appointment as nearly as may be to a like position under the Civil Service Act.

The Committee concur in the foregoing recommendations and submit the same for approval.

(Sgd.) H. W. LOTHROP,
Asst. Clerk of the Privy Council.

Schedule M

In consideration of being made eligible to become a contributor under the Civil Service Superannuation Act and qualified for benefits thereunder, I,.....
Name
hereby undertake to comply with the terms of the directions set forth in the Order in Council, dated 11th day of August, 1939, P.C. 2261, based on recommendations of the Parliamentary Committee on the Civil Service Superannuation Act therein referred to, pending the enactment of amendments of the statute, including, where applicable,

1. Revised rates of contribution.
2. Elimination of free service.
3. Certificate of health.

....
Witness Signature

Date.....

29.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 29.

An Act to authorize an Agreement between His Majesty the King and the Corporation of the City of Ottawa.

First reading, June 3, 1940.

THE MINISTER OF PUBLIC WORKS

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
91563 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 29.

1920, c. 15;
1924, c. 59;
1925, c. 21;
1931, c. 43;
1932, c. 11;
1932-33, c. 17;
1934, c. 7;
1935, c. 7;
1936, c. 14;
1937, c. 37;
1938, c. 10;
1939, c. 5.

An Act to authorize an Agreement between His Majesty the King and the Corporation of the City of Ottawa.

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

Agreement with City of Ottawa extended for one year.

1. The Minister of Public Works may on behalf of His Majesty the King enter into an Agreement with the Corporation of the City of Ottawa, hereinafter called "the Corporation", extending for a period of one year from the first day of July, 1939, the provisions of the existing Agreement between His Majesty the King and the said Corporation, dated the thirtieth day of March, 1920, which last mentioned Agreement, as amended, was extended to the first day of July, 1939, under the authority of chapter five of the statutes of 1939.

Explanatory Notes.

The operation of the Agreement with the City of Ottawa of 30th March, 1920, was extended for one year by chapter 59 of the statutes of 1924. The Agreement itself is set out in full as a schedule to chapter 15 of the statutes of 1920.

In chapter 21 of the statutes of 1925, the period of the Agreement was extended for five years to July 1st, 1930, and the Minister was empowered to agree on behalf of His Majesty to pay to the Corporation annually the sum of $100,000.00 during the said period of five years from July 1st, 1925, instead of the annual sum of $75,000.00 as provided for in the said Agreement. By chapter 43 of the statutes of 1931, the period of the Agreement was extended for one year to July 1st, 1931 and has, since that date, been extended annually by Acts of Parliament to July 1st, 1939.

The present object is to extend the Agreement for one year.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 30.

An Act to amend the Penitentiary Act and The Penitentiary Act, 1939.

First reading, June 4, 1940.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94411 1940

6th Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 30.

An Act to amend the Penitentiary Act and The Penitentiary Act, 1939.

R.S., c. 154. 1939, c. 6.

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

Subsections repealed and re-enacted.

1. Subsection five of section forty-seven of the *Penitentiary Act*, chapter one hundred and fifty-four of the Revised Statutes of Canada, 1927, and subsection five of section fifty-two of *The Penitentiary Act, 1939*, chapter six of the statutes of 1939, are repealed and the following in each case substituted therefor:—

Confinement in gaols of provinces of convicts from Yukon or N.W.T.

"(5) The Minister may, subject to the approval of the Governor in Council, arrange with the Lieutenant Governor of any province for the confinement in gaols of that province of convicts convicted in the Yukon Territory or the Northwest Territories and the compensation to be made by Canada to that province for the care and maintenance of such convicts while so confined.

Convicts sentenced to certain gaols may be removed.

R.S. c. 215. R.S. c. 142.

"(6) Notwithstanding anything to the contrary contained in the *Yukon Act* or the *Northwest Territories Act* any convict, convicted of an offence other than the breach of a municipal by-law, confined in a penitentiary, gaol or other place of confinement in the Yukon Territory or the Northwest Territories or in the custody of the Royal Canadian Mounted Police, if his sentence of imprisonment is for a term of two years or longer, may be removed to a penitentiary situate without the Yukon Territory and the Northwest Territories, or, if the sentence is for less than two years, to a gaol situate without the Yukon Territory and the Northwest Territories and designated for that purpose by the Governor in Council or within the territory or territories in which he is convicted, in the manner provided by this section for the removal of a convict from one

Proceedings therefor.

EXPLANATORY NOTE.

(5) This amendment is new and provides authority to reach agreement with a province for the confinement within the province of prisoners convicted in the Yukon Territory or Northwest Territories.

(6) The words underlined are new. The section as redrawn purports to authorize the transfer of prisoners within or out of the Yukon Territory and the Northwest Territories to penitentiaries as heretofore and to provincial gaols. The latter provision is desirable as R.C.M. Police guard rooms and territorial lock-ups are subject to congestion and afford little opportunity for the healthful employment or exercise of persons undergoing imprisonment.

penitentiary to another; and the sheriff or other person in charge of such gaol or other place of confinement, or the officer in command of the Royal Canadian Mounted Police at the post where such convict is in custody, shall be substituted, in the application of this section to such cases, for the warden of the penitentiary from which a convict is removed."

31.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 31.

An Act to amend the Soldier Settlement Act.

First reading, June 4, 1940.

The MINISTER OF MINES AND RESOURCES.

OTTAWA
J. O PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 31.

R.S., c. 188; 1928, c. 48; 1930, c. 42; 1931, c. 53; 1932, c. 53; 1932-33, c. 49; 1934, c. 41; 1935, c. 66; 1936, c. 10; 1938, c. 14.

An Act to amend the Soldier Settlement Act.

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

1. Section fifty-seven of the Soldier Settlement Act, chapter one hundred and eighty-eight of the Revised Statutes of Canada, 1927, is repealed, and the following substituted therefor:—

Exemption of mines and minerals.

"**57.** (1) From all sales and grants of land made by the Board, other than land acquired by the Board by purchase for resale and sold and granted to settlers, all mines and minerals shall be and shall be deemed to have been reserved whether or not the instrument of sale or grant so specifies, and may with the approval of the Minister be sold, leased, exchanged or otherwise disposed of by the Board under such terms as may be determined by the Minister, and the moneys realized thereby shall be remitted to the Receiver General to the credit of the Soldier Land Settlement Assurance Fund.

Coming into force.

Retroactive.

(2) The provisions of this section shall take effect as on and from the seventh day of July, 1919 and shall be deemed to have been in operation on and from that date."

EXPLANATORY NOTES.

Section 57 of the Soldier Settlement Act as it stands specially reserves mines and minerals underlying soldier settlement lands and no provision is made for their disposal.

The purpose of the amendment is to enable the Director of Soldier Settlement to grant to the original soldier settler the mines and minerals acquired with the land, and also to enable the Director with the approval of the Minister to sell, lease or otherwise dispose of mines and minerals relating to lands not under purchase contract by an original soldier settler.

"**57.** From all sales and grants of land made by the Board, all mines and minerals shall be and shall be deemed to have been reserved, whether or not the instrument of sale or grant so specifies, and as respects any contract or agreement made by it with respect to land it shall not be deemed to have thereby impliedly convenanted or agreed to grant, sell or convey any mines or minerals whatever. 1919, c. 71, s. 57."

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act to amend The Department of Munitions and Supply Act.

First reading, June 14, 1940.

THE MINISTER OF MUNITIONS AND SUPPLY.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3401 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act to amend The Department of Munitions and Supply Act.

1939, c. 3. (2nd Sess.).

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

1. Section two of *The Department of Munitions and Supply Act*, chapter three of the statutes of 1939 (Second Session), is repealed, and the following substituted therefor:—

Definitions.

"**2.** In this Act, unless the context otherwise requires, the expression,

"defence projects".

(a) "defence projects" means buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works and shall include the construction, erection, repair, improvement, maintenance or extension of such defence projects;

"Department".

(b) "Department" means the Department of Munitions and Supply;

"Minister".

(c) "Minister" means the Minister of Munitions and Supply;

"munitions of war".

(d) "munitions of war" means arms, ammunition, implements of war, military, naval or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;

"supplies".

(e) "supplies" includes materials, equipment, ships, aircraft, automotive vehicles, animals, goods, stores and articles or commodities of every kind including, but without restricting the generality of the foregoing, anything which, in the opinion of the Minister, is, or is likely to be, necessary for or in connection with the production, storage or supply of any munitions of war or necessary for the needs of the Government or of the community in war."

Explanatory Notes.

The Department of Munitions and Supply Act was passed at the Fifth Session of the Eighteenth Parliament held between September 7th and September 13th, 1939, being chapter 3 of the Statutes of that Session. It was brought into force by proclamation on April 9th, 1940.

The amendments proposed affect both the powers of the Minister and the procedure to be followed by him and are deemed desirable as a result of the experience gained in the operations of the Defence Purchasing Board and the War Supply Board, the predecessors of the Department of Munitions and Supply.

1. Section two at presents reads as follows:—

"**2.** In this Act, unless the context otherwise requires, the expression,

(a) "defence projects" means buildings, airdromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works;

(b) "Department" means the Department of Munitions and Supply;

(c) "Minister" means the Minister of Munitions and Supply;

(d) "munitions of war" means arms, ammunition, implements of war, military, naval or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof;

(e) "supplies" includes materials, goods, stores and articles or commodities of every kind including, but not restricting the generality of the foregoing;

(i) articles which, in the opinion of the Minister, would be essential for the needs of the Government or of the community in the present war; and (ii) anything which, in the opinion of the Minister, is, or is likely to be, necessary for, or in connection with, the production, storage or supply of any such article as aforesaid."

The changes proposed are those underlined in subsections *(a)* and *(e)* and are additions to these subsections as they at present stand.

Questions arose under similar definitions in the Orders in Council constituting the War Supply Board as to whether the powers of that Board to enter into contracts with regard to "defence projects" or "supplies" included in the first case the maintenance or alteration of such projects and in the second case, supplies other than goods as such. The amendment proposed is designed merely to carry on a similar amendment made to the Orders in Council constituting the War Supply Board to meet these questions.

2. Section four of the said Act is further amended by adding thereto the following subsections:—

Application of Civil Service Act and C.S. Superannuation Act. R.S., c. 22. R.S., c. 44.

"(4) Notwithstanding anything in the *Civil Service Act*, the *Civil Service Superannuation Act*, or any other Act of the Parliament of Canada, a civil servant who is now or hereafter becomes an employee of the Department and who was at the time of his appointment to the staff of the Defence Purchasing Board or of the War Supply Board or of the Department, under authority in that behalf conferred by any Act of the Parliament of Canada or by any Order of His Excellency the Governor General in Council passed under the authority of the *War Measures Act*, a contributor under the provisions of the *Civil Service Superannuation Act*, shall continue as from the date of his appointment as aforesaid to be a contributor under the said Act; his service on the staff of either of the said Boards or of the Department, in virtue of an appointment as aforesaid, shall be counted as service in the civil service for the purposes of the *Civil Service Superannuation 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 the event of his being retired from his office or position on the staff of the Department for any reason other than that of misconduct, he shall be eligible, in accordance with the regulations made under the *Civil Service Act*, for assignment to a position in the civil service of the class from which he was so retired or to any other position for which he may have qualified, or, in the alternative, to receive the same benefits under the *Civil Service Superannuation Act* as he would have been eligible to receive if he had been retired under like circumstances from the position in the civil service which he held immediately prior to his appointment to the staff of either of the said Boards or of the Department.

R.S., c. 206.

Employees eligible for appointment to other positions in the Service.

(5) Any person, other than a civil servant as described in subsection four of this section, who is now or hereafter becomes an employee of the Department shall, on termination of his employment by the Department, be eligible, without reference to the age limit, for appointment to a position in the Civil Service of the class from which he was laid off or to any other position for which he may be considered qualified: Provided the said person obtains from the Civil Service Commission a certificate to be given with or without examination as is determined by the regulations of the Commission that he possesses the requisite knowledge and ability and is in other respects duly qualified for appointment to such position, and for the purposes of this subsection the regulations of the Commission regarding lay-offs shall apply *mutatis mutandis*."

Proviso.

2. (4) This new subsection is proposed for the purpose of preserving the superannuation rights of a contributor civil servant who now or hereafter becomes an employee of the Department or of either of the Boards as though there had been no break in the continuity of service and as if he had been retired in good standing from his original position, but as of the actual date of his retirement; also making him eligible for assignment to a position elsewhere in the service upon retirement from the Department or from either Board.

(5) This subsection, which is new, would permit an employee of the Department, not formerly in the service, on the termination of his employment, to be appointed to a position in the civil service under certain conditions.

The subsection provides that the regulations of the Civil Service Commission regarding lay-offs shall apply *mutatis mutandis*.

Civil service regulations numbers 95 to 100 inclusive deal with the subject of lay-offs and provide in substance that a permanent civil servant, whose position has been abolished shall be laid off without salary but shall, under certain conditions, be entitled to have his name entered on a list of persons eligible for positions of the class from which he was laid off or for any position for which he may have qualified.

3. Sections five to nine, both inclusive, of the said Act are repealed and the following substituted therefor:—

Ministerial powers.

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

Idem.

"**6.** (1) The Minister shall have authority,

(a) to buy or otherwise acquire, manufacture or otherwise produce, finish, assemble, store and transport, and to sell, exchange or otherwise dispose of, munitions of war and supplies;

(b) to repair, maintain and service munitions of war and supplies;

(c) to construct or carry out defence projects and to sell, exchange or otherwise dispose of the same;

(d) to purchase or otherwise acquire and to sell, exchange or otherwise dispose of, any real or personal property or any interest therein which in the opinion of the Minister is or is likely to be necessary or desirable for the carrying out of any of the powers conferred upon the Minister by this Act, or by the Governor in Council;

(e) to mobilize, control, restrict or regulate to such extent as the Minister may, in his absolute discretion, deem necessary, any branch of trade or industry in Canada or any munitions of war or supplies;

3. The proposed new section 5 is designed to replace section 6 of the Act as it at present stands. Section 6 reads as follows:

"**6.** The Minister shall examine into and organize the resources of Canada contributory to, and the sources of supply of, munitions of war and supplies and the agencies available for the supply of the same and for the execution and carrying out of defence projects, and shall explore and estimate the needs present and prospective of the Government and the community in respect thereto, and generally take steps to mobilize, conserve and co-ordinate the economic and industrial facilities available in respect of munitions, supplies and defence projects for the effective prosecution of the present war, and may make use of the services of any board, agency or association in carrying out any of the purposes or provisions of this Act."

The amendments are indicated by underlining, and merely clarify the previous powers of the Minister.

It is proposed to omit the portion underlined in the section as it at present stands (supra) and to include it in the proposed section 6 (2) (infra).

The proposed new sections 6, 7 and 8 are largely new and are designed to replace section 7 of the Act.

This section reads as follows:

"**7.** (1) The Minister shall have authority,

(a) to procure, purchase and acquire munitions of war and supplies and to procure the execution and carrying out of defence projects for, during, or respecting the present war, and to enter into contracts therefor;

(b) to control or supervise and, if authorized by the Governor in Council, to procure, purchase, and acquire and enter into contracts for the procuring, purchasing or acquisition, of munitions of war and supplies for any of His Majesty's Governments, or for the government of any allied or associated power.

(f) with the specific or general authorization of the Governor in Council, from time to time, to make, issue, amend and repeal all such orders, rules, regulations, permits and licences, as the Minister, in his discretion, may consider necessary or expedient for the exercise of any of the powers conferred upon him by this Act or by the Governor in Council and any such order, rule, regulation, permit or licence may be of general or particular application and failure to comply therewith shall constitute an offence under this Act;

Offence.

(g) if authorized by the Governor in Council, to exercise any of the powers contained in paragraphs *(a)* to *(f)*, both inclusive, of this subsection for or on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, whether at the instance of or through the medium of the British Supply Board or otherwise and for or on behalf of any other of His Majesty's Governments or for or on behalf of the Government of the Republic of France or for or on behalf of the Government of any allied or associated power;

General powers.

(h) to do all such things as appear to the Minister to be incidental to or necessary or expedient for the exercise of any of the powers conferred upon him by this Act or by the Governor in Council.

Engage services.

(2) The Minister shall have authority to engage or make use of the services of any person, firm, corporation, board, association or agency in the carrying out of any of the purposes or provisions of this Act.

Incorporate.

(3) *(a)* The Minister may, if he considers that the carrying out of any of the purposes or provisions of this Act is likely to be facilitated thereby, procure the incorporation of any one or more companies or corporations under the provisions of *The Companies Act, 1934*, or under the provisions of any Act of any province of Canada relating to the incorporation of companies, for the purpose of exercising and performing in Canada or elsewhere any of the powers conferred or the duties imposed on the Minister by this Act or by the Governor in Council and may delegate to any such company or corporation any of the powers and duties conferred or imposed upon the Minister under this Act or any Order in Council.

1934, c. 33.

(2) Before any contract is entered into by the Minister, authority for the expenditure must be given by Order in Council. This authority may be a general authority for making the expenditures necessary to effect any of the transactions authorized by this Act, or it may be a specific authority approving of the particular transaction, and all Orders in Council granting such authority shall be made on the recommendation of the Minister."

The proposed amendments, specify the authority of the Minister in greater detail than do the present sections. They also lay down in greater detail the procedure to be followed by the Minister in entering into contracts. These procedural provisions make applicable to the Department of Munitions and Supply the procedure marked out in connection with the Defence Purchasing Board and War Supply Board.

With respect to the proposed new subsections (2) and (3) of section 6, which empowers the Minister to make use of the services of any agency or association in carrying out any of the purposes or provisions of the Act, the following may be said: It is considered to be a matter of urgency and of national importance that all possible steps be taken to ensure an adequate supply of certain materials and commodities required for the production of munitions of war and supplies and that unless such supply is ensured promptly there is a serious risk that a sufficient quantity thereof will not be available at a later date or that the price for such quantity as can later be obtained will be substantially in excess of that now prevailing; that occasions will arise whereby it will be in the public interest to acquire such materials and commodities indirectly and not through an ostensible Government source.

The proposed amendment is to give powers to the Minister which in the light of experience are considered to be essential.

The proposed sections 7 and 8 set out the division of jurisdiction between the Department of Munitions and Supply and the Department of National Defence and the procedure to be adopted as agreed to by the Departments in the light of their respective experiences.

Charter by Letters Patent.

(b) For the purposes of this section, the Secretary of State may, if the Minister so requests, by letters patent under his seal of office, grant a charter constituting such persons as are named by the Minister and any others who may thereafter be appointed by the Minister in their stead or in addition thereto, a body corporate and politic without share capital, for the purpose of exercising and performing in Canada or elsewhere, without pecuniary gain to such corporation, such of the powers and duties conferred or imposed upon the Minister under this Act or any Order in Council as the Minister desires to delegate to such corporation. The charter and by-laws of any such corporation shall be in such terms as may be approved by the Minister and by the Secretary of State. The Minister may remove any members, directors or officers of any such corporation at any time and appoint others in their stead. The provisions of Part II of *The Companies Act, 1934*, shall apply to every such corporation, except in so far as they may be declared inapplicable, varied or added to by its charter or by the Governor in Council.

Audit.

(c) The accounts of any such company or corporation shall be audited by the Auditor General of Canada.

Powers without limitation.

(4) The powers conferred upon the Minister by this Act or by the Governor in Council may be exercised by him notwithstanding, and without restriction or limitation by, the provisions of any other Act or Order in Council.

Authority of Minister, exclusive.

"**7.** The Minister shall have exclusive authority to buy or otherwise acquire, manufacture or otherwise produce, munitions of war or supplies and to construct or carry out defence projects required by the Department of National Defence, excepting, however:—

Exceptions.

(i) munitions of war or supplies manufactured in an arsenal or factory owned or operated by His Majesty the King in right of Canada;

(ii) defence projects constructed or carried out by persons in the employ of His Majesty the King in right of Canada;

(iii) such munitions of war or supplies as, for reasons of practicability or otherwise, the Minister or Deputy Minister, at the instance of or with the approval of the Minister of National Defence, may request the Department of National Defence, by either a specific or general request, to procure, purchase or acquire; and

(iv) such defence projects as, for reasons of practicability or otherwise, the Minister or Deputy Minister, at the instance of or with the approval of the Minister of National Defence, may request the Department of National Defence, by either a specific or general request, to construct or carry out.

Contractual provisions.

"**8.** In respect of all contracts to be entered into by the Minister on behalf of His Majesty the King in right of Canada, the following provisions shall apply:—

Upon requisition.

(a) requisitions for the purchase of any munitions of war or supplies or for the construction or the carrying out of any defence projects shall be made to the Minister by the Department of the Government of Canada concerned;

(b) such requisitions shall state the estimated cost of the munitions of war or supplies or the defence projects as the case may be;

Provisions relevant to estimated expenditure.

(c) requisitions shall be signed in accordance with the following provisions:—

Not exceeding $5,000.

(i) if the requisition involves an estimated expenditure not exceeding five thousand dollars, the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned or by such other officer or officers of the Department as the Minister of such Department may authorize;

$5,000 to $50,000.

(ii) if the requisition involves an estimated expenditure exceeding five thousand dollars, but not exceeding fifty thousand dollars, the requisition shall be signed by the Minister or the Deputy Minister or an Acting Deputy Minister of the Department concerned;

Exceeding $50,000.

(iii) if the requisition involves an estimated expenditure exceeding fifty thousand dollars, the requisition shall be signed by the Minister of the Department concerned;

Exceeding $5,000 requires O. in C.

(d) in cases where the amount involved in any proposed contract exceeds five thousand dollars, the proposed contract shall not be entered into until authority to do so has been granted by the Governor in Council;

Not exceeding $5,000 O. in C. not required.

(e) in cases where the amount involved in any proposed contract does not exceed five thousand dollars, the Minister may enter into such proposed contract without authority from the Governor in Council;

Extras.

(f) in case of extras or other allowances or of variations, alterations or modifications to or of any contract by reason of which the total amount of the expenditure involved will exceed the amount of expenditure involved in the original contract, the foregoing provisions of this section shall apply *mutatis mutandis*, having regard to the amount of such excess.

Minister may require returns.

Munitions or supplies.

"**9.** (1) The Minister may, by notice in writing, require any person producing, dealing in or having control of any munitions of war or supplies to make periodical and other returns at such times and containing such particulars as may be specified in the notice as respects—

(a) the stocks of munitions of war and supplies for the time being held by him and the quantities of same which by virtue of any contract are to be delivered by or to him and the date of delivery thereof;

(b) any contemplated purchase or other acquisition of munitions of war or supplies being made by him directly or indirectly from sources other than Canadian and the source thereof; and

(c) the facilities which he has available for producing such munitions of war and supplies or storing stocks thereof.

Defence projects.

(2) The Minister may, by notice in writing, require any person constructing or carrying out defence projects, or carrying on a business which in the opinion of the Minister is suitable for or can be adapted to constructing or carrying out defence projects, to make periodical and other returns at such times and containing such particulars as may be specified in the notice, as to the facilities available for constructing or carrying out defence projects.

Accommodation.

(3) The Minister may, by notice in writing, require any person who has under his control accommodation suitable for the storage of any munitions of war or supplies to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects—

(a) the nature and extent of that accommodation;

(b) the period for which any part of that accommodation is already required and the purpose for which it is required; and

(c) the facilities available for making use of the accommodation.

Offence.

(4) If any person

(a) fails to make any return which he is required to make under this section; or

(b) knowingly or recklessly makes any untrue statement in any such return;

he shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if he is convicted in respect of a failure to make a return and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which such failure continues.

The proposed sections 9 and 10 are designed to replace section eight of the Act. As it at present stands section 8 reads as follows:

"**8.** (1) The Minister may by notice in writing require any person producing, dealing in, or having control of any munitions of war or supplies, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects:

(a) the stocks of munitions of war and supplies for the time being held by him and the quantities of same which by virtue of any contract are to be delivered by or to him and the date of delivery thereof: and

(b) the facilities available for producing such munitions of war supplies or storing stocks thereof.

(2) The Minister may by notice in writing require any person executing or carrying out defence projects, or carrying on a business which in the opinion of the Minister is suitable for or can be adapted to executing or carrying out defence projects, to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as to the facilities available for carrying out such defence projects.

(3) The Minister may by notice in writing require any person who has under his control accommodation suitable for the storage of any munitions of war or supplies to make periodical and other returns, at such times and containing such particulars as may be specified in the notice, as respects—

(a) the nature and extent of that accommodation;

(b) the period for which any part of that accommodation is already required and the purpose for which it is required; and

(c) the facilities available for making use of the accommodation.

(4) Where a government department or any person or body of persons has, by virtue of any Act, power to obtain for any purpose information as to matters with respect to which the Minister is empowered by the last three foregoing subsections to require returns to be made—

(a) that department, person or body shall, if so required by the Minister, exercise that power for the purpose of assisting the Minister in obtaining any such information; and

(b) any such information obtained by that department, person, or body, whether upon a requisition of the Minister or otherwise, may, notwithstanding anything in any other enactment, be furnished to the Minister.

(5) If any person—

(a) fails to make any return which he is required to make under this section; or

Government department or other authority to assist.

"**10.** Where a government department or any person or body of persons has by virtue of any Act or Order in Council power to obtain for any purpose, information as to matters with respect to which the Minister is empowered to require returns to be made,

(a) that department, person or body shall, if so required by the Minister exercise that power for the purpose of assisting the Minister in obtaining any such information, and

(b) any such information obtained by that department, person or body, whether upon a requisition of the Minister or otherwise, may, notwithstanding anything in any other enactment, be furnished to the Minister.

Direct priority for war contracts.

"**11.** (1) The Minister may give directions to any person who, by virtue of any contract, whether made with the Minister or any government department or authority or any other person, and whether made before or after the commencement of this Act, is under an obligation

(a) to deliver any munitions of war or supplies; or

(b) to construct or carry out any defence project;

that any work in connection with such munitions of war or supplies or defence project shall be given priority over all other work, or shall be given priority over other work to such extent and by such means as may be specified in the directions.

Directions.

(2) Where the Minister is satisfied that any person to whom directions have been given under the foregoing subsection has failed without a reasonable excuse to comply with those directions, he may give that person directions to deliver such munitions of war or supplies or to construct or carry out such defence projects within such period as may be specified in the directions.

Request to enter into contract.

(3) Where the Minister is satisfied that any person,

(a) producing, dealing in or having control of any munitions of war or supplies, or constructing or carrying out defence projects; or

(b) knowingly or recklessly makes any untrue statement in any such return;

he shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding five hundred dollars, and, if he is convicted in respect of a failure to make a return and the failure continues after the conviction, he shall be liable on summary conviction to a fine not exceeding two hundred dollars for each day on which such failure continues."

The proposed amendments are indicated by underlining.

It is proposed to amend subsection (1) by adding a new paragraph as paragraph *(b)* and re-lettering the former paragraph *(b)* as paragraph *(c)*. The new paragraph is designed to assist in ascertaining what part of the materials used in the manufacture of munitions of war or supplies is to be obtained outside of Canada.

The proposed section 10 replaces subsection 4 of section 8 as it at present stands (quoted above). The amendment is designed to clarify the section with respect to any new governmental agencies created by Order in Council under the War Measures Act. It is felt that this subsection deals with a subject matter different from the other subsections of this section and should be contained in a separate section.

The proposed section 11 is designed to replace section 9 of the Act. Section 9, as it stands at present, reads as follows:—

"**9.** (1) The Minister may give directions to any person who by virtue of any contract, whether made with the Minister or any government department or any other person, and whether made before or after the commencement of this Act, is under an obligation—

(a) to deliver any munitions or war or supplies; or

(b) to carry out any defence project;

that any work in connection with such munitions of war, supplies or defence project shall be given priority over all other work, or shall be given priority over other work to such an extent and by such means as may be specified in the directions.

(2) Where the Minister is satisfied that any person to whom directions have been given under the foregoing subsection has failed without reasonable excuse to comply with those directions, he may give that person directions to deliver such munitions of war or supplies or to execute and carry out such defence project within such period as may be specified in the directions.

(*b*) carrying on a business which in the opinion of the Minister is suitable for or can be adapted to producing or dealing in munitions of war or supplies or constructing or carrying out defence projects;

having been requested by the Minister or any government department or authority or any other person concerned to enter into a contract for the delivery of munitions of war or supplies or the constructing or the carrying out of defence projects on terms and conditions which appear to the Minister to be fair and reasonable, has refused or failed to enter into the contract, the Minister may give that person directions to deliver on such terms and conditions as appear to the Minister to be fair and reasonable, any such munitions of war or supplies or to construct or carry out any such defence projects within such period and to or for the Minister or any government department or authority or such person as may be specified in the directions.

Refusal or failure.

Directions.

Time limit.

(4) The period specified in any directions given as aforesaid shall be a period within which, in the opinion of the Minister, it is possible for the munitions of war or supplies to be delivered or the defence projects to be constructed or carried out having regard to all the circumstances of the case, and any such directions may provide that the obligation to comply therewith within that period shall be conditional on the happening or continuance of circumstances so specified.

Offence.

(5) Where any person to whom directions have been given under this section has failed without reasonable excuse to comply with such directions such person shall be guilty of an offence under this Act.

Authorize other person to carry on, where failure.

(6) Where the Minister is satisfied that any person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, or where the Minister is satisfied that any such person will fail, or is likely to fail, to deliver any such munitions of war or supplies or to construct or carry out any such defence projects within the period specified in the directions, the Minister may authorize any person to carry on, until the Minister otherwise directs and subject to and in accordance with the provisions hereafter contained in this Act, the whole or any part of the business of the person to whom the directions were given.

Compensation.

(7) Where directions are given to any person under this section, then the compensation, if any, to be paid in addition to any price or remuneration which would have been payable if the directions had not been given shall be such as may be agreed upon between that person and the Minister or in default of agreement the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court of Canada.

(3) Where the Minister is satisfied that any person

(a) producing, dealing in or having control of any munitions of war or supplies, or executing or carrying out defence projects; or

(b) carrying on a business which in the opinion of the Minister is suitable for or can be adapted to producing or dealing in munitions of war or supplies or executing or carrying out defence projects;

having been requested by the Minister or any Government department or any other person concerned to enter into a contract for the delivery of munitions of war or supplies or the carrying out of defence projects on terms which appear to the Minister to be fair and reasonable, has refused or failed to enter into the contract, he may give that person directions to deliver any such munitions of war or supplies or to execute or carry out any such defence projects within such period and to or for the Minister or any government department or such person as may be specified in the directions.

(4) The period specified in any directions given as aforesaid shall be a period within which, in the opinion of the Minister, it is possible for the munitions of war or supplies to be delivered or the defence projects to be executed or carried out having regard to all the circumstances of the case, and any such directions may provide that the obligation to comply therewith within that period shall be conditional on the happening or continuance of circumstances so specified.

(5) Where the Minister is satisfied that any person to whom directions have been given under this section has failed without reasonable excuse to comply with the directions, the Minister may authorize any person to carry on, until the Minister otherwise directs and subject to and in accordance with the provisions hereafter contained in this Act, the whole or any part of the business of the person to whom the directions were given.

(6) Where directions are given to any person under this section, then—

(a) if the directions are given under subsection one or subsection two, the price or remuneration, if any, to be paid in addition to the price or remuneration which would have been payable if the directions had not been given; and

(b) if the directions are given under subsection three, the price or remuneration to be paid

shall be such as may be agreed between that person and the Minister, or, in default of agreement, such as may be determined to be fair and reasonable, having regard to all relevant considerations, by an arbitrator or arbitrators appointed as hereinafter provided.

Defence where failure due to directions.

(8) Where the failure to fulfil any contract, whether made before or after the commencement of this Act, is due to the compliance on the part of any person with any directions given by the Minister under this section or by any government department or authority or any other body competent to give the same, proof of that fact shall be a good defence to any action or proceeding in respect of the failure."

4. (1) Subsection five of section ten of the said Act (re-numbered as section twelve by subsection two of this section) is repealed and the following substituted therefor:—

Compensation.

"(5) Where directions are given to any person under this section for the storage of any munitions of war or supplies, the compensation for such storage shall be such as may be agreed upon between that person and the Minister or, in default of agreement, the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court of Canada."

(2) The said section ten is re-numbered section twelve.

Repeal.

5. Section eleven of the said Act is repealed.

(7) Where the failure to fulfil any contract, whether made before or after the commencement of this Act, is due to the compliance on the part of any person with any directions given by the Minister under this section, proof of that fact shall be a good defence to any action or proceeding in respect of the failure."

The proposed amendments are indicated by underlining.

The proposed amendments to subsection 1 are designed to extend the section to covering new and special governmental agencies other than normal government departments.

The proposed amendment to subsection 5 is designed to permit the Minister to take action before any failure to comply with his directions has taken place in order to avoid delay.

The proposed amendment to subsection 6 is to clarify the section and to render any dispute as to compensation subject to the jurisdiction of the Exchequer Court rather than leaving it to be settled by arbitration proceedings.

The proposed amendment to subsection 7 is designed to extend the protection afforded by this subsection to cover directions given by government authorities other than the Minister and provision for which is made in the earlier part of the section.

4. Subsection 5 of section 10 reads as follows:

"(5) Where directions are given to any person under this section for the storage of any munitions of war or supplies, the remuneration for such storage shall be such as may be agreed upon between that person and the Minister or, in default of agreement, such as may be determined to be fair and reasonable, having regard to all relevant considerations, by an arbitrator or arbitrators appointed as hereafter provided."

The underlined portion of the proposed amendment is substituted for the underlined portion of the present subsection.

The amendment is designed to bring disputes as to compensation within the jurisdiction of the Exchequer Court in preference to arbitration.

The renumbering is necessary owing to the proposed insertion of some additional sections in the preceding parts of the Act.

5. Section 11 reads as follows:—

"**11.** (1) For the purpose of the last two foregoing sections, the Minister shall appoint a panel of arbitrators, and shall appoint one member of the panel to be chairman thereof and another to be deputy chairman thereof.

6. (1) Subsections one and two of section twelve of the said Act (renumbered as section thirteen by subsection two of this section) are repealed and the following substituted therefor:—

Power to require production of documents and keeping of records.

"**12.** (1) The Minister may direct any person producing, dealing in, storing or having control of any munitions of war or supplies or constructing or carrying out any defence project, to produce to any person authorized for the purpose by the Minister, any books or documents of any description specified in the directions and to permit the person so authorized to take copies of or extracts from any such books or documents.

Minister may direct records to be kept.

(2) If the Minister is satisfied that the records kept by any such person as aforesaid are insufficient to enable a fair and reasonable price to be determined, or a fair and reasonable remuneration for the storage of the article or the construction or carrying out of the defence project in question to be determined, he may direct that person to keep such records as may be specified in the directions."

(2) The said section twelve is renumbered section thirteen.

Section renumbered.

7. Section thirteen of the said Act is renumbered section fourteen.

8. (1) Section fourteen of the said Act is repealed and the following substituted therefor:—

Power to relieve persons under order, otherwise bound.

"**15.** (1) The Minister may by order provide that any person

(a) producing, dealing in, storing or having control of munitions of war or supplies, or constructing or carrying out a defence project; or

(2) No person shall be qualified to be chairman or deputy chairman of the said panel unless he is or has been a barrister, advocate or solicitor, of not less than ten years standing.

(3) Where under this Act any matter is to be determined by an arbitrator or arbitrators, it shall be referred to and determined by such member or such three members of the said panel as may be appointed for the purpose by the chairman or deputy chairman thereof.

(4) In any case where three members of the panel are appointed, the award of any two of them shall be binding."

As it is now proposed to refer these disputes to the Exchequer Court, the provisions of this section have become unnecessary.

6. Subsections one and two of section twelve read as follows:—

"**12.** (1) The Minister may direct any person producing, dealing in, storing or having control of any munitions of war or supplies or executing or carrying out any defence project, to produce to any person authorized for the purpose by the Minister any books or documents of any description specified in the directions and to permit the person so authorized to take copies of or extracts from any such books or documents.

(2) If the Minister is satisfied that the records kept by any such person as aforesaid are insufficient to enable a fair and reasonable price to be determined, or a fair and reasonable remuneration for the storage of the article or carrying out of the defence project in question to be determined, he may direct that person to keep such records as may be specified in the directions."

7. Owing to the insertion of two new sections and the repeal of one section, this re-numbering is necessary in order to avoid a duplication of numbers.

8. Section fourteen reads as follows:

"**14.** (1) The Minister may by order provide that any person

(a) producing, dealing in, storing or having control of munitions of war or supplies, or executing or carrying out a defence project; or

(*b*) carrying on a business which in the opinion of the Minister is suitable for or can be adapted to producing, dealing in or storing munitions of war or supplies or constructing or carrying out a defence project;

shall not be bound, in respect of such matters as may be specified in the order, by any obligation or limitation imposed on that person by or by virtue of any other Act, order, rule, regulation, by-law, contract, agreement or other instrument affecting his functions or obligations.

Orders may be varied or revoked.

(2) Any order made under this section may be varied or revoked by a subsequent order of the Minister."

9. (1) Subsection one of section fifteen of the said Act (renumbered as section sixteen by subsection two of this section) is repealed and the following substituted therefor:—

Power to require protection of essential undertaking.

"**16.** (1) Where any person carrying on an undertaking capable of being used—

(*a*) to produce munitions of war or supplies required by any government department, board or other public authority for the purpose of the discharge of its functions, or to construct or carry out defence projects so required; or

(*b*) to produce munitions of war or supplies or construct or carry out defence projects which are directly or indirectly required for any of the purposes mentioned in the foregoing paragraph;

and it appears to the Minister that the carrying on of that undertaking is or is likely to be essential in time of war, the Minister may give to that person directions requiring him to take, within such period as may be specified in the directions, such measures as may be so specified being measures which in the opinion of the Minister are necessary to secure the due functioning of the undertaking in time of war and which that person cannot be required to take under any other enactment."

Section renumbered.

(2) The said section fifteen is renumbered sixteen.

10. (1) Subsection one of section sixteen of the said Act (renumbered as section seventeen by subsection two of this section) is repealed and the following substituted therefor:—

Duration.

"**17.** (1) Subject to the following provisions of this section, the foregoing provisions of this Act shall continue in force for a period of three years beginning with the date of the passing of this Act, and shall then expire;

(b) carrying on a business which in the opinion of the Minister is suitable for or can be adapted to producing, dealing in or storing munitions of war or supplies or executing or carrying out a defence project;

shall not be bound, in respect of such matters as may be specified in the order, by any obligation or limitation imposed on that person by or by virtue of any other Act, order, rule, regulation, by-law, contract, agreement or other instrument affecting his functions or obligations.

(2) Any order made under this section may be varried or revoked by a subsequent order of the Minister."

9. Subsection (1) of section 15 reads as follows:—

"**15.** (1) Where any person carrying on an undertaking capable of being used—

(a) to produce munitions of war or supplies required by any government department, board or other public authority for the purpose of the discharge of its functions, or to carry out defence projects or works so required; or

(b) to produce munitions of war or supplies or execute or carry out defence projects or works which are directly or indirectly required for any of the purposes mentioned in the foregoing paragraph:

and it appears to the Minister that the carrying on of that undertaking would be essential in time of war, the Minister may give to that person directions requiring him to take, within such period as may be specified in the directions, such measures as may be so specified, being measures which in the opinion of the Minister are necessary to secure the due functioning of the undertaking in time of war and which that person cannot be required to take under any other enactment."

The proposed amendments are underlined and are substituted for the underlined portions of the subsection as it at present stands (supra).

They are designed to clarify the meaning of the section.

10. Subsection (1) of section 16 reads as follows:

"**16.** (1) Subject to the following provisions of this section, the foregoing provisions of this Act shall continue in force for a period of three years beginning with the date of the passing of this Act, and shall then expire:

Proviso.

Provided that if, in the opinion of the Minister, any provision of this Act should continue in force for a further period from the time at which it would otherwise expire, the Governor in Council may direct that that provision shall continue in force for that further period."

Section renumbered.

(2) The said section sixteen is renumbered seventeen.

Section renumbered.

11. Section seventeen of the said Act is renumbered eighteen.

12. Section eighteen of the said Act is repealed and the following substituted therefor:—

Disclosure of information.

"**19.** (1) No information with respect to an individual business which has been obtained under or by virtue of this Act shall be disclosed without the consent of the person carrying on that business:—

Proviso.

Provided that nothing in this subsection shall apply to the disclosure of any information—

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

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

Offence.

(2) If any person discloses any information in contravention of this section, he shall be guilty of an offence under this Act."

Section renumbered.

13. Section nineteen of the said Act is renumbered twenty.

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

Regulations.

"**21.** The Governor in Council may from time to time make such regulations as may be deemed necessary or advisable

(a) to provide for the proper and efficient organization and administration of the Department;

(b) to confer upon the Minister additional powers in relation to the control and supply of munitions of war and supplies and the construction and carrying out of defence projects; and

Provided that if, in the opinion of the Minister, any provision of this Act should continue in force for a further period of not more than one year from the time at which it would otherwise expire, the Governor in Council may direct that that provision shall continue in force for that further period."

The proposed amendment is underlined. The limitation of the period to one year is deemed unnecessary. It is considered sufficient to leave the fixing of the period to the Governor in Council.

11. This renumbering is necessary to avoid duplication of numbers.

12. Section 18 reads as follows:

"**18.** (1) No information with respect to an individual business which has been obtained under or by virtue of this Act shall be disclosed without the consent of the person carrying on that business:

Provided that nothing in this subsection shall apply to the disclosure of any information—

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

(b) for the purposes of any prosecution for an offence under this Act or any arbitration under this Act.

(2) If any person discloses any information in contravention of this section, he shall be guilty of an offence under this Act."

The proposed amendment is underlined and is substituted for the underlined portion of the present section (supra).

It is necessary, owing to the substitution of proceedings in the Exchequer Court, for arbitration proceedings.

The section is renumbered 19 to avoid duplication of numbers.

13. Section 19 is renumbered 20 to avoid duplication of numbers.

14. This section is designed to replace sections 5 and 20 of the Act.

Section 5 reads as follows:

"**5.** (1) The Minister shall have such administrative powers and duties in relation to the supply of munitions of war and supplies and for the execution and carrying out of defence projects for, during or respecting the present war as may be conferred on him by the Governor in Council, and the Governor in Council may also, if he considers it expedient in connection with the supply of munitions of war and

(c) to transfer to the Minister any powers or duties of a government department, board or authority, whether conferred by statute or otherwise, and to provide that such powers or duties shall be exercised or performed concurrently or otherwise by the Minister;

and any regulations so made shall have the same force and effect as if enacted herein."

Repeal.

15. Section twenty-one of the said Act is repealed.

16. The said Act is further amended by adding the following section as section twenty-two thereof:—

Power of G. in C. under War Measures Act not restricted. R.S., c. 206.

"**22.** Nothing in this Act shall be interpreted to limit or restrict in any way the powers conferred on the Governor in Council by the *War Measures Act*."

Coming into force.

17. *The Department of Munitions and Supply Act*, and this Act shall be deemed to have come into force and operation on the ninth day of April, 1940.

supplies and the execution and carrying out of defence projects, that any powers or duties of a Government department, board or authority, whether conferred by statute or otherwise, should be transferred to or exercised or performed concurrently or otherwise by the Minister, by Order in Council make the necessary provision for such purpose and any Order in Council made in pursuance of this section may include any supplemental provisions which appear necessary for the purpose of giving full effect to such Order in Council.

(2) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council."

Section 20 reads as follows:

"**20.** The Governor in Council may from time to time make such regulations as may be necessary to carry into effect the provisions of this Act and such regulations shall have the same force and effect as if enacted herein."

The proposed amendment is designed to clarify and collect together in one section the general powers of the Governor in Council.

15. Section 21 reads as follows:—

"**21.** This Act in whole or in part shall come into force on a date or dates to be fixed by proclamation of the Governor in Council."

Section 14 of the proposed amending Act (infra) provides that the Department of Munitions and Supply Act and the amending Act shall be deemed to have come into force on April 9, 1940.

16. Some doubt exists as to whether an enactment such as the present one passed subsequently to the passage of the *War Measures Act* might not limit the emergency powers conferred by it on the Governor in Council. The proposed new section 22 is designed to settle this doubt with regard to this Act.

17. *The Department of Munitions and Supply Act* provided that it was to come into force on a day to be fixed by proclamation. Subsequently on April 10 a proclamation was published fixing the day as April 9. Owing to some uncertainty as to the retroactive effect of the proclamation it is considered desirable to confirm the day as being April 9 and to bring the amended Act into effect as of that date.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act to assist in the alleviation of Unemployment and Agricultural Distress.

First reading, June 17, 1940.

The MINISTER OF LABOUR.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 42.

An Act to assist in the alleviation of Unemployment and Agricultural Distress.

Preamble.

WHEREAS notwithstanding greatly increased employment under war conditions it appears still to be necessary in the national interest to make provision for some contribution by the Dominion, where circumstances so warrant, to supplement the measures taken by the provinces towards providing assistance to those in need, establishing unemployed persons in employment and training and fitting suitable persons for productive occupations, thereby lessening provincial and municipal burdens insofar as they may be consequent upon extraordinary conditions of unemployment heretofore existing and at the same time developing the economic capacity of the Nation to carry on the war: 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 Unemployment and Agricultural Assistance Act, 1940.*

Administration.

"Minister".

2. This Act shall be administered by the Minister of Labour, and whenever used in this Act the word "Minister" shall mean the Minister of Labour.

Agreements with provinces and others.

3. The Governor in Council may enter into agreements:

(a) with any of the provinces respecting the alleviation of unemployment conditions and of agricultural distress therein and to assist those in need;

(b) with corporations or partnerships or individuals engaged in industry respecting the expansion of industrial employment;

Explanatory Note.

The purposes of this legislation, which is substantially in the same form as in previous years, are stated in the Preamble of the Bill.

and such agreements may provide for payments for any of the purposes aforementioned to be made out of moneys appropriated by Parliament for the fiscal year 1940-41.

Grants of financial assistance to provinces.

4. (1) The Governor in Council in cases where in his opinion the circumstances make it necessary in the national interest, and subject to such requirements and conditions as he may consider advisable, may, out of any unappropriated moneys in the Consolidated Revenue Fund, grant financial assistance to any province by way of loan, advance or guarantee for the purpose of assisting the province to pay its share of expenditures incurred for the purposes mentioned in paragraph *(a)* of section three of this Act, and for the same purposes under the provisions of *The Youth Training Act, 1939*, to an amount not exceeding in the aggregate the maximum amount which may be payable by the province for its share of such expenditures under any agreement between the Dominion and the province entered into under the authority of this Act or *The Unemployment and Agricultural Assistance Act, 1939* or *The Youth Training Act, 1939*.

1939, c. 26.
1939, c. 35.

Renewals of loans, advances or guarantees.

(2) The Governor in Council may renew or consolidate, for such periods and upon such terms as the Governor in Council may determine, loans, advances or guarantees made, given or renewed under the authority of *The Unemployment Relief and Assistance Act, 1936*, *The Unemployment and Agricultural Assistance Act, 1937*, *The Unemployment and Agricultural Assistance Act, 1938*, *The Unemployment and Agricultural Assistance Act, 1939*, or this Act and may accept such Treasury bills, bonds, debentures or other securities as may be approved by the Governor in Council as security for the payment of any indebtedness due by a province to the Dominion arising out of expenditures, advances or loans heretofore or hereafter made for the alleviation of unemployment conditions and of agricultural distress and to assist those in need.

1936, c. 15.
1937, c. 44.
1938, c. 25.
1939, c. 26.

Conditions of financial assistance.

5. No financial assistance shall be granted to any province under this Act unless the province agrees to furnish such information and permit such examination and audit to be made as the Dominion may deem necessary, and no financial assistance by way of loan, advance or guarantee shall be granted to any province under this Act unless the province furnishes the Dominion, from time to time as required, with certified statements as to its financial position in such detail and in such form as the Dominion may require.

Orders and regulations.

6. The Governor in Council may make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intentions of this Act.

Orders and regulations to have the force of law.

7. All orders and regulations of the Governor in Council made hereunder shall have the force of law and may be varied, extended, or revoked by any subsequent order or regulation, but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by any such variation, extension or revocation.

Laid before the House of Commons.

8. All orders in council and regulations made under the provisions of this Act shall be laid before the House of Commons forthwith after the making thereof if Parliament is then sitting, or if not, said orders in council or regulations or an abstract thereof disclosing their essential provisions shall be published in the next following issue of the *Canada Gazette*.

Canada Gazette.

Appointment of officers, clerks and employees.

1939, c. 35.

9. Subject to the approval of the Governor in Council, the Minister may appoint such officers, clerks and employees as may be necessary to carry out the purposes of this Act and *The Youth Training Act, 1939.*

Report to Parliament.

10. A report shall be laid before Parliament within thirty days after the expiration of this Act, or if Parliament is not then in session shall be published and made available for distribution by the Department of Labour, containing a full and correct statement of the moneys expended or loaned, guarantees given and obligations contracted under this Act.

Duration of Act.

11. All the provisions of this Act except such as are contained in subsection two of section four and in this section shall expire on the thirty-first day of March, 1941, but any obligation or liability incurred or created under the authority of this Act may be paid and discharged notwithstanding the expiration of the aforesaid provisions of this Act on the said date.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 43.

An Act to confer certain powers upon the Governor in Council for the mobilization of national resources in the present war.

First reading, June 18, 1940.

THE PRIME MINISTER.

OTTAWA
J. O. PATENAUDE, I.S.O.
4779 PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1st Session, 19th Parliament, 4 George VI, 1940.

BILL 43.

THE HOUSE OF COMMONS OF CANADA.

An Act to confer certain powers upon the Governor in Council for the mobilization of national resources in the present war.

Preamble.

WHEREAS by reason of developments since the outbreak of the present war a special emergency has arisen and the national safety of Canada has become endangered; and

Whereas it is, therefore, expedient to confer upon the Governor in Council special emergency powers to permit of the mobilization of all of the effective resources of the nation, both human and material, for the purpose of the defence and security of Canada, and

Whereas it is expedient that the said powers should be conferred upon the Governor in Council during the continuation of the state of war now existing:

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

Short title.

1. This Act may be cited as *The National Resources Mobilization Act, 1940.*

Special powers of the Governor in Council.

2. Subject to the provisions of section three hereof, the Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, requiring persons to place themselves, their services and their property at the disposal of His Majesty in the right of Canada, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community.

Limitation in respect of service overseas.

3. The powers conferred by the next preceding section may not be exercised for the purpose of requiring persons to serve in the military, naval or air forces outside of Canada and the territorial waters thereof.

Limitation.

4. The powers conferred by this Act shall remain in force only during the continuation of the state of war now existing.

Tabling of orders and regulations.

5. Every order or regulation passed under the authority of this Act shall be tabled in Parliament forthwith if Parliament is in session and, if Parliament is not in session, within two weeks of the opening of the session next following the making of such order or regulation.

Imposing penalties.

6. The Governor in Council may prescribe the penalties that may be imposed for violations of orders and regulations made under this Act, and may also prescribe whether such penalties shall be imposed upon summary conviction or upon indictment, but no such penalty shall exceed a fine of five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment.

73.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 73.

An Act respecting Treachery.

First reading, July 8, 1940.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5690 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA

BILL 73.

An Act respecting Treachery.

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 Treachery Act.*

Definitions.

"enemy".

"enemy alien".

2. In this Act, unless the context otherwise requires,

(a) 'enemy' means the enemy in any war in which His Majesty may be engaged;

(b) 'enemy alien' means a person who not being a British subject possesses the nationality of a state at war with His Majesty.

Death penalty for treachery.

3. Notwithstanding anything contained in any other Act, regulation or law, if, with intent to help the enemy, any person does, or attempts or conspires with any other person to do, any act which is designed or likely to give assistance to the naval, military or air operations of the enemy, to impede like operations of His Majesty's forces, or to endanger life, he shall be guilty of an indictable offence and shall on conviction suffer death.

Acts done with intent to assist the enemy.

4. If with intent to assist the enemy any person does any act which is likely to assist the enemy or to prejudice the public safety, the defence of Canada, or the efficient prosecution of the war, then, without prejudice to the law relating to treason or the provisions of section three of this Act, he shall be guilty of an indictable offence and shall on conviction be liable to imprisonment for life.

Prosecution, trial and punishment of offences.

5. (1) Subject as hereinafter provided, persons charged with offences against section three of this Act shall be prosecuted upon indictment, and if convicted shall be dealt with in like manner as persons convicted on indictment of murder: Provided that

Proviso.

(a) the provisions, insofar as they are part of the law of Canada, of the *Naval Discipline Act*, the *Army Act*, and the *Air Force Act* of the United Kingdom relating to offences punishable by ordinary law shall, in relation to persons subject to those Acts, apply to offences against this Act, and the provisions of those Acts specified in the first column of the Schedule to this Act shall, as part of the law of Canada, be deemed to be amended as specified in the second column of that Schedule and shall have effect accordingly.

(b) any enemy alien may, if the Attorney General of Canada so directs, be prosecuted for an offence against section three of this Act before a court martial, and upon such a direction being given with respect to an enemy alien the *Army Act* shall apply for the purpose of his custody, trial, sentence, and punishment as if he were and had been at the time when the offence is alleged to have been committed, a person subject to military law;

(c) if upon representations made to him, it appears to the Attorney General of Canada that any person sentenced to death after being convicted on indictment of an offence against section three of this Act, was, at the time of the commission of the offence, a member of the armed forces of the Crown or of the armed forces of any foreign power, including an enemy power, the Attorney General of Canada may direct that, instead of being dealt with in like manner as a person sentenced to death after being convicted on indictment of murder, he shall be dealt with under the *Naval Discipline Act*, the *Army Act*, or the *Air Force Act*, as aforesaid, or in the case of a person not subject to those Acts under whichever of those Acts the Attorney General of Canada considers to be appropriate, in like manner as a person upon whom sentence of death by shooting has been passed by a court martial.

Prosecution in respect of offence against section three.

(2) No prosecution in respect of any offence against section three of this Act shall be instituted, otherwise than by way of proceedings for a trial by court martial, except by, or with the consent of, the Attorney General of Canada, and

Offence against section four.

no prosecution in respect of any offence against section four of this Act shall be instituted except by, or with the consent of, the Attorney General of Canada or of the province:

Proviso.

Provided that this subsection shall not prevent the arrest, or the issue or the execution of a warrant for the arrest, of any person in respect of any offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the consent of the Attorney General of Canada in respect of any offence against section

three of this Act, or of the Attorney General of Canada or of the province in respect of any offence against section four of this Act, to the institution of a prosecution for the offence has not been obtained.

Transfer to military custody in case of trial by court martial.

(3) Where in accordance with the provisions of proviso *(b)* to subsection one of this section a direction is given by the Attorney General of Canada for the trial by court martial of any person charged with an offence against section three of this Act, that person, if not in military custody, may be transferred to military custody in accordance with such directions as may be given by the Attorney General of Canada, and the Attorney General of Canada may by order provide for discharging or varying any order which may have been made by a justice of the peace as to the remand or committal for trial of that person.

Procedure altered in part.

6. Notwithstanding anything contained in any statute, rule or regulation

(a) where any person is charged with an offence against this Act the preliminary inquiry, if any, shall be held and completed with all due diligence and if such person is committed for trial an indictment shall be preferred within fifteen days from the date of such committal unless a Superior Court judge by order made either before or after the expiration of such fifteen days extends such time;

(b) where such person is convicted of such offence and desires to appeal from such conviction or sentence he shall give notice of appeal or notice of application for leave to appeal within ten days after the date of his conviction, and such appeal or application shall be heard and determined with as much expedition as practicable, and if necessary by a special sitting of the Court of Appeal;

(c) where such person is convicted of an offence against section three of this Act, the notes of evidence taken at the trial shall be transcribed forthwith and a copy immediately furnished to the Minister of Justice and the Attorney General of the province.

Joinder of charges and place of trial of offences.

7. (1) Notwithstanding any rule of law or practice, charges for any offences, whether against this Act or otherwise, except murder, may be joined with a charge for any offence against this Act in the same indictment or charge, if those charges are founded on the same facts, or form, or are part of, a series of offences of the same or a similar character.

Jurisdiction of court.

(2) Where any person is charged with an offence against section three of this Act before a court martial and charges for other offences are joined in the same charge in accordance

with the provisions of the last foregoing subsection, the court shall have jurisdiction to try and to punish the person charged with those offences notwithstanding that they may be offences for which that person would not otherwise be triable by court martial, and the *Naval Discipline Act*, the *Army Act*, and the *Air Force Act*, as aforesaid, shall apply in relation thereto accordingly.

Trial may take place anywhere in Canada.

(3) A person charged with an offence against this Act who is in Canada may, whether or not the offence was committed in Canada, or in any British ship or aircraft registered in Canada, be taken in custody to any county or place in Canada, and, subject to the order of any Superior Court judge who is hereby authorized to make such order, may be proceeded against, indicted, tried and punished in any county or place in Canada, as if the offence had been committed in that county or place, and for all purposes incidental to or consequential on the trial or punishment of the offence it shall be deemed to have been committed in that county or place: Provided that nothing in this subsection shall be construed as preventing the trial of any person by court martial in any place in which he could apart from this subsection be so tried.

Proviso.

Bail prohibited.

8. No person who has been convicted of an offence against this Act and who has given notice of appeal or made application for leave to appeal from such conviction shall, notwithstanding any statutory provision or other law to the contrary, be admitted to bail pending the determination of such appeal.

Power to enter and search premises.

9. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Act has been, is being, or is about to be committed, and that evidence thereof is to be found at any premises specified in the information, he may grant a search warrant authorizing any peace officer, together with any other persons named in the warrant to enter, by day or night, the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the peace officer has reasonable ground for believing to be evidence of an offence as aforesaid.

Woman to be searched by a woman.

(2) No woman shall, in pursuance of a warrant issued under this section, be searched except by a woman.

Officers of the R.C.M.P. deemed justices of the peace.

(3) For the purposes of this section every commissioned officer of the Royal Canadian Mounted Police shall be a justice of the peace.

Arrest without warrant.

10. A peace officer may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed or being about to commit any offence against this Act.

Duration.

R.S. c. 206.

11. This Act shall expire on the issue of the second of the two proclamations specified in section two of the *War Measures Act*.

SCHEDULE.

Amendments to the Naval Discipline Act, Army Act and Air Force Act.

The Naval Discipline Act.

Section forty-five of the Naval Discipline Act.	After the word "death" there shall be inserted the following paragraph:— "If he shall be guilty of an offence under section three of *The Treachery Act*, he shall suffer death:"

The Army Act and the Air Force Act.

Section forty-one of the Army Act and of the Air Force Act.	After paragraph (2) there shall be inserted the following paragraph:— "(2A) If he is convicted of an offence under section three of *The Treachery Act*, be liable to suffer death; and"
Section fifty-seven of the Army Act and of the Air Force Act.	In subsection (1) and in subsection (2) after the word "murder" there shall be inserted the words "or of an offence under section three of *The Treachery Act*."

74.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 74.

An Act to amend the Department of National Defence Act.

First reading, July 8, 1940.

THE PRIME MINISTER.

OTTAWA
J.-O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5602 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 74.

An Act to amend the Department of National Defence Act.

R.S., c. 136; 1940, c. 1.

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

1. An Act to amend the *Department of National Defence Act*, chapter one of the statutes of the present session is repealed.

Definitions.

2. Section two of the *Department of National Defence Act*, chapter one hundred and thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting therein immediately after paragraph *(b)* thereof the following paragraph:—

"Minister."

"*(c)* "Minister" means the Minister of National Defence, unless under the provisions of this Act one or more additional Ministers of National Defence have been appointed, in which case "Minister", in this or any other Act relating to the military, naval and air services, means the Minister of National Defence or one of the additional Ministers of National Defence acting as in this Act provided."

3. The said *Department of National Defence Act* is further amended by inserting therein, as section four A, thereof the following section:—

Additional Ministers of National Defence may be appointed.

"**4A.** When such a proclamation as is first mentioned in section two of the *War Measures Act* has been issued under the said section additional Ministers of National Defence may be appointed as follows:—

R.S., c. 206.

(a) an Associate Minister of National Defence;

(b) a Minister of National Defence for Naval Services, and

(c) a Minister of National Defence for Air.

EXPLANATORY NOTE.

Chapter one of the statutes of the present session to be repealed, reads as follows:—

"CHAP. 1.

An Act to amend the Department of National Defence Act.

[*Assented to 22nd May, 1940.*]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 136.

1. Paragraph *(c)* of section two of the *Department of National Defence Act*, chapter one hundred and thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:— Definitions.

"*(c)* "Minister" means the Minister of National Defence unless under the provisions of this Act a Minister of National Defence for Air has been appointed, in which case "Minister" means the Minister of National Defence or the Minister of National Defence for Air acting as in this Act provided." "Minister."

2. The said Act is further amended by inserting therein, as section four A thereof, the following section:—

"**4A.** (1) When such a proclamation as is first mentioned in section two of the *War Measures Act* has been issued under the said section, an additional Minister of National Defence may be appointed to administer the air service; such additional Minister shall be the Minister of National Defence for Air and shall be charged with all matters relating to the air service. Minister of National Defence for Air may be appointed. R.S., c. 206.

Powers of the Ministers.

(2) During the tenure of office of any such additional Minister of National Defence the powers exercisable by him shall be as follows:—

Associate Minister of National Defence.

(a) An Associate Minister of National Defence shall, unless the Governor in Council otherwise directs, be entitled to exercise all the powers of the Minister of National Defence, including those defined by this Act;

Minister of National Defence for Naval Services.

(b) A Minister of National Defence for Naval Services shall be entitled to exercise all the powers of the Minister of National Defence in respect of any matter relating exclusively to the naval service;

Minister of National Defence for Air.

(c) A Minister of National Defence for Air shall be entitled to exercise all the powers of the Minister of National Defence in respect of any matter relating exclusively to the air service.

Matters affecting the Naval service, or the Air service, and any other service.

(3) In respect of any matter affecting both the naval service and any other service, the powers of the Minister of National Defence shall be exercisable by him in consultation with the Minister of National Defence for Naval Services, if any, and in respect of any matter affecting both the air service and any other service, such powers shall be exercisable by the Minister of National Defence in consultation with the Minister of National Defence for Air, if any.

Powers of one Minister exercisable by the other.

(4) In order to ensure the coordination of the defence services and the continuity of the administration of the department, and subject to such direction as may be given by the Governor in Council, all the powers of the Minister of National Defence for Naval Services or of the Minister of National Defence for Air shall, in the absence of such Minister, be exercisable by the Minister of National Defence, and all the powers of the Minister of National Defence shall in the absence both of such Minister and of the Associate Minister of National Defence be exercisable by the Minister of National Defence for Naval Services, and in the absence also of the Minister of National Defence for Naval Services shall be exercisable by the Minister of National Defence for Air.

Salary.

(5) Any additional Minister of National Defence appointed under this section shall be entitled to receive the same salary as the Minister of National Defence and may continue to hold office until the expiration of a period not exceeding six months after the issue of the second of the two proclamations specified in section two of the *War Measures Act*.

(2) During the tenure of office of any Minister of National Defence for Air he shall, in respect of any matter relating exclusively to the air service, exercise all the powers of the Minister of National Defence and in respect of any matter affecting both the air service and any other defence service, such powers shall be exercisable by the Minister of National Defence acting in consultation with the Minister of National Defence for Air. Powers of the Minister.

(3) In order to ensure continuity of departmental administration and the co-ordination of the defence services within the Department, the powers of the Minister of National Defence and the powers of the Minister of National Defence for Air, shall, in the absence of either one of them, be exercisable by the other. Powers of one Minister exercisable by the other.

(4) Any Minister of National Defence for Air appointed under this section shall be entitled to receive the same salary as the Minister of National Defence and may continue to hold office until the expiration of a period not exceeding six months after the issue of the second of the two proclamations specified in section two of the *War Measures Act*." Salary.

4. Section five of the said Act is amended by inserting therein the following subsections after subsection one thereof:—

Appointment of additional deputy ministers

"(1A) When such a proclamation as is first mentioned in section two of the *War Measures Act* has been issued thereunder, additional deputy ministers may be appointed by the Governor in Council for the military, naval and air services respectively.

Duties of deputy ministers.

"(1B) If a Minister of National Defence for Naval Services or a Minister of National Defence for Air has been appointed, the duties of any deputy minister for naval services, and of any deputy minister for the air service shall be such as are specified by the Minister of National Defence for Naval Services or the Minister of National Defence for Air, as the case may be, and the powers of such deputy shall be such as might have been exercisable by him if there were a separate department for naval services or for the air service."

3. Section five of the said Act is amended by inserting therein the following subsections after subsection one thereof:—

"(1A) When such a proclamation as is first mentioned in section two of the *War Measures Act* has been issued thereunder, additional deputy ministers may be appointed by the Governor-in-Council for the military, naval and air services respectively. Appointment of additional deputy ministers.

"(1B) If a Minister of National Defence for Air has been appointed, the duties of the deputy minister for the air service shall be such as are specified by such Minister and the powers of such deputy shall be such as might have been exercisable by him if there were a separate department for the air service." Duties of deputy minister for the air service.

75.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 75.

An Act respecting a Department of National War Services.

First reading, July 10, 1940

THE PRIME MINISTER.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
4969 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA

BILL 75.

An Act respecting a Department of National War Services.

Preamble.

WHEREAS by reason of developments since the outbreak of the present war a special emergency has arisen and the national safety of Canada has become endangered, and

WHEREAS *The National Resources Mobilization Act, 1940* provides for the mobilization of all the effective resources of the nation, both human and material, for the purpose of the defence and security of Canada, and

WHEREAS it is expedient to create a Department of National War Services to assist in carrying out the purposes of *The National Resources Mobilization Act, 1940* and for the other purposes of this Act;

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 Department of National War Services Act, 1940.*

Establishment of Department.

2. There shall be a Department of the Government to be called the Department of National War Services over which the Minister of National War Services for the time being appointed by the Governor General by Commission under the Great Seal of Canada shall preside, and the Minister shall have the administration and direction of the Department.

Deputy Ministers.

3. (1) The Governor in Council may appoint two officers who shall be called Associate Deputy Ministers of National War Services, who shall be associate deputy heads of the Department and who shall hold office during pleasure.

Officers, clerks and employees.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Department may be appointed in the manner authorized by law: Provided that the Minister may, with the approval of the Governor in Council, appoint and fix the remuneration of such officers, clerks and employees as he shall from time to time deem necessary or expedient for the purpose of carrying out the provisions of this Act.

Duty of Minister.

4. It shall be the duty of the Minister to assist in carrying out the objects of *The National Resources Mobilization Act, 1940.*

Powers of Minister.

5. The Minister may, with the consent of the Governor in Council,

(a) conduct such national registration and make such survey as may be required for the effective carrying out of the provisions of this Act and of *The National Resources Mobilization Act, 1940;*

(b) place the results of such registration and of such survey at the disposal of His Majesty in the right of Canada;

(c) promote, organize and co-ordinate different forms of voluntary assistance with a view to the most effective use of personal services or material contributions for the prosecution of the war and the welfare of the nation;

(d) co-ordinate the existing public information services of the Government and originate or employ other means in order that the same may be used in the most efficient way for the obtaining of the utmost aid from the people of Canada in the national emergency which has arisen.

Other duties.

6. The Minister may perform such other duties as may be assigned to him from time to time by the Governor in Council, and he shall have all powers necessary to carry out the provisions of this Act and of any Orders or Regulations made hereunder.

Other organizations.

7. The Minister may establish national, provincial, or local councils, committees or boards and use existing organizations and agencies to assist him in carrying out the purposes of this Act.

Information.

8. Where a government department or any person or body of persons has, by virtue of any Act or Order in Council, power to obtain, for any purpose, information as to matters with respect to which the Minister is empowered to require information to be given or returns to be made,—

(*a*) such department, person or body shall, if so required by the Minister, exercise that power for the purpose of assisting the Minister in obtaining any such information, and

(*b*) any information obtained by such department, person or body, whether upon a requisition of the Minister or otherwise, may, notwithstanding anything in any other enactment or order, be furnished to the Minister.

Expenditures.

9. All expenditures incurred under this Act shall be paid out of the moneys provided by *The War Appropriation Act, 1940,* or otherwise by Parliament for the purpose of this Act.

Orders and regulations.

10. In addition to the powers otherwise conferred by this Act, the Governor in Council may, from time to time, make such orders or regulations as may be deemed necessary or advisable to carry into effect the purposes of this Act, and any such orders or regulations shall have the same force and effect as if enacted herein.

Tabling of orders and regulations.

11. Every order or regulation passed under the authority of this Act shall be tabled in Parliament forthwith if Parliament is in session, and, if Parliament is not in session, within two weeks of the opening of the session next following the making of such order or regulation.

Report to Parliament.

12. The Minister shall lay before Parliament, within thirty days after the commencement of each session thereof, a report containing a statement of the operations of the Department during the year then last preceding.

Penalties.

13. The Governor in Council may prescribe the penalties that may be imposed by fine or imprisonment or by fine and imprisonment for violations of this Act or of orders and regulations made thereunder, and may also prescribe whether such penalties shall be imposed upon summary conviction or upon indictment, but no such penalty shall exceed a fine of five thousand dollars or imprisonment for a term of five years, or both such fine and imprisonment.

89.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 89.

An Act to amend The Cheese and Cheese Factory Improvement Act.

First reading, July 12, 1940.

THE MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

5838

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 89.

An Act to amend The Cheese and Cheese Factory Improvement Act.

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

1. Paragraph *(a)* of section three of *The Cheese and Cheese Factory Improvement Act*, chapter thirteen of the statutes of Canada, 1939, is repealed and the following substituted therefor:—

Condition of grant.

"*(a)* that the cheese ripening room in such factory is efficiently insulated, or efficiently insulated and mechanically refrigerated, and"

Grants for insulating, enlarging, refrigerating and equipment.

2. Section four of the said Act is repealed and the following substituted therefor:—

"**4.** The Governor in Council may grant, out of moneys appropriated by Parliament for the purpose, a sum not exceeding fifty per centum of the amount actually expended for *(a)* efficiently insulating; *(b)* efficiently insulating and enlarging, if necessary; *(c)* efficiently insulating and mechanically refrigerating, cheese ripening rooms of existing factories or new factories and for new equipment and essential parts of cheese pressing equipment required for the purpose of standardization of the diameter of cheese."

Explanatory Notes.

1. With regard to 3 *(a)* the paragraph being amended is one of several conditions required of a factory to become eligible for subsidy and reads as follows:—

"that the cheese ripening room in such factory is efficiently insulated and mechanically refrigerated, and"

It is desired to enable the subsidy to be paid in cases where the cheese ripening room is to be insulated only.

2. Section four now reads as follows:—

"The Governor in Council may grant out of moneys appropriated by Parliament for the purpose, a sum not exceeding fifty per centum of the amount actually expended for enlarging, if necessary, efficiently insulating and mechanically refrigerating cheese ripening rooms of existing factories and for new equipment and essential parts of cheese pressing equipment required for the purpose of standardization of the diameter of cheese."

The purpose of the amendment is to enable payment of the subsidy for insulation only of cheese ripening rooms and to enable one or more of the subsidies to be paid in cases of new factories.

90.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 90.

An Act to amend the Salaries Act.

AS PASSED BY THE HOUSE OF COMMONS,
12th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5056 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 90.

An Act to amend the Salaries Act.

R.S., c. 182; 1930, c. 40; 1931, c. 12; 1939, (2nd Sess.), c. 7.

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

Salary of Minister of National War Services.

1. Section four of the *Salaries Act*, chapter one hundred and eighty-two of the Revised Statutes of Canada, 1927, as amended by section one of chapter forty of the statutes of 1930 and by section one of chapter seven of the statutes of 1939, (2nd Session), is further amended by adding at the end of the said section the following:—

"The Minister of National War Services..... $10,000"

98.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 98.

An Act to establish an Unemployment Insurance Commission, to provide for Insurance against Unemployment, to establish an Employment Service, and for other purposes related thereto.

First reading, July 16, 1940.

THE MINISTER OF LABOUR.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5488 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 98.

An Act to establish an Unemployment Insurance Commission, to provide for Insurance against Unemployment, to establish an Employment Service, and for other purposes related thereto.

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 Unemployment Insurance Act, 1940.*

INTERPRETATION.

Definitions.

2. (1) In this Act and in any regulation or order made thereunder, unless the context otherwise requires,

"Commission".

(a) "Commission", means the Unemployment Insurance Commission created by this Act;

"day".

(b) "day", means a period of twenty-four hours from midnight to midnight or such other period of twenty-four hours as the Commission may for any general or special purpose prescribe;

"insurance year".

(c) "insurance year", means such period of not less than fifty-two or more than fifty-three weeks as may be prescribed;

"labour dispute".

(d) "labour dispute", means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment, or the terms or conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not;

"Minister".

(e) "Minister", means the Minister of Labour;

"prescribed".

(f) "prescribed", means prescribed by regulation of the Commission;

Explanatory Note.

The Bill provides for the setting up of a Commission to administer Unemployment Insurance throughout Canada for the establishment of an Employment Service and for related purposes. One Commissioner is to be appointed after consultation with organizations representative of workers and one after consultation with organizations representative of employers. The Chief Commissioner is to hold office for ten years and each of the other Commissioners for five years.

The benefits of the scheme apply to all persons employed under a contract of service or apprenticeship, with certain exceptions which are listed in Part II of the First Schedule. Young persons under 16 years of age and persons earning less than 90c. in a full day, cannot draw benefits but may accumulate benefit rights at no cost to themselves. The Bill provides for the inclusion of some of the excepted employments under the Bill on the recommendation of a national Advisory Committee to be set up under the Act.

An Unemployment Insurance Fund, with the Bank of Canada as fiscal agent, is to be created. The contributions by employers and workmen would bring approximately equal totals over the country. Parliament adds a grant of one-fifth of the aggregate contributions made by employed persons and employers, and also assumes the cost of administration, which moneys are to be provided through annual votes of Parliament. Benefits are paid as of right on fulfilment of four statutory conditions:—

1. The payment of not less than 30 weekly—or 180 daily—contributions within two years, while in insured employment.
2. Proper presentation of the claim, and proof of unemployment.
3. That the contributor is capable of and available for work.
4. That he has not refused to attend a course of instruction if required.

Disqualifications for benefit include: loss of work due to misconduct or a labour dispute in which he is directly involved: unwillingness to accept suitable employment: receipt of an old age pension: being an inmate of a public institution, or earning less than ninety cents a day while in employment.

'regulation".

(*g*) "regulation", means any regulation made pursuant to this Act;

"working week".

(*h*) "working week", means the number of days or the number of shifts which constitute, the full week's work for any grade or class or shift in an occupation or at a factory, workshop or other premises of an employer.

Meaning of certain expressions in this Act.

(2) In this Act and in any regulation or order made thereunder, unless the context otherwise requires, each of the following expressions shall have the meaning assigned thereto in the section cited in this subsection:

(*a*) "benefit year", section forty;
(*b*) "employer's contribution", section eighteen;
(*c*) "employed person", section thirteen;
(*d*) "insured person", section thirteen;
(*e*) "insurable employment", section thirteen;
(*f*) "statutory conditions", sections twenty-seven and twenty-eight;
(*g*) "insurance benefit", section twenty-seven;
(*h*) "insurance books", section twenty-five;
(*i*) "insurance cards", section twenty-five;
(*j*) "Unemployment Insurance Advisory Committee", section eighty-two;
(*k*) "Unemployment Insurance Fund", subsection one of section seventeen and subsection one of section seventy-seven;
(*l*) "unemployment insurance stamps", section twenty-five.

Division into parts.

3. The remainder of this Act may be referred to as follows:—

Part I, sections four to twelve, inclusive, relating to The Unemployment Insurance Commission;

Part II, sections thirteen to eighty-seven, inclusive, relating to Unemployment Insurance;

Part III, sections eighty-eight to ninety-one, inclusive, relating to Employment Service;

Part IV, sections ninety-two to one hundred and two, inclusive, Regulations and General.

PART I.

The Unemployment Insurance Commission.

Commission.

4. (1) This Act shall be administered by a Commission to be called "The Unemployment Insurance Commission", which shall consist of three Commissioners, who shall be appointed by the Governor in Council and of whom one shall be a Chief Commissioner.

Contributions are graded in wage groups. The amount of daily or weekly benefit is 34 times the average daily or weekly workman's contribution for insured persons without dependents, and 40 times the average contribution for married persons mainly or wholly maintaining one or more dependents.

No benefit is payable during the first nine days of unemployment in a benefit year. After that a worker may draw one payment for every five contributions made in the previous five years, less one payment for every three benefit payments received in the previous three years.

The Commission is to set up regional divisions under insurance officers, and create courts of referees, representative of the interested parties to handle claims. Umpires and deputy umpires appointed by the Governor in Council from among the judges of the Exchequer Court and the Superior Courts of the provinces, are to be final adjudicators of claims. Provision is made for the appointment of inspectors with power to make examinations concerning compliance by employers and others concerned.

The Advisory Committee, appointed by the Governor in Council, will advise and assist the Commission, report on the conditions of the Fund, and make recommendations if the Fund is, or is likely to become, insufficient to discharge its liabilities. The Committee is to consist of a chairman and from four to six members, some of the latter being representative of the employers and organizations of workers respectively.

The Commission is to organize a National Employment Service with regional divisions and local offices. The regional office of each division is to be used as a clearing house for vacancies and applications for employment, making the information available through local offices and elsewhere. Loans may be granted to workers travelling to places where work has been found.

National, regional and local committees, representative of workers and employers, are to be set up to advise and assist the Commission on employment problems.

Appointment after consultation.

(2) One Commissioner, other than the Chief Commissioner, shall be appointed after consultation with organizations representative of workers and the other after consultation with organizations representative of employers.

Tenure of office.

(3) The Chief Commissioner shall hold office for a period of ten years, and each of the other Commissioners for a period of five years, except that the office of any Commissioner shall become vacant for cause or permanent incapacity, or upon his attaining the age of seventy years.

Re-appointment.

(4) A Commissioner upon expiration of his term of office, if under seventy years of age, shall be eligible for re-appointment.

Quorum. Vacancy.

5. (1) Two Commissioners shall be a quorum and no vacancy in the Commission shall impair the right of the remaining Commissioners to act.

Absence or incapacity.

(2) In the event of absence or temporary incapacity of any Commissioner the Governor in Council may appoint a person to act in his stead during such absence or incapacity.

Filling vacancy.

(3) Any vacancy arising in the Commission shall be filled within a period of four months.

Decision of majority. Tie vote.

(4) The decision of the majority of the Commissioners present at any meeting shall be the decision of the Commission, and in the event of a tie the Chief Commissioner shall have a second or casting vote.

Body corporate.

6. The Commission shall be a body corporate having capacity to contract and to sue and be sued in the name of the Commission.

Power to hold property.

7. The Commission shall have power, for the purposes of this Act, to acquire, hold and dispose of personal property, and with the approval of the Governor in Council, real property.

Head Office.

8. The Head Office of the Commission shall be in the City of Ottawa and each Commissioner shall reside in the City of Ottawa or within ten miles thereof.

Residence.

Salaries of Commissioners.

9. The Commissioners shall be paid such salaries as may from time to time be fixed by the Governor in Council, and they shall devote their whole time to the performance of the duties of their respective offices.

Officers and other employees of Commission.

10. (1) Such officers, clerks and other employees as are necessary for the proper conduct of the business of the Commission shall be appointed or employed in the manner authorized by law.

Temporary appointments.

(2) The Commission may, subject to the approval of the Governor in Council, from time to time temporarily employ such persons of technical or professional attainments as the Commission may deem necessary.

Costs of Administration.

11. The costs of administration of this Act including remuneration of Commissioners, officers, clerks and employees, shall be paid out of moneys provided by Parliament.

Power of Commission under Inquiries Act, R.S., c. 99.

12. (1) For the purposes of any investigations undertaken by the Commission under the provisions of this Act, the Commission shall have the powers of a commissioner under the *Inquiries Act*.

(2) The Commission shall give such public notice as it considers sufficient of its intention to investigate any matters which under this Act it is empowered to investigate, and it shall receive representations submitted to it by persons or associations of persons appearing to the Commission to have an interest in the matters under investigation.

PART II.

Unemployment Insurance.

Insured Persons.

Insured persons.

13. (1) Subject to the provisions of this Act, all persons who are employed in any of the employments specified in Part I of the First Schedule to this Act, not being employments specified as excepted employments in Part II of that Schedule shall be insured against unemployment in manner provided by this Act.

"Insurable employment".

(2) The employment in which any such person is employed shall in this Act be referred to as "insurable employment."

"Employed person".

(3) Any person employed in insurable employment shall in this Act be referred to as an "employed person".

"Insured person".

(4) Any such person who is insured under this Act shall be referred to as an "insured person".

Power to enlarge or restrict excepted employments.

14. Where it appears to the Commission that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in an excepted employment are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in an insurable employment as to result in anomalies in the operation of this Act, the Commission may, by regulation, conditionally or unconditionally provide for including,—

(*a*) the class of persons employed in insurable employment among the classes of persons employed in excepted employment; or

(*b*) the class of persons employed in excepted employment among the classes of persons employed in insurable employment.

Persons in insurable employment to an inconsiderable extent.

15. Where, in the opinion of the Commission, persons are ordinarily employed in insurable employment to an inconsiderable extent, the Commission may by regulation provide, subject to such exceptions and conditions as the Commission thinks fit, that such persons shall be deemed to be in excepted employments.

Exempted persons.

16. (1) Where any employed person proves to the satisfaction of the Commission that he is either:—

(*a*) a person who is employed in an occupation which is seasonal and which does not ordinarily extend over more than twenty weeks in any year and who is not ordinarily employed in any other occupation which is insurable employment; or

(*b*) a person who habitually works for less than the ordinary working day;

Certificates of exemption.

the Commission shall grant him a certificate exempting him from liability to contribute under this Act and the holder of such certificate shall not be insured under this Act.

Cancellation.

(2) Such certificate shall be subject to cancellation on proof satisfactory to the Commission that the holder is no longer entitled thereto.

Claims for exemption.

(3) All claims for exemption shall be made to the Commission in the prescribed manner and subject to the prescribed conditions.

Contributions.

Fund established by contributions by employed persons and employers.

17. (1) The funds required for providing insurance benefit and for making any other payments which under this Act are to be made out of the Unemployment Insurance Fund, established under this Part of this Act, shall be derived partly from moneys provided by Parliament, partly from contributions by employed persons and partly from contributions by the employers of those persons.

Rates of contribution.

(2) Subject to the provisions of this Act and to any regulations made thereunder, a contribution at the weekly rate provided in the Second Schedule to this Act shall be payable for each calendar week during the whole of which an employed person is employed by an employer.

One employer only liable where a full week's work in any calendar week performed.

(3) Where an employed person works in any calendar week for the full working week for an employer, he shall be deemed to have worked for the whole of that calendar week for that employer, and no contribution shall be payable in respect of him by any other employer in that week.

Daily contribution.

(4) Where an employed person in any calendar week is not employed by any employer for a full working week as aforesaid but is employed by any employer for a shorter period than the full working week as aforesaid then a daily contribution, at one-sixth the weekly rate shall be payable in respect of him for each day during the whole or part of which he is employed by an employer:

Proviso.

Provided that if an employed person is employed by more than one employer on any day, his first employer on that day, subject to regulations by the Commission, shall be deemed to be the employer for the purposes of the provisions of this Act relating to the payment of contributions, and no further contribution shall be payable in respect of him by any other employer of that day.

Employer liable to pay both employer and employee contributions.

18. Except where regulations under this Act otherwise prescribe, the employer shall in the first instance be liable to pay both the contribution payable by himself (in this Act referred to as "the employer's contribution") and also, on behalf of, and to the exclusion of, the employed person, the contribution payable by that person.

Recovery by employer of contributions made on behalf of employee.

19. (1) Where the employed person receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid by the employer on behalf of the employed person shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages of that person or from any other pecuniary remuneration due from or payable by the employer to that person and not otherwise:

Proviso.

Provided that no such deduction may be made

(a) from any wages or pecuniary remuneration other than such as are paid in respect of the period or part of the period for which the contribution is payable; or

(b) in excess of the sum which represents the amount of the contributions for the period in respect of which the wages or other remuneration is paid.

Where person other than employer pays wages.

(2) Where the employed person does not receive any wages or other pecuniary remuneration from the employer but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the employed person shall (without prejudice to any other means of recovery) be recoverable as a civil debt from such other person, if proceedings for recovery are instituted within three months from the date on which the contribution was payable.

Where no wages or a less than 90 cent wage paid employee.

(3) Where the employed person is not paid wages or other pecuniary remuneration by his employer or any other person, or while his average daily earnings during a full working week are less than ninety cents, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person.

Where employee is under 16 years of age.

(4) Where the employed person is under sixteen years of age, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person.

Manager to be treated as an employer.

20. In any cases or classes of cases where employed persons work under the general control and management of some person other than their immediate employer, such as the owner, agent or manager of a mine or quarry, or the occupier of a factory or workshop, the Commission may by regulation provide that

(a) such person shall, for the purposes of the provisions of this Act relating to the payment of contributions, be treated as the employer;

(b) such person shall be permitted to deduct the amount of any contributions (other than employer's contributions) which he may become liable to pay from any sums payable by him to the immediate employer; and

(c) the immediate employer shall be permitted to recover from the employed persons the like sums and in the like manner is if he were liable to pay the contributions.

Employer's contribution irrecoverable.

21. Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages of, or otherwise to recover from, the employed person, the employer's contribution, except where the employed person has continued as an insured person pursuant to the proviso to paragraph *(m)* of Part II of the First Schedule to this Act.

Liability of employer of person with certificate of exemption.

22. The employer of a person who holds a certificate of exemption under section sixteen of this Act shall be liable to pay the like contributions as would be payable by him as employer's contributions if that person held no such certificate, and in this Act any reference to the employer's contribution shall be construed as including a contribution payable under this section.

Sums deducted from wages deemed trust contribution.

23. (1) Any sum deducted by an employer from wages or other remuneration under this Act shall be deemed to have been entrusted to him for the purpose of paying the contribution for which it was deducted.

Bankruptcy Act.

R.S., c. 11.

(2) In the event of the bankruptcy of the employer the Commission shall in respect of any unpaid contributions be entitled to the same priority as is accorded wage-earners with respect to wages under the *Bankruptcy Act*.

Return of contributions.

24. The Commission may by regulation provide for the return to a person and to his employer of any contributions paid by them or either of them under the erroneous belief that the contributions were payable in respect of that person, subject, in the case of that person's contributions, to the deduction of any amount received by him as insurance benefit to which he was erroneously deemed to be entitled by reason of the contributions so paid in respect of him:

Proviso.

Provided that no return of contributions shall be made under this provision except on an application made in the prescribed manner and within the prescribed period, not being less than one year from the date on which the contributions were paid.

Regulation as to manner of paying contributions.

25. The Commission may by regulation provide for the payment of contributions by means of stamps (in this Act referred to as "unemployment insurance stamps") affixed to or impressed upon books or cards (in this Act respectively referred to as "insurance books" and "insurance cards"), or otherwise, and such stamps or the devices for impressing the same, or other methods of payment, shall be prepared and issued in such manner as may be provided by the regulations.

Regulations as to payment of contributions.

26. Subject to the provisions of this Part, the Commission may make regulations providing for any matters relating to the payment and collection of contributions payable under this Act, and in particular for—

(*a*) regulating the manner, times and conditions in, at and under which payments are to be made;

(*b*) the entry in or upon insurance books or cards of particulars of contributions and benefits paid in respect of the persons to whom the insurance books or cards relate;

(*c*) the issue, sale, custody, production and surrender of insurance books or cards and the replacement of insurance books or cards which have been lost, destroyed or defaced; and

(*d*) the offering of reward for the return of an insurance book or card which has been lost and for the recovery from the person responsible for the custody of the book or card at the time of its loss of any reward paid for the return thereof.

Insurance Benefit.

Right of insured person to insurance benefit.

27. Every person who being insured under this Act is unemployed and in whose case the conditions laid down by this Act (in this Act referred to as "statutory conditions") are fulfilled, shall, subject to the provisions of this Act, be entitled to receive payments (in this Act referred to as "insurance benefit" or "benefit") at weekly or other prescribed intervals at such rates as are authorized by or under the Third Schedule to this Act, so long as the statutory conditions continue to be fulfilled and so long as he is not disqualified under this Act for the receipt of benefit: Provided that the Commission may make regulations providing that in the case of a juvenile under eighteen years of age benefit may be paid to a person by whom such juvenile is mainly or wholly maintained.

Proviso.

Juvenile.

Statutory conditions for receipt of benefit.

28. The receipt of insurance benefit by an insured person shall be subject to the following statutory conditions, namely,—

(i) that contributions have been paid in respect of him while employed in insurable employment for not less than one hundred and eighty days during the two years immediately preceding the date on which a claim for benefit is made;

(ii) that he has made application for insurance benefit in the prescribed manner, and proves that he was unemployed on each day on which he claims to have been unemployed;

(iii) that he is capable of and available for work but unable to obtain suitable employment; and

(iv) that he proves either that he duly attended, or that he had good cause for not attending, any course of instruction or training approved by the Commission which he may have been directed to attend by the Commission for the purpose of becoming or keeping fit for entry into or return to employment.

Fulfilment of first statutory condition.

29. (1) In determining whether an insured person has proved that the first statutory condition is fulfilled in his case, no account shall be taken of any contributions paid in respect of him for any period during which he was not *bona fide* employed in insurable employment, nor for any period during which he was exempt from the provisions of this Act.

(2) If an insured person proves in the prescribed manner that he was during any period, falling within the two years specified in the first statutory condition, incapacitated for work by reason of some specific disease or bodily or mental

disablement, or employed in any excepted employment, or engaged in business on his own account, the first statutory condition shall have effect as if for the said period of two years there were substituted a period of two years increased by such periods of incapacity or of such employment or business engagement but so as not to exceed in any case four years.

Period of unemployment to begin on date of application.

Proviso.

30. For the purposes of the second statutory condition, a period of unemployment shall be deemed to begin on the date on which the insured person makes application for benefit in the prescribed manner: Provided that regulations may be made authorizing some earlier date to be substituted for the date of application where good cause is shown for delay in making application.

Fulfilment of third statutory condition.

Attending course of instruction.

Unemployment due to labour dispute.

Offer of less favourable employment.

Offer of other than usual employment.

31. An insured person shall not be deemed to have failed to fulfil the third statutory condition by reason only that

(a) he is attending a course of instruction or training approved by the Commission in his case; or

(b) he has declined

(i) an offer of employment arising in consequence of a stoppage of work due to a labour dispute; or

(ii) an offer of employment in his usual occupation at wages lower, or on conditions less favourable, than those observed by agreement between employers and employees, or failing any such agreement, than those recognized by good employers; or

(iii) an offer of employment of a kind other than employment in his usual occupation at wages lower, or on conditions less favourable, than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation, or would have obtained had he continued to be so employed:

Proviso.

Provided that after the lapse of such an interval from the date on which an insured person becomes unemployed as, in the circumstances of the case, is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in the usual occupation of the insured person, if it is employment at wages not lower and on conditions not less favourable than those observed by agreement between employees and employers or, failing any such agreement, than those recognized by good employers.

Right to membership in organizations of workers preserved.

32. Notwithstanding anything contained in this Act no insured person shall be disqualified for receipt of benefit by reason only of his refusal to accept employment if by acceptance thereof he would lose the right—

(a) to become a member of, or

(*b*) to continue to be a member and to observe the lawful rules of, or

(*c*) to refrain from becoming a member of any association, organization or union of workers.

Periods not counted in computing unemployment.

33. An insured person shall not be deemed to be unemployed—

While in receipt of compensation substantially equivalent to wages lost.

(*a*) during any period for which notwithstanding that his employment has terminated, he continues to receive wages by way of compensation for loss of, and substantially equivalent to the remuneration he would have received if his employment had not terminated, or

While following any occupation for remuneration unless outside ordinary working hours.

(*b*) on any day on which notwithstanding that his employment has terminated he is following an occupation from which he derives any remuneration or profit, unless that occupation could ordinarily be followed by him in addition to his usual employment and outside the ordinary working hours of that employment, and the remuneration or profit received therefrom for that day does not exceed one dollar, or where the remuneration or profit is payable or is earned in respect of a period longer than a day, the remuneration of profit does not on the daily average exceed that amount; or

Holidays.

(*c*) on any day which is recognized as a holiday for his grade or class or shift in the occupation or at the factory, workshop or other premises at which he is employed unless otherwise prescribed; or

In excess of working week.

(*d*) on any day of any calendar week during which he works the full working week.

Period in respect of which benefit is payable.

34. An insured person shall, if the statutory conditions are fulfilled in his case, and if he is not disqualified under this Act, be entitled to receive benefit in any benefit year for a number of days equal to the difference between

(*a*) one-fifth of the number of days for which contributions have been paid in respect of him in the prescribed period of five years preceding the benefit year for which the computation is made, and

(*b*) one-third of the number of days, if any, for which benefit has been paid to him in a prescribed period of three years preceding the benefit year;

Proviso.

Provided that for the purposes of this section

(i) fractions of a day less than one-half in the benefit days shall be disregarded and fractions of a day equal to or greater than one-half shall be taken as a full day; and

(ii) the Commission may, with a view to facilitating the administration of benefit, by regulation prescribe that the dates of termination of the two stated

periods of five years and three years shall be determined otherwise than by reference to the commencement of the benefit year.

Weekly rates for unemployment for a full week.

35. An insured person who is unemployed for six full days in any calendar week or for the full number of days constituting the normal week at the plant, factory, workshop or other place of usual employment, shall receive benefit subject to the provisions of section thirty-six at the weekly rates prescribed in the Third Schedule to this Act, and for any calendar week during a portion of which he is unemployed, he shall receive benefit for his benefit days in that week at the daily rates prescribed in that Schedule.

Daily rates for less than a week.

Waiting days not counted for benefit.

36. An insured person shall not be entitled to receive benefit

(a) for the first nine days of unemployment which occur in any benefit year, nor

(b) for the first day of unemployment in any calendar week,

(i) unless the insured person is unemployed for the whole of that week, or

(ii) unless the first day of unemployment in that week immediately follows a period of continuous unemployment of not less than one full week;

and any day of unemployment excluded under the provisions of this paragraph shall be in addition to the days, if any, excluded under paragraph *(a)* of this section.

Benefit not to extend beyond benefit year.

37. An insured person who has in any benefit year exhausted his benefit rights shall not thereafter be entitled to benefit for any day in that benefit year, nor shall he become entitled to benefit in his next benefit year before there is paid in respect of him the last of the contributions specified in paragraph *(b)* of subsection one of section forty.

Only periods of bona fide employment to count in computing benefits.

38. In computing benefit rights no account shall be taken of any contributions paid in respect of any insured person for any period during which he was not *bona fide* employed in insurable employment, nor for any period during which he was exempted under the provisions of section sixteen of this Act.

Adjustment of benefits on account of contributions or benefits paid in error.

39. The Commission may prescribe by regulation the circumstances in which and the extent to which contributions paid in error and sums paid to a person by way of benefit while he was not entitled thereto are to be taken into account for the purposes of determining his benefit rights.

Definition of benefit year.

40. (1) For the purpose of this Act, the expression "benefit year" shall mean, in relation to an insured person, the period of twelve months beginning on the date on which, on an application for benefit, he proves

(a) that the first statutory condition is fulfilled in his case; and

(b) except for his first benefit year, that sixty days' contributions have been paid in respect of him since the last day for which he received benefit in his benefit year immediately preceding;

and every period of twelve months commencing on the date on which that insured person proves the matters aforesaid after his benefit rights in his last preceding benefit year have either lapsed or been exhausted.

Proof not required on subsequent application.

(2) Except as hereinafter in this section provided, an insured person who proves the matters aforesaid for any benefit year shall not, on a subsequent application for benefit during that benefit year, be required again to prove those matters.

Insured person erroneously treated.

(3) If it is found that any insured person has been erroneously treated as having proved any of the matters aforesaid on any date, and having consequently begun his benefit year on that date, his benefit year shall nevertheless be deemed to have begun on that date; but he shall not be entitled to benefit during the remainder of that benefit year until he proves the matters aforesaid.

Benefits inalienable.

41. Subject to the provisions of this Act, every assignment of, or charge on, and every agreement to assign or charge, any of the benefits conferred by this Act, shall be void, and, on an assignment for the benefit of creditors being made by any person entitled to any such benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Regulations in respect of special classes

Casual workers.

Seasonal workers.

Workers paid on a basis other than time.

42. (1) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefits for classes of persons,—

(a) who habitually work for less than a full working week,

(b) whose normal employment is for portions of the year, but only in occupations which are seasonal, or

(c) who by custom of their occupation, trade or industry or pursuant to their agreement with an employer are paid, in whole or in part, by the piece or on a basis other than that of time,

would result in anomalies having regard for the benefits of other classes of insured persons, the Commission may make regulations which shall, in relation to the said classes

of persons impose such additional conditions and terms with respect to contributions and the payment thereof and with respect to the receipt of benefit and such restrictions on the amount and period of benefit and on the number of days of any period of unemployment to be excluded from the benefit period, and make such modifications in the provisions of this Act relating to the determination of claims for benefit as may appear necessary to remove or substantially remove the anomalies.

Notice of intention to make regulations.

(2) The Commission shall give such public notice as it considers sufficient of its intention to make regulations under this section and shall receive any representations which may be made to it with respect thereto.

Regulations may apply generally or otherwise.

(3) Regulations made in pursuance of this section may apply either generally to all the persons specified in sub-section one of this section or to any class of those persons or to any portion of such a class or with respect to them or any of them in any specified area.

Disqualification for benefit.

43. An insured person shall be disqualified for receiving benefit—

Disqualification through loss of work due to labour dispute.

(a) if he has lost his employment by reason of a stoppage of work, which was due to a labour dispute at the factory, workshop or other premises at which he was employed, except where he has, during a stoppage of work, become *bona fide* employed elsewhere in the occupation which he usually follows, or has become regularly engaged in some other occupation, but this disqualification shall last only so long as the stoppage of work continues, and shall not apply in any case in which the insured person proves

(i) that he is not participating in, or financing or directly interested in the labour dispute which caused the stoppage of work, and

(ii) that he does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage is taking place any of whom are participating in or financing or directly interested in the dispute, and where separate branches of work which are commonly carried on as separate businesses in separate premises are carried on in separate departments on the same premises, each of those departments shall, for the purposes of this provision, be deemed to be a separate factory or workshop or separate premises as the case may be; or

Disqualification through neglecting opportunity for work.

(b) if on a claim for benefit it is proved by an officer of the Commission that the claimant—

(i) after a situation in any employment which is suitable in his case has been notified to him by an employment office or other recognized agency, or by or on behalf of an employer as vacant or about to become vacant, has without good cause refused or failed to apply for such situation, or refused to accept such situation when offered to him, or

(ii) has neglected to avail himself of an opportunity of suitable employment, or

(iii) has without good cause refused or failed to carry out any written direction given to him by an officer of the employment office with a view to assisting him to find suitable employment (being directions which were reasonable having regard both to the circumstances of the claimant and to the means of obtaining that employment usually adopted in the district in which the claimant resides); or

Disqualification through loss of work due to misconduct.

(c) if he has been discharged from his employment by reason of his own misconduct or if he voluntarily leaves his employment without just cause; or

Disqualification under 16.

(d) while he is under sixteen years of age; or

Disqualification while an inmate of public institution.

(e) while he is an inmate of any prison or an institution supported wholly or partly out of public funds, or, subject to the provisions of this Act, while he is a resident, whether temporarily or permanently, out of Canada; or

Disqualification while in receipt of old age pension. R.S., c. 156.

(f) while he is in receipt of pension under the *Old Age Pensions Act;* or

Disqualification while earnings are inconsiderable.

(g) if more than half of the contributions made in respect of him during the two years immediately preceding a claim for benefit are at the lowest rate of contribution specified in the Second Schedule.

Discharged for membership in lawful union, etc., not deemed discharged for misconduct.

44. An insured person shall not be deemed to have been discharged from his employment by reason of his own misconduct if he is discharged on account of membership in, or of lawful activity connected with, any association, organization or union of workers.

Period of disqualification limited in certain cases.

45. Where a claim for benefit by an insured person is disallowed by the court of referees or the umpire, on the ground

(a) that the third statutory condition is not fulfilled in his case; or

(b) that he is disqualified for receiving benefit under paragraphs *(b)* or *(c)* of subsection one of section forty-three of this Act,

the court of referees or the umpire shall declare the insured person to be disqualified from receiving benefit for a period not exceeding six weeks beginning from such date as may be determined by the court of referees or the umpire, as the case may be.

Determination of Questions.

Determination of questions concerning the rights of persons.

46. If any question arises as to—

(a) whether any employment or any class of employment is or will be such employment as to make the person engaged therein an insured person or whether a person is or was an insured person; or

(b) who is or was the employer of any employed person; or

(c) the rate of contribution payable under or in pursuance of this Act by or in respect of any person or class of persons or as to the rates of contribution payable in respect of any insured person by the employer and that person respectively; or

(d) whether a person was or was not employed in any excepted employment during any period falling within the period of two years specified in the first statutory condition;

the question shall, subject to the provisions of this Act, be decided by the Commission.

Appeal to the umpire.

47. If the Commission decides any question arising under section forty-six, any person aggrieved by the decision may appeal from that decision to the umpire.

Commission or umpire may revise decision.

48. The Commission or the umpire may, on new facts being brought to its or his notice, rescind or amend any decision given by it or him, as the case may be, under section forty-six.

Commission may refer question to an umpire.

49. The Commission may, if it thinks fit, refer any question mentioned in section forty-six to the umpire for decision.

Regard to nature of work of insured person.

50. In determining any question as to whether any occupation, in which a person is or has been engaged, is or was such as to make him an insured person within the meaning of this Act, regard shall be had to the nature of the work on which he is or was engaged rather than to the business of the person by whom he is or was employed.

Regulations governing procedure.

51. The Commission may make regulations prescribing the procedure for the determination of questions.

Insurance Officer: Referee: Umpire.

Insurance officers.

52. (1) The Commission may in each regional division established under this Act authorize such of its officers or employees as the Governor in Council may approve, to be insurance officers for such division.

Chairmen of courts of referees.

(2) The Governor in Council may appoint such number of persons as are deemed necessary to be chairmen of courts of referees in each regional division.

Umpires and deputy-umpires.

(3) The Governor in Council may, from amongst the Judges of the Exchequer Court of Canada and of the Superior Courts of the provinces of Canada, appoint an umpire and such number of deputy-umpires as he may deem necessary for the purposes of this Act, and, subject to the provisions of this Act, may prescribe their jurisdiction; and unless the context otherwise requires, any reference to the umpire shall include a reference to a deputy-umpire.

Absence or incapacity.

(4) The Governor in Council may by regulation appoint persons to act in the place of the umpire in case of his unavoidable absence or incapacity.

Court of referees.

53. (1) A court of referees for the purposes of this Act shall consist of one or more members chosen to represent employers, with an equal number of members chosen to represent insured persons, and a chairman appointed as provided in subsection two of section fifty-two.

Panels of members of courts of referees.

(2) Panels of persons chosen to represent employers and insured persons respectively shall be constituted by the Commission for such districts as the Commission may think fit, and the members of a court of referees to be chosen to represent employers and insured persons shall be selected from those panels in the prescribed manner.

Constitution of courts.

(3) Subject as aforesaid, the constitution of courts of referees shall be determined by regulation under this Act.

Court may not proceed if chairman absent.

(4) Regulations under this Act may provide that any claim or question which is referred to a court of referees may, with the consent of the claimant or the person or association in whose case the question arises, but not otherwise, be proceeded with in the absence of any member or members of the court other than the chairman, and in any such case the court shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the Chairman shall, if the number of the members of the court is an even number, have a second or casting vote.

Remuneration of chairman and members and expenses of persons required to attend.

(5) The Commission may, subject to the approval of the Governor in Council, pay such remuneration to the chairman and other members of a court of referees, and such travelling,

subsistence and other allowances, including compensation for loss of remunerative time, to any such chairman or members or to any persons required to attend before any such court, and such other expenses in connection with any court of referees as the Commission determines, and any such payments shall be treated as costs of administration of this Act.

Claim Procedure.

Examination and determination of claims.

54. All claims for benefit, and all questions arising in connection with such claims, shall be submitted for examination to one of the insurance officers.

Officer may allow claim.

55. The insurance officer shall take into consideration any claim submitted to him for examination under section fifty-four and if he is of opinion that the claim ought to be allowed, he may himself allow the claim.

Officer may disallow claim or refer to court of referees.

56. (1) If the insurance officer is not satisfied that a claim ought to be allowed he may either refer the claim (so far as practicable, within fourteen days from the date on which the claim was submitted to him for examination) to the court of referees for their decision, or subject to the provisions of this section, himself disallow the claim:

Provided that the officer shall not himself disallow a claim on any of the following grounds, namely—

(a) that the third statutory condition is not fulfilled; or

(b) that the claimant is disqualified by reason of his having been discharged from his employment by reason of his own misconduct or having voluntarily left his employment without just cause, or by reason of the provisions of paragraph *(b)* of section forty-three of this Act; or

(c) that the claimant does not fulfil one or more of the additional conditions or terms for the receipt of benefit imposed by regulations made under this Act, or is subject to restrictions on the amount or period of benefit imposed by such regulations; or

(d) that the fourth statutory condition is not fulfilled.

(2) The officer shall refer to the court of referees any question as to the liability of the claimant to have deductions made under any of the provisions of this Act from any benefit to which but for those provisions he would be or would become entitled.

Appeals of claimant to court of referees.

57. Where a claim is disallowed by the insurance officer, the claimant may at any time within twenty-one days of the date on which the decision of the officer is communicated to him, or within such further time as the Commission may in any particular case for special reasons allow, appeal in the prescribed manner to the court of referees.

Appeal to umpire.

58. Subject to the provisions of section fifty-nine an appeal shall lie to the umpire from any decision of a court of referees as follows:

(*a*) at the instance of an insurance officer in any case;

(*b*) at the instance of an association of employed persons of which the claimant is a member, in any case;

(*c*) at the instance of the claimant

(i) without leave in any case in which the decision of the court of referees is not unanimous; and

(ii) with the leave of the chairman of the court of referees in any other case; so, however, that where leave to appeal is not granted when the decision of the court of referees is given, an application for such leave may be made by the claimant in such form, and within such time after the date of the decision, as shall be prescribed, and any application for leave to appeal shall be granted by the chairman if it appears to him that there is a principle of importance involved in the case or any other special circumstances by reason of which leave to appeal ought to be given.

Associations which may appeal on behalf of a claimant member.

59. For the purposes of paragraph *(b)* of section fifty-eight, a claimant for benefit shall not, in relation to any appeal be deemed to be a member of any association of employed persons unless he was a member thereof on the last day on which he was employed before the claim which is the subject of the appeal was made, and has continued to be a member thereof until the date when the appeal is made: and the question whether any association is or is not an association of employed persons for the purpose of this section shall be for the decision of the umpire.

Records of courts of referees.

60. (1) The decisions of a court of referees shall be recorded in writing and shall include a statement of its findings on questions of fact material to the decision.

Record where leave to appeal.

(2) Where the chairman of a court of referees grants leave of appeal to the umpire from the decision of the court, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted.

Appeal within six months.

61. An appeal must be brought within six months of the date of the decision of the court of referees or such longer period as the umpire may in any case for special reasons allow.

Decisions of umpire final.

62. The decision of the umpire on any appeal from the court of referees shall be final.

Expenses of persons required to attend appeal.

63. If on an appeal to the umpire from a decision of a court of referees any person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends, he shall be paid out of moneys provided by Parliament for meeting the costs of administration of this Act such travelling and other allowances, including compensation for loss of remunerative time, as the Commission may prescribe.

Authority to rescind or amend decision.

64. An insurance officer, a court of referees or the umpire, on new facts being brought to his or their knowledge, may rescind or amend a decision given in any particular claim for benefit.

Decision of court of referees to have effect pending appeal to umpire.

Exception.

65. Where a claim for benefit is allowed by a court of referees, benefit shall be payable in accordance with the decision of the court notwithstanding that an appeal to the umpire is pending, unless the appeal has been brought on the ground that the claimant ought to be disqualified under the provisions of paragraph *(a)* of section forty-three of this Act and within twenty-one days of the date on which the decision of the court of referees was given, and any benefit paid in pursuance of the provisions of this subsection shall be treated, notwithstanding that the final determination of the question is adverse to the claimant, as having been duly paid and shall not be recoverable from the claimant.

Claims for benefits construed.

66. In sections fifty-four to sixty-five inclusive, references to claims for benefit shall be construed as including references to questions arising in relation to such claims, and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant.

Legal Proceedings.

Penalty for misrepresentation.

67. If for the purpose of obtaining any benefit or payment under this Part of this Act, either for himself or for any other person, or for the purpose of avoiding any payment to be made by himself under this Part of this Act, or

enabling any other person to avoid any such payment, any person knowingly makes any false statement or false representation, he shall be guilty of an offence against this Act and liable on summary conviction to imprisonment for a term not exceeding three months, with or without hard labour.

Penalty for contravention or non-compliance.

68. (1) If any employer or employed person or any other person is guilty of any contravention of or non-compliance with any of the requirements of this Part of this Act or the regulations made thereunder in respect of which no penalty is provided, or if any employer deducts or attempts to deduct from the wages or other remuneration of an employed person the whole or any part of the employer's contribution, or fails or neglects to pay any contribution for which he is liable under this Part of this Act, he shall be guilty of an offence against this Act and for each offence, be liable on summary conviction, to a fine not exceeding two hundred and fifty dollars, or to imprisonment for a period not exceeding three months, or to both fine and imprisonment.

Additional Penalty.

Provided that in any case where an employer is convicted of the offence of failing or neglecting to pay a contribution there shall be imposed on him, in addition to the aforesaid penalty, a further penalty equal to the amount of the contribution which he has failed or neglected to pay, which additional penalty shall be paid over to the Unemployment Insurance Fund.

Convicted employer may not recover from insured person.

(2) In any case where an employer is convicted of the offence of failing or neglecting to pay a contribution and the employed person fails to pay a contribution which he is liable under this Part of this Act to pay, such contribution shall not be recoverable by the employer from the employed person.

Penalty for sale or improper use of insurance books, cards, stamps, etc.

69. Every person who buys, sells, or offers for sale, takes or gives in exchange or pawns or takes in pawn, any insurance card, insurance book, or used unemployment insurance stamp, or any document or thing used in the administration of this Part of this Act, or has in his possession any of these things not being entitled to possess them, shall be guilty of an offence against this Act and for each such offence shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Power to take and conduct proceedings.

70. (1) Proceedings for an offence under this Part of this Act shall not be instituted except with the consent in writing of the Commission or by an inspector or other officer appointed under this Act and authorized in that behalf by special or general directions of the Commission.

Proceedings may be commenced within three months of evidence of offence.

(2) Proceedings for an offence under this Part of this Act may be commenced at any time within three months from the date on which evidence, sufficient in the opinion of the Commission to justify a prosecution for the offence, comes to its knowledge, or within twelve months after the offence, whichever period is the longer.

Certificate of Commission evidence of date.

(3) For the purpose of subsection two of this section, a certificate issued by the Commission as to the date on which such evidence came to its knowledge shall be conclusive evidence thereof.

Sums due recoverable as civil debts.

71. Any sum due and owing to the Unemployment Insurance Fund under this Act shall be recoverable as a debt due to the Crown and, without prejudice to any other remedy, may be recovered by the Commission as a civil debt:

Proviso.

Provided, however, that proceedings for the recovery of the same shall not be brought except within three years from the time when the same shall have become due and owing.

Civil proceedings by employee against employer for neglect to comply with the Act.

72. (1) Where any employer fails or neglects to pay any contributions which under this Part of this Act he is liable to pay in respect of any insured person in his employment, or fails or neglects to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions, and by reason thereof that person loses in whole or in part the insurance benefit to which he would have been entitled under this Part of this Act, the Commission may pay to such person the benefit so lost and shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the insurance benefit so lost and on recovery shall, unless payment already has been made, pay the same to such person.

Penalty for receipt of benefit through non-disclosure or misrepresentation of material fact.

(2) If it is found at any time that any person, by reason of th e non-disclosure or misrepresentation by him of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) has received any sum by way of benefit while the statutory conditions or any other conditions for the receipt of benefit imposed by this Part of this Act were not fulfilled in his case, or while he was disqualified for receiving benefit, he shall be liable to repay to the Unemployment Insurance Fund a sum equal to the amount so received by him.

Additional proceedings.

(3) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Part of this Act in respect of the same failure or neglect.

Proceedings may be taken within one year.

(4) Proceedings under this section may be brought at any time within one year after the date on which the insured person, but for the failure or neglect of the employer, would have been entitled to receive benefit which he has lost.

Inspection.

Powers of the inspectors.

73. Any person authorized by the Commission to act as an inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, namely:

(a) to enter at all reasonable times any premises or place, other than a private dwelling house not being a workshop, where he has reasonable grounds for supposing that any insured persons are employed;

(b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;

(c) to examine orally, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person, and to require every such person, to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined;

(d) to exercise such other powers as may be necessary for carrying this Act into effect.

Occupiers of premises to facilitate inspection.

74. The occupier of any such premises or place and any other person employing any employed person, and the servants and agents of any such occupier or other person and any such employed person shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wage sheets, records of wages and other documents as the inspector may reasonably require.

Penalty for delay or obstruction of inspection.

75. If any person wilfully delays or obstructs an inspector in the exercise of any power under section seventy-three or fails to give such information or to produce such documents as required in section seventy-four, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be guilty of an offence against this Act and liable on summary conviction to a fine not exceeding twenty-five dollars.

Inspector to produce certificate of appointment.

76. Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to any premises or place for the purpose of this Act shall, if so required, produce the said certificate to the occupier.

Unemployment Insurance Fund.

Unemployment Insurance Fund.

77. (1) There shall be a special account in the Consolidated Revenue Fund called the Unemployment Insurance Fund (in this Act referred to as "the Fund"), to which the Minister of Finance shall from time to time credit all moneys received from the sale of unemployed insurance stamps and all contributions paid otherwise than by means of such stamps (including penalties payable to the Fund) under the provisions of this Act.

Moneys provided by Parliament credited to the Fund.

(2) The Minister of Finance shall also credit in like manner from time to time out of moneys provided by Parliament an amount equal to one-fifth of the aggregate credits from time to time made as aforesaid after deducting from the said aggregate credits any refunds of contributions from time to time made under the provisions of this Act from the Fund.

Payments out of the Fund.

1931, c. 27.

78. (1) Notwithstanding the provisions of *The Consolidated Revenue and Audit Act, 1931,* the Minister of Finance may, subject to the provisions of this Act, on the requisition of the Commission or its authorized officers, pay out of the Fund claims for insurance benefits and refunds of contributions as provided for by this Act but no other payments shall be made a charge on the Fund; Provided that credits in the Fund not currently required for the purposes of this Act shall, as provided in this section, be invested by the Commission in obligations of, or guaranteed by, the Government of Canada, and investments so made may be sold or exchanged for other like securities and all interest received on the investments shall be credited to the Fund.

Investment of Fund.

Investment Committee to authorize transactions.

(2) Investment transactions under the provisions of this section shall be made only on the authorization of an Investment Committee of three members consisting of

(i) one member nominated by the Minister;

(ii) one member nominated by the Minister of Finance, and

(iii) the Governor of the Bank of Canada, or, in the event of his absence or incapacity, the Deputy Governor or the Acting Governor for the time being.

Bank of Canada to be fiscal agent.

(3) The Bank of Canada shall be employed to carry out transactions authorized by the said Investment Committee.

Holding and inspection of securities.

(4) The securities thus acquired through the transactions authorized by the Investment Commitee shall be held by the statutory fiscal agents of Canada for the Commission and shall be subject to the inspection of the Auditor General.

Advances for temporary needs.

79. If the Commission is at any time in temporary need of funds, to finance the cost of insurance benefits, it may with the consent of the Minister of Finance, pledge securities of the Fund with the Bank of Canada, or, on like security, the Minister of Finance, may make advances to the Fund out of the unappropriated moneys in the Consolidated Revenue Fund on such terms and conditions as the Governor in Council may decide:

Proviso.

Provided that no advance may be made either by the Bank or by the Minister of Finance for an amount in excess of the par value of the securities pledged for an advance.

Annual report to Parliament.

80. The Minister of Finance shall report annually to Parliament the advances, if any, made to the Fund under the authority of section seventy-nine and which are outstanding on the thirty-first day of March last preceding, and he shall likewise report the balance held in the special account on that date; and in a separate section of the Public Accounts the operations of the Fund shall be set out in such details as the Minister of Finance may decide.

Powers of the Bank of Canada.

81. The powers of the Bank of Canada shall be deemed to include the power to do all of the things required to be done by it under the provisions of sections seventy-eight and seventy-nine of this Act.

Unemployment Insurance Advisory Committee.

Duties of committee as respects Unemployment Insurance Funds.

82. There shall be appointed by the Governor in Council a committee to be called "The Unemployment Insurance Advisory Committee," (in this Act referred to as "the Advisory Committee" or "the Committee") to perform the duties specified in this Act.

Constitution of Committee.

83. (1) The Committee shall consist of a Chairman and not less than four nor more than six other members.

Tenure of office.

(2) The Chairman and other members shall hold office for a period which, in the case of each of the members first appointed, and of any member appointed to fill a casual vacancy, shall be of such duration not exceeding five years as may be determined by the Governor in Council, and in all other cases members shall be appointed for a period of five years.

Appointments made after consultation with organizations.

(3) Of the members, other than the Chairman, there shall be appointed at least one after consultation with organizations representative of employed persons and an

equal number after consultation with organizations representative of employers.

Unqualified persons.

(4) No senator or member of Parliament and no member of the Legislative Council or the Legislative Assembly of any province of Canada shall be eligible to be a member of or to act on the Committee.

Vacancies.

(5) If, in the opinion of the Minister, a member becomes unfit to continue in office or incapable of performing his duties, the Minister shall forthwith report the facts to the Governor in Council and the Governor in Council may declare vacant the office of such member.

Committee may act notwithstanding vacancy.

(6) The Committee may act notwithstanding any vacancy in the membership of the Committee.

Rules.

(7) The Committee may make rules for regulating its procedure.

Members not paid except expenses.

(8) No member of the Committee shall receive any payment or emolument for his services, but each member shall receive such payments for travelling and other expenses in connection with the work of the Committee as may be approved by the Governor in Council.

Assistance.

(9) The Minister may provide the Committee with such professional, technical, secretarial, and other assistance as the Committee may require, but the provision of such assistance otherwise than from the public service shall be subject to authorization by the Governor in Council.

Commission to inform Committee.

(10) The Commission shall make available to the Committee such information as the Committee may reasonably require for the proper discharge of its functions under this Act.

Annual and other reports on condition of Fund, and recommendations.

84. (1) The Committee shall, not later than the end of February in each year, make a report to the Governor in Council on the financial condition of the Unemployment Insurance Fund as of the thirty-first day of December last preceding, and shall also make a report to the Governor in Council on the financial condition of the Fund whenever the Committee considers that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, and may make a report on the financial condition of the Fund at such other times as the Committee may think fit.

Insufficiency or over-sufficiency of Fund.

(2) If the Committee at any time reports that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report shall contain recommendations for the amendment of the provisions of this Act, or of any regulation made thereunder, either generally or in relation to special classes of insured persons, concerning any matters relating to the financial condition of the Fund, and, without restricting the generality of the foregoing, to—

(a) the statutory conditions for receipt of insurance benefit and the provisions relating to the right to benefit;

(b) the disqualifications for insurance benefit;

(c) the meaning of "unemployment," or "unemployed," and of "benefit year";

(d) the rates of insurance benefit, the periods for which such benefit may be paid and the computation thereof;

(e) the payment of benefit pending appeals; or

(f) the rates of contribution.

Scope of recommendations.

(3) The amendments recommended shall, if the Committee considers the Fund insufficient, be such as in the opinion of the Committee are required in order to make the Fund sufficient; or if the Committee considers the Fund more than reasonably sufficient to discharge its liabilities, such as in the opinion of the Committee, may appropriately be made in the circumstances; and, in either case, the report shall contain an estimate of the effect which the amendments recommended will have on the financial condition of the Fund.

Notice of intention to make report.

85. (1) The Committee shall give such public notice as it considers sufficient of its intention to make a report under section eighty-four and shall receive any representations which may be made to it with respect thereto.

Report to be laid before Parliament.

(2) Every such report shall be laid before Parliament within four weeks after being made, or, if Parliament is not then sitting, within four weeks after Parliament next sits.

Additional investigations.

86. Whenever the Governor in Council, after consultation with the Commission, considers it expedient to do so, it may direct the Committee to investigate and to report upon—

(a) the provision of unemployment insurance for the employments excepted from the operation of Part II of the First Schedule to this Act, or for any of them, either by extending thereto the provisions of that Part, with such modifications, if any, as may be found necessary, or by special or supplementary schemes;

(b) the adjustment of the rates of contribution and benefit of insured persons having regard to the wages or salaries of such persons.

Certain questions may be referred to the Committee.

87. The Commission may from time to time refer to the Committee for consideration and advice such questions relating to the operation of this Act as the Commission thinks fit including questions as to the advisability of amending this Act.

PART III.

EMPLOYMENT SERVICE.

Organization and maintenance of employment service.

88. (1) The Commission shall organize and maintain an employment service for Canada in manner provided in this Act.

Duty of Commission to collect information, etc.

(2) It shall be the duty of the Commission in organizing and maintaining such employment service, to collect information concerning employment for workers and workers seeking employment and, to the extent the Commission considers it necessary, to make such information available at the employment offices, with a view to assisting workers to obtain employment for which they are fitted and assisting employers to obtain workers most suitable to their needs.

(3) The employment service shall in relation to unemployment insurance, perform such duties under this Act as may be prescribed by the Commission, and undertake such other services in the interests of workers and employers as the Commission in the exercise of its powers may prescribe.

Regional divisions and offices.

89. (1) The Commission shall establish such regional divisions as it may deem expedient and desirable, and there shall be a regional office in each such division at such place as the Commission may select, and all employment offices provided for under subsection two of this section which are within any such division shall be directed and controlled by the Commission through the regional office.

Employment offices.

(2) The Commission shall establish employment offices within each division at such places as it may deem expedient and desirable for the purposes of this Act.

Regional office as clearing house.

(3) The regional office within each division shall be a clearing house for collecting from and distributing to the employment offices in the division information concerning employers seeking workers and workers seeking employment.

Co-ordination of regional offices.

(4) The Commission shall co-ordinate the services of the regional offices so that the information obtained in any division may be available to workers and employers in other divisions.

National Employment Committee.

90. (1) The Commission shall establish a committee to be called the "National Employment Committee" for the purpose of advising and assisting the Commission in carrying out the purposes of the employment service.

Manner of choosing members.

(2) The Committee so established shall include members chosen after consultation with organizations representative of workers and an equal number after consultation with organizations representative of employers.

Regional and local committees.

(3) In like manner and for like purposes, a regional committee for each regional office and, where deemed advisable by the Commission, a local committee for an employment office shall be established.

Travelling expenses.

(4) No member of any Committee established under the provisions of this section shall receive any payment or emolument for his services, but each member of the National Employment Committee or of any regional committee shall receive such payments for travelling and other expenses in connection with the work of his Committee as may be approved by the Governor in Council.

Advances to workers seeking employment.

91. (1) The Commission may make regulations authorizing advances by way of loan towards meeting the expenses of workers travelling to places where employment has been found for them through an employment office.

Recovery of Loans.

(2) Any sum advanced in accordance with such regulations shall be a debt due to the Commission recoverable by process of law.

Requests for advances and undertaking as to repayment of same.

(3) Any such advance may be made at the request either of the employer or of the worker, and the person on whose application the advance is made shall be liable to repay the same and give such undertaking with respect to repayment of the advance as the Commission may, from time to time, by regulation prescribe either generally or as regards any specified district or class of applicants.

Moneys provided by Parliament.

(4) All such advances shall be made out of moneys provided by Parliament for that purpose, provided, however, that any sum repaid in the same fiscal year in which the advance was made may be again advanced from time to time within such fiscal year without further provision by Parliament.

PART IV.

REGULATIONS

Regulations concerning persons under same employer partly in insurable employment and partly in another employment.

92. In addition to the authority elsewhere in this Act conferred upon the Commission to make regulations, the Commission may also make regulations:—

(a) for permitting persons who are engaged under the same employer, partly in insurable employment and partly in some other employment to be treated with the consent of the employer, for the purposes of this Act, as if they were wholly engaged in insurable employment;

Prescribing evidence required.

(b) for prescribing the evidence to be required as to the fulfilment of the conditions and the absence of the disqualifications for receiving or continuing to receive insurance benefit, and for that purpose requiring the attendance of employed persons at such offices or places

and at such time as may be required, and requiring employers to answer inquiries relating to any matters on which the fulfilment of the aforesaid conditions or the absence of the aforesaid disqualifications depends;

Procedure on claims for benefit.

(c) for prescribing the manner in which claims for benefit may be made and the procedure to be followed for the consideration and examination of claims and questions to be considered by the Commission, insurance officers, courts of referees, and umpire, and the mode in which any question may be raised as to the continuance, in the case of a person in receipt of insurance benefit, of the benefit;

Payment of benefits and contributions pending determination of questions.

(d) with respect to the payment of contributions and benefits during any period intervening between any application for the determination of any question or any claim for benefit and the final determination of the question or claim;

Reference of questions to Committees.

(e) governing the reference, for consideration and advice, of questions bearing upon the administration of this Act to the Committees provided for in Part III of this Act;

Persons employed on night work.

(f) for prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one of those two days as the regulations may direct;

Payment of benefits through Post Office in certain places.

(g) to provide, with the concurrence of the Postmaster General, for enabling claimants of benefit in certain places to make their claims for benefit through the Post Office, and for the payment of benefit of such claimants through the Post Office;

Penalties.

(h) for prescribing penalties for the violation of any regulation, including maximum and minimum fines:

Limitation.

Provided however, that a fine prescribed shall not exceed two hundred and fifty dollars and a term of imprisonment shall not exceed three months; and

Generally.

(i) generally for carrying this Act into effect.

Governor in Council to approve regulations.

93. (1) All regulations made under this Act shall be without effect until approved by the Governor in Council and published in the *Canada Gazette*, and shall then have effect as if enacted in this Act and shall be laid before Parliament within two weeks after approval, or, if Parliament is not then sitting, within two weeks after Parliament next sits; and any regulation may be varied or revoked by subsequent regulation made in like manner.

Advisory Committee to report on certain regulations.

(2) Prior to the making of regulations under the provisions of section forty-two of this Act or in relation to the matters specified in subsections two and three of section eighty-four of this Act the same shall be reported on by the Unemployment Insurance Advisory Committee.

GENERAL

Annual Report by Commission.

94. (1) Within one month after the thirty-first day of March in each year, or within such longer period as may be approved by the Governor in Council, the Commission shall submit to the Minister a report covering the business and affairs of the Commission, for the twelve months ending on the said thirty-first day of March, in such detail as the Minister may from time to time direct; and such report shall contain a statement of the costs arising out of the administration of this Act, including the indirect costs as nearly as they may be ascertainable and also a statement of the services rendered to the Commission by other departments of the public service.

(2) The Minister shall lay before Parliament, any such report within fifteen days after it is submitted to him or, if Parliament is not then sitting, within fifteen days after Parliament next sits.

Investigations by Commission.

95. The Governor in Council may direct the Commission to investigate and report upon all questions which the Governor in Council may deem advisable or necessary.

Reports transmitted through the Minister to the Governor in Council.

96. All reports, recommendations and submissions required to be made under this Act to the Governor in Council, whether by the Commission or by the Advisory Committee, shall be submitted through the Minister.

Failure to make returns an offence.

97. The Commission may require any person to make written returns of information deemed by the Commission to be necessary for the purposes of this Act, and failure to comply with any such request shall be an offence against this Act and shall on summary conviction render liable any person in default to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding one month, or to both fine and imprisonment.

Disposition of fines.

98. Any fine imposed under this Act or regulations made thereunder shall unless otherwise provided for be payable to His Majesty in the right of the Dominion of Canada and be disposed of as the Governor in Council may direct.

Reciprocal arrangements.

99. The Governor in Council may enter into an agreement with the Government of another country to establish reciprocal arrangements on questions relating to unemployment insurance.

Repeal. R.S., c. 57.

100. The *Employment Offices Co-ordination Act* may be repealed by the Governor in Council by proclamation.

Audit. 1931, c. 27.

R.S. c. 165.

101. The accounts of the Commission shall be subject to the applicable provisions of *The Consolidated Revenue and Audit Act, 1931*, and the *Public Service Rearrangement and Transfer of Duties Act* shall apply to the Commission.

Contributions under Part II payable on date to be fixed by Commission.

102. No contribution shall be payable or paid under the provisions of Part II of this Act until a date to be fixed by the Commission of which due notice shall be published in the *Canada Gazette* and in such other manner as the Commission may deem necessary.

FIRST SCHEDULE

PART I

EMPLOYMENT WITHIN THE MEANING OF PART II OF THIS ACT.

(a) Employment in Canada under any contract of service or apprenticeship, written or oral, whether expressed or implied, or whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise.

(b) Employment, as aforesaid, under:—

(i) the Government of Canada;

(ii) the Government of any Province, with the concurrence of the Province; or

(iii) any municipal or other public authority;

other than any such employment as may be excluded by special order of the Commission.

(c) Employment outside of Canada, or partly outside of Canada, for the purpose of the execution of some particular work, by persons who were insured persons immediately before leaving Canada, for an employer resident or having a place of business in Canada, being employment which if it were employment in Canada, would make the persons employed therein insured persons within the meaning of this Act; subject however, to any prescribed conditions, modifications or exceptions.

PART II

EXCEPTED EMPLOYMENTS.

(a) Employment in agriculture, horticulture and forestry.

(b) Employment in fishing.

(c) Employment in lumbering and logging, exclusive of such saw mills, planing mills and shingle mills as are reasonably continuous in their operations.

(d) Employment in hunting and trapping.

(e) Employment in transportation by water or by air and stevedoring.

(f) Employment in domestic service, except where the employed person is employed in a club or in any trade or business carried on for the purpose of gain.

(g) Employment as a professional nurse for the sick or as a probationer undergoing training for employment as such nurse.

(h) Employment as a teacher, including teachers of music and dancing, whether engaged in schools, colleges, universities or institutes or in a private capacity.

(i) Employment in the Permanent Active Militia, the Royal Canadian Navy, the Royal Canadian Air Force and the Royal Canadian Mounted Police.

(j) Employment as a member of dominion, provincial or municipal police forces.

(k) Employment—

(i) in the public service of Canada pursuant to the provisions of the *Civil Service Act;* or R.S., c. 22.

(ii) in the public service of Canada or of a province or by a municipal authority upon certification satisfactory to the Commission that the employment is, having regard to the normal practice of the employment, permanent in character.

(l) Employment as an agent paid by commission or fees or a share of the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

(m) Employment at a rate of remuneration exceeding in value two thousand dollars a year or in cases where such employment involves part time service only, at a rate of remuneration which, in the opinion of the Commission, is equivalent to a rate of remuneration exceeding two thousand dollars a year for full time service.

Provided that any person in respect of whom contributions have been paid as an insured person for two hundred and sixty weeks may continue as an insured person notwithstanding anything in this paragraph contained.

(n) Employment of a casual nature otherwise than for the purpose of the employer's trade or business.

(o) Employment of any class which may be specified in a special order made by the Commission, and declared by the Commission to apply for the purposes of this Act, as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

(p) Employment in the service of the husband or wife of the insured person.

(q) Employment for which no wages or other money payment is made, where the person employed is the child of, or is maintained by the employer.

(r) Employment in which persons are employed and paid for playing any game.

SECOND SCHEDULE

RATES OF CONTRIBUTION
(Sec. 17)

Reference Number for Class	Class of Employed Persons	Weekly Rate	
		Employer	Employed Person
0	While earning less than 90 cents a day (Sec. 19 (3)). or While under 16 years of age (Sec. 19 (4))	18 cents	9 cents (paid on his behalf by the employer)
1	Earning $5.40 but less than $7.50 in a week.	21 cents	12 cents
2	Earning $7.50 but less than $9.60 in a week.	25 cents	15 cents
3	Earning $9.60 but less than $12.00 in a week.	25 cents	18 cents
4	Earning $12.00 but less than $15.00 in a week.	25 cents	21 cents
5	Earning $15.00 but less than $20.00 in a week.	27 cents	24 cents
6	Earning $20.00 but less than $26.00 in a week.	27 cents	30 cents
7	Earning $26.00 but less than $38.50 in a week or $2,000 a year (First Schedule (m)).	27 cents	36 cents

DAILY RATE: In respect of each class, the daily rate of contribution shall be one-sixth of the weekly rate. (Section 17 (4)).

THIRD SCHEDULE

Insurance Benefit

(Section 27)

Weekly benefit rate.

1. The weekly rate of benefit for the benefit year shall be thirty-four times the average weekly contribution paid by an employed person during the two years immediately preceding the claim for benefit:

Except that where the employed person is either—

(i) a man whose wife is being maintained wholly or mainly by him; or

(ii) a married woman who has a husband dependent on her; or

(iii) a married person who maintains wholly or mainly one or more children under the age of 15 years;

the weekly benefit rate shall be forty times the average weekly contribution paid by an employed person during the two years immediately preceding the claim for benefit: and the expression "child" includes any child of the employed person, a stepchild, adopted child, or illegitimate child.

"Child".

Daily rate.

2. The daily rate of benefit for a benefit year in respect of each class shall be one-sixth the weekly benefit rate.

Contributions in only one class.

3. Where the contributions paid in respect of an employed person during the two years immediately preceding the claim for benefit are in only one class, the rates of benefit shall be—

Weekly Rate

Class	Single Person	Married Person with dependent
1	$4 08	$4 80
2	5 10	6 00
3	6 12	7 20
4	7 14	8 40
5	8 16	9 60
6	10 20	12 00
7	12 24	14 40

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 99.

An Act to amend An Act respecting debts due to the Crown.

First reading, July 18, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2741 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 99.

An Act to amend An Act respecting debts due to the Crown.

1932, c. 18.

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

1. *An Act respecting debts due to the Crown*, chapter eighteen of the statutes of 1932, is amended by adding thereto the following section:

Indebtedness in respect of certain provincial taxes.

"**2.** In any case where, in the opinion of the Minister of Justice, any officer, servant or employee of His Majesty in the right of Canada is indebted in any specific sum of money on account of income tax, special income tax or wage tax (including interest and penalties) of any province, including any such sum due or past due and owing at the date this section comes into force, and an agreement exists between the Governor in Council and the government of such province whereby the Dominion of Canada is authorized, pursuant to section seventy-six A of the *Income War Tax Act*, as enacted by section seventeen of chapter thirty-eight of the statutes of 1936, to collect such tax on behalf of such province, the Governor in Council may authorize the Minister of Finance to retain by way of deduction or set-off the amount of such indebtedness out of any sum or sums of money which may be due or payable by His Majesty in the right of Canada to such officer, servant or employee."

Explanatory Note.

This extends the provisions of the Act respecting debts due to the Crown to cover certain provincial taxes which are being collected by the Dominion on behalf of certain provinces which have entered into agreements with the Dominion to have the latter collect provincial income, special income and wage taxes.

The same procedure will apply in respect of these provincial taxes as is now applicable in respect of debts due to the Crown for Dominion Income Tax.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 100.

An Act to amend The Excise Act, 1934.

First reading, July 18, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

5743

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 100.

1934, c. 52; 1935, c. 29; 1936, c. 37; 1937, c. 29; 1938, c. 29; 1939 (1st sess.) c. 43; 1939 (2nd sess.) c. 5.

An Act to amend The Excise Act, 1934.

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

Definitions.

1. Section seven of *The Excise Act, 1934*, chapter fifty-two of the statutes of 1934, is amended by adding thereto as paragraph *(p)* the following paragraph:—

"Raw leaf dealer."

"*(p)* 'raw leaf dealer' means every person who packages and stamps Canadian raw leaf tobacco for the purpose of sale for consumption."

2. Section two hundred and forty-two of the said Act, as amended by section nineteen of chapter twenty-nine of the statutes of 1938, is repealed and the following substituted therefor:—

Duties of excise on manufactured and raw leaf tobacco.

"**242.** There shall be imposed, levied and collected on tobacco and cigars manufactured in Canada and on Canadian raw leaf tobacco the duties of excise set out in the Schedule hereto, by means of stamps to be affixed to the packages in which tobacco, cigars and Canadian raw leaf tobacco are entered for consumption under departmental regulations."

3. The said Act is further amended by inserting therein immediately after section two hundred and seventy-four as sections two hundred and seventy-five, two hundred and seventy-six and two hundred and seventy-seven the following sections:—

Revenue stamp on raw leaf tobacco.

"**275.** Every package of Canadian raw leaf tobacco sold for consumption must have securely attached thereto by the raw leaf dealer a revenue stamp of such denomination as to correctly represent the contents of the package.

Licence for raw leaf dealers.

"**276.** Every raw leaf dealer who packages and stamps Canadian raw leaf tobacco for consumption shall make application to the collector of the division in which his premises are situated for a licence therefor.

EXPLANATORY NOTES.

1. The object of this amendment is to define the words "raw leaf dealer" in view of the new duty imposed upon raw leaf tobacco in accordance with the Budget Resolutions of June 24.

2. The object of this amendment is to give effect to the duty imposed on Canadian raw leaf tobacco in accordance with the Budget Resolutions of June 24.

3. "**275.** The object of this amendment is to provide for the affixing of revenue stamps to be applied to tobacco put up by raw leaf dealers.

"**276.** This amendment provides for the application by every raw leaf dealer to collectors for a licence.

Cost of licence.

"**277.** A raw leaf dealer in whose favour the licence is granted for packaging and stamping such tobacco shall, upon receiving such licence, pay to the collector the sum of two dollars, whether such licence has a full year or only a part of a year to run from the date it is granted."

4. The said Act is further amended by inserting therein immediately after section two hundred and ninety-one the following as section two hundred and ninety-two:—

Selling raw leaf tobacco without stamp, etc.

"**292.** (1) Every person who sells Canadian raw leaf tobacco for consumption without having the requisite stamp affixed and the duty paid thereon or who neglects or refuses to pay such excise duty is guilty of an indictable offence

Penalty.

and shall be liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, and in default of payment of such penalty, to a term of imprisonment not exceeding three months and not less than one month.

Forfeiture.

(2) Any tobacco so found which is not put up in packages and stamped as by this Act provided, shall be seized as forfeited to the Crown and be dealt with accordingly."

Schedule amended.

5. The Schedule to the said Act as enacted by section one of chapter five of the statutes of 1939 (2nd session), is amended by repealing paragraph *(b)* of section five thereof and substituting the following therefor:—

Malt syrup.

"*(b)* imported into Canada and entered for consumption, per pound.....twenty-five cents."..

Schedule further amended.

6. The said Schedule is further amended by repealing section six thereof and substituting the following therefor:—

"6. TOBACCO, CIGARS and CIGARETTES.

Tobacco, cigars and cigarettes.

(a) Manufactured tobacco of all descriptions except cigarettes, per pound actual weight, thirty-five cents;

(b) Cigarettes weighing not more than two and one-half pounds per thousand, six dollars per thousand;

(c) Cigarettes weighing more than two and one-half pounds per thousand, eleven dollars per thousand;

(d) Cigars, three dollars per thousand;

(e) Canadian raw leaf tobacco when sold for consumption per pound actual weight, ten cents.

7. Sections two and five of this Act, and paragraphs *(a)*, *(b)*, *(c)* and *(d)* of section six of the Schedule to *The Excise Act, 1934*, as enacted by section six of this Act, shall be deemed to have come into force on the twenty-fifth day of June, one thousand nine hundred and forty and to have applied to all goods imported or taken out of warehouse for consumption on and after that date and to have applied to goods previously imported for which no entry for consumption was made before that date.

"**277.** This amendment provides for the payment of the sum of two dollars for the above licence.

4. This amendment provides for the penalties involved for infractions of the above sections.

5–6. The Schedule to the Act is amended to give effect to the Budget Resolutions of June 24.

5. Paragraph *(b)* presently reads:

"*(b)* imported into Canada and entered for consumption, per pound.....twenty-one cents."

6. Section 6 reads as follows:

"*(a)* Manufactured tobacco of all descriptions except cigarettes, per pound actual weight, twenty-five cents;

(b) Cigarettes weighing not more than three pounds per thousand, five dollars per thousand;

(c) Cigarettes weighing more than three pounds per thousand, eleven dollars per thousand;

(d) Cigars, three dollars per thousand."

7. This section provides for the time of coming into force of the above amendments except those dealing with Canadian raw leaf tobacco.

8. Sections one, three and four of this Act, and paragraph *(e)* of section six of the Schedule to *The Excise Act, 1934*, as enacted by section six of this Act, shall be deemed to have come into force on the first day of August, one thousand, nine hundred and forty.

8. This section deals with the coming into force of the above amendments dealing with Canadian raw leaf tobacco.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 101.

An Act to amend the Customs Tariff.

First reading, July 18, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

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1st Session, 19th Parliament, 4 George VI, 1940.

R.S., c. 44; 1928, c. 17; 1929, c. 39; 1930 (1st Sess.), c. 13; 1930 (2nd Sess.), c. 3; 1931, c. 30; 1932, c. 41; 1932-33, cc. 6, 37. 1934, cc. 32, 49; 1935, c. 28; 1936, c. 31; 1937, cc. 25, 26; 1939 (1st Sess.), c. 41; 1939 (2nd Sess.), c. 2.

THE HOUSE OF COMMONS OF CANADA.

BILL 101.

An Act to amend the Customs Tariff.

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

Schedule A amended.

1. Schedule A to the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, as amended by chapter seventeen of the statutes of 1928, chapter thirty-nine of the statutes of 1929, chapter thirteen of the statutes of 1930 (first session), chapter three of the statutes of 1930 (second session), chapter thirty of the statutes of 1931, chapter forty-one of the statutes of 1932, chapters six and thirty-seven of the statutes of 1932-33, chapters thirty-two and forty-nine of the statutes of 1934, chapter twenty-eight of the statutes of 1935, chapter thirty-one of the statutes of 1936, chapter twenty-six of the statutes of 1937, chapter forty-one of the statutes of 1939 (first session) and chapter two of the statutes of 1939 (second session), is further amended by striking thereout tariff items 209b, 210, 210e, 281a, 281b, sub-division *(a)* of item 429, 440l, 440m, 440n, 445o, 445p, 505, 505b, 791 and 825, the several enumerations of goods respectively and the several rates of duties of customs, if any, set opposite each of the said items, and by inserting in the said Schedule the items, enumerations and rates of duty which are specified in the Schedule to this Act.

"Additional" duties amended.

2. Schedule A to the said Act, as amended by *The Customs Tariff Amendment Act, 1939*, chapter two of the statutes of 1939 (second session), is further amended by deleting therefrom the following enumerations of goods and rates of additional duties of customs as enacted by the said Amendment Act:

"Manufactured tobacco of all descriptions except cigars, cigarettes and snuff.....	5 cents per pound.

Cigarettes weighing not more than three pounds per thousand.....	$1.00 per thousand.
Tea, when the value for duty thereof under the provisions of the Customs Act:	
(a) is less than 35 cents per pound	5 cents per pound.
(b) is 35 cents or more but less than 45 cents per pound....	7½ cents per pound.
(c) is 45 cents or more per pound	10 cents per pound."

and by substituting therefor the following enumerations of goods and rates of additional duties of customs:

"Manufactured tobacco of all descriptions except cigars, cigarettes and snuff.....	15 cents per pound.
Cigarettes weighing not more than three pounds per thousand.....	$2.00 per thousand.
Tea, when the value for duty thereof under the provisions of the Customs Act:	
(a) is less than 22½ cents per pound.....	5 cents per pound.
(b) is 22½ cents or more but less than 30 cents per pound....	7½ cents per pound.
(c) is 30 cents or more per pound	10 cents per pound."

Schedule B amended.

3. Schedule B to the said Act, as amended by chapter seventeen of the statutes of 1928, chapter thirty-nine of the statutes of 1929, chapter thirteen of the statutes of 1930 (first session), chapter three of the statutes of 1930 (second session), chapter thirty of the statutes of 1931, chapter thirty-seven of the statutes of 1932-33, chapter thirty-two of the statutes of 1934, chapter twenty-eight of the statutes of 1935, chapter 31 of the statutes of 1936, chapter twenty-six of the statutes of 1937 and chapter forty-one of the statutes of 1939 (first session), is further amended by striking thereout Tariff Items 1042, 1044 and 1063, the enumerations of goods and the rates of drawback of customs duties set opposite to each of the said items.

Date of coming into force.

4. This Act shall be deemed to have come into force on the twenty-fifth day of June, nineteen hundred and forty, and to have applied to all goods mentioned in the Schedules hereto, imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for which no entry for consumption was made before that date.

SCHEDULE

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
208x	Materials, including all parts, entering into the cost of cyanide of potassium and cyanide of sodium, when imported by manufacturers of cyanide of potassium and cyanide of sodium for use in their own factories	Free	Free	Free
209b	Nicotine; salts of nicotine; non-alcoholic preparations containing nicotine in a free or combined state, for dipping, spraying or fumigating, n.o.p.	Free	Free	10 p.c.
210	Peroxide of soda; silicate of soda in crystals or in solution; bichromate of soda; sulphide of sodium; nitrite of soda; arseniate, binarseniate, chlorate, bisulphite and stannate of soda, prussiate of soda and sulphite of soda	Free	15 p.c.	20 p.c.
210e	Nitrate of soda or cubic nitre	Free	Free	Free
281a	Fire brick, n.o.p., of a class or kind not made in Canada, for use exclusively in the construction or repair of a furnace, kiln, or other equipment of a manufacturing establishment	Free	Free	15 p.c.
281b	Fire brick, n.o.p.	5 p.c.	15 p.c.	22½ p.c.
429	Cutlery of iron or steel, plated or not: (a) Knife blades or blanks, and table forks, of iron or steel, in the rough, not handled, ground nor otherwise manufactured; spoon blanks of iron or steel, in the flat, not further manufactured than stamped to shape: blanks, of iron or steel, for scissors and shears, in the rough, not ground nor otherwise manufactured	Free	7½ p.c.	10 p.c.
440l	Aircraft and complete parts thereof, n.o.p., not including engines, under regulations prescribed by the Minister	Free	25 p.c.	27½ p.c.
440m	(i) Unfinished parts of aircraft, n.o.p., not including parts of aircraft engines	Free	15 p.c.	27½ p.c.
	(ii) Direct or inertia starters with or without related operating gear and parts thereof; generators; voltage control boxes; batteries; de-icing and anti-icing equipment and parts thereof, not including parts of rubber; vacuum pumps with related operating gear and parts thereof; landing and navigation lights; propellers; hydraulic jacks and pumps and parts thereof; aircraft wheels; aircraft brakes with related operating gear; aircraft tires and tubes; oil coolers; fuel pressure warning devices; exhaust gas analysers; pressure fire extinguishers; primer pumps; instruments excepting fuel contents gauges; bolts, nuts, cocks, turnbuckles, clevis and pins, swaged wires and tie rods; bars, tubes, extrusions and forgings of aluminum, aluminum alloys and magnesium alloys; steel tubing; all of the foregoing when of types and sizes not made in Canada and imported by manufacturers of aircraft for use exclusively in the manufacture in their own factories of the goods enumerated in tariff item 440l, under such regulations as the Minister may prescribe, provided that not less than sixty per centum of the factory cost of production of the aircraft is incurred in the British Empire	Free	Free	27½ p.c.
440n	Engines, when imported for use only in the equipment of aircraft	Free	25 p.c.	27½ p.c.
440o	(i) Carburettors, magnetos, distributors, coils and spark plugs and complete parts thereof; all of the foregoing when of a class or kind not made in Canada when imported for use in aircraft engines	Free	Free	27½ p.c.
	(ii) Parts, finished or not, n.o.p., for aircraft engines	Free	7½ p.c.	27½ p.c.

SCHEDULE—*Concluded*

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
445o	Acid-free capacitor tissue and paper, plain and gummed; metal cans, extruded, plated or unplated; automatic record changers; parts for pick ups; bias cells and holders; frames, yokes, brackets, pole-pieces, gaskets and field covers, separate or assembled for use in speakers with mounting diameter not exceeding 6⅜ inches; cones, spiders, spider suspensions, voice coils and voice coil dust covers, separate or assembled; magnetic structures and parts thereof for permanent magnet speakers; glass dial crystals and scales and metal dials or scales made by the silk-screen process; metal cabinet escutcheons without crystals, plain or finished; high frequency circuit switches and essential components thereof; high frequency iron cores with or without inserts moulded therein; motors and gears for automatic tuning; radio frequency ceramics; raw low loss mica; sheets and punchings of low loss mica; tube shields and parts thereof; vibrators; vulcanized fibre in sheets, rods, strips or tubing; high frequency coil forms and tubing having an outside diameter not exceeding one inch; for use in the manufacture or the repair of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.....	Free	Free	30 p.c.
445p	Ceramic parts; copper alloys for welding; getter and getter assemblies; glass parts; metal bulbs and shells and metal headers; mica parts; mica assemblies; wire snubbers, clips and straps; wire of molybdenum and molybdenum alloy; nickel and nickel alloy tubing, wire, ribbon, screen and strip, coated or not, carbonized or not; metal cathodes; nickel, nickel alloy and nickel plated parts, coated or not, carbonized or not; tungsten and tungsten alloy and zinc wire; leads, spuds and welds; iron parts designed for sealing to glass; hooks and supports; base pins; wire and strip of silver copper, chrome copper, chrome iron or plated iron; top cap assemblies; graphite anodes; heaters and filaments; all the foregoing when imported by manufacturers of radio tubes and parts therefor, for use exclusively in the manufacture of such articles, in their own factories.....	Free	Free	30 p.c.
505	Planks, boards, deals and other lumber of wood, not further manufactured than planed, dressed, jointed, tongued or grooved, n.o.p...	10 p.c.	10 p.c.	25 p.c.
616	(i) Rubber, crude, caoutchouc or India-rubber, unmanufactured, n.o.p.....	Free	5 p.c.	5 p.c.
	(ii) Powdered rubber and rubber or gutta percha waste or junk; recovered rubber and rubber substitute.....	Free	Free	Free
	(iii) Latex, being crude natural rubber in liquid form, not compounded beyond the addition of preservatives.....	Free	Free	Free
791	Materials of all kinds for use only in producing or manufacturing preparations provided for in tariff items 209b and 219a, under regulations prescribed by the Minister of National Revenue.....	Free	Free	Free
825	Woven cord tire fabric, wholly or in chief part by weight of artificial silk or similar synthetic fibres, not to contain silk nor wool, coated with a rubber composition, when imported prior to July 1st, 1941, by manufacturers of rubber, to be incorporated by them in pneumatic tires, in their own factories.....	Free	15 p.c.	25 p.c.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 102.

An Act to amend the Income War Tax Act.

First reading, July 18, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5694 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 102.

An Act to amend the Income War Tax Act.

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

1. Paragraph A of the First Schedule of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, as enacted by section one of chapter forty-one of the statutes of 1933, and as amended by section two of chapter six of the statutes of 1939 (Second Session), is repealed and the following paragraph is substituted therefor:

Rates applicable to all individuals.

"A. RATES OF TAX APPLICABLE TO PERSONS OTHER THAN CORPORATIONS AND JOINT STOCK COMPANIES.

On the first $250 of Net Income or any portion thereof in excess of Exemptions 6 per centum or

$ 15 upon net income of $250; and 8% upon the amount by which the Income exceeds $250 and does not exceed $1,000 or

$ 75 upon Net Income of $1,000; and 12% upon the amount by which the Income exceeds $1,000 and does not exceed $2,000 or

$ 195 upon Net Income of $2,000; and 16% upon the amount by which the Income exceeds $2,000 and does not exceed $3,000 or

$ 355 upon Net Income of $3,000; and 20% upon the amount by which the Income exceeds $3,000 and does not exceed $4,000 or

$ 555 upon Net Income of $4,000; and 24% upon the amount by which the Income exceeds $4,000 and does not exceed $5,000 or

$ 795 upon Net Income of $5,000; and 27% upon the amount by which the Income exceeds $5,000 and does not exceed $6,000 or

Explanatory Notes.

1. This section replaces the former rates of tax.

$ 1,065 upon Net Income of $6,000; and 30% upon the amount by which the Income exceeds $6,000 and does not exceed $7,000 or

$ 1,365 upon Net Income of $7,000; and 33% upon the amount by which the Income exceeds $7,000 and does not exceed $8,000 or

$ 1,695 upon Net Income of $8,000; and 35% upon the amount by which the Income exceeds $8,000 and does not exceed $9,000 or

$ 2,045 upon Net Income of $9,000; and 37% upon the amount by which the Income exceeds $9,000 and does not exceed $10,000 or

$ 2,415 upon Net Income of $10,000; and 39% upon the amount by which the Income exceeds $10,000 and does not exceed $20,000 or

$ 6,315 upon Net Income of $20,000; and 41% upon the amount by which the Income exceeds $20,000 and does not exceed $30,000 or

$ 10,415 upon Net Income of $30,000; and 44% upon the amount by which the Income exceeds $30,000 and does not exceed $40,000 or

$ 14,815 upon Net Income of $40,000; and 47% upon the amount by which the Income exceeds $40,000 and does not exceed $50,000 or

$ 19,515 upon Net Income of $50,000; and 50% upon the amount by which the Income exceeds $50,000 and does not exceed $75,000 or

$ 32,015 upon Net Income of $75,000; and 53% upon the amount by which the Income exceeds $75,000 and does not exceed $100,000 or

$ 45,265 upon Net Income of $100,000; and 56% upon the amount by which the Income exceeds $100,000 and does not exceed $150,000 or

$ 73,265 upon Net Income of $150,000; and 59% upon the amount by which the Income exceeds $150,000 and does not exceed $200,000 or

$102,765 upon Net Income of $200,000; and 63% upon the amount by which the Income exceeds $200,000 and does not exceed $300,000 or

$165,765 upon Net Income of $300,000; and 67% upon the amount by which the Income exceeds $300,000 and does not exceed $400,000 or

$232,765 upon Net Income of $400,000; and 72% upon the amount by which the Income exceeds $400,000 and does not exceed $500,000 or

$304,765 upon Net Income of $500,000; and 78% upon the amount by which the Income exceeds $500,000."

20% war surtax repealed.

2. The proviso in paragraph AA of the First Schedule of the said Act as enacted by section three of chapter six of the statutes of 1939 (Second Session) is repealed.

2. The new scale of rates, will not be subject to the 20 per cent War Surtax imposed by section three of chapter six of the statutes of 1939 (Second Session). The 20 per cent War Surtax is repealed.

Additional 5% tax when income exceeds $5,000— is repealed.

3. Paragraph B of the First Schedule of the said Act, as enacted by section one of chapter forty-one of the statutes of 1933, as amended by section four of chapter six of the statutes of 1939 (Second Session), is repealed.

4. Subsection two of section seven of chapter six of the statutes of 1939 (Second Session) is repealed and the following substituted therefor:

18% tax for corporations, and 20% for consolidated returns. Applicable to 1940.

"(2) Sections five and six of this Act shall be applicable to the incomes of the 1940 taxation period and fiscal periods ending therein and to all subsequent periods; provided that in the case of a fiscal period ending in the year 1940 prior to the thirty-first December, the rates of 18% and 20% respectively, as provided for in the said sections shall apply to that proportion of the income of such fiscal period which the number of days of the said fiscal period in the year 1940 bears to the total number of days of such fiscal period."

5. Subparagraph (ii) of paragraph *(i)* of section two of the said Act, as enacted by section one of chapter fourteen of the statutes of 1933, is repealed and the following subparagraph is substituted therefor:—

Personal corporations.

"(ii) from the lending of money, with or without security, or by way of rent, hire of chattels, charter party fees or remuneration, annuity, royalty, interest, or dividend, or"

6. Paragraph *(i)* of section two of the said Act, as enacted by section one of chapter fourteen of the statutes of 1933, is further amended by adding thereto immediately after subparagraph (iii) thereof the following proviso:—

Personal corporations.

"Provided that this paragraph shall not extend to a corporation or joint stock company which otherwise qualifies under this paragraph, but which in the opinion of the Minister carries on an active commercial or industrial business, and the decision of the Minister on this question shall be final and conclusive."

7. Section two of the said Act is further amended by adding thereto the following paragraph:—

"Fiscal period" defined.

"*(s)* 'fiscal period' means the period for which the accounts of the business of the taxpayer have been, or are ordinarily made up and accepted for purposes of assessment under this Act, and in the absence of such an established practice the fiscal period shall be that which the taxpayer adopts:

Provided, however,

(i) that such fiscal period shall not in any case exceed a period of twelve months; and

(ii) that if a taxpayer purports to change his or its usual and accepted fiscal period, the Minister may, in his discretion, disallow such change."

3. Formerly when the individual had an income in excess of $5,000 he was subject to an additional tax of 5 per cent on the tax. The said tax is by this section repealed.

4. The former rate of 15 per cent was in September last increased to 18 per cent in respect of fiscal periods ending after the 31st March, 1940. This meant the profits of a number of months in 1939 were to be taxed at the increased rates.

This section, by apportionment of fiscal periods, is to tax only the profits of the months of the calendar year 1940 at the higher rates leaving the 15 per cent to apply to 1939. The excess Profits Tax basis is the same.

5. This section extends the legal significance of the income qualifications necessary for personal corporations, by adding the words "hire of chattels, charter party fees or remuneration".

6. It is intended that active commercial or industrial businesses shall not be considered personal corporations and exempt from corporation tax simply because one quarter or more of their income is from interest, dividends, rents, and so forth, when factually their substantial annual business is that of manufacturing, merchandising and so forth.

7. This is designed to assist in the obtaining of a more uniform practice in the fixing of fiscal periods.

8. Paragraph *(b)* of section three of the said Act is repealed and the following paragraph substituted therefor:

Annuities.

"*(b)* annuities or other annual payments received under the provisions of any contract, except as in this Act otherwise provided."

Excepted incomes.

9. Section four of the said Act as amended by section three of chapter twelve of the statutes of 1928, by sections one and two of chapter twenty-four of the statutes of 1930, by section two of chapter fourteen of the statutes of 1932-33, by section two of chapter fifty-five of the statutes of 1934, by section four of chapter forty of the statutes of 1935, by section four of chapter thirty-eight of the statutes of 1936 and by section four of chapter forty-eight of the statutes of 1938, is further amended by adding at the end thereof the following paragraph:

Service pay and allowances.

"*(t)* The service pay and allowances of—

(i) warrant officers, non-commissioned officers and men of the Canadian Naval, Military and Air Forces while in the Canadian Active Service Forces, and

(ii) commissioned officers of the said Forces while on active service beyond Canada, or on active service in Canada, whose duties are of such a character as are required normally to be performed afloat or in aircraft."

10. Paragraph *(a)* of subsection one of section five of the said Act, as amended by section four of chapter twelve of the statutes of 1928, is repealed and the following is substituted therefor:

Depletion.

"*(a)* The Minister in determining the income derived from mining and from oil and gas wells and timber limits may make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair, and in the case of leases of mines, oil and gas wells and timber limits the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and lessee do not agree the Minister shall have full power to apportion the deduction between them and his determination shall be conclusive;"

11. Paragraphs *(c)* and *(d)* of subsection one of section five of the said Act, as enacted by section four of chapter forty-one of the statutes of 1933, and as amended by section three of chapter fifty-five of the statutes of 1934, are repealed and the following paragraphs are substituted therefor:

"*(c)* Fifteen hundred dollars in the case of

Married person.

(i) A married person;

8. Life annuities except those heretofore sold by the Annuities Branch and life insurance companies issuing like contracts have always been taxed, in Canada as in England. This section confirms the practice of the Income Tax Division.

10. Heretofore this section referred to Depreciation and Depletion. The two items are now separated. The Depletion part is re-enacted exactly as it formerly was. Depreciation has been placed under section fifteen of this bill.

11. The statutory exemptions—formerly and now for:

Married persons.....	$2,000.	$1,500.
Single persons.....	$1,000.	$ 750.

Widow or widower with dependent child.

(ii) A widow or widower with a son or daughter under twenty-one years of age who is dependent upon such parent for support, or with a son or daughter twenty-one years of age or over who is dependent on account of mental or physical infirmity;

Person maintaining self-contained domestic establishment, and supporting a relative therein.

(iii) An individual who maintains a self-contained domestic establishment and who actually supports therein one or more individuals dependent upon him and connected with him by blood relationship, marriage or adoption;

Clergyman maintaining self-contained domestic establishment.

(iv) A minister or clergyman in charge of a diocese, congregation or parish, whose duties require him to maintain at his own and sole expense a self-contained domestic establishment and who employs therein on full time a housekeeper or servant.

Other persons.

(d) Seven hundred and fifty dollars in the case of all other persons except corporations, associations, or trustees or other like persons acting in a fiduciary capacity;"

12. Subsection one of section five of the said Act, as enacted by section four of chapter forty-one of the statutes of 1933, is amended by adding immediately after paragraph *(e)* thereof the following paragraph:

Children from U.K.

"*(ee)* four hundred dollars for each child maintained by the taxpayer in Canada under a co-operative scheme sponsored by the Governments of the United Kingdom and of Canada or any of the provinces of Canada for children brought from the United Kingdom under a government plan: provided that the tax reduction obtained as a result of such deduction shall not in any case exceed the amount of tax reduction which would be received by a married person without dependents in respect of an income of five thousand dollars;"

13. Paragraph *(k)* of subsection one of section five of the said Act, as enacted by section six of chapter forty-three of the statutes of 1932, is repealed and the following paragraph substituted therefor:

Annuity exemption.

"*(k)* The income arising from any annuity contract entered into prior to the twenty-fifth day of June, 1940, to the extent provided by section three of chapter twenty-four of the statutes of 1930 and section six of chapter forty-three of the statutes of 1932: provided that such exemption shall not extend to that portion of the income which exceeds the amount of the annuity actually specified in the contract before the twenty-fifth day of June 1940, where such excess amount arises by reason of any option or contractual right to enlarge the annuity income by the payment of additional sums or premiums, unless such additional sums or premiums have actually been paid before the said date;"

Proviso.

12. This provides tax relief for those who support children evacuated from Great Britain.

13. This preserves the exemptions afforded Dominion Government annuities and other like annuity contracts issued prior to June 25th, 1940, and any enlargements paid for prior to the said date. Life Annuity Contracts entered into after June 24th, 1940 or enlargements thereafter of previous contracts are taxable.

14. Subsection one of section five of the said Act is further amended by adding thereto the following paragraph:—

Excess profits tax allowance.

"*(o)* that portion of any excess profits taxes payable by any proprietor or partnership which the interest of the proprietor or partner in the income of the business bears to the total imcome of the business for corresponding periods."

15. Subsection two of section five of the said Act as enacted by section five of chapter forty-one of the statutes of 1933, is repealed, and the following subsection substituted therefor:—

Incomes of husband and wife.

"(2) Where a husband and wife have each a separate income in excess of seven hundred and fifty dollars, whether taxable or not, each shall receive an exemption of seven hundred and fifty dollars in lieu of the exemption set forth in paragraph *(c)* of the next preceding subsection."

16. Subsection one of section six of the said Act is amended by adding thereto the following paragraphs:—

Depreciation

"*(n)* depreciation, except such amount as the Minister in his discretion may allow, including such extra depreciation as the Minister in his discretion may allow in the case of plant and equipment built or acquired to fulfil orders for war purposes;

Provincial levies.

(o) any tax, license fee or other levy, or the amount represented by the increase in any tax, license fee or levy imposed, exacted or increased after the twenty-fourth day of June, 1940, by virtue of the authority contained in any provincial statute or order in council, save such amount as the Minister in his discretion may allow."

17. Subsection two of section six of the said Act, as enacted by section seven of chapter forty-one of the statutes of 1933, is repealed and the following subsection substituted therefor:—

Limitation of expenses.

"(2) The Minister may disallow any expense which he in his discretion may determine to be in excess of what is reasonable or normal for the business carried on by the taxpayer, or which was incurred in respect of any transaction or operation which in his opinion has unduly or artificially reduced the income."

18. Subsection one of section nine B, as enacted by section nine of chapter forty-one of the statutes of 1933, is repealed, and the following subsection substituted therefor:—

5% tax on residents of Canada.

"**9**B (1) In addition to any other tax imposed by this Act an income tax of five per centum is imposed on all persons resident in Canada, except municipalities, or municipal or public bodies which in the opinion of the Minister perform a function of Government, in respect of all interest

14. *(o)* Partners or proprietors get their proportionate part of the business excess profits tax as a deduction for personal income tax purposes.

16. *(n)* This paragraph is designed to prevent an equity holder from obtaining duplicate depreciation with respect to the same assets on the mere change of legal title, when the resultant equity holders after the transaction are substantially the same as before the transaction.

(o) This paragraph is to prevent the obtaining of an undue deduction from tax on account of any levy made under the authority of a provincial government.

17. This is to prevent excess charges, frequently made to closely connected parties.

18. This section is to prevent the avoidance of tax presently exigible under section 9 B (1) by basing the tax on the terms of the instrument itself and without regard to gale date payment arrangements.

and dividends paid by Canadian debtors directly or indirectly to such persons, which interest by the terms of the mortgage, deed, hypothec or other instrument under which the debt was contracted, or which dividends by the terms of issue, are payable in a currency which is at a premium in excess of five per centum in terms of Canadian funds."

19. Subsection four of section eleven of the said Act, as enacted by section eight of chapter fifty-five of the statutes of 1934, is repealed and the following subsection substituted therefor:—

Income capitalized.

"(4) *(a)* Income received by an estate or trust and capitalized shall be taxable in the hands of the executors or trustees, or other like persons acting in a fiduciary capacity.

Accrued earnings received after death.

(b) Income earned during the life of any person shall, when received after the death of such person by his executors, trustees or other like persons acting in a fiduciary capacity, be taxable in the hands of such fiduciary."

20. The said Act is further amended by inserting therein immediately after section twenty-one thereof, the following section:—

Dividends of family corporations taxable after 1942.

"**22.** The income of a family corporation shall, on distribution by way of dividend or otherwise after the thirty-first day of December, 1942, be taxable income in the hands of the shareholders."

21. Section twenty-five of the said Act is amended by adding thereto the following subsection:—

Withholding of 15% on account of non-residents taxed for services rendered in Canada.

"(2) Every person resident and carrying on business in Canada shall withhold and remit to the Receiver General of Canada an amount equal to fifteen per centum of the salary, fees, commissions, or other remuneration payable to any person residing outside of Canada in respect of services rendered by such person in Canada and such amount shall be applied as a credit against the tax subsequently found due upon the filing of the income tax return of such person."

22. Section twenty-seven of the said Act, as amended by section twelve of chapter forty-one of the statutes of 1933 and by section thirteen of chapter fifty-five of the statutes of 1934, is repealed as and from the twenty-fourth day of June, 1940 (subject, however, to the continued liability of the taxpayer for the filing of returns and payment of taxes under this Act in respect of income earned up to the said twenty-fourth day of June, 1940) and the following is substituted therefor:—

Tax on non-resident corporations 15%, all others 5%.

"**27.** (1) In addition to any other tax imposed by this Act, an income tax of fifteen per centum on non-resident corporations and of five per centum on non-resident persons other than corporations is imposed, without any exemption or deduction under the provisions of this Act, in

19. This section prevents income from being capitalized without first bearing income tax.

20. After ten years or more of opportunity by family corporation shareholders to distribute earnings tax-free, this section brings the opportunity to a close at the end of 1942.

21. The purpose of this section is to provide for the more effective taxation of non-resident transients with respect to services rendered by them in Canada.

22. This section replaces the $12\frac{1}{2}\%$ deduction at the source and the subsequent filing of annual tax returns for accounting purposes, with a straight deduction at the source from rents and royalties.

respect of the total amount of all royalties, rentals or similar payments for the use in Canada of patents or for anything used or sold in Canada.

Deduction by payor.

(2) Every person making any payment by any means whatsoever to a non-resident person on account of anything let, leased or used in Canada, or on account of royalties, rentals or similar payments for the use in Canada of patents or for anything used or sold in Canada, shall deduct from every such payment made to a non-resident corporation fifteen per centum thereof, and from every such payment made to a non-resident individual, five per centum thereof.

Remittance of amount deducted.

(3) The amount so deducted shall be remitted to the Receiver General of Canada at the same time as the payment is made to the non-resident person, and shall be accompanied by a statement in the form prescribed by the Minister: and the first remittance of any amounts so deducted as herein provided shall be made on the sixteenth day of September, 1940.

Duties of agents of non-residents.

(4) Whenever an agent of a non-resident person receives payment on account of anything mentioned in this section from which the deduction herein mentioned has not been made, such agent shall make such deduction before paying over to his principal and remit the amount thereof to the Receiver General of Canada.

Limitation.

(5) The provisions of this section shall not apply to any non-resident person whose income by way of royalties or rentals received from Canadian sources for anything used or sold in Canada, is subject to the five per centum tax imposed under paragraph *(e)* of subsection two of section nine B of this Act.

Certain agreements void.

(6) Every agreement for payment of royalties, rentals, or other similar payments, without deduction or withholding, as provided in this section shall be void for the purposes of this Act."

Repeal.

23. Section twenty-nine of the said Act is repealed.

24. Subsection one of section thirty-two A of the said Act, as enacted by section seven of chapter forty-eight of the statutes of 1938, is repealed and the following is substituted therefor:

Discretion given Treasury Board.

"**32A.** (1) Notwithstanding any of the provisions of this Act, the Treasury Board may in its discretion determine that any transaction has artificially reduced or would artificially reduce taxation and has no reasonable business purpose other than that of avoiding or minimizing taxation hereunder and that no deduction shall be allowed with respect to any expense or disbursement resulting therefrom and the Treasury Board may determine the extent to which taxation hereunder has been avoided, minimized or prejudiced thereby and there shall be assessed, levied

23. This section eliminates a non-operative section.

24. This section re-enacts more effectively a like existing section. The Act provides for an appeal from any Treasury Board decision to the Exchequer Court.

and paid by any taxpayer such tax as the Treasury Board may direct and such tax shall be payable as in this Act provided."

25. Subsection two of section thirty-five of the said Act, as enacted by section nine of chapter forty-three of the statutes of 1932, is repealed and the following subsection is substituted therefor:

Corporation returns.

"(2) Notwithstanding the provisions of section thirty-three of this Act, any corporation, the fiscal period of which does not coincide with the calendar year, shall make a return within four months from the close of its fiscal period, and the tax shall be computed as if the said fiscal period coincided with the calendar year within which the said fiscal period ends, and the provisions of the Act shall *mutatis mutandis* apply."

26. The said Act is further amended by adding thereto the following Part:—

"PART XV.

"National Defence Tax.

To whom applicable.

"**91.** (1) In addition to any other tax imposed by this Act, there shall be levied and paid upon the total amount of the income of every person described in paragraphs *(a)* to *(e)*, both inclusive, of subsection one of section nine of this Act a tax to be known as the National Defence Tax at the rate

Tax rates.

(a) in the case of a married person, of two per centum if the income exceeds $1 200 per year; and in the case of a husband and wife having each a separate income, of two per centum if the income of each is in excess of $600 per year;

(b) in the case of a single person, of two per centum if the income exceeds $600 per year and does not exceed $1,200 per year; or of three per centum if the income exceeds $1,200 per year;

(c) in the case of a widow or widower with a son or daughter under twenty-one years of age who is wholly dependent upon such parent for support, or with a son or daughter twenty-one years of age or over likewise so dependent on account of mental or physical infirmity, of two per centum if the income exceeds $1,200 per year;

(d) in the case of an individual who maintains a self-contained domestic establishment and who actually supports therein a person wholly dependent upon him and connected with him by blood relationship, marriage or adoption, of two per centum if the income exceeds $1,200 per year;

25. This section is exactly the same as the present section except that the words "fiscal period" are substituted for the words "fiscal year". This is occasioned because "fiscal period" is now for the first time defined, see section 7 hereof.

26. The National Defence Tax is applicable to residents of Canada and persons who earn income in Canada. It is payable on all income as in the Act defined by those who have an income

if single of over $600 or
if married of over $1,200.

The rate is 2 per cent on the total income once the income is over the said amounts except for single persons the rate on the total income is 3 per cent if over $1,200. The income taxed in 1940 is one-half the total income if the total income is over the said amounts for the year. There is a tax credit of $8.00 for each dependent.

Deduction at the source is provided for in the case of employers paying salaries and wages and corporations paying dividends and interest.

The deductions must be made from each payment if dividends and interest, but in the case of wages and salaries only if the rate of pay (if continued for twelve months) would exceed the said amounts for married or single persons.

Employees file a form showing their personal status and dependents. On this evidence the appropriate deduction is made by the employer. In the absence of this evidence deduction is made at the rates applicable to a single person.

Tax deduction remittances are made monthly to the Receiver General of Canada at the offices of the Inspectors of Income Tax.

All income not taxed at the source must be declared on or before the 30th of April in the usual manner.

(e) in the case of a minister or clergyman in charge of a diocese, congregation or parish, whose duties require him to maintain, at his own and sole expense, a self-contained domestic establishment, and who employs therein on full time a housekeeper or servant, of two per centum if the income exceeds $1,200 per year;

Proviso. Provided that there shall be allowed a tax credit of eight dollars in any one year for each child or grand child, brother or sister of the taxpayer under twenty-one years of age and resident in Canada wholly dependent upon him, and for each child or grandchild, brother or sister twenty-one years of age or over, and parent or grandparent of the taxpayer wholly dependent upon him on account of mental or physical infirmity and resident in Canada, except one such dependent on whose account the taxpayer is entitled to have the tax calculated as provided in paragraphs *(c)* or *(d)* of this subsection.

Tax not to reduce basic income. (2) If the tax exigible under the provisions of this section shall cause the income of the taxpayer to be reduced below the amounts of $600 and $1,200 as specified in sub-section one hereof, then to the extent that it would so reduce the income of the taxpayer such tax shall not be payable.

Extra tax. (3) Taxes imposed by this section which have not been deducted at the source, shall be increased by the following amounts which shall be imposed and collected with the tax:

If the tax is not less than $ 25.00 but not more than $100.00, by $ 1.00.
If the tax is not less than $100.00 but not more than $200.00, by $ 3.00.
If the tax is not less than $200.00 but not more than $300.00, by $ 6.00.
If the tax is not less than $300.00 but not more than $400.00, by $ 9.00.
If the tax is not less than $400.00 but not more than $500.00, by $12.00.
If the tax is not less than $500.00 but not more than $600.00, by $15.00.
If the tax is not less than $600.00 but not more than $700.00, by $18.00.
If the tax is not less than $700.00 or over, by $21.00.

Persons not liable. (4) Income of the following persons shall not be liable to tax under this section:—

(a) incorporated companies;

(b) persons and institutions mentioned in paragraphs *(a)* to *(i)*, both inclusive, and in paragraphs *(p)* and *(q)* of section four of this Act;

(c) municipalities or municipal or public bodies which in the opinion of the Minister perform a function of Government;

(d) the service pay and allowances of,—

(i) warrant officers, non-commissioned officers and men of the Canadian Naval, Military and Air Forces while in the Canadian Active Service Forces, and

(ii) commissioned officers of the said forces while on active service beyond Canada, or on active service in

Canada whose duties are of such a character as are required normally to be performed afloat or in aircraft.

Deduction by employer.

(5) Every employer at the time of payment of earnings to an employee shall deduct and collect the tax imposed on the employee under this section in respect of earnings of the employee earned and accruing due during and after July 1940 for each period covered by the payments, if the rate of pay of the employee is such that if continued for twelve months would cause the annual earnings of the employee to be in excess of the relevant amount mentioned in subsection one hereof.

Remittance by employer.

(6) Every employer shall, on or before the fifteenth day of the month next following that in which the earnings were due, pay to the Receiver General of Canada the full amount of the taxes so deducted, the first remittance to be made on the sixteenth day of September, 1940.

Deduction from interest and dividends.

(7) An incorporated company paying interest on bonds or other like obligations registered as to interest or paying dividends, irrespective of the amount, to persons on record in its office or that of its agent, shall deduct and collect an amount of two per centum from each and every payment made to residents of Canada and declared and paid in the case of dividends and paid in the case of interest, after the 24th day of June, 1940.

Remittance by corporation.

(8) Each incorporated company referred to in subsection seven hereof shall remit the amounts collected to the Receiver General of Canada, on or before the fifteenth day of the month immediately following the date of payment of the interest or dividends, the first remittance to be made on the sixteenth day of September, 1940.

Returns.

(9) Every person required to make deductions under this section shall make a return at such time and in such form as the Minister may prescribe showing all deductions made.

Persons deemed trustees.

(10) Every person deducting any amount under this Act shall de deemed to hold the same in trust for the Receiver General of Canada.

Legal immunity.

(11) No one shall have any right of action against an employer or incorporated company in respect of any moneys deducted as a tax and paid over to the Receiver General of Canada in compliance with or intended compliance with this section.

Forms and returns required.

(12) Every employee who comes within one of the classes described in paragraphs *(a)*, *(c)* and *(d)* of subsection one of this section shall be required to complete such form as the Minister may prescribe as to personal status and dependents and shall file the form with his employer;

Provided that a like form shall be so filed in each case where the facts as given in the form last filed are changed by altered status or by a change in the number of dependents.

If tax not fully paid by deduction.

(13) Every person liable to taxation under this section whose tax hereunder has not been fully paid by deduction at the source, shall, on or before the thirtieth day of April in each year without any notice or demand, deliver to the Minister a return in such form as the Minister may prescribe, of his total income during the last preceding year, and shall pay any tax due at such times and in such manner as in this Act provided.

Offences and penalties.

(14) Every person failing to deduct or remit or to deduct and remit the tax due pursuant to the provisions of this section at the time prescribed therefor shall be liable to a penalty equal to the amount of tax which should have been deducted and remitted, but the penalty shall not exceed five undred dollars.

Failure to file form.

(15) Every employee failing to file the prescribed form with his employer pursuant to the provisions of subsection twelve hereof shall have the tax deducted at the source at the rates applicable to an unmarried person, and without regard to the tax credits to which he would otherwise have been entitled in respect of persons dependent upon him for support.

"Employee".

(16) "Employee" shall for the purposes of this section include any person who receives as income any salary, wage, remuneration, compensation, hire, emolument, stipend, perquisite, or any similar payment or any indemnity, pension or director's fee, howsoever paid for any services, functions or duties rendered or performed in Canada

"Employer".

(17) "Employer" shall for the purposes of this section include any person who makes any payment of the descriptions referred to in subsection sixteen of this section.

Records to be kept.

(18) Every person required to deduct the tax hereby imposed from any payment made by him, shall keep an accurate record of all persons to whom any such payments are made, showing their names, residential addresses, the dates and the amounts of such payments and such other information as the Minister may require.

Refunds.

(19) The Minister may make a refund to the taxpayer of any amount collected under this section which was not exigible or which the Minister is reasonably satisfied was not exigible under this section, provided the taxpayer applies in writing for such refund within twelve months from the close of the calendar year in which the amount was collected.

Deductions.

(20) Income (except salary or other fixed payments referred to in subsection sixteen hereof) shall for the purposes of this section be subject to the deductions provided by paragraphs *(a)*, *(b)*, *(f)*, *(k)* and *(l)* of subsection one of section five and to the provisions of section six of this Act.

Exemptions.

(21) Save as provided in subsection twenty of this section, income shall be taxed under this section without exemptions, deductions, allowances or credits, and without deductions of contributions by civil servants referred to in section thirteen of the *Civil Service Superannuation Act*, chapter twenty-four of the Revised Statutes of Canada, 1927.

Time for making deductions, etc., may be varied.

(22) The time for making deductions and remittances as provided for in this section may be varied by regulations made hereunder.

Sections applicable to 1940 period and subsequent periods.

27. (1) Sections one, two, three, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-four and twenty-five of this Act shall be applicable to the 1940 taxation period and fiscal periods ending therein and to all subsequent periods.

Sections coming into effect on 25th June, 1940.

(2) Sections eighteen, twenty-one and twenty-two of this Act shall be deemed to have come into effect on the twenty-fifth day of June, 1940 and shall be applicable to all payments on or after the said date.

Section 26 applicable to income of 1940 and subsequent years.

(3) Section twenty-six of this Act shall be applicable to the income of the year 1940, and to all subsequent years except that in respect of the year 1940 the tax shall be imposed on one-half only of the income if the income for the whole year exceeds the relevant amount specified in subsection one of section ninety-one, as enacted by the said section twenty-six.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 103.

An Act to amend the Special War Revenue Act.

First reading, July 18, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5550 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 103.

An Act to amend the Special War Revenue Act.

R.S., c. 179; 1928, c. 50; 1929, c. 57; 1930, c. 43; 1931, c. 54; 1932, c. 54; 1932-33, c. 50; 1934, c. 42. 1935, c. 33; 1936, c. 45; 1937, c. 41. 1938, c. 52; 1939, (1st Sess.) c. 52; 1939, (2nd Sess.) c. 8.

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

1. Section seventy-six of the *Special War Revenue Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, as amended by section eleven of chapter fifty of the statutes of 1932-33 and further amended by section one of chapter fifty-two of the statutes of 1939 (1st session), is repealed and the following substituted therefor:—

Tax on matches.

"**76.** (1) Except as hereinafter provided, every manufacturer and every importer of matches shall affix to every package of matches manufactured by him or imported into Canada, an adhesive or other stamp of the value of one cent for each one hundred matches or fraction of one hundred matches contained in such package.

Tax on matches in small packages.

(2) When matches are put up in packages containing not more than fifty matches and not less than thirty-one matches each, the tax shall be payable at the rate of one-half of one cent for each package, and when matches are put up in packages containing not more than thirty and not less than twenty-six matches each, the tax shall be payable at the rate of three-tenths of one cent for each package, and when matches are put up in packages containing not more than twenty-five and not less than twenty-one matches each, the tax shall be payable at the rate of one-fourth of one cent for each package, and when matches are put up in packages containing less than twenty-one matches each, the tax shall be payable at the rate of one-fifth of one cent per package.

Must be in packages.

(3) No manufacturer or importer shall sell or import matches unless they are in packages."

Explanatory Notes

1. The object of the amendment is to provide for an uniform increase of one-third of the rate already in existence, (see P.C. 128-1405 of the 9th June, 1939), and to give effect to the Budget Resolutions of June twenty-fourth. The former rates in existence were as follows:—

"100 matches, or fraction of 100 matches	3/4 c.
Not more than 50, nor less than 31	3/8 c.
Not more than 30, nor less than 26	9/40 c.
Not more than 25, nor less than 21	3/16 c.
Less than 21	3/20 c."

For instance in subsection one the underlined words "one cent" are substituted for the words "three-fourths of one cent".

2. Subsection one of section seventy-seven A of the said Act, as enacted by section twelve of chapter fifty of the statutes of 1932-33, is repealed and the following substituted therefor:—

Excise tax on cigarette papers.

"**77**A. (1) Except as hereinafter provided, every manufacturer and every importer of cigarette papers in packets shall affix to every packet of cigarette papers manufactured by him or imported into Canada, an excise stamp of the value of five cents for each one hundred leaves or fraction of one hundred leaves contained in such packet."

3. Subsection two of section seventy-seven A of the said Act, as enacted by section three of chapter forty-five of the statutes of 1936, is repealed and the following substituted therefor:—

Excise tax on cigarette paper tubes made in or imported into Canada.

"(2) Except as hereinafter provided, every manufacturer and every importer of cigarette paper tubes shall affix to every package of cigarette paper tubes manufactured by him or imported by him into Canada, an excise stamp of the value of five cents for each one hundred cigarette paper tubes or fraction of one hundred cigarette paper tubes contained in each such package."

4. The said Act is amended by adding thereto, immediately after section seventy-eight, the following as section seventy-eight A:—

Annual licence.

"**78**A. Every manufacturer or producer shall take out an annual licence, for the purpose of this Part, and the Minister may prescribe a fee therefor, not exceeding two dollars."

5. Subsection one of section eighty of the said Act is repealed and the following is substituted therefor:—

Tax on various articles at schedule rates.

"**80.** (1) Whenever goods mentioned in Schedules I and II of this Act are imported into Canada or taken out of warehouse, or manufactured or produced in Canada and delivered to a purchaser thereof, there shall be imposed, levied and collected, in addition to any other duty or tax that may be payable under this Act or any other statute or law, an excise tax in respect of goods mentioned

(a) in Schedule I, at the rate set opposite to each item in the said Schedule computed on the duty paid value or the sale price, as the case may be;

(b) in Schedule II, at the rate set opposite to each item in the said Schedule."

2. This amendment constitutes an increase in the tax on cigarette papers from two cents to five cents for each 100 leaves or fraction thereof, in accordance with the Budget Resolutions of June twenty-fourth.

3. This constitutes an increase in the tax on cigarette paper tubes from two cents to five cents per hundred or fraction thereof.

4. The object of the amendment is to license every manufacturer or producer of matches as well as every manufacturer or producer of cigarette papers and cigarette paper tubes with the object of controlling the tax on the above commodities manufactured in Canada as well as to grant the manufacturer or producer thereof the privileges and immunities provided for by the Act.

5. The object of the amendment is to make the tax payable at the time of delivery of goods mentioned in Schedules I and II of the *Special War Revenue Act* instead of at the time of sale. The section to be repealed at present reads as follows:—

(The words underlined on the opposite pages are substituted for those in italics below, which are deleted)

"**80.** 1. Whenever goods mentioned in Schedules I and II of this Act are imported into Canada or taken out of warehouse, or manufactured or produced in Canada and *sold*, there shall be imposed, levied and collected, in addition to any other duty or tax that may be payable under this Act or any other statute or law, an excise tax in respect of goods mentioned

(a) in Schedule I, at the rate set opposite to each item in the said schedule computed on the duty paid value or the sale price, as the case may be;

(b) in Schedule II, at the rate set opposite to each item in the said schedule."

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

By whom and when tax is payable.

"(2) Where the goods are imported, such excise tax shall be paid by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption, and where the goods are manufactured or produced and sold in Canada, such excise tax shall be paid by the manufacturer or producer at the time of delivery of such goods to the purchaser thereof.

Proviso.

New and unused automobiles.

Provided that in the case of every new and unused automobile in the possession of an automobile dealer on the twenty-fifth day of June, one thousand nine hundred and forty there shall be imposed, levied and collected an excise tax of ten per cent. based, in the case of an imported automobile, on the duty paid value and, in the case of an automobile manufactured in Canada, on the sale price of the manufacturer to the dealer payable at the time of the delivery by such dealer of such new and unused automobile to a purchaser: And provided further that the Minister shall have power to define for the purpose of this section what constituted a new and unused automobile: And provided further that a refund or deduction may be granted to an automobile dealer liable to pay excise tax under this provision in respect of an automobile, of the amount of excise tax previously paid in respect of such automobile under the provisions of this Part."

7. Subsection four of section eighty of the said Act, as enacted by section two of chapter fifty of the statutes of 1928, is repealed and the following substituted therefor:—

Goods for use of manufacturer or producer not for sale liable to tax.

"(4) When goods of any class mentioned in Schedule I are manufactured or produced in Canada and are for use by the manufacturer or producer thereof and not for sale, such goods shall, for the purposes of this Part, be deemed to have been delivered to a purchaser thereof, and the delivery shall be deemed to have taken place when the goods are used or appropriated for use. The Minister may determine the value of the said goods for the tax."

8. Subsection five of section eighty of the said Act, as enacted by section fourteen of chapter fifty of the statutes of 1932-33, is repealed and the following substituted therefor:—

Remission of tax when goods are imported by sugar refiners.

"(5) Notwithstanding anything contained in the four preceding subsections, the tax thereby imposed upon sugar, syrup, and substitutes therefor as enumerated in Schedule II to this Act shall not be payable when such materials are

6. The object of the amendment is to more specifically define the time of payment of the excise tax. The subsection to be repealed at present reads as follows:—

"2. Where the goods are imported, such excise tax shall be paid by the importer, and where the goods are manufactured or produced and sold in Canada, such excise tax shall be paid by the manufacturer or producer."

The object of the proviso is to impose and levy upon automobile dealers the excise tax on automobiles adapted or adaptable for passenger use in accordance with the Budget Resolutions of June twenty-fourth. The Act at present imposes this tax on manufacturers and importers only.

7. This amendment is similar to that of section five of the present Act, the purpose of which is to make the tax payable at the time of delivery instead of at the time of sale. The subsection to be repealed at present reads as follows:—

(The words underlined on the opposite page are substituted for those in italics below, which are deleted.)

"4. When goods of any class, mentioned in Schedule I are manufactured or produced in Canada and are for use by the manufacturer or producer thereof and not for sale, such goods shall, for the purposes of this Part, be deemed to have been *sold,* and the *sale* shall be deemed to have taken place when the goods are used or appropriated for use. The Minister may determine the value of the said goods for the tax."

8. This amendment is similar to that of section five of the present Act, the purpose of which is to make the tax payable at the time of delivery instead of at the time of sale. The section to be repealed at present reads as follows:—

imported or bought in bond in Canada by recognized sugar refiners for further manufacture but shall be payable whenever any such materials are delivered to a purchaser thereof by such refiners, whether such materials have been further manufactured or not."

9. Section eighty of the said Act is further amended by adding thereto the following subsection, as subsection eight thereof:—

"Automobile dealer" defined.

"(8) In this section the expression "automobile dealer" shall include an automobile manufacturer, wholesaler or distributor who had in his possession on the twenty-fifth day of June, one thousand nine hundred and forty, any automobile purchased or imported prior to that date."

10. Subsection four of section eighty-six of the said Act, as enacted by section two of chapter forty-one of the statutes of 1937, is repealed and the following substituted therefor:—

Tax on furs dressed or dyed.

"(4) *(a)* There shall be imposed, levied and collected a consumption or sales tax of twelve per cent. upon the current market value of all furs dressed and/or dyed in Canada, payable by the dresser or dyer at the time of delivery by him.

(b) Every person liable for taxes under this subsection shall, in addition to the returns required by subsection one of section one hundred and six of this Act, file each day a true return of the total taxable value and the amount of tax due by him on his deliveries of dressed and/or dyed furs for the last preceding business day, under such regulations as may be prescribed by the Minister.

(c) The said return shall be filed and the tax paid not later than the first business day following that on which the deliveries were made.

(d) The Minister may make regulations for the purpose of determining what constitutes the current market value of furs, and the tax shall be computed upon the value so determined. Such regulations shall be binding upon the owner of the furs as well as upon the dresser or dyer."

(The words underlined on the opposite page are substituted for those in italics below, which are deleted.)

"5. Notwithstanding anything contained in the four preceding subsections, the tax thereby imposed upon sugar, syrup, and substitutes therefor as enumerated in Schedule II to this Act shall not be payable when such materials are imported or bought in bond in Canada by recognized sugar refiners for further manufacture but shall be payable whenever any such materials are *sold* by such refiners, whether such materials have been further manufactured or not."

9. This section is new and its object is to define the expression "automobile dealer" mentioned in section six of the present Act. The definition is extended to include any automobile manufacturer, wholesaler or distributor.

10. The object of the amendment is to increase the tax from eight per cent. tc twelve per cent. upon the current market value of all furs dressed and/or dyed in Canada and to give effect to the Budget Resolutions of June twenty-fourth.

Paragraphs *(b)* and *(c)* are new; there is no change in paragraph *(d)*.

11. The said Act is further amended by adding immediately after section eighty-eight thereof, the following section as section eighty-eight A.:—

War exchange tax.

"**88A.** (1) In addition to any duty or tax that may be payable under this Act, or any other statute, there shall be imposed, levied and collected a war exchange tax of ten per cent. on the value for duty of all goods imported into Canada, payable by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption.

Exceptions.

(2) The tax imposed by this section shall not apply to any goods imported into Canada,—

(a) which are entitled to entry under the British preferential tariff, or under trade agreements between Canada and other British countries;

(b) which are entitled to entry under Customs Tariff items 360, 460, 690, 690a, 696a, 700, 700a, 701, 702, 703a, 704, 705, 705a, 706, 707, 708, 709, or to fish caught by fishermen in vessels registered in Canada or owned by any person domiciled in Canada and the products thereof carried from the fisheries in such vessels:

Governor in Council may impose penalties if price unduly increased.

(3) No person shall take advantage of the tax imposed by this section to increase the price of goods by an amount greater than is justified by any increase in cost properly arising from such tax or to maintain prices at levels higher than are so justified and, where the Wartime Prices and Trade Board reports to the Governor in Council that, in its opinion, any person has so taken advantage, the Governor in Council may, upon the recommendation of the said Board, for such period of time as he may determine, impose upon all or any of the goods produced, sold or dealt in by such person an excise tax at a rate not to exceed ten per cent. of the selling price of such goods, remove or reduce customs duties applicable thereto, fix the prices thereof and take or authorize the said Board to take such other measures under the Wartime Prices and Trade Board Regulations as the said Board may recommend; and, for the purpose of investigation and any recommendation by the said Board and for the purpose of preventing any aforesaid advantage from being taken by any person, the said Board shall have in respect of any aforesaid person and goods the powers conferred on it from time to time by the said Regulations as if such goods were necessaries of life as therein defined, and the taking of any such advantage shall be deemed to be an offence against this Act and the said Regulations, and the penalties prescribed in said Regulations shall extend and apply thereto."

11. This section is new, it imposes an exchange tax of ten per centum on the value for duty purposes of all imports (except those specified in subsection 2), free or dutiable, from non-Empire countries. As the purpose of the tax is primarily to conserve exchange, power is taken to prevent unjustifiable increases in prices resulting from the tax. It will be the duty of the Wartime Prices and Trade Board to report to the Governor in Council unjustifiable increases in price of any goods and to recommend the measures which should be taken.

12. Subsection three of section eighty-nine of the said Act, as enacted by section six of chapter forty-five of the statutes of 1936, is repealed and the following substituted therefor:—

Further articles exempted.

"(3) Except as hereinafter otherwise provided, the taxes imposed by Parts X to XIII, inclusive, of this Act shall not apply to goods imported under Customs Tariff item 703.

Proviso.

Provided that the war exchange tax imposed by section eighty-eight A of this Act shall apply to goods imported under Customs Tariff item 703(*b*)."

13. Subsection three of section one hundred and eleven of the said Act, as enacted by section five of chapter fifty-two of the statutes of 1938, is repealed and the following substituted therefor:—

Personal liability where offence by incorporated company.

"(3) Where an incorporated company has been convicted of any offence against this Act, every officer, director or agent of the company who has directed, authorized, condoned or participated in the commission of the offence, shall be liable to the like penalties as such company and as if he had committed the like offence personally, and he shall be so liable cumulatively with the company and with such officers, directors or agents of the company as may likewise be liable hereunder."

14. Section one hundred and eleven of the said Act is further amended by adding thereto as subsection four, the following subsection:—

Amount may be applied on account of the tax.

"(4) Notwithstanding anything contained in this Act or any other Act the Minister may, as regards any penalty imposed upon conviction of any person for violation of the provisions of subsection one or subsection three of this section and in course of law recovered, direct that the amount of such penalty or any portion of the amount be applied on account of the tax in respect of which the conviction was made."

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

Records, books and accounts to be open to inspection by officers.

"**112.** (1) Every person liable for taxes under Parts XI, XII and XIII of this Act, shall, until notified in writing by the Minister that he need no longer do so, retain and keep his records, books, accounts and vouchers which shall be open at all reasonable hours to the inspection of the officers

12. The object of this amendment is to impose the war exchange tax provided for in section ten of this Act upon all goods mentioned in Customs Tariff item 703 *(b)* which deals with goods valued at not more than one hundred dollars included in the baggage accompanying residents of Canada returning from abroad.

13. The present subsection three of section one hundred and eleven reads as follows:—

(The words underlined on the opposite page are substituted for those in italics below, which are deleted.)

"3. *Where any offence against this Act has been committed by an incorporated company* every officer, director or agent of the company who directs, authorizes, condones, or participates in the commission of the offence, shall be liable to the like penalties as such company and as if he had committed the like offence personally, and he shall be so liable cumulatively with the company and with such officers, directors or agents of the company as may likewise be liable hereunder."

The object of the amendment is to simplify the mode of proof that an offence has been committed by an incorporated company in proceedings subsequently taken against the persons referred to in the subsection.

14. This subsection is new, as a matter of practice extending over several years applications of penalties have been made on account of taxes. Doubts have been expressed as to the legal authority for such practice and this subsection gives the authority to permit such practice being carried out and continued beyond any doubt.

15. Subsection one of section one hundred and twelve at present reads as follows:—

"**112.** 1. The records, books, accounts and vouchers of all manufacturers, producers, wholesalers and jobbers and of importers and dealers which are required to be kept under the provisions of Parts XI, XII and XIII shall be open at all reasonable hours to the inspection of the officers or other persons authorized by the Minister to inspect the same."

or other persons authorized by the Minister to inspect the same, and where it appears to any such officer or other authorized person during the course of an audit or inspection that there has been a violation of the provisions of this section, such officer or other authorized person may seize, take away and retain and hold the said records, books, accounts and vouchers until same are produced in any court proceedings."

16. Section one hundred and twelve of the said Act, as amended by section twenty-three of chapter fifty of the statutes of 1932-33, is further amended by adding thereto as subsection four, the following subsection:—

Amount may be applied on account of sales or other tax.

"(4) Notwithstanding anything contained in this Act or in any other Act the Minister may, as regards any penalty imposed upon conviction of any person for violation of the provisions of subsection three of this section and in course of law recovered, direct that the amount of any such penalty or any portion of the amount be applied on account of the sales tax or other tax relating to which the conviction was made and whether such sales tax or other tax was payable by the person convicted or by any other person, firm or corporation with whom such convicted person was associated."

17. Subsection three of section one hundred and thirteen of the said Act is repealed and the following substituted therefor:—

Assessment where no adequate records kept.

"(3) Every person who in the opinion of the Minister has failed to maintain adequate records of account for the purpose of this Act may, notwithstanding the returns filed by such person, be assessed by the Minister the taxes payable under this Act and the taxes so assessed shall be deemed to have been payable as prescribed by section one hundred and six of this Act."

There are no specific requirements in Parts XI, XII or XIII of the Act for records, books, accounts and vouchers being kept and the object of the subsection as amended is to give proper effect to the original legislative intention of the subsection sought to be repealed. No lawful authority exists at the present time for the removal and retention of books and records when there appears to have been a prima facie violation of the provisions of the section of the Act which deals with penalties for tampering with books, accounts, etc., with the intention of evading payment of sales tax.

The object of this new section is, where there exists a *prima facie* case of an offence against the section having been committed, to provide for and permit the removal and retention of the books and records, etc., in order to prevent destruction thereof or any tampering therewith, until the offence is dealt with in Court.

16. This subsection is new, as a matter of practice extending over several years applications of penalties have been made on account of taxes. Doubts have been expressed as to the legal authority for such practice and this subsection gives the authority to permit such practice being carried out and continued beyond any doubt.

17. Subsection three of section one hundred and thirteen at present reads as follows:—

"3. Every person who in the opinion of the Minister has failed to maintain adequate records of account for the purposes of this Act, may be assessed notwithstanding the returns filed under this Act by such person and the taxes so assessed shall be deemed to have been payable as prescribed by section one hundred and six of this Act."

The object of the amendment is to clarify the wording of the existing section by definitely enacting that the Minister is the authority who does make the assessment.

18. Section one hundred and twenty of the said Act, as enacted by section fifteen of chapter forty-two of the statutes of 1934, is repealed and the following substituted therefor:—

Time limited for prosecution.

"**120.** Prosecutions or suits for the recovery or enforcement of any of the penalties imposed by this Act may be made or commenced at any time within three years after the offence was committed or the cause of prosecution or suit arose, but not afterwards: Provided, however, that where false or fraudulent acts, whether of omission or commission, are involved in any offence committed or in any cause of prosecution or suit, the prosecution or suit may be commenced at any time within the said period of three years or within six months after the Minister or the Commissioner of Excise has knowledge or notice of such false or fraudulent acts, whichever be the longer period, but not afterwards."

Proviso.

19. The said Act is further amended by adding thereto, immediately after section one hundred and twenty D, the following section as section one hundred and twenty E:—

Penalty or punishment not to be less than the minimum prescribed.

"**120E.** Notwithstanding the provisions of the *Criminal Code* or any other statute or law, the court shall, in any prosecution, suit or proceeding under this Act, have no power to impose less than the minimum penalty or punishment prescribed by this Act and the court shall have no power to suspend sentence."

Schedule I amended.

20. Schedule I of the said Act, as amended by section twenty-six of chapter fifty of the statutes of 1932-33, by section six of chapter thirty-three of the statutes of 1935 and by section fourteen of chapter forty-five of the statutes of 1936, is further amended by repealing paragraph one thereof and substituting the following:—

Automobiles.

"1. *(a)* Automobiles adapted or adaptable for passenger use, with seating capacity for not more than ten persons each, valued at

$700 or less	10%.
Over $700 but not more than $900	10% on $700 plus 20% on the amount in excess of $700.

18. Many cases arise where owing to false and fraudulent means used by defaulting taxpayers, upon whom is placed the responsibility of making true and accurate returns to the Crown, large amounts extending several years beyond the three year period prescribed by the section as it at present reads, are involved. In consequence such defaulting taxpayers using the methods referred to are immune from the monetary penalties, based in many cases upon the amount due to the Crown, for amounts without the three year period.

The object of the amendment to this section is to make such defaulting taxpayers liable to the full monetary penalties provided action is taken within six months from the time of discovery of the offence.

19. The object of this new section is to obtain uniformity of penalty or punishment for offences against the revenue laws based upon this Act by ensuring that the minimum penalties or punishments prescribed by the Act itself are not lessened by the exercise of any judicial discretion believed, in some cases, to be vested in the tribunal convicting.

The wording of this section is similar to section 282 of the *Customs Act* and section 119 of the *Excise Act*, which are also administered by the same department.

20, 21, 22, 23, 24 and **25.** Schedules I, II and III are amended to give effect to the Budget Resolutions of June twenty-fourth.

Over $900 but not more than $1,200. 10% on $700 plus 20% on $200 plus 40% on the amount in excess of $900.

Over $1,200 ..... 10% on $700 plus 20% on $200 plus 40% on $300 plus 80% on the amount in excess of $1,200.

(b) Automobiles adapted or adaptable for passenger use with seating capacity for more than ten persons. 5%

Provided that the tax collected under paragraph *(b)* above shall in no case exceed $250 per automobile;

Provided further that the tax on automobiles shall apply on the total price charged for such automobiles, which price shall include all charges for accessories, optional equipment, servicing, financing, warranty or any other charge contracted for at time of sale, whether charged for separately or not, but not to include heaters or radios;

Provided further, that the tax on automobiles shall apply to any such vehicles in transit to dealers or others;

Provided further, that the tax shall not apply to automobiles imported:—

(i) Under Customs Tariff items 702, 706, 707 and 708;

(ii) By a *bona fide* settler on a first arrival;

(iii) By a beneficiary resident in Canada, under the terms of a will of a person dying in a foreign country."

Schedule I further amended.

21. Schedule I of the said Act is further amended by adding at the end thereof as paragraph five, the following paragraph:—

Cameras, etc.

"5. Cameras, Phonographs, Radio broadcast receiving sets and Tubes therefor ..... ten per cent."

Schedule II amended.

22. Schedule II of the said Act as enacted by section six of chapter fifty-two of the statutes of 1938 and amended by section three of chapter eight of the statutes of 1939 (2nd session), is further amended by repealing paragraph one thereof and substituting therefor the following paragraph:—

Cigars.

"1. Cigars:—

(a) valued at not more than forty dollars per thousand, per thousand ..... one dollar;

(b) valued at more than forty dollars per thousand and not more than one hundred and ten dollars per thousand, per thousand ..... six dollars;

(c) valued at more than one hundred and ten dollars per thousand and not more than one hundred and fifty dollars per thousand, per thousand...fourteen dollars;

(d) valued at more than one hundred and fifty dollars per thousand and not more than two hundred dollars per thousand, per thousand.....twenty dollars;

(e) valued at more than two hundred dollars per thousand, per thousand.....thirty-two dollars.

Provided that the value on imported cigars shall be the duty paid value as defined in section seventy-nine of this Act; the value on cigars manufactured in Canada shall include the amount of excise duty payable thereon."

Schedule II further amended.

23. Schedule II of the said Act is further amended by repealing paragraph three thereof and substituting therefor the following paragraph:—

Tires and tubes.

"3. Tires and tubes:—

(a) Tires in whole or in part of rubber for automotive vehicles of all kinds, including trailers or other wheeled attachments used in connection with any of the said vehicles.....five cents per pound;

(b) Inner Tubes for use in any such tires.....five cents per pound;

Provided the tax hereby imposed shall not apply to the goods mentioned herein when used exclusively for the original equipment of such automotive vehicles."

Schedule II further amended.

24. Schedule II of the said Act is further amended by repealing paragraph four thereof and substituting therefor the following paragraph:—

Carbonic acid gas.

"4. Carbonic acid gas and similar preparations to be used for aerating non-alcoholic beverages..five cents per pound."

Schedule III amended.

25. Schedule III of the said Act, as enacted by section seven of chapter fifty-two of the statutes of 1938 and amended by section four of chapter fifty-two of the statutes of 1939 (1st session), and by section four of chapter eight of the statutes of 1939 (2nd session), is further amended by striking out under the heading of "Farm and Forest", in the eighth and ninth lines following such heading the words:—

Farm produce.

"farm produce sold by the individual farmer of his own production,"

and substituting therefor the following:—

"farm produce sold by the individual farmer of his own production, not to include canned fruits or vegetables when produced in excess of ten thousand cans of one pound each or their equivalent, per annum, nor flowers, flowering plants or bulbs, when the sales thereof exceed five hundred dollars per annum."

Schedule III further amended.

26. Schedule III of the said Act is further amended by adding immediately after Customs Tariff item 704 the following Customs Tariff item 708:—

"708. Arms, military stores, munitions of war, and other articles the property of the government of the United Kingdom, and to remain the property of such government; articles consigned direct to officers and men of His Majesty's Imperial navy, for their own personal use or consumption, on board their own ships."

Arms, etc.

Coming into force.

27. This Act shall be deemed to have come into force on the twenty-fifth day of June, one thousand nine hundred and forty, and to have applied to all goods mentioned therein, imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for which no entry for consumption was made before that date.

26. This exemption has already been authorized by P.C. 26-1045 of the 19th day of March of this year, passed under the *War Measures Act*.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 104.

The Excess Profits Tax Act, 1940.

First reading, July 18, 1940.

The MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5293 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 104.

The Excess Profits Tax Act, 1940.

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 Excess Profits Tax Act, 1940.*

INTERPRETATION.

Definitions.

2. (1) In this Act and in any regulations made under this Act, unless the context otherwise requires, the expression,—

"Board of Referees".

(a) "Board of Referees" means the Board appointed under and by virtue of section thirteen of this Act;

"capital."

(b) "capital" means capital as computed in accordance with the First Schedule to this Act;

"excess profits."

(c) "excess profits" means that portion of the profits of the taxpayer in excess of the standard profits;

"fiscal period."

(d) "fiscal period" means the period for which the accounts of the business of the taxpayer have been or are ordinarily made up and accepted for purposes of assessment under the *Income War Tax Act*, and in the absence of such an established practice the fiscal period shall be that which the taxpayer adopts: Provided, however,—

R.S., c. 97.

(i) that such fiscal period shall not in any case exceed a period of twelve months; and

(ii) that if a taxpayer purports to change his or its usual and accepted fiscal period the Minister may in his discretion disallow such change if he is satisfied that the said taxpayer is thereby avoiding or minimizing taxation under this Act;

"person."

(e) "person" includes any body corporate and politic and any partnership, association or other body, and the heirs, executors, administrators and curators or

Explanatory Note.

Under this Bill a tax of seventy-five per centum is levied upon the annual excess profits derived from carrying on business in Canada. As an alternative, a minimum tax of twelve per centum is levied upon the total annual profits. The larger of the two taxes is to be paid.

Excess profits are the difference between the profits of the taxation year and the profits of the standard period being the four years 1936, 1937, 1938 and 1939, or fiscal periods ending therein.

Provision is made for adjustment of the standard profits by the Minister to have regard to changes in the length of fiscal periods, to have regard to increases or decreases in the capital employed in the business, or in the case of gold mines and oil wells, to have regard to increases or decreases in the volume of production.

Provision is also made for the ascertainment of standard profits by a Board of Referees in cases of new businesses or businesses depressed during the standard period.

Exemption is given to professional activities, small businesses with profits less than $5,000.00 before salary or other payments to proprietors, personal corporations, Non-Resident-Owned Investment Corporations and various institutions not taxable under the *Income War Tax Act.*

The determination of profits for this Act is upon the same principles as under the *Income War Tax Act*, but certain deductions are allowed under this Act which are not allowed under the *Income War Tax Act.* For instance, in the case of corporations a special deduction is allowed for that portion of the income tax which is payable upon the excess profits, and a special deduction is allowed for such reasonable provision as the Minister may allow as a reserve against future depreciation in inventory values. In the case of taxpayers other than corporations the excess profits tax is first imposed upon the profits and then the excess profits tax is to be allowed as a deduction for purposes of assessing the income tax. Consequently the deductions allowed to such taxpayers under the *Excess Profits Tax Act* include the ordinary business expenses such as depreciation, depletion, expenses laid out to earn income as well as a special deduction in lieu of salary paid to proprietors, not to exceed $5,000.00 per proprietor working full time, and the aforementioned reserve against future depreciation in inventory values.

The Bill is drafted to apply to all profits earned or deemed to have been earned since January 1, 1940 , and in the case of fiscal periods not coinciding with the calendar year the profits shall be apportioned.

other legal representatives of such person, according to the law of that part of Canada to which the context extends;

"profits," in case of corporations.

(f) "profits" in the case of a corporation or joint stock company for any taxation period means the amount of net taxable income of the said corporation or joint stock company as determined under the provisions of the *Income War Tax Act* in respect of the same taxation period;

"profits," in case of other taxpayers.

(g) "profits" in the case of a taxpayer other than a corporation or joint stock company, for any taxation period, means the income of the said taxpayer derived from carrying on one or more businesses, as defined by section three of the *Income War Tax Act*, and before any deductions are made therefrom under any other provisions of the said *Income War Tax Act;*

"standard period."

(h) "standard period" means the period comprising the calendar years one thousand nine hundred and thirty-six to one thousand nine hundred and thirty-nine, both inclusive, or the fiscal periods of the taxpayer ending in such calendar years or those of such years or fiscal periods since January first, one thousand nine hundred and thirty-six, during which the taxpayer was carrying on business;

"standard profits."

(i) "standard profits" means the average yearly profits derived by a taxpayer in the standard period from carrying on the same general class of business as the business producing the profits in the year of taxation, or the standard profits as determined in accordance with section five of this Act: Provided, however, that losses incurred by the taxpayer during the standard period shall not be deducted from the profits in the standard period but the years or fiscal periods when such losses were incurred shall nevertheless be counted in determining the average yearly profits during the said standard period.

Application of *Income War Tax Act.*

(2) Unless it is otherwise provided or the context otherwise requires expressions contained in this Act shall have the same meaning as in the *Income War Tax Act.*

CHARGING PROVISIONS.

Persons liable to tax.

3. In addition to any other tax or duty payable under any other Act, there shall be assessed, levied and paid upon the annual profits or upon the annual excess profits, as the case may be, of every person residing or ordinarily resident in Canada, or who is carrying on business in Canada, a tax as provided for in the First Part of the Second Schedule to this Act, or a tax as provided for in the Second Part of the said Schedule, whichever tax is the greater.

STANDARD PROFITS.

Adjustments to standard profits.

4. (1) The Minister may in his discretion make the following adjustments in the standard profits of a taxpayer:

(a) adjust the standard profits to the basis of a fiscal period or fraction thereof comparable in length with the fiscal period or fraction thereof of the year of taxation;

(b) adjust the standard profits, by reference to any increase or decrease in capital contributed or withdrawn, to such a basis that the capital employed during the standard period is comparable with the capital employed during the taxation period;

(c) adjust the standard profits of taxpayers engaged in the operation of gold mines or oil wells having regard to any substantial increase or decrease in volume of production in the year of taxation as compared with the average volume of production during the standard period.

Taxpayer acquiring business after January 1, 1938.

(2) On the application of a taxpayer who acquired his business as a going concern after January first, one thousand nine hundred and thirty-eight, if the Minister is satisfied that the business carried on by the taxpayer is not substantially different from the business of his or its predecessor, he may direct that the standard profits of the said predecessor may be taken into account in ascertaining the standard profits of the said taxpayer.

Ascertainment of standard profits by Board of Referees.

5. (1) If on the application of a taxpayer the Minister is satisfied,—

(a) that there were no profits in the standard period because the taxpayer was carrying on business at a loss or that the profits of the standard period were so low that it would not be just to ascertain the standard profits of the taxpayer by reference to such profits because either the business is of a class which during the standard period was depressed or because the business of the taxpayer was for some reason peculiar to itself abnormally depressed during the standard period when compared with other businesses of the same class, or

(b) that there were no profits in the standard period because the taxpayer was not carrying on business during such period, or that the profits of the standard period were so low that it would not be just to ascertain the standard profits of the taxpayer by reference to such profits because the business of the taxpayer was not in operation prior to January first, one thousand nine hundred and thirty-eight.

he may direct that the standard profits shall be ascertained by the Board of Referees as if the profits of the standard period were of such greater amount or such amount as they think just; provided that the decision of the Board shall not be operative until approved by the Minister, whereupon the said decision shall be final and conclusive.

Proviso.

Limitation in case of a depressed business.

(2) The standard profits ascertained by the Board, as provided in subsection one, in the case of taxpayers mentioned in paragraph *(a)* thereof, shall not exceed an amount equal to interest at such rate as the Board shall determine, not being less than five nor more than ten per centum per annum, on the amount of capital of the taxpayer computed by the Board in its sole discretion in accordance with the First Schedule to this Act.

Limitation in case of a new business.

(3) The standard profits ascertained by the Board as provided in subsection one, in the case of taxpayers mentioned in paragraph *(b)* thereof, shall be ascertained by the Board in its sole discretion at an amount which represents a rate of return on the capital employed by the taxpayer equal to the average rate of return during the standard period of taxpayers in similar circumstances engaged in the same or an analogous class of business:

Proviso.

Gold mines, oil wells.

Provided however, that in the case of taxpayers engaged in the operation of gold mines or oil wells which have come into production after January first, one thousand nine hundred and thirty-eight, the amount of standard profits shall be ascertained on the basis of a presumed volume of production during the standard period equal to the volume of production of the taxpayer in the taxation year and a presumed selling price for the product during the standard period equal to the average selling price of the said product during the standard period.

DEDUCTIONS FROM PROFITS.

Deductions from profits allowed to corporations.

6. (1) A corporation or joint stock company taxable under the Second Part of the Second Schedule to this Act shall be entitled, in respect of any taxation period, to deduct from profits the following:—

Proportion of income tax.

(a) such proportion of the income tax payable under the *Income War Tax Act* (or payable under the said Act prior to the application of sections, seven, eight, eighty-nine or ninety thereof) for the same taxation period as the excess profits taxable under the said Second Part of the Second Schedule to this Act bears to the total profits of the taxpayer;

Reserve against future inventory losses.

(b) such reasonable provision as a reserve against future depreciation in inventory values as the Minister, in his discretion may allow having regard to a basic quantity of stock in trade necessary for the business as indicated by the quantity on hand at the end of the fiscal period of the taxpayer ending in one thousand nine hundred and thirty-nine: Provided that no such deduction shall be allowed which provides against a decline in inventory values below the inventory prices of goods on hand at the end of the fiscal period of the taxpayer ending in one thousand nine hundred and thirty-nine: And provided

Proviso.

Proviso.

further that any reduction in such reserve shall be added to the profits of the year of reduction for purposes of taxation under this Act.

Taxpayers other than corporations.

(2) A taxpayer other than a corporation or joint stock company shall be entitled to deduct from the profits as defined in this Act, the following:—

Depreciation and depletion. Interest. Donations.

(a) the amounts allowed as deductions in paragraphs *(a)*, *(b)*, *(j)* and *(n)* of subsection one of section five of the *Income War Tax Act;*

Amount in lieu of salary.

(b) such reasonable amount as the Minister in his discretion may allow in lieu of salary to proprietors working full time in the actual management or conduct of the business, not to exceed five thousand dollars per annum for each proprietor and for all his businesses: Provided that if such an allowance is made, similar deductions shall be made in determining the standard profits of the taxpayer;

Reserve against future inventory losses.

(c) if taxable under the Second Part of the Second Schedule of this Act, such reasonable provision as a reserve against future depreciation in inventory values as the Minister, in his discretion may allow having regard to a basic quantity of stock in trade necessary for the business as indicated by the quantity on hand at the end of the fiscal period of the taxpayer ending in the year one thousand nine hundred and thirty-nine: Provided that no such deduction shall be allowed which provides against a decline in inventory values below the inventory prices of goods on hand at the end of the fiscal period of the taxpayer ending in the year one thousand nine hundred and thirty-nine: And provided further that any reduction in such reserve shall be added to the profits of the year of reduction for purposes of taxation under this Act.

Proviso.

Proviso.

EXEMPTIONS.

Profits not liable to tax.

7. The following profits shall not be liable to taxation under this Act:—

Taxpayers exempt under *Income War Tax Act.*

(a) the profits of taxpayers referred to in paragraphs *(d)*, *(e)*, *(f)*, *(g)*, *(h)*, *(i)*, *(k)*, *(m)*, *(p)* and *(q)* of section four of the *Income War Tax Act;*

Professional activities.

(b) the profits of a profession carried on by an individual or by individuals in partnership if the profits of the profession are dependent wholly or mainly upon his or their personal qualifications and if in the opinion of the Minister little or no capital is employed: Provided that this exemption shall not extend to the

Proviso.

profits of a commission agent or person whose business consists wholly or mainly in the making of contracts on behalf of others or the giving to other persons of advice of a commercial nature in connection with the making of contracts unless the Minister is satisfied that such agent is virtually in the position of an employee of one employer in which case this exemption shall apply;

Small businesses with profits less than $5,000.

(c) the profits of taxpayers who in the taxation year do not earn profits in excess of five thousand dollars before providing for any payments to proprietors, part owners or shareholders by way of salary, interest or otherwise;

Personal corporations.

(d) the profits of a corporation or joint stock company which is in the taxation year a personal corporation within the meaning of paragraph *(i)* of section two of the *Income War Tax Act*, provided that the income of such corporation is derived solely from the holding of investments;

Non-Resident Owned Investment Corporations.

(e) the profits of a corporation or joint stock company which is a Non-Resident Owned Investment Corporation within the meaning of paragraph *(p)* of section two of the *Income War Tax Act* and which elects to be assessed as such under the said Act.

DEDUCTIONS NOT ALLOWED.

Deductions not allowed.

8. In computing the amount of profits to be assessed, subsections one and two of section six of the *Income War Tax Act* shall, *mutatis mutandis*, apply as if enacted in this Act and no deduction shall be allowed in respect of the following:

Excess Profits tax.

(a) the tax payable under this Act in respect of any taxation period;

Unreasonable and abnormal expenditures.

(b) any expense which the Minister in his discretion may determine to be in excess of what is reasonable and normal for the business carried on by the taxpayer, or which was incurred in respect of any transaction or operation which in his opinion has unduly or artificially reduced the amount of profits.

DEDUCTIONS FROM TAXES ALLOWED.

Deductions from tax of excess profits taxes paid to Great Britain, dominions, dependencies and foreign countries allowing similar deduction.

9. (1) A taxpayer shall be entitled to deduct from the tax that would otherwise be payable by him under this Act the amount paid to Great Britain or any of its self-governing dominions or dependencies for excess profits tax in respect of the profits of the taxpayer derived from sources therein, and the amount paid to any foreign country for excess profits tax in respect of the profits of the taxpayer derived from sources therein if such foreign country in imposing such tax allows a similar credit to persons in receipt of profits derived from sources within Canada.

Limitation.

(2) Such deduction shall not exceed the same proportion of the tax otherwise payable under this Act as that which the taxpayer's net profits from sources within such country bears to his or its entire net profits from all sources.

Evidence of payment.

(3) Any such deduction shall be allowed only if the taxpayer furnishes evidence satisfactory to the Minister showing the amount of tax paid and the particulars of income derived from sources within Great Britain or any self-governing dominion or dependency thereof or foreign country mentioned in subsection one of this section.

RETURNS.

Returns.

10. Every person liable to taxation hereunder shall deliver to the Minister in such form as the Minister may prescribe, a statement of his total profits and the same shall be filed in such manner, at such time, and in such place as is provided in the *Income War Tax Act* for the filing of income tax returns and all the provisions of the said Act applicable to the filing of income tax returns including penal provisions shall, *mutatis mutandis*, apply as if enacted in this Act: Provided that where a taxpayer has elected under subsection three of section thirty-five of the *Income War Tax Act* to file a consolidated return for the taxation year such election shall apply to the returns required under this Act.

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PAYMENT OF TAX.

Payment of tax.

11. Any person liable to pay any tax hereunder shall estimate the amount of tax payable and shall send with the return of profits not less than one-third of the aggregate amount of such tax and may pay the balance within four months thereafter, together with interest at the rate of five per centum per annum upon such balance from the last day prescribed for the making of such return until the time payment is made, and all the provisions of the *Income War Tax Act* relating to payment at other times than those herein specified shall, *mutatis mutandis*, apply as if enacted in this Act.

ASSESSMENT.

Assessment.

12. After examination of the taxpayer's return the Minister shall send a notice of assessment to the taxpayer verifying or altering the amount of the tax as estimated by him in his return and any additional tax found due shall be paid in the same manner, at the same time and subject to the same interest and penal provisions as if the additional tax were found due under the provisions of the *Income War Tax Act.*

BOARD OF REFEREES.

Board of Referees.

13. The Minister may appoint a Board of Referees to advise and aid him in exercising the powers conferred upon him under this Act, and such Board shall exercise the powers conferred on the Board by this Act and such other powers and duties as are assigned to it by the Governor in Council.

INCOME TAX PROVISIONS TO APPLY.

Sections 40 to 87 of Income War Tax Act, excepting S.76A, to apply *mutatis mutandis*.

14. Without limiting any of the provisions contained in this Act, sections forty to eighty-seven, both inclusive, of the *Income War Tax Act*, excepting section seventy six A thereof, shall, *mutatis mutandis*, apply to matters arising under the provisions of this Act to the same extent and as fully and effectively as they apply under the provisions of the *Income War Tax Act*.

Discretion given Treasury Board.

15. Notwithstanding any of the provisions of this Act, the Treasury Board may in its discretion determine that any transaction has artificially reduced or would artificially reduce taxation hereunder and has no reasonable business purpose other than that of avoiding or minimizing taxation hereunder and that no deduction shall be allowed with respect to any expense or disbursement resulting therefrom, and the Treasury Board may determine the extent to which taxation hereunder has been avoided, minimized or prejudiced thereby, and there shall be assessed, levied and paid by any taxpayer such tax as the Treasury Board may direct, and such tax shall be payable as in this Act provided.

Coming into force.

16. The provisions of this Act shall apply to the profits of the year one thousand nine hundred and forty and fiscal periods ending in the year one thousand nine hundred and forty and the profits of all subsequent years and fiscal periods, provided, however, that if any such fiscal period ends prior to December thirty-first, one thousand nine hundred and forty, only that proportion of the profits shall be subject to tax which the number of days of such fiscal period in the calendar year one thousand nine hundred and forty bears to the total number of days of such fiscal period.

REPEAL.

Repeal of cap. 4 of statutes of 1939 ((Second Session).

R.S., c. 1.

17. *The Excess Profits Tax Act*, chapter four of the statutes of 1939 (second session), is repealed and, notwithstanding anything contained in the *Interpretation Act*, such repeal shall operate as from the thirteenth day of September, one thousand nine hundred and thirty-nine.

FIRST SCHEDULE

Capital employed at beginning of period.

1. For the purposes of this Act, capital employed in any year or fiscal period means the capital at the beginning of the said period computed in the manner hereinafter specified.

Capital includes.

2. Capital shall be taken to be the following, subject to the deductions hereinafter provided:

Cost of assets.

(a) so far as it consists of assets acquired by purchase on or after the commencement of the business, the price at which those assets were acquired and where the price of any asset has been satisfied otherwise than in cash, the then value of the consideration actually given for the asset shall be treated as the price at which the said asset was acquired;

Accounts receivable less reserve for bad debts.

(b) so far as it consists of assets being debts due to the person carrying on the business, the full amount of those debts subject to any deduction which has been allowed under the *Income War Tax Act* in respect thereof on account of bad debts;

Value of assets acquired otherwise than by purchase.

(c) so far as it consists of any other assets which have been acquired otherwise than by purchase as aforesaid, the value of the assets when they became assets of the business;

Amount of money and bank deposits.

(d) the amount of money or bank deposits which are actually used by the taxpayer in the business.

Deductions from capital.

3. Capital as hereinbefore defined shall be subject to the following deductions:

Amounts of any governmental subsidy.

(a) a deduction of any sum contributed directly or indirectly by the Dominion of Canada or by any Province of Canada towards the acquisition by the taxpayer of any asset included in section two hereof;

Depreciation and depletion.

(b) a deduction of the total of the amounts which have been taken as a deduction from profits under the *Income War Tax Act* for depreciation and the total depletion reserve reflected on the books of the taxpayer;

Debts and borrowed money.

(c) a deduction of any borrowed money and debts of the taxpayer other than dividends declared but unpaid at the commencement of the taxation period, except the amount of indebtedness represented by income bonds or income debentures, the interest on which is not allowed as a deduction under paragraph *(k)* of subsection one of section six of the *Income War Tax Act;*

Investments producing tax-exempt income.

(d) a deduction of any investments the income from which is exempt or would be exempt from tax hereunder;

Unproductive assets not required for business.

(e) a deduction of any moneys, bank deposits, investments or other assets which are unproductive and are not required for the purposes of the business, or which were not acquired for the purposes of the business.

Adjustments to capital at beginning of period by reason of additions or reductions during period.

4. Capital as hereinbefore defined shall be increased or decreased by a portion of any *bona fide* additions to or reductions of the assets of the business made during the taxation period other than additions or reductions resulting from profits or losses of the said period, such increase or decrease to be made *pro rata* for the time such additions were employed in or decreases withdrawn from the business, provided however, that dividends paid during such period shall constitute a deduction from the capital employed at the commencement of the said period to the extent of one-half the total amount of dividends paid during the said period.

Revision of capital to disregard values resulting from transactions found to be artificial by Treasury Board.

5. Notwithstanding the foregoing, the computation of capital as hereinbefore set out may be revised to disregard the whole or any portion of capital values resulting from a transaction determined to be artificial under and by virtue of section fifteen of this Act.

SECOND SCHEDULE

FIRST PART—

Rate of tax on profits.

Twelve per centum of the profits of taxpayers before deduction therefrom of any tax paid thereon under the *Income War Tax Act.*

SECOND PART—

Rate of tax on excess profits.

Seventy-five per centum of the excess profits.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act to amend the Royal Canadian Mounted Police Act.

First reading, July 23, 1940.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

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1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 112.

An Act to amend the Royal Canadian Mounted Police Act.

R.S., c. 160; 1930, c. 39; 1931, c. 11; 1932, c. 37; 1932-33, c. 29; 1934, cc. 8, 40; 1935, c. 25; 1937, c. 38; 1938, c. 24.

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

1. Section five of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, as amended by section one of chapter eleven of the statutes of 1931, is repealed and the following substituted therefor:—

Arrangements with local governments or municipalities for the use of the Force.

"**5.** (1) The Governor in Council may enter into arrangements with the government of any province of Canada or with any municipality for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in such province or municipality, and in carrying into effect the laws of the legislature or municipality thereof respectively; and may, in any such arrangement, agree upon and determine the amount of money which shall be paid by the province or municipality, as the case may be, for such services of the Force.

Taking over of certain officers and men of provincial or municipal police force.

(2) There may be included in any such arrangement provision for the taking over by the Royal Canadian Mounted Police Force of such officers and men of any provincial or municipal police force, respectively, as may be required and for the extension to such officers and men of the pension benefits provided for officers and constables of the Royal Canadian Mounted Police Force, upon such terms and conditions, including recognition of prior service, as may be approved by the Governor in Council and agreed upon between the Dominion Government and the Government of any province or between the Dominion Government and any municipality, as the case may be."

Explanatory Notes

1. Section 5 at present reads as follows:—

"**5.** The Governor in Council may, from time to time, enter into arrangements with the government of any province of Canada for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in such province, and in carrying into effect the laws of the legislature thereof; and may, in any such arrangement, agree upon and determine the amount of money which shall be paid by the province for such services of the Force.

(2) There may be included in any such arrangements provisions for the taking over by the Royal Canadian Mounted Police Force of such officers and men of any provincial police force as may be required and for the extension to such officers and men of the pension benefits provided for officers and constables of the Royal Canadian Mounted Police Force, upon such terms and conditions, including recognition of prior service, as may be approved by the Governor in Council and agreed upon between the Dominion Government and the Government of any province."

The words underlined in the proposed section 5, on the opposite page, are new and provide for agreements with municipalities for the services of the Royal Canadian Mounted Police. There is no intention at present of enlarging the scope of the Force, but as the R.C.M. Police is already operating in the municipalities of Flin Flon, Man., and Melville, Sask., it is considered best to have definite statutory provision therefor.

2. Subsection three of section thirteen of the said Act, as enacted by section five of chapter thirty-seven of the statutes of 1932, is repealed and the following substituted therefor:—

Exceptions as to age of new personnel.

"(3) The Governor in Council may exempt from the provision of this section as to age, new personnel taken into the Force by reason of any arrangement entered into with a province or municipality under the provisions of section five hereof, and the personnel of the Customs-Excise Preventive Service of the Department of National Revenue absorbed into the Force, and the personnel of the Royal Canadian Mounted Police Reserve Force, or any other personnel which the Governor in Council considers should be exempted in the public interest."

3. Section fourteen of the said Act is amended by adding thereto the following subsection:—

Dismissal by Commissioner.

"(3) Persons appointed by the Commissioner under subsection four of section eight of this Act may also be dismissed or discharged by the Commissioner before the expiration of their term of service."

4. Subsection two of section fifteen of the said Act, as enacted by section six of chapter thirty-seven of the statutes of 1932, is repealed and the following substituted therefor:—

Oaths, before whom taken.

"(2) Such oaths, as well as any others or statutory declarations which may be necessary or required, may be taken by the Commissioner before any judge, stipendiary magistrate or justice of the peace, having jurisdiction in any part of Canada, and by any other member of the Force, before the Commissioner of Police or before any commissioned officer of the Force or any person having jurisdiction as aforesaid."

2. The whole of section 13 at present reads as follows:—

"**13.** No officer or constable shall be appointed to the Force unless he is of a sound constitution, active and able bodied, of good character, and between the ages of eighteen and forty years, nor unless he is able to read and write either the English or the French language.

(2) The provision in this section as to age shall not apply to any officer appointed before the twenty-third day of July, one thousand eight hundred and ninety-four or to the Commissioner, Deputy Commissioner, assistant Commissioners, or surgeons.

(3) The Governor in Council may exempt from the provision of this section as to age, new personnel, taken into the Force by reason of any arrangement entered into with a province under the provisions of section five hereof and the personnel of the Customs-Excise Preventive Service of the Department of National Revenue absorbed in the Force."

The words underlined in the new subsection (3) on the opposite page are new.

At the present time, members of the R.C.M. Police Reserve Force must be selected from personnel between the ages of eighteen and forty years—(see subsection (1) of section 13 above)—and the suggested amendment will permit a Reserve Constable being engaged at such greater age than forty years as the Governor in Council may decide.

The words in the new subsection have also been so amended as to include the police force of any municipality to make it conform with section 1 of this Bill.

3. Section 14 of the R.C.M. Police Act at present reads as follows:—

"**14.** Every constable shall, upon appointment to the Force, sign articles of engagement for a term of service not exceeding five years, and such engagement shall be made with the Commissioner, and may be enforced by him.

(2) Such constable may be dismissed or discharged by the Commissioner before the expiration of the said term."

Subsection 4 of section 8 reads as follows:—

"(4) The Governor in Council may authorize the Commissioner to employ in emergencies such persons as may be necessary to perform the duties of scouts, artisans, cooks, stenographers, tailors, engineers, agents, interpreters, guides, or for any other purpose or for general duty for such periods as may be required and at such rates of pay as are authorized by the Minister."

The new subsection to section 14, shown on the opposite page, removes any doubt as to the powers of the Commissioner to discharge persons (other than constables) who may be employed under subsection (4) of section 8.

4. Subsection 2 of section 15, as it stands at present, reads as follows:—

"(2) Such oaths may be taken by the Commissioner before any judge, stipendiary magistrate or justice of the peace, having jurisdiction in any part of Canada, and by any other member of the Force, before the Commissioner of Police or before any commissioned officer of the Force or any person having jurisdiction as aforesaid."

From the above, it will be noted that at present there is no provision or authority for taking such oaths as the oath of secrecy, etc., which is required of all members of the Royal Canadian Mounted Police, and it is therefore considered necessary to provide for this.

5. Subsections one and three of section twenty-one of the said Act, as enacted by section two of chapter twenty-nine of the statutes of 1932-33, are repealed and the following substituted therefor:—

Fines, forfeitures, gifts, etc., paid to the Minister.

"**21.** (1) Notwithstanding the provisions of any Act inconsistent herewith, all fines and the proceeds of all forfeitures and seizures and all portions of any fine and of any forfeiture or seizure that may be awarded or adjudged to any member of the Force in connection with the performance of his duties, and all gifts and bequests of money and the proceeds of all gifts and bequests, if converted into money, given or made to the Force after the first day of December, 1936, shall be paid to the Minister.

How money is to be used.

"(3) The money so paid to the Minister shall be used or paid

(a) for the benefit of members and ex-members of the Force and their families and the families of deceased members of the Force; or

(b) to such benefit fund established or as may hereafter be established in the interest of members and ex-members of the Force or their dependents as the Governor in Council may prescribe."

6. The said Act is further amended by inserting immediately after section twenty-one thereof the following section as section twenty-one A:—

Compensation for injury.

21A. (1) If any member of the Force is caused personal injury by accident arising out of and in the course of his employment he may be granted compensation, including medical and hospital expenses, at such rate and in such manner as the Governor in Council may prescribe.

Member may accept pension or compensation.

(2) If any such member is invalided from the Force as a result of such an injury and such member has served long enough to qualify for pension he may elect whether he will accept compensation for such injury or a service pension as a result of compulsory retirement.

R.S., c. 30 not to apply to members of the Force.

(3) The provisions of the *Government Employees Compensation Act* shall not apply to members of the Force."

5. Section 21, as it stands at present, reads as follows:—

"**21.** (1) Notwithstanding the provisions of any Act inconsistent herewith, all fines and the proceeds of all forfeitures and seizures and all portions of any fine and of any forfeiture or seizure that may be awarded or adjudged to any member of the force in connection with the performance of his duties shall be paid to the Minister.

(2) All fees or costs which are ordinarily paid to any member of the Force and any remuneration granted to or awarded him by way of salary, commission or fee for duties performed for any Department of the Federal, Provincial or Territorial Governments or any other organization, or any money whatsoever earned, awarded or granted to him in connection with the performance of his duties over and above his regular salary or pay and allowances as a member of the Force, shall be paid to the Minister, except cases in which the Minister may from time to time otherwise direct and this subsection shall be deemed to have come into operation on the 1st day of June, 1932.

(3) The money so paid to the Minister shall be used or paid

(a) for the benefit of members of the Force and their families and the families of deceased members of the Force; or

(b) to such benefit fund established or as may hereafter be established in the interest of the members of the Force or their dependents as the Governor in Council may prescribe.

(4) The Governor in Council may make regulations deemed by him necessary or convenient for the management and administration of the said moneys, and of any Benefit Fund established in connection therewith.

The only changes proposed are those underlined in subsection (1) and subsection (3) shown on the opposite page. The first is to enable the Minister in control of the R.C.M. Police to deal with any gift or bequest of money given or made to the Force.

The Department of Justice has advised that the Minister is competent to receive such a bequest, but in order to provide that it may be used for the benefit of members and ex-members of the Force and their dependents, it is necessary to have the section amended to provide for this contingency.

A lady died in England in December, 1936, and bequeathed a sum of money to the R.C.M. Police.

In so far as the change in subsection (3) is concerned, it is considered advisable to include "ex-members" in the statute, as some distressing case may arise in which it would be most desirable to make a grant on compassionate grounds. The same may be said for the "dependents" of deserving "ex-members" of the Force.

6. At the present time, members of the Force who are incapacitated through injuries received while in the performance of duty are granted compensation under the authority of an Order in Council. Such an Order in Council has been in operation for many years, and the rates have been revised occasionally, the last revision having been made in 1934.

At no time has any attempt been made until now to secure statutory authority for the payment of compensation for injuries, and in order to clarify the situation, as the R.C.M. Police has its own compensation schedule, it is considered in the public interest to definitely state that the *Government Employees Compensation Act* does not apply.

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

Expense payable out of Cons. Rev. Fund.

"**26.** All sums of money required or authorized to be paid by or under the authority of this Act, and for payment of which no other provision is made, shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund."

8. The said Act is further amended by inserting immediately after section twenty-six thereof the following section as section twenty-seven:—

Pension gratuity, etc. to be granted with the approval of the G. in C.

"**27.** Notwithstanding anything in this Act, any pension, gratuity or allowance provided for by this Act shall be granted only with the approval of the Governor in Council, and upon the further condition, in the case of a member of the Force, that it shall be granted only in consideration of good and faithful service during the period in respect of which it is calculated."

9. Paragraph (x) of section thirty of the said Act, as enacted by section six of chapter eight of the statutes of 1934, is repealed and the following substituted therefor:—

Offence.

"(x) Any disorder or neglect, although not specified in this part or in any rule or regulation;"

Under the terms of the existing Order in Council, any member of the Force, who has qualified for a statute pension by length of service and who is invalided as a result of injuries sustained while in the performance of duty, has the right to elect whether he will accept compensation or a service pension.

The proposed amendment to the Police Act does not change the present rates of compensation or otherwise affect the situation in any way, except to give statutory authority for the present course of action.

7. Section 26 at present reads as follows:—

"**26.** All sums of money required to defray any expense authorized by this Part may be paid out of the Consolidated Revenue Fund of Canada."

In connection with this section, the Department of Justice has pointed out that there does not appear to be any authority in the R.C.M. Police Act at present, for the payment out of the unappropriated moneys in the Consolidated Revenue Fund of pensions granted to "constables" under Part III of the Act, and therefore strictly speaking such pensions should be payable, only out of moneys appropriated by Parliament.

The practice in the past has always been to pay such pensions out of the Consolidated Revenue Fund, and as it is desired to continue this method, it has been considered necessary to change the section to read as shown on the opposite page.

8. This is an entirely new section. There is no section twenty-seven in the R.C.M. Police Act at present, neither is there any provision making the definite requirement that any pension, gratuity or allowance can be granted only with the approval of the Governor in Council. Furthermore, in the case of members of the Force, it is considered that there should be some statutory provision restricting the granting of a pension, gratuity or allowance only in consideration of good and faithful service. As the statute stands now, a member of the Force might have a just claim for a pension, even if he were discharged compulsorily for cause.

9. Section 30 and its paragraphs deal with charges which may be laid against members of the Force in certain circumstances, as a result of which they may be placed under arrest and detained in custody to be dealt with summarily by an officer of the Force.

Paragraph *(x)* of section 30 at present reads as follows:—

"*(x)* Any disorder or neglect to the prejudice of morality or discipline, although not specified in this part or in any rule or regulation;"

The words underlined above are not considered necessary, as a charge of neglect in taking proper precautions, say, in

10. Subsection one of section thirty-one of the said Act, as enacted by section seven of chapter eight of the statutes of 1934, is repealed and the following substituted therefor:—

Trial and punishment.

"**31.** (1) The Commissioner, the Deputy Commissioner and Assistant Commissioner, or the Superintendent or other commissioned officer at any post or in any district, may, forthwith, on a charge in writing of any one or more of the offences mentioned in this Act or any regulation made under the authority hereof being preferred against any member of the Force, other than a commissioned officer, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge, and, if proved on oath, to his satisfaction, shall thereof convict the offender. Every commissioned officer for the purpose of this section is empowered to administer the necessary oaths in dealing with a charge in a summary way."

11. Section thirty-five of the said Act, as amended by section ten of chapter thirty-seven of the statutes of 1932, is repealed and the following substituted therefor:—

Desertion, absence without leave, refusal to do duty.

"**35.** (1) Every member of the Force who, having deserted, absented himself from his duties without leave, or refused to do duty therein, is found in any part of Canada, whether the term for which he engaged to serve has or has not expired at the time of his being so found, shall on summary conviction, be liable

(a) to a fine not exceeding two hundred dollars and not less than one hundred dollars, and in default of payment of such fine, to imprisonment for a term not exceeding eight months, unless such fine is sooner paid; or

(b) to imprisonment with hard labour for a term not exceeding twelve months; or

(c) to both fine and imprisonment; or

(d) to be delivered into the custody of a member of the Force and taken back in custody to the headquarters thereof, or elsewhere in Canada, to be dealt with in a summary way, in accordance with the provisions of this Part.

Evidence.

(2) Upon the trial of any offender under this section, it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the Force signed by such offender, but such engagement may be

driving a car or any similar matter, need not necessarily involve either morality or discipline and it would be preferable to omit those words. The new paragraph has been so drafted.

10. Subsection (1) of section 31, as it stands at present, reads as follows:—

"**31.** (1) The Commissioner, the Deputy Commissioner, and Assistant Commissioner, or the Superintendent or other Commissioned Officer at any post or in any district, may, forthwith, on a charge in writing of any one or more of the offences mentioned in this Act or any regulation made under the authority hereof being preferred against any member of the Force, other than a Commissioned Officer, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge, and, if proved on oath, to his satisfaction, shall thereof convict the offender."

From the above, it will be seen that while subsection (1) contemplates that a commissioned officer shall administer oaths to witnesses, it is considered best to remove all doubt by adding the words underlined which are shown on the opposite page.

11. Section 35 at present reads as follows:

"**35.** Every member of the Force who, having deserted, absented himself from his duties without leave, or refused to do duty therein, is found in any part of Canada other than the provinces of Saskatchewan or Alberta, or the Northwest Territories or the Yukon Territory whether the term for which he engaged to serve has or has not expired at the time of his being so found, shall on summary conviction, be liable

(a) to a fine not exceeding two hundred dollars and not less than one hundred dollars, and in default of payment of such fine, to imprisonment for a term not exceeding eight months, unless such fine is sooner paid; or
(b) to imprisonment with hard labour for a term not exceeding twelve months; or
(c) to both fine and imprisonment; or
(d) to be delivered into the custody of a member of the Force and taken back in custody to the headquarters thereof, to be dealt with in a summary way, in accordance with the provisions of this Part.

(2) Upon the trial of any offender under this section, it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the Force signed by such offender, but such engagement may be proved by parole evidence or by a certificate purporting to be signed by the Commissioner, the Deputy Commissioner, an assistant commissioner or any superintendent or inspector of the Force; giving the date and term of such engagement; and such certificate shall be *prima facie* evidence of such engagement.

(3) Any complaint may be made or information laid under this section, and proceedings may be had thereon, at any time during the period of the engagement of such offender and within twelve months thereafter, and if such offender has left Canada after the offence and within either of the said periods, then within twelve months after his return.

From the above, it will be seen that the following changes are proposed:—

(1) To omit the words "other than the provinces of Saskatchewan and Alberta, or the Northwest Territories, or the Yukon Territory" in sub-section (1). As the force is now operating all over Canada, the words in parenthesis are not necessary.

(2) To insert the words "or elsewhere in Canada", in paragraph *(d)* of subsection (1). In connection with

proved by parole evidence or by a certificate purporting to be signed by the Commissioner, the Deputy Commissioner, an Assistant Commissioner or any superintendent or inspector or commissioned officer of the Force; giving the date and term of such engagement; and such certificate shall be *prima facie* evidence of such engagement.

When complaint or information may be laid.

(3) Any complaint may be made or information laid under this section, and proceedings may be had thereon, at any time during the period of the engagement of such offender and within twelve months thereafter."

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

Using name, etc., without authority.

"(2) Every person who uses, without the authority of the Governor in Council, the name "Royal Canadian Mounted Police" or "R.C.M.P." or any other combination of letters relating to the Force, or any pictorial simulation or representation of a member of the Force in trade marks, business identifications, business advertisements, or any similar marking or advertisement, shall, on summary conviction, upon the complaint of any member of the Force, be liable to a fine not exceeding two hundred dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both fine and imprisonment: Provided, however, that no such complaint shall be laid without the consent in writing of the Commissioner."

Proviso.

this insertion, it is desired to point out that it may not be necessary to take a deserter back to Headquarters for trial. Furthermore, it may be more economical not to do so but to try him at the police post nearest to where he is arrested.

(3) To insert the words "or commissioned officer" in subsection (2), as indicated on the opposite page. As there is now a commissioned rank of Sub-Inspector, it is necessary to amend this subsection to suit, so that the parole evidence or certificate of any commissioned officer may be accepted.

(4) To omit the words "and if such offender" "has left Canada after the offence and within" "either of the said periods, then within" "twelve months after his return" in subsection (3), as shown on the opposite page. As the subsection stands at present, if a deserter were to proceed to Australia and live there for 20 years and then returned to Canada, he would be liable to prosecution after his return to Canada. The new subsection makes a deserter liable to arrest during the period of his engagement and for 12 months after it has expired, which is considered more reasonable.

12. Section 37 of the R.C.M.Police Act reads at present as follows:—

"**37.** Every person who unlawfully puts on or assumes the dress, name, designation or description of any member of the Force, or who gives or offers or promises to give to any member of the Force any bribe, pecuniary or otherwise, or who makes any agreement with any member of the Force to induce him in any way to forego his duty, or who concerts or connives at any act whereby any rule, order or regulation of the Governor in Council in relation to the Force may be evaded, shall, on summary conviction, on the complaint of any member of the Force, be liable to a fine not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both fine and imprisonment.

From the above, it will be seen that at present there is no provision in the R.C.M. Police Act to prevent the use of the name or any pictorial simulation or representation of a member of the Force in trade marks, or in advertisements, etc. During recent years there have been several objectionable advertisements in connection with the name and uniform of the Force and some of the firms responsible have not desisted upon request of the Department. As a result, it is now considered necessary to place a restriction on this form of publicity and the new subsection on the opposite page has been drawn up to that end.

It should be added further that as the Department of Agriculture, with the consent of the R.C.M. Police, has already secured the registration of a trade mark consisting of the bust of a Royal Canadian Mounted Policeman, as the seal of a standard of quality of certain Canadian goods, it is all the more important that the use of the name in business or advertising, or the use of any pictorial or other simulation or representation of a member of the Force be kept under control.

13. Section sixty-six of the said Act, as amended by section five of chapter twenty-nine of the statutes of 1932-33 and by section six of chapter twenty-four of the statutes of 1938, is repealed and the following sections substituted therefor:—

Constable after ten years may be pensioned if infirm; after twenty years entitled to pension.

"**66.** (1) Subject to the provisions of this Part, when any constable,

(a) has completed not less than ten years' service, and is incapacitated from the performance of his duty by infirmity of mind or body, he may be invalided and granted a pension for life; or

(b) has completed not less than twenty years' service, he shall be entitled to retire and receive a pension for life.

Certain constables pensioned may be recalled.

(2) Any constable who receives a pension before he has completed twenty years' service shall be subject to return to service, as provided by this Part if he ceases to be incapacitated and has not reached the age limit.

Amount of pension.

66A. (1) The pension of a constable on retirement shall be,

(a) if he has completed ten but less than twenty-one years' service, one-fiftieth of his annual pay and allowances during the last year of his service for every year of service;

(*b*) if he has completed twenty-one but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of his annual pay and allowances during the last year of his service, with an addition of two-fiftieths of such pay and allowances for every completed year of service above twenty years;

(c) if he has completed twenty-five years' service, an annual sum equal to thirty-fiftieths of his annual pay and allowances during the last year of his service with an addition of one-fiftieth of such pay and allowances for every completed year of service above twenty-five years; Provided, that the pension shall not exceed two-thirds of such annual pay and allowances.

Proviso.

G. in C. may determine amount of allowances for pension purposes.

(2) The Governor in Council may by regulation determine the amount of allowances for pension purposes to be received by any constable of the Force, and this subsection shall be and be deemed to have been effective from the first day of August, 1919."

14. The said Act is further amended by inserting immediately after section sixty-six A, as enacted by this Act, the following as section sixty-six B:—

Pension of re-engaged pensioner to be temporarily discontinued.

"**66B.** (1) In the event of a pensioner being re-engaged for service in the Force by reason of the existence of a national emergency, including war, his pension shall be discontinued until his re-engagement is terminated by his final discharge from the Force.

13. Section 66 of the R.C.M. Police Act, as amended, at present reads as follows:—

"**66.** Subject to the provisions of this Part, every constable who has completed not less than ten years' service and is incapacitated from the performance of his duty by infirmity of mind or body, may be granted a pension for life, or if he has completed not less than twenty years' service, shall be entitled to retire and receive a pension for life.

(2) Any constable, who receives a pension before he has completed 20 years' service, shall be subject to return to service, as provided by this Part, if he ceases to be incapacitated and has not reached the age limit.

(3) The pension of a constable shall be,

(a) if he has completed ten but less than twenty-one years' service, one-fiftieth of his annual pay and allowances for every year of service;

(b) if he has completed twenty-one but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of his annual pay and allowances, with an addition of two-fiftieths of such pay and allowances for every completed year of service above twenty years;

(c) if he has completed twenty-five years' service, an annual sum equal to thirty-fiftieths of his annual pay and allowances, with an addition of one-fiftieth of such pay and allowances for every completed year of service above twenty-five years: Provided, that the pension shall not exceed two-thirds of his annual pay and allowances at his retirement.

(4) The Governor in Council may by regulation determine the amount of allowances for pension purposes to be received by any constable of the Force, and this subsection shall be and be deemed to have been effective from and after the 1st day of August, 1919."

In connection with this section, the Department of Justice advises that as there is some ambiguity in connection with its interpretation, it has been considered best to divide it into two sections: one dealing with eligibility for pension by years of service, and the other dealing with the amount of pension which may be granted, and the new sections 66 and 66A have been drafted to that end.

There is no change whatever in the terms of eligibility for pension or in the amounts to be granted. The former section 66 has been rewritten and divided into two sections, as already stated, and it has been made clear in the new section 66A that the annual pay and allowances on which the pension is based *are those for the last year of service.* This has been the practice for many years, and the amended section does not constitute any change in procedure.

14. Section 66B is an entirely new section, and is intended to cover the status of any pensioner who may be re-engaged by reason of the existence of a national emergency. In the past, it has not been found necessary to re-engage pensioners, but on the outbreak of the present war it was essential to do so, and as approximately 195 ex-members of the Force were re-engaged then, a small percentage of whom are pensioners, it is considered expedient to legislate regarding their re-engagement and the amount of extra pension they will be entitled to.

In order to treat all pensioners alike, it has been considered fair to recommend a fixed increase, irrespective of what number of years they had served previously in qualifying for a pension.

Payment of the pension to be resumed upon final discharge.

Amount may be increased.

(2) Notwithstanding anything contained in this Part, payment of the pension of which any such pensioner was in receipt prior to his re-engagement as aforesaid shall, upon his final discharge from the Force be immediately resumed; but the Governor in Council may, in his discretion, increase the amount of such pension by an amount equal to one-fiftieth of the annual pay and allowances of which such pensioner was in receipt at the time of his final discharge from the Force for each year or, save as otherwise provided by subsection three of this section, portion of a year of his service during the period of his re-engagement as aforesaid.

Computation.

(3) In determining the period of service of a pensioner under re-engagement as aforesaid for the purposes of subsection two of this section, service of six months or more but of less than one year shall be counted as one-half of a year's service, but service of less than six months shall not count for the purposes of any increase of pension; and where in the case of any pensioner no allowances for the rank held by him during re-engagement as aforesaid are prescribed for pension purposes, the Minister may recommend that such amount by way of allowances as may in his opinion be considered fair and just in the circumstances of the case be taken into account for the purpose of computing an increase of the pension of such pensioner under the provisions of subsection two of this section.

"Pensioner" defined.

(4) In this section 'pensioner' means any constable who, prior to his re-engagement for service in the Force, was in receipt of a pension granted to him under the provisions of this Act.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 113.

An Act to amend The Prairie Farm Assistance Act, 1939.

First reading, July 24, 1940

THE MINISTER OF AGRICULTURE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

5727

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 113.

An Act to amend The Prairie Farm Assistance Act, 1939.

1939, c. 50.

HIS Majesty, by and with 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 Prairie Farm Assistance Amendment Act, 1940.*

2. Subsection one of section two of *The Prairie Farm Assistance Act, 1939*, chapter fifty of the statutes of 1939, is amended by adding thereto the following paragraph:—

'Board.'

"*(m)* 'Board' means the Board of Review established under the provisions of this Act."

3. The first three lines of subsection two of section three of the said Act are repealed and the following substituted therefor:—

Computation of sum awarded as assistance.

"(2) In an emergency year the Minister may, subject as in this Act provided, award to each farmer in a township with respect to which an application by the rural municipality in which such township is located or by the government of the province in the case of unorganized areas, has been made, a sum, by way of assistance, to be computed as follows:—"

Substitution of "Board" for "Minister."

4. Sub-paragraphs (i), (ii) and (iii) of subsection two of section three of the said Act are amended by striking out the word "Minister" wherever found therein and substituting therefor the word "Board".

5. Subsections one and two of section four of the said Act are repealed and the following substituted therefor:—

Conditions for declaring area a crop failure area.

"**4.** (1) The Governor in Council may, upon the application of the government of the province and whenever the

Explanatory Notes

2. Defines the Board set up under clause six of the Bill.

3. The subsection is revised to provide that assistance can only be given on application by the province.

4. This is to make the paragraphs conform to clause six of the Bill.

5. (1) The basis of entitlement by townships now fixed at one hundred townships in each of the provinces of Alberta and Manitoba has been reduced and it is provided that assistance can only be given on application by the province.

Board finds that the average yield of wheat, as a result of anything other than hail, is five bushels per acre or less in each of not less than one hundred and seventy-one townships in the province of Saskatchewan or ninety townships in the province of Alberta or fifty-four townships in the province of Manitoba, declare such provincial area to be a crop failure area.

Sum to be awarded in a crop failure area.

"(2) The Minister may, subject as in this Act provided, award by way of assistance to each farmer in an area declared under subsection one hereof to be a crop failure area, a sum of two hundred dollars or a sum not exceeding two dollars and fifty cents per acre with respect to half the cultivated acreage of the farmer not to exceed two hundred acres whichever is the greater."

6. The said Act is further amended by adding thereto, immediately after section four thereof, the following as section five:—

Board of Review established.

"**5.** (1) A Board of Review shall be established to consist of three persons, to be appointed by the Governor in Council on the recommendation of the Minister, one of whom shall be named chairman.

Board to determine eligibility of township.

(2) The Board shall examine all information and data regarding the average yield of wheat in any township for which an application for assistance has been received and shall determine the eligibility of such township for an award under this Act.

Eligibility of farmer or class of farmers.

(3) The Board shall decide, under the Act and regulations, any question concerning the eligibility of any farmer or class of farmers for an award under this Act.

Decision of majority.

(4) The decision of the majority of the members of the Board shall constitute the decision of the Board.

Decision to be final.

(5) Any decision or determination of the Board shall be final."

7. Section five of the said Act is repealed and the following substituted therefor as section six following the heading "REGULATIONS":—

Regulations by Minister.

"**6.** The Minister may with the approval of the Governor in Council make regulations

(a) requiring farmers or elevator operators to furnish, on a prescribed form, all information required under the regulations;

(b) prescribing the manner in which any application for assistance or any substitution under section seven of this Act shall be made;

(2) The subsection now reads as follows:—

"The Minister may, subject as in this Act provided, with the approval of the Governor in Council, award to each farmer in a crop failure area by way of assistance a sum of two hundred dollars; or a sum not exceeding two dollars and fifty cents per acre with respect to half the cultivated acreage of the farmer not to exceed two hundred acres, whichever is the greater."

6. This is new. It is desirable that an authority other than the Minister be set up to determine the average yields in townships, on which eligibility for assistance depends, and any other questions that may arise.

7. By section thirteen of the Bill, the present section six of the Act will be renumbered as section thirteen.

Paragraph *(a)* of the new section six combines paragraphs *(a)* and *(b)* of section five of the Act which at present read as follows:—

"*(a)* requiring farmers to furnish information as specified in such regulations;

(b) prescribing the form in which required information shall be furnished."

Elevator operators are now included in order that farmers' deliveries may, when necessary, be accurately determined.

Paragraph *(b)* is new. It may be necessary to prescribe by regulation the form in which applications for assistance or substitution shall be made.

(c) prescribing the manner in which the average price of wheat shall be ascertained;

(d) prescribing the manner in which information with respect to the average yields of wheat shall be obtained for the Board;

(e) providing that in special circumstances another kind of grain may be taken in lieu of wheat as the basis of awards under this Act, and in that event what number of bushels of such other kind of grain shall be deemed to be equivalent to a certain number of bushels of wheat for the purposes of such substitution;

(f) excluding from the benefits of this Act farmers who do not reside upon farms, within the meaning of the regulation;

(g) excluding from the operation of any section of this Act any lands in the spring wheat area and any grain grown thereon;

(h) respecting any other matter deemed necessary or expedient for the efficient administration and enforcement of this Act."

8. The said Act is further amended by inserting the following as sections seven and eight thereof:—

Part of an ineligible township may be substituted for part of eligible township.

"**7.** Notwithstanding anything contained in this Act, in any rural municipality or local improvement district where one or more townships are found by the Board to be eligible for an award under sections three or four of this Act and one or more are ineligible, the Minister may, at the request of the municipality or, in the case of an unorganized area, of the government of the province, and with the approval of the Board, substitute a part of an ineligible township for a part of an eligible township and eliminate from the eligible township a part thereof equal to or exceeding in cultivated acreage the part substituted as aforesaid and, for the purposes of this Act, such substituted part shall be deemed to be part of an eligible township and such eliminated part shall be deemed to be part of an ineligible township; provided that no part of a township shall be so substituted unless such part is contiguous to an eligible township or to an eligible part of a township; and provided further that the average yield of wheat in a part of a township substituted as herein provided shall, for the purposes of this Act, be deemed to be the same as the average yield in the township to which such part is added.

Farmer not to receive both emergency and failure assistance.

"**8.** Notwithstanding anything contained in this Act no farmer shall

(a) receive in any year with respect to the same land both emergency assistance under section three and crop failure assistance under section four; and in the

(c) "prescribing" has been substituted for "providing" and the reference to grades has been omitted.

Paragraph *(d)* is new.

(f) "Benefits" has been substituted for "operation".

(g) The paragraph is intended to enable the Minister, by regulation, to prescribe that certain lands may be excluded from the benefits under the Act and that grain grown on certain lands may be exempted from payment of the levy.

8. This section seven is new. It is desirable to provide that a part of an ineligible township having a low yield may be substituted for a part of an eligible township having a relatively high yield.

The new section eight replaces section nine of the Act which reads as follows:—

"**9.** Notwithstanding anything contained in this Act, no farmer shall receive both emergency assistance under section three and crop failure assistance under section four in one and the same crop year."

It provides that farmers whose lands are partly in a crop failure township and partly in an emergency township may receive assistance based on the proportion which their lands in each township bears to their total cultivated acreage.

event that a farmer has land in a township eligible for emergency assistance and in another township land eligible for crop failure assistance, the acreage in respect of which the award in each township shall be granted shall be that proportion of the total acreage eligible for an award that his cultivated land in each township bears to his total cultivated land: Provided that no farmer shall receive less than two hundred dollars if at least one half of his eligible cultivated land lies within a crop failure area.

Proviso.

(b) receive either emergency assistance under section three or crop failure assistance under section four if his average yield of wheat in any year is in excess of eight bushels per acre and his wheat production is in excess of three thousand bushels.

Sections renumbered.

9. The said Act is further amended by renumbering sections seven and eight thereof as sections nine and ten respectively.

Section repealed.

10. The said Act is further amended by repealing section nine thereof.

Section renumbered.

11. The said Act is further amended by renumbering section ten thereof as section eleven.

12. The said Act is further amended by adding thereto the following as section twelve:—

Expenses.

"**12.** All administrative, including travelling and other expenses incurred under this Act, shall be paid out of moneys provided by Parliament for this purpose."

Section six numbered as thirteen, etc.

13. The said Act is further amended by renumbering section six thereof as section thirteen and by striking out the word "Board" wherever found therein and substituting therefore in each such case the words "Board of Grain Commissioners for Canada".

Section renumbered.

14. The said Act is further amended by renumbering sections eleven and twelve thereof as sections fourteen and fifteen respectively.

(b) This paragraph is new. It is desirable to exclude farmers with relatively large production from the benefits of the Act.

10. Section nine reads as quoted above and is now contained in new section eight in clause eight of the Bill.

12. Section twelve is new and self-explanatory.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 114.

An Act to amend The Tariff Board Act.

First reading, July 24, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

7003

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA

BILL 114.

An Act to amend The Tariff Board Act.

1931, c. 55; 1932-33, c. 51.

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

1. Section eight of *The Tariff Board Act*, chapter fifty-five of the statutes of 1931, as amended by chapter fifty-one of the statutes of 1932-33, is repealed and the following substituted therefor:—

Pensions.

"**8.** (1) Every member who has served on the Board for a period of at least ten years may be granted an annuity for the term of his natural life equal to one-fourth of the annual salary received by him during such period, and if he has served for any period less than ten years but more than five years, he may be granted an annuity equal to one-fifth of the annual salary received by him during such period; Provided, however, that if a member who has served for a period of ten years is, on completion of such period, of the age of sixty-four years or over, he may be granted an annuity equal to one-half of the annual salary of such member.

R.S. c. 22; R.S. c. 24.

Superannuation for civil servant appointed to Board.

(2) Notwithstanding anything in the *Civil Service Act*, the *Civil Service Superannuation Act* or any other Act of the Parliament of Canada, a civil servant who at the time of his appointment to be a member is a contributor under the provisions of the *Civil Service Superannuation Act* may, within six months from the date of his appointment, by notice in writing to the Minister, elect to continue as from the date of his appointment to be a contributor under the *Civil Service Superannuation Act*. If any member so elects, his service under this Act shall be counted as service in the civil service for the purposes of the *Civil Service Superannuation 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 *Civil Service Superannuation Act;* and in the event of his being retired from his

Explanatory Notes.

The Bill's main provisions are as follows:—

1. The salary of the chairman of the Board is reduced from $15,000 to $12,000 per annum. The present Chairman of the Board agreed to accept office at this salary. Accordingly, the Act is made retroactive to March 25th, 1940, the date of his appointment.

2. A new provision is inserted to cover the case of a person who was a civil servant at the time of his appointment as a member of the Board. He is permitted to elect to continue to be a contributor under the *Civil Service Superannuation Act* but his contributions and benefits are based on the salary he was receiving in the civil service immediately before his appointment to be a member of the Board. If such a person makes the election he is not entitled to the pension provisions in subsection one of section eight of the Act.

Section **8** (1)—No change.

Section **8** (2)—New.

Section **8** (3)—New.

Section **8** (4)—$12,000 is substituted for $15,000.

Section **8** (5)—This is the same as the present section **8** (3).

Section **8** (6)—This is the same as the present section **8** (4).

office or position under this Act whether by reason of the expiry of his term of office or for any reason other than that of misconduct, he shall be eligible, in accordance with regulations made under the *Civil Service Act*, for appointment to a position in the civil service, or in the alternative, to receive the same benefits under the *Civil Service Superannuation Act* as if his office or position had been abolished. For the purposes of this subsection, the salary of any member who so elects to continue to be a contributor under the *Civil Service Superannuation Act* shall, during the period he is a member, be deemed to be the salary he was receiving immediately before his appointment to be a member.

Pension rights not applicable to a contributor to Superannuation Act.

(3) Subsection one of this section shall not apply to a member who was, at the time of his appointment, a contributor under the provisions of the *Civil Service Superannuation Act* and who elects to continue to be a contributor under the *Civil Service Superannuation Act* in accordance with the provisions of subsection two of this section.

Salaries of Board members.

(4) The Chairman of the Board shall be paid an annual salary of twelve thousand dollars, and the other two members shall each be paid an annual salary of ten thousand dollars.

Salary of Secretary.

(5) The Secretary shall be paid an annual salary of six thousand dollars.

Appropriation.

(6) All salaries and actual and reasonable travelling expenses, and all other expenses incident to the carrying out of the provisions of this Act, shall be payable out of any appropriation granted to His Majesty by Parliament to defray the same."

Coming into force.

2. This Act shall be deemed to have come into force on the twenty-fifth day of March, 1940.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 118.

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

First reading, July 25, 1940.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

7194

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 118.

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

1935, c. 53; 1939, c. 39.

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

1. Paragraph *(e)* of section two of *The Canadian Wheat Board Act, 1935*, chapter fifty-three of the statutes of 1935, is repealed and the following substituted therefor:—

"wheat" defined.

"*(e)* "wheat" means wheat produced in the provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia."

2. Subsections one, three and five of section six of the said Act are repealed and the following substituted therefor:—

Advisory Committee.

"**6.** (1) The Governor in Council may appoint during pleasure an Advisory Committee to assist the Board, which committee shall consist of not more than eleven members of whom six shall represent wheat producers."

Meetings.

"(3) The Board may call meetings of the Advisory Committee to be held at such time and place as the Board may decide."

Report of proceedings.

"(5) The Advisory Committee, as soon as convenient after every meeting, shall report the proceedings thereof to the Minister and to the Board".

3. Paragraphs *(b)* and *(e)* of subsection one of section seven of the said Act, as enacted by sections one and two, respectively, of chapter thirty-nine of the statutes of 1939, are repealed and the following substituted therefor:—

Powers of Board respecting the buying of wheat.

"*(b)* to buy wheat: Provided that no wheat shall be purchased by the Board except from the producers thereof."

Proviso.

EXPLANATORY NOTES.

1. The word "Ontario" is added.

2. Subsection one of section six of the Act reads:—

"(1) The Governor in Council may appoint during pleasure an Advisory Committee to advise the Board, which Committee shall consist of not more than seven members of whom four shall represent wheat producers."

Subsection three of section six reads:—

"(3) The Board may call meetings of the Advisory Committee to be held at such time and place as the Board may decide, but not less often than once in each month."

Subsection five of section six reads:—

"(5) The Advisory Committee, as soon as convenient after every meeting, shall report the proceedings thereof to the Minister."

3. Paragraphs *(b)* and *(e)* of section seven of the Act read:—

"*(b)* to buy wheat from producers only and not in excess of five thousand bushels from any one producer in any one crop year: Provided that the Board may, by way of one or more purchases, as the case may be, buy from any one person entitled as landlord, vendor, mortgagee or otherwise, by contract or operation of

Payments to producers delivering wheat.

"*(e)* to pay to producers delivering wheat at the time of delivery or at any time thereafter as may be agreed upon a sum certain per bushel, basis in store at Fort William-Port Arthur, to be fixed by the Board with the approval of the Governor in Council in the case of each grade of wheat: Provided that such sum certain shall in the case of wheat of the grade number one Manitoba Northern be seventy cents and in the case of each other grade such other sum certain as in the opinion of the Board brings such grade into proper price relationship with number one Manitoba Northern."

4. Paragraph *(f)* of subsection one of section seven of the said Act is repealed and the following paragraphs substituted therefor:—

Certificates to producers.

"*(f)* to issue to producers when wheat is purchased certificates indicating the number of bushels purchased, the grade, quality and price, which certificates shall entitle producers named therein to share in the equitable distribution of the surplus, if any, of the operations of the Board with regard to the wheat delivered in any crop year, it being the true intent and meaning of this Act that each producer shall receive for the same grade and quality of wheat the same price on the Fort William-Port Arthur basis; the certificate aforesaid shall not be transferable and a statement to that effect shall be printed on the face thereof.

Intent and meaning.

Certificates not transferable.

Interim payments.

"*(g)* to make an interim payment on account of any surplus aforesaid if such interim payment can be made without any possibility of loss or deficit in respect of operations of the Board or of cost to the Government under any guarantee given by the Minister of Finance with regard to the crop on account of which the interim payment is proposed, and no such interim payment shall

law, the wheat or any share therein to which he is so entitled grown by another producer either alone or in conjunction with others on any farm or group of farms operated as a unit; but the aggregate of such purchases of wheat grown on any one farm or group of farms operated as a unit shall not exceed five thousand bushels in any one crop year;

"*(e)* to pay to producers delivering wheat at the time of delivery or at any time thereafter as may be agreed upon a sum certain per bushel, basis in store at Fort William-Port Arthur or Vancouver, to be fixed by the Board with the approval of the Governor in Council in the case of each grade of wheat, but which sum certain shall in the case of wheat of the grade No. 1 Manitoba Northern be seventy cents; and to issue to such producers when such wheat is purchased, certificates indicating the number of bushels purchased, the grade, quality and the price, which certificates shall entitle producers named therein to share in the equitable distribution of the surplus, if any, of the operations of the Board during the crop year, it being the true intent and meaning of this section that each producer shall receive for the same grade and quality of wheat the same price on the Fort William-Port Arthur or Vancouver basis. Such certificate shall not be transferable, and a statement to that effect shall be printed on the face thereof;"

4. Paragraph *(f)* of section seven of the Act reads:—

"*(f)* notwithstanding anything hereinbefore contained, to acquire from Canadian Co-operative Wheat Producers Limited, upon terms to be approved by the Governor in Council, all wheat or contracts to purchase or take delivery of wheat in respect of which the Government of Canada has given a guarantee;"

The operations referred to in this paragraph are complete. Paragraph *(f)* of the Bill is part of paragraph *(e)* of the Act, separated from the preceding part, now paragraph *(e)*, to clarify the whole section.

Paragraphs *(g)* and *(h)* of the Bill are new.

be made without the approval of the Governor in Council nor unless the Board certifies that there is no possibility of loss or deficit or cost as aforesaid and furnishes a full statement of the receipts, sales, stocks of wheat on hand, and the financial results of the Board's operations, together with relevant data on the general wheat position and the amount of the proposed distribution and the effect of this payment on the Board's financial position.

Payment on account of storage on producer's farm.

"*(h)* to pay to the producer at the time of delivery of wheat to the Board, in addition to any other payment authorized by this section to be made, 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 not in any case exceed 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".

5. Subsection one of section seven of the said Act is further amended by adding thereto the following paragraph:—

Regulate and control deliveries of grain.

"(i) to regulate deliveries of all kinds of grain by producers to country elevators, loading platforms, mill elevators and terminal elevators and to fix the maximum amounts of any kind of grain that a producer may so deliver in any period of time and to prescribe

Penalties.

penalties to be suffered by any producer who delivers or attempts to deliver any grain otherwise than in accordance with the Board's regulations herein authorized".

Re-lettering.

6. Paragraph *(g)* of subsection one of section seven of the said Act is re-lettered "*(j)*".

Repeal.

7. Subsection two of section seven of the said Act, as enacted by section three of chapter thirty-nine of the statutes of 1939, is repealed.

5. The added paragraph *(i)* is new.

6. A consequential re-lettering of paragraph.

7. Subsection (2) of section 7 proposed to be repealed reads:

"(2) A producer who sells directly or indirectly to the Board in any one crop year wheat in excess of the amount which the Board is by this section empowered to buy is guilty of an offence punishable on summary conviction by a fine of ten cents a bushel on all wheat sold by him to the Board, or by imprisonment for a term not exceeding one month, or by both fine and imprisonment: Provided that no prosecution shall be instituted under this subsection without the prior consent in writing of the Board."

This penalty provision is no longer required since the removal of the five thousand bushel limitation.

Repeal.

8. Paragraph *(c)* of section eight of the said Act is repealed.

Weekly report of purcchaes and sales.

9. Paragraph *(e)* of section eight of the said Act is amended by striking out the word "Friday" in the first line thereof and substituting therefor the word "Saturday".

Offering wheat for sale.

10. Paragraph *(j)* of section eight of the said Act is amended by striking out the word, "continuously" in the first line thereof.

11. Subsection one of section fifteen of the said Act is repealed and the following is substituted therefor:—

Regulations.

"**15.** (1) The Board may, with the approval of the Governor in Council, make such regulations as may be necessary for the efficient operation and enforcement of this Act and for carrying out the provisions thereof according to their true intent and meaning, and prescribe penalties for the breach thereof punishable on summary conviction by a fine not exceeding three hundred dollars or by imprison-

Penalty.

ment for a period not exceeding three months or by both such fine and such imprisonment".

12. The said Act is further amended by adding immediately after section two thereof, as a heading, the words "PART I".

8. Paragraph *(c)* of section 8 proposed to be repealed reads:

"*(c)* to sell and dispose of stocks of wheat and contracts for the delivery of wheat acquired from Canadian Co-operative Wheat Producers Limited and the wheat represented by such contracts as may be reasonably possible, having regard to economic and other conditions;"

The operations referred to in this paragraph are complete.

9. Paragraph *(e)* of section 8 of the Act reads:

"*(e)* to report in writing to the Minister, on Friday of each week showing as at the end of the preceding week its purchases and sale of wheat during such week and the wheat on hand and contracts to take delivery of wheat then held, the cost of the same to the Board and the financial result of the Board's operations which report shall be certified by the auditors of the Board;"

It is proposed to change the day of the week on which the indicated report is to be made to the Minister from Friday to Saturday as a matter of convenience. It does not delay the report reaching the hands of the Minister.

10. Paragraph *(j)* of section 8 of the Act reads:

"*(j)* to offer continuously wheat for sale in the markets of the world through the established channels: Provided that the Board may, if in its opinion any existing agencies are not operating satisfactorily, take such steps as it deems expedient to establish, utilize and employ its own or other marketing agencies or channels;"

11. Subsection one of section 15 of the Act reads:

"**15.** (1) The Board may with the approval of the Governor in Council, make such regulations as may be necessary for the efficient operation and enforcement of this Act and for carrying out the provisions thereof according to their true intent and meaning, and prescribe penalties for the breach thereof punishable on summary conviction by a fine not exceeding one hundred dollars or by imprisonment for a period not exceeding one month."

13. The said Act is further amended by adding at the end thereof the following headings and section:—

"PART II.

PROCESSING LEVY.

Definitions.

"processer".

"wheat product".

"18. (1) In this section and in any regulation made thereunder, unless the context otherwise requires,—

(a) "processer" means a manufacturer of a wheat product;

(b) "wheat product" means and includes flour or other product manufactured from wheat for human consumption.

Levy on wheat product intended for consumption in Canada.

(2) Whenever any wheat product intended for consumption in Canada is delivered by the processer thereof to any purchaser there shall be imposed and collected, in addition to any duty or tax that may be payable under any other statute or law, a processing levy payable by the purchaser at a rate to be fixed by the Governor in Council not exceeding fifteen cents per bushel of wheat utilized for the production of the wheat product.

Collection of levy.

(3) The processing levy imposed by this section shall be collected by the processer from the purchaser and paid over to the Board by the processer on the first day of the month following the delivery by the processer of the wheat product subject to the levy, and any processer who fails to collect the said levy from the purchaser shall become liable for the said levy. Any processer who does not pay the levy to the Board on or before the last day of the month following delivery of the wheat product as herein provided shall be subject to a penalty of one-thirtieth of one per centum of the amount due on account of the aforesaid levy for each day that such payment is in default.

Penalty.

Processer to keep records and make returns.

(4) Every processer shall keep or cause to be kept such records and shall make or cause to be made such returns from time to time relating to the payment of the levy herein imposed as may be directed or required by the Board, and all such records and returns shall accurately and faithfully represent the facts of the transactions to which they respectively purport to relate, and shall be subject at any time to examination by a duly authorized officer of the Board.

Examination by officer of Board.

Moneys received by Board to be revenue of Board, 1931, c. 27.

(5) Notwithstanding the provisions of *The Consolidated Revenue and Audit Act, 1931,* sums received by the Board, as hereinbefore provided, shall be deemed by the Board to be ordinary revenue of the Board and shall be held and expended by the Board in all respects as such ordinary revenue and not otherwise.

Processer not to process wheat grown outside of Canada.

(6) No processer shall after the coming into force of this section process any wheat grown outside of Canada without permission of the Board.

13. This section is new.

Regulations.

(7) The Governor in Council shall have power to make regulations governing the computation of liability of the levy imposed by this section and the payment and collection of the same, and every such regulation shall upon being published in the *Canada Gazette* have the same force and effect as if enacted in this Act.

Offence penalty.

(8) Any breach of any provision of this section or of any regulation made hereunder shall be punishable on summary conviction by imprisonment for not more than one year or by a fine not exceeding five thousand dollars or by both such imprisonment and such fine.

Coming into force.

(9) Notwithstanding the provisions of section seventeen this section shall be deemed to have come into force on the twenty-fourth day of July, one thousand nine hundred and forty, and the levy imposed hereby shall be payable in respect of all wheat products delivered on and after that date.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 120.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1940, to provide for the refunding of financial obligations and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

First reading, July 30, 1940.

THE MINISTER OF FINANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

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1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 120.

An Act to authorize the provision of moneys to meet certain capital expenditures made and capital indebtedness incurred by the Canadian National Railways System during the calendar year 1940, to provide for the refunding of financial obligations and to authorize the guarantee by His Majesty of certain securities to be issued by the Canadian National Railway Company.

1931, cc. 22, 23; 1932, cc. 6, 15, 25, 26; 1932-33, c. 34; 1935, c. 17; 1936, c. 27; 1937, c. 6; 1938, c. 43; 1939, c. 38.

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

Short title.

1. This Act may be cited as *Canadian National Railways Financing and Guarantee Act, 1940.*

Power to issue securities for refunding and capital expenditures.

2. Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (herein called "the National Company") may issue notes, obligations, bonds, debentures or other securities (herein called "securities") bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide the amounts necessary to meet in whole or in part capital expenditures made or capital indebtedness incurred during the calendar year 1940 by or on behalf of any companies or railways comprised in the National Railway System as defined in *The Canadian National Railways Capital Revision Act, 1937*, on any or all of the following accounts, such expenditures or indebtedness being (herein called "authorized expenditures"),—

1937, c. 22.

(a) Retirement of maturing capital obligations, miscellaneous maturing or matured notes and other obligations secured or unsecured and payment of sinking funds, not exceeding $8,200,000;

Explanatory Notes.

This Bill authorizes the Canadian National Railway Company to issue bonds or other securities not exceeding $15,104,000 in principal amount, to provide the amounts necessary to meet capital expenditures during the year 1940 for the retirement of maturing capital obligations, general additions and betterments, and the purchase of new equipment.

The Bill also provides that the Railway Company may issue securities for the purpose of purchasing or refunding unmatured securities of the Railway Company.

The Governor in Council is authorized to guarantee the principal, interest and sinking funds of securities which the Railway Company is authorized to issue under the provisions of the Bill. There is a provision enabling the Minister of Finance, with the approval of the Governor in Council, to make temporary loans to the Railway Company for the purpose of meeting authorized expenditures of the Railway Company and for the purpose of purchasing or refunding securities of the Railway Company. These temporary loans are to be secured by securities which the Railway Company is by the Bill authorized to issue.

(*b*) Additions and betterments including co-ordinations and acquisition of real or personal property, not exceeding $6,904,000, estimated as follows:—

General additions and betterments..	$	13,724,400
Less: Equipment retirements.....		9,075,400
	$	4,649,000
New equipment purchases.....		1,665,000
Acquisition of securities.....		590,000
	$	6,904,000

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the National Company is authorized by this section to issue from time to time shall not exceed the sum of $15,104,000 being the total of the items hereinbefore set out.

Power to issue securities for refunding.

3. Subject to the provisions of this Act and the approval of the Governor in Council, the National Company may issue notes, obligations, bonds, debentures or other securities (herein called "substituted securities") for the purpose of purchasing or refunding any unmatured stocks, notes, obligations, bonds, debentures, and other securities (herein called "original securities") of the National Company or of any one or more of the companies or railways comprised in said National Railway System, if neither the capital of the debt nor the annual charge for interest is thereby increased.

Minister of Finance may make loans for refunding and capital expenditures.

4. The Minister of Finance, with the approval of the Governor in Council, may make temporary loans to the National Company out of the Consolidated Revenue Fund for the purpose of meeting authorized expenditures, or for the purpose of purchasing original securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may determine and secured by securities which the National Company is authorized to issue from time to time under the provisions of section two of this Act or by substituted securities which the National Company is authorized to issue from time to time under the provisions of section three of this Act, upon applications for such loans approved by the Minister of Transport, made from time to time by the National Company to the Minister of Finance: Provided, however, that the aggregate principal amount at any one time outstanding of the loans which the Minister of Finance is hereby authorized to make from time to time to the National Company shall not exceed the sum of $15,104,000 for the purposes of section

two of this Act, and the principal amount of substituted securities which the National Company is authorized to issue for the purpose of section three of this Act.

Issue and guarantee of substituted securities.

5. Should any such temporary loans be made within the limits aforesaid, definitive securities may subsequently be issued and guaranteed under the provisions of this Act to repay such loans or any part thereof.

Power to aid other companies.

6. The National Company may aid and assist, in any manner, any other or others of the said companies and railways, and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any other or others of the said companies and railways from time to time:—

(a) Apply the proceeds of any issue of securities in meeting authorized expenditures on its own account or on account of any other or others of the said companies and railways;

(b) Make advances for the purpose of meeting authorized expenditures to any other or others of the said companies and railways, upon or without any security, at discretion;

(c) Apply the proceeds of the issue of any substituted securities for the purpose of purchasing or refunding any original securities of the National Company or of any one or more of the companies or railways comprised in said National Railway System;

(d) Make advances for the purpose of purchasing or refunding any original securities of any one or more of the companies or railways comprised in said National Railway System upon or without any security at discretion.

Guarantee.

7. The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of the securities, and substituted securities which the National Company may make or issue from time to time under the provisions of this Act.

Form and terms of guarantee.

8. (1) The guarantee or guarantees may be in such forms and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of His Majesty by the Minister of Finance or the acting Minister of Finance or by such other person as the Governor in Council may from time to time designate and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Method of guarantee.

(2) Any such guarantee may be either a general guarantee covering the total amount of the issue or be a separate guarantee endorsed on each obligation.

(3) With the approval of the Governor in Council temporary guarantees may be made, to be subsequently replaced by permanent guarantees.

Proceeds paid to credit of Minister of Finance in trust.

9. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada in trust for the National Company in one or more banks designated by him.

Application for the release of any part of the proceeds.

(2) The Board of Directors of the National Company may from time to time authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited as aforesaid to the National Company for the purpose of meeting specified authorized expenditures within the respective limits, mentioned in section two of this Act, or for the purpose of purchasing or refunding original securities, and the Minister of Transport may in his discretion approve the said applications and, upon the request of the Minister of Transport, the Minister of Finance may release the amount or amounts of such applications or part thereof accordingly.

Cancellation and cremation of original securities.

10. Original securities coming into the possession of the National Company by means of such purchasing or refunding may be cancelled and cremated in the presence of a representative or representatives of the Minister of Finance and of the National Company and (if desired by them) of any trustees affected, and certificates of such cremation, signed by such representatives, shall be filed with the Minister of Finance, the National Company, and with the trustees (if desired by them) and any such certificate shall be conclusive evidence for all purposes of the cancellation and cremation of the original securities covered thereby.

122.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1941.

AS PASSED BY THE HOUSE OF COMMONS, 30th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

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1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1941.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by message from His Excellency the Right Honourable the Earl of Athlone, etc., etc., Governor General of Canada and the estimates accompanying the said message that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and forty-one, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 2, 1940.*

$20,727,533.23 granted for 1940-41.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole twenty million, seven hundred and twenty-seven thousand, five hundred and thirty-three dollars and twenty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty, to the thirty-first day of March, one thousand nine hundred and forty-one, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted, set forth in the Estimates for the fiscal year ending the thirty-first day of March, one thousand nine hundred and forty-one, as laid before the House of Commons at the present session of Parliament.

Account to be rendered in detail.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 123.

An Act respecting the payment of compensation for the taking of certain property for war purposes.

First reading, August 1, 1940.

THE MINISTER OF JUSTICE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

6486

Explanatory Note.

The purpose of the proposed Act is to lay down rules for the fixing of compensation and the payment thereof in respect of the taking of ships and aircraft for war purposes under section seven of the *War Measures Act* and the application by Order in Council, if so desired, to any other Act of Parliament.

The Bill is substantially the same as corresponding sections in the Compensation (Defence) Act, 1939, passed by Parliament in the United Kingdom, except that it is limited to the two classes of property above mentioned. The Act of the United Kingdom is, for obvious reasons, much broader in scope and applies to certain classes of property in addition to those above mentioned.

As regards the basis upon which compensation is to be payable, the Bill adopts the principle of the Act of the United Kingdom, namely, that compensation is payable on pre-war values. The reason for the selection of pre-war values as the basis of compensation for the taking of ships is that, as a result of the disappearance of practically all European shipping other than British, the requisitioning of all British shipping, the partial requisitioning of Canadian shipping and the elimination of American shipping from the European trade, values now existing are purely artificial. The same reasoning applies to the taking of aircraft. The only real ascertainable values are those which ships or aircraft had before the war.

The legislation is of necessity very detailed. Owing to the fact that at the time of the requisitioning of a vessel or aircraft the period of the requisition is uncertain, it is impossible to fix a lump sum by way of compensation at the outset. Such a lump sum could be fixed at the end of the period, but in the meantime the parties interested in the vessel would receive no payment. The Bill is, therefore, drafted to provide that compensation by way of rent or charter of hire will be payable periodically, that any expenses will be immediately repaid and that any damage in excess of fair wear and tear or due to special war risk will be paid for at the end of the period. Further, as different persons may be interested in the vessel at different times during the period of requisition, provision is made to ensure that payment is made to the proper person.

The proposed Bill, in its substantive provisions, follows very closely the wording of corresponding sections in the Act of the United Kingdom. The only changes other than the limitation in its scope mentioned above, have been made to fit the legislation of the United Kingdom into the Canadian scheme of legislation contained in the War Measures Act and the orders in council, including the Defence of Canada Regulations, made thereunder.

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA

BILL 123.

An Act respecting the payment of compensation for the taking of certain property for war purposes.

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 Compensation (Defence) Act, 1940.*

Definitions.

2. In this Act, unless the context otherwise requires,

"acquistion."

(a) "acquisition", in relation to any vessel or aircraft, means the appropriation by or on behalf of His Majesty of the title to or property in the vessel or aircraft under the provisions of the *War Measures Act;*

R.S.C. 206.

"aircraft."

(b) "aircraft" means all machines which can derive support in the atmosphere from reactions of the air;

"court."

(c) "fair wear and tear," in relation to any property, possession of which is taken on behalf of His Majesty or which is requisitioned on behalf of His Majesty, means such fair wear and tear as might have been expected to occur but for the fact that the property was so requisitioned, as the case may be;

"owner."

(d) "owner", in relation to any vessel or aircraft means the registered owner;

"requirement."

(e) "requirement", in relation to any space or accommodation in a vessel, means the appropriation by or on behalf of His Majesty of such space or accommodation under the provisions of the *War Measures Act;*

'requisition."

(f) "requisition", in relation to any vessel or aircraft, means the appropriation of the use thereof or requiring it to be placed at the disposal of His Majesty under the provisions of the *War Measures Act;*

'war."

(g) "war" means the state of war now existing;

"*War Measures Act.*"

(h) "*War Measures Act*" means the *War Measures Act,* chapter two hundred and six of the Revised Statutes of Canada, 1927, and includes any order in council, order or regulation made pursuant thereto;

Explanatory Notes.

2. The definitions of "acquisition", "requirement", and "requisition" are designed to co-ordinate this Act with the *War Measures Act.*

The definitions of "aircraft" and "vessel" are those contained in the Air Regulations and the *Canada Shipping Act,* respectively.

The definition of "war" has been substituted for the word "emergency" in the Act of the United Kingdom. This was necessary in order to co-ordinate this Act with other Canadian legislation.

The definition *"War Measures Act"* has been inserted merely for the sake of brevity in drafting the balance of the Act.

The definitions of "fair wear and tear" and "war operations" have been adopted from the Act of the United Kingdom.

"war operations."

(*i*) "war operations" means action taken by an enemy or action taken in combating any enemy or in repelling an imagined attack by an enemy;

"vessel."

(*j*) "vessel" means any ship or boat or any other description of vessel used or designed to be used in navigation.

Application.

3. The provisions of this Act shall apply to the determination of any compensation payable for the requisition or acquisition of any vessel or aircraft or the requirement of any space or accommodation in any vessel heretofore or hereafter requisitioned, acquired or required by or on behalf of His Majesty under the provisions of the *War Measures Act*.

Compensation payable for the requisition of a vessel or aircraft.

4. (1) The compensation payable in respect of the requisition of any vessel or aircraft shall be the aggregate of the following sums, that is to say,—

(*a*) a sum equal to the amount which might reasonably be expected to be payable by a person for the use of the vessel or aircraft during the period of the requisition, under a charter or contract of hiring whereby he undertook to bear the cost of insuring, maintaining and running the vessel or aircraft, and

(*b*) if an agreement is made on behalf of His Majesty for the running of the vessel or aircraft during the said period by the person who, but for the requisition, would be entitled to possession of the vessel or aircraft, or who is the owner thereof, a sum equal to the amount of any expenses reasonably incurred by that person in connection with the maintenance and running of the vessel or aircraft during that period, not being expenses taken into account for the purposes of paragraph (*a*) of this subsection, and

(*c*) a sum equal to the cost of making good any damage to the vessel or aircraft, not resulting in a total loss thereof, which may have occurred during the said period (except in so far as the damage has been made good during that period by a person acting on behalf of His Majesty), no account being taken of fair wear and tear, and

(*d*) in a case where, during the period of the requisition, a total loss of the vessel or aircraft occurs, a sum equal to the value of the vessel or aircraft immediately before the occurrence of the damage which caused the loss, and

(*e*) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the requisition;

Provided that—

3. This section is designed to co-ordinate the provisions of the Bill with the *War Measures Act* and the Defence of Canada Regulations.

The Act will be retroactive in effect. In this regard it is to be noted that section 10 of the Bill preserves existing charter parties and agreements.

4 and **5.** Sections 4 and 5 are adopted practically verbatim from the Act of the United Kingdom. In that Act they are, however, contained in one section. It is deemed desirable to deal with "requisition" and "acquisition" in separate sections as they appear to involve separate matters.

(i) in computing for the purposes of paragraphs *(a)* or *(d)* of this subsection the amount which might reasonably be expected to be payable for the use or for the loss of any vessel or aircraft, no account shall be taken of any appreciation in the value thereof due to the war; and

(ii) no compensation shall by virtue of paragraph *(c)* of this subsection be payable in respect of any damage, if compensation in respect of expenses incurred for the purpose of making good that damage has accrued due by virtue of paragraph *(b)* of this subsection;

(iii) if any vessel or aircraft is requisitioned by or on behalf of His Majesty and is subsequently acquired by His Majesty, the period of the requisition shall be deemed to have terminated at the close of the day immediately preceding the acquisition.

Compensation considered as accruing.

(2) Any compensation under paragraph *(a)* of the preceding subsection shall be considered as accruing due from day to day during the period for which the vessel or aircraft is requisitioned, and be apportionable in respect of time accordingly, and shall be paid to the person who, at the time when the compensation accrues due, is the registered owner of the vessel or aircraft; but this subsection shall not operate so as to require the making of payments at intervals of less than one month.

When person deemed to receive compensation as a trustee.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph *(a)* of subsection one of this section, a person other than the owner of the vessel or aircraft is, by virtue of a subsisting charter or contract of hiring, the person who would be entitled to possession of, or to use, the vessel or aircraft but for the requisition, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

Compensation due at the time expenses are incurred.

(4) Any compensation under paragraph *(b)* or paragraph *(e)* of subsection one of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred; but this subsection shall not operate so as to require the making of payments at intervals of less than one month.

Compensation due at the end of the period of requisition.

(5) Any compensation under paragraph *(c)* or paragraph *(d)* of subsection one of this section shall accrue due at the end of the period of the requisition, and shall, subject to the following provisions of this Act, be paid to the person who is then the registered owner of the vessel or aircraft.

"total loss" defined.

(6) For the purposes of subsection one of this section, the expression "total loss" shall have the same meaning as it has for the purposes of the law relating to insurance, and accordingly shall be construed as including constructive total loss; and upon the payment to any person of any

compensation which has become payable by virtue of paragraph *(d)* of that subsection in respect of any loss, the Crown shall have the same right to take over an interest in whatever remains of the vessel or aircraft, and the same rights and remedies in and in respect of the vessel or aircraft as it would have if the payment had been made by the Crown as the insurer under a contract insuring that person against the loss.

Compensation payable for the acquisition of a vessel or aircraft.

5. (1) The compensation payable in respect of the acquisition of any vessel or aircraft shall be a sum equal to the value of the vessel or aircraft, no account being taken of any appreciation due to the war, and shall, subject to the provisions of this Act, be paid to the person who is then the registered owner of the vessel or aircraft; provided that, for the purpose of assessing any compensation under this section, no account shall be taken of any compensation under paragraph *(a)* or paragraph *(c)* of subsection one of section four hereof which may have become payable in respect of the requisition of that vessel or aircraft.

Proviso.

Acquisition after requisition.

(2) Where, at any time during the period for which the vessel or aircraft is requisitioned on behalf of His Majesty,—

(a) a written notice stating that the vessel or aircraft is to be treated as acquired on behalf of His Majesty is served on the registered owner thereof by a person acting on behalf of His Majesty, or

(b) the vessel or aircraft is sold on behalf of His Majesty,

then, for the purposes of this section, the vessel or aircraft shall be deemed to have been acquired on behalf of His Majesty immediately before the day on which the said notice was served or, as the case may be, the day on which the vessel or aircraft was so sold, and the period of requisition shall be deemed to have been ended at the time when the acquisition of the vessel or aircraft as aforesaid is deemed by virtue of this subsection to have been effected.

Notice of the sale.

(3) Where there is effected such a sale of any vessel or aircraft as is referred to in paragraph *(b)* of the last preceding subsection, the person by whom the sale was effected shall, as soon as may be thereafter, serve a written notice of the sale on the person who for the time being would be the registered owner of the vessel or aircraft but for the sale thereof as aforesaid.

Compensation for space in ships.

6. The compensation payable in respect of any requirement that any space or accommodation in a ship be placed at the disposal of His Majesty shall be the aggregate of the following sums, that is to say:—

(a) a sum equal to the amount which might reasonably be expected to be payable for the use of that space or accommodation during the period for which it is at

6, 7, 8, 9 and **10.** Sections 6, 7, 8, 9 and 10 are merely adaptations of corresponding sections of the Act of the United Kingdom.

the disposal of His Majesty by virtue of that requirement, no account being taken of any appreciation of values due to the war, and

(b) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the said requirement.

Compensation considered as accruing.

(2) Any compensation under paragraph *(a)* of the preceding subsection shall be considered as accruing due from day to day during the period for which the space or accommodation remains at the disposal of His Majesty, and be apportionable in respect of time accordingly, and shall be paid to the person who, at the time when the compensation accrues due, is the registered owner of the ship; but this subsection shall not operate so as to require the making of any payment before the end of the said period.

When. person receiving compensation deemed a trustee.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph *(a)* of subsection one of this section, a person other than the owner of the ship is, by virtue of a subsisting charter or contract of hiring, entitled to possession of, or to use, the ship, or is by virtue of a subsisting contract, the person who would be entitled to use the space or accommodation but for the requirement in respect of which the compensation is payable, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

Compensation due when expenses are incurred.

(4) Any compensation under paragraph *(b)* of subsection one of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

If vessel subject to mortgage, etc.

7. Where any sum by way of compensation is paid in accordance with any of the provisions of this Act, to the owner of any vessel or aircraft, then, if at the time when the compensation accrues due, the vessel or aircraft is subject to any mortgage, lien or other similar obligation, the sum so paid shall be deemed to be part of the security comprised in that mortage, lien or other obligation.

Compensation to carry interest.

8. Any compensation under this Act shall carry interest as from the date on which it accrues due until payment, at such rate not exceeding five per centum per annum as the Governor in Council may from time to time by order prescribe: Provided that, in the event of dispute, no interest shall be payable to any person,

Proviso.

(i) to whom has been tendered a sum equal to or greater than the amount which is found to be payable under the provisions hereof, in respect of the period after such tender;

(ii) to whom the delay in the final determination of such dispute is attributable, in whole or in part, for the period during which such delay is attributable to him.

Notice of claim.

9. No claim for compensation under this Act shall be entertained unless notice of the claim has been given to His Majesty through the officer or servant of His Majesty who has directed that the vessel or aircraft be requisitioned or acquired or the space or accommodation in the vessel be required on behalf of His Majesty within a period of six months, or such longer period as the Governor in Council may, either generally or in relation to any particular claim or class of claims, allow, beginning with the date on which the compensation accrues due.

Agreements.

10. The provisions of this Act shall be without prejudice to any agreement for the making of any payment (whether by way of compensation or otherwise) in respect of the requisition or acquisition of any vessel or aircraft or requirement of any space or accommodation in any vessel, by or on behalf of His Majesty; but where compensation in respect of such requisition, acquisition or requirement would, apart from this section, be payable under this Act or some other enactment or rule of law, then, subject to any such agreement as aforesaid, the compensation shall be payable in accordance with this Act and not otherwise.

Notice may be served by post.

11. Any notice which by this Act is required or authorized to be served on any person may be served by telegraph or by post.

Powers of Governor in Council.

12. The Governor in Council may by order prescribe that the provisions of this Act shall apply to the requisition or acquisition of any vessel or aircraft or the requirement of any space or accommodation in any ship under any Act of the Parliament of Canada, other than the *War Measures Act*, or under any order or regulation made under any such Act.

11. This section is merely an adaptation of the corresponding section of the Act of the United Kingdom.

12. It is considered that if Parliament approves the application of the rules contained in this Bill that it is desirable that provision be made for their extension to cases other than those arising only under the *War Measures Act*.

124.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 124.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1941.

AS PASSED BY THE HOUSE OF COMMONS, 6th AUGUST, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3192 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE HOUSE OF COMMONS OF CANADA.

BILL 124.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1941.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honourable Sir Lyman Poore Duff, Administrator of the Government of Canada and His Excellency the Right Honourable the Earl of Athlone, etc., etc., Governor General of Canada and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and forty-one, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Short title.

1. This Act may be cited as *The Appropriation Act, No. 3, 1940.*

$178,176,682.65 granted for 1940-41.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and seventy-eight million, one hundred and seventy-six thousand, six hundred and eighty-two dollars and sixty-five cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty, to the thirty-first day of March, one thousand nine hundred and forty-one, not otherwise provided for, and being the amount of each of the items voted, less deduction, set forth in Schedule A to this Act, and less the amounts voted on account of the said items in *The Appropriation*

Act, No. 1, 1940 and *The Appropriation Act, No. 2, 1940*, passed at the present session of Parliament, for the fiscal year ending the thirty-first day of March, one thousand nine hundred and forty-one, as laid before the House of Commons at the present session of Parliament: Provided the amount hereby authorized to be paid and applied in respect to each item, set forth in said Schedule A, shall be deemed to include and not to be in addition to, the amount authorized for each such item by Governor General's Warrants issued during the fiscal year 1940-41 prior to the 16th day of May, 1940.

$3,197,488.00 granted for 1940-41.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole three million, one hundred and ninety-seven thousand, four hundred and eighty-eight dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and forty, to the thirty-first day of March, one thousand nine hundred and forty-one, not otherwise provided for, and being the amount of each of the several items voted, set forth in Schedule B to this Act.

Power to raise loan of $200,000,000.00 for public works and general purposes.

1931, c. 27.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not to exceed in the whole the sum of two hundred million dollars, as may be required for public works and general purposes, and in addition such sum or sums of money as may be required to pay and redeem treasury bills maturing from time to time.

Chargeable to Consolidated Revenue Fund.

(2) The principal raised by way of loan under this Act and the interest thereon shall be a charge upon and payable out of the Consolidated Revenue Fund.

Lapse of prior borrowing powers.

(3) All borrowing powers authorized by section five of chapter fifty-three of the statutes of 1939 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered in detail.

5. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

SCHEDULE A

Based on the Main Estimates, 1940-41. The amount hereby granted is $178,176,682.65, being the amount of each of the items in the Estimates as contained in this Schedule less deduction of $2,081.97 in Resolution No. 38; and less the amount voted on account of the said items in *The Appropriation Act No. 1, 1940* and *The Appropriation Act No. 2, 1940* of the present session.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1941, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE		
	ADMINISTRATION SERVICE		
1	Departmental Administration	120,005 00	
2	Publicity and Extension	109,650 00	
3	Advisory Committee on Agricultural Services	3,000 00	
4	Contributions to Empire Bureaux	33,823 34	
5	International Institute of Agriculture	12,000 00	
	SCIENCE SERVICE		
6	Science Service Administration	25,467 00	
7	Animal and Poultry Pathology	146,615 00	
8	Bacteriology and Dairy Research	38,637 00	
9	Botany and Plant Pathology	283,193 00	
10	Agricultural Chemistry	93,951 00	
11	Entomology	430,509 00	
	EXPERIMENTAL FARMS SERVICE		
12	Experimental Farms Administration	60,305 00	
13	Central Experimental Farm	589,435 00	
14	Branch Farms and Stations, and Illustration Stations	1,309,276 00	
	PRODUCTION SERVICE		
15	Production Service Administration	35,785 00	
	Health of Animals—		
16	Administration of Animal Contagious Diseases Act and Meat and Canned Foods Act	1,652,495 00	
17	Compensation for animals slaughtered	543,900 00	
18	To provide for payment of compensation to owners of animals affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and regulations thereunder, in the amounts detailed in the Estimates	1,077 33	
19	Live Stock and Poultry	711,257 55	
20	Plant Protection	257,928 00	
21	Plant Products—Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control, including grant of $18,900 to Canadian Seed Growers' Association	518,487 00	
22	Grants to Fairs and Exhibitions in the amounts detailed in the Estimates	65,000 00	
23	Grants to Agricultural organizations, in the amounts detailed in the Estimates	35,500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	AGRICULTURE—*Concluded*		
	MARKETING SERVICE		
24	Marketing Service Administration	94,262 00	
25	Agricultural Economics	97,895 00	
26	Dairy Products	355,452 00	
27	Subsidies for Cold Storage Warehouses under the Cold Storage Act, and Grants, in the amounts detailed in the Estimates.	188,987 87	
28	Fruit, Vegetable and Maple Products, and Honey, including grants of $5,000 to the Canadian Horticultural Council and $500 to the Advisory Export Council	532,150 00	
29	Live Stock and Live Stock Products	513,843 00	
30	Marketing of Agricultural Products, including temporary appointments that may be required to be made, notwithstanding anything contained in the Civil Service Act, the amount available for such appointments not to exceed $30,000	100,000 00	
	SPECIAL		
31	Prairie Farm Rehabilitation Act and Water Storage	2,500,000 00	
32	Prairie Farm Assistance Act	250,000 00	
33	Science Service Buildings—To close out contracts	44,437 00	
34	To provide for assistance to encourage the Improvement of Cheese and Cheese Factories	1,000,000 00	
35	To provide assistance for the replacement of maple production equipment	300,000 00	
36	To provide assistance to the Provinces for the re-establishment of settlers	200,000 00	
			13,254,323 09
	AUDITOR GENERAL'S OFFICE		
37	Salaries and Expenses of Office	467,605 00	
38	To authorize payment from the Consolidated Revenue Fund to Georges Gonthier, former Auditor General, of an annuity at the rate of $1,500, to commence on his retirement from the position of Auditor General and to continue during his lifetime	*2,083 33	
			469,688 33
	CHIEF ELECTORAL OFFICER		
39	Salaries and Expenses of Office		18,665 00
	CIVIL SERVICE COMMISSION		
40	Salaries and Contingencies of the Commission		401,930 00
	EXTERNAL AFFAIRS		
41	Departmental Administration	181,760 00	
42	Representation Abroad, including salaries of High Commissioners, Ministers Plenipotentiary, Consuls, Secretaries and Staff, notwithstanding anything to the contrary in the Civil Service Act or any of its amendments	626,575 00	
43	To provide for hospitality in connection with visitors from abroad	5,000 00	
44	Expenses in connection with the negotiation of treaties	10,000 00	
45	Expenses of Canadian Delegates to the Assembly, Conferences and Commissions of the League of Nations	7,000 00	
46	Publications of the League of Nations for distribution to Members of Parliament and a grant to the League of Nations Society in Canada	3,000 00	
47	Amount required to meet loss on exchange	115,000 00	

* Deduction, $2,081.97

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	EXTERNAL AFFAIRS—*Concluded*		
	CANADA'S CONTRIBUTIONS TO MAINTENANCE OF EXTERNAL ORGANIZATIONS		
48	The expenses of the League of Nations for 1940, including Secretariat, International Labour Organization and Permanent Court of International Justice	150,410 00	
49	The expenses of the International Commission for Air Navigation for 1940	1,650 00	
50	Portion of expenditure of the Imperial Economic Committee and the Imperial Shipping Committee	9,345 00	
51	Expenses of Wheat Advisory Committee for 1940, Canada's assessment	1,955 00	
			1,111,695 00
	FINANCE		
52	Departmental Administration	286,590 00	
53	Bank Inspection (Inspector General of Banks' Office)	26,000 00	
54	Commissioner of Tariff's Office	19,850 00	
55	Royal Canadian Mint, including the Dominion of Canada Assay Office	299,782 86	
	HOUSING BRANCH		
56	National Housing Act, Administration	100,405 00	
	OLD AGE PENSIONS (INCLUDING PENSIONS TO THE BLIND)		
57	Old Age Pensions, including Pensions to the Blind, Administration	41,090 00	
	SUPERANNUATION, RETIREMENT BENEFITS AND SUNDRY PENSIONS		
	Superannuation and Retirement Benefits		
58	Superannuation and Retirement Acts, Administration	25,900 00	
59	Government's contribution to the Superannuation Fund	2,340,000 00	
60	To provide for retiring allowances to former employees of the Department of Public Printing and Stationery	3,000 00	
	Pensions		
61	Banting, Sir Frederick G	7,500 00	
	PUBLIC DEBT CHARGES		
62	Commission for payment of interest on Public Debt, purchase of Sinking Funds, Services of Fiscal Agents, London, English bill stamps, Registrars' Fees, etc	200,000 00	
	Special Grants		
63	New Brunswick	900,000 00	
	Nova Scotia	1,300,000 00	
	Prince Edward Island	275,000 00	
	Manitoba	750,000 00	
	Saskatchewan	1,500,000 00	
	British Columbia	750,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	FINANCE—*Concluded*		
	MISCELLANEOUS GRANTS AND CONTRIBUTIONS		
64	Canadian General Council of the Boy Scouts	9,000 00	
65	Dominion Council of the Girl Guides	4,860 00	
66	Royal Astronomical Society	1,620 00	
67	Royal Canadian Academy of Arts	2,025 00	
68	Royal Society of Canada	4,500 00	
69	To provide for report on cultural conditions in Canada (literature, art, drama, education, etc.)	2,500 00	
	Federal District Commission—		
70	Maintenance and improvement of grounds adjoining Government Buildings, Ottawa, and for improvements to the parkway system under the control of the Federal District Commission	140,000 00	
71	To provide for further acquisition of land and local surveys in connection with the National Parkway in the Gatineau valley adjacent to Ottawa (revote)	31,500 00	
	GENERAL		
72	Tariff Board, including the Dominion Trade and Industry Commission—Payments may be made notwithstanding anything in the Civil Service Act or Regulations	107,000 00	
73	To provide for the expenses of the Comptroller of the Treasury's Office	1,904,777 50	
74	Farmers' Creditors Arrangement Act, 1934, and Municipal Improvements Assistance Act, 1938, Administration	363,752 00	
75	To provide, subject to the approval of the Treasury Board, for salaries, reclassifications and increases	100,000 00	
76	Unforseen expenses, expenditure thereof to be subject to the approval of the Treasury Board, and a detailed statement to be laid before Parliament within fifteen days of next Session	80,000 00	
			11,576,652 36
	FISHERIES		
77	Departmental Administration	129,300 00	
78	Fisheries Inspection, including Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services	767,000 00	
79	Building Fishways and Clearing Rivers	2,000 00	
80	Development of the Deep Sea Fisheries and the Demand for Fish	60,000 00	
81	Salt Fish Board	28,000 00	
82	Fish Culture	195,000 00	
83	Oyster Culture	24,000 00	
84	Fisheries Research Board of Canada	243,700 00	
85	To provide for Canadian share of expenses of the International Fisheries Commission appointed under Treaty dated March 2nd, 1923, between Canada and the United States for the preservation of the North Pacific Halibut Fishery	25,000 00	
86	To provide for Canadian share of expenses of the International Fisheries Commission under Treaty dated May 26th, 1930, between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries of the Fraser River System	40,000 00	
87	To provide for the Canadian share of expenses of a Board of Inquiry for the Great Lakes Fisheries appointed under an agreement by an exchange of Notes on February 29th, 1940, between Canada and the United States	3,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	FISHERIES—*Concluded*		
88	To provide for transportation, dressing and dyeing, and other expenses incidental to receiving and disposing of fur seal skins accruing to Canada pursuant to the Pelagic Sealing Treaty, 1911	135,000 00	
89	Grant to United Maritime Fishermen's Association	3,000 00	
	SPECIAL		
90	To provide for the extension of educational work in co-operative producing and selling among fishermen	50,000 00	
91	To provide for assisting the Salt Fish Branch of the Fishing Industry	400,000 00	
			2,105,000 00
	GOVERNOR GENERAL AND LIEUTENANT GOVERNORS		
92	Office of the Secretary to the Governor General, including allowance of $2,500 per annum to the Secretary to the Governor General	.....	104,650 00
	INSURANCE		
93	Departmental Administration	165,250 00	
94	Expenses of work in the interests of Fire Prevention	10,400 00	
			175,650 00
	JUSTICE		
95	Departmental Administration	152,505 00	
96	Remission Service, including remuneration to members of the Royal Canadian Mounted Police Force (to be expended under Order in Council, and not to exceed $1,600) for assistance to this Service, and an amount of $10,900 to reimburse the Royal Canadian Mounted Police Force the amounts disbursed by them in ordinary pay and allowances to their men on loan to this Service	49,160 00	
97	Administration of Justice—Miscellaneous expenditure	6,000 00	
98	Expenses of litigated matters	25,000 00	
99	Annual contribution to the Canadian Law Library, London, England	500 00	
	Supreme Court of Canada—		
100	Administration	69,350 00	
	Exchequer Court of Canada—		
101	Administration	34,265 00	
	Yukon Territorial Court—		
102	Administration	5,040 00	
103	Payment of gratuities to the widows or to any dependent children of judges who die while in office	15,000 00	
	PENITENTIARIES BRANCH		
104	Branch Administration	170,155 00	
105	Operation and maintenance of penitentiaries, including administration, construction, purchase of land, supplies, equipment and livestock; maintenance, discharge and transfer of convicts; compensation to discharged convicts permanently disabled while in penitentiaries	2,912,685 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	JUSTICE—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
106	William Tatton	564 00	
107	J. Langlois Bell	600 00	
			3,440,824 00
	LABOUR		
108	Departmental Administration	119,976 00	
109	Annuities Act	251,185 00	
110	Combines Investigation Act	35,240 00	
111	Fair Wages and Conciliation	48,825 00	
112	Employment Offices Co-ordination Act—Administration	61,995 00	
113	Industrial Disputes Investigation Act	40,000 00	
114	Labour Gazette and other publications authorized by Labour Department Act	51,770 00	
115	Technical Education Act—Administration	2,300 00	
	SPECIAL		
116	To provide for commitments under Relief Settlement Agreements with the Provinces, including $350,000.00 for undischarged commitments	500,000 00	
117	To provide for contributions to Farm Employment and Supplementary Plans. (Revote for commitments $81,650.00)	306,650 00	
118	To provide for contributions to Dominion Forest Conservation projects. (Revote for commitments under last year's agreement with Provinces $140,000.00)	500,000 00	
119	To provide for contribution to plans for Rehabilitation of Unemployed Higher Age Persons (Revote for commitments, $45,200.00)	295,000 00	
120	To provide for Direct Relief and other Relief Projects (Revote of $4,814,000.00 for undischarged commitments and for the completion of projects already authorized)	20,266,700 00	
121	Contingencies	50,000 00	
122	Amount required to provide for administration expenses generally, including salaries and travelling expenses:—		
	Unemployment Relief $ 155,000 00		
	National Registration 99,000 00		
	Youth Training 21,500 00		
	Comptroller of the Treasury 25,000 00		
		300,500 00	
			22,830,141 00
	LEGISLATION		
	THE SENATE		
123	The Speaker—Allowance in lieu of Residence	3,000 00	
124	General Administration	201,965 00	
	HOUSE OF COMMONS		
125	The Speaker—Allowance in lieu of Residence	3,000 00	
126	The Deputy Speaker of the House of Commons—Allowance in lieu of Apartments	1,500 00	
127	General Administration—Estimates of the Clerk	472,327 50	
128	Estimates of the Sergeant-at-Arms	211,083 00	
129	Subscriptions to publications of the Empire Parliamentary Association to be distributed to Members of the House of Commons	2,000 00	
130	To approve the payment of instalments of the annual allowance to the Leader of the Opposition for the period beginning January 26th 1940, and ending May 15th, 1940	3,677 50	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	LEGISLATION—*Concluded*		
	GENERAL		
131	Printing of Parliament, including salaries of staff of the Joint Distribution Office	75,000 00	
	LIBRARY OF PARLIAMENT		
132	General Administration	78,145 00	
	PENSIONS AND OTHER BENEFITS		
133	Pension to the unmarried sister of the late Col. Harry Baker, M.P.	700 00	
			1,052,398 00
	MINES AND RESOURCES		
134	Departmental Administration	160,045 00	
	MINES AND GEOLOGY BRANCH		
135	Branch Administration	28,925 00	
	Bureau of Mines—		
136	Bureau of Mines Administration	26,060 00	
137	Mineral Resources Investigations	392,740 00	
138	Explosives Act	24,970 00	
	Bureau of Geology and Topography—		
139	Bureau of Geology and Topography Administration and Miscellaneous Services	119,350 00	
140	Geological Surveys	254,842 00	
141	Topographical Surveys, including Expenses of the Geographic Board of Canada	187,980 00	
142	Drafting and Map Reproduction	112,403 00	
143	National Museum of Canada	56,590 00	
	Dominion Fuel Board—		
144	Administration and Investigations	27,100 00	
145	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council	4,000,000 00	
	LANDS, PARKS AND FORESTS BRANCH		
146	Branch Administration	20,920,00	
	Government of the Northwest Territories—		
147	General Administration, operation and maintenance of services, including Wood Buffalo Park	268,334 00	
148	Eastern Arctic Expedition	26,000 00	
	Government of the Yukon Territory—		
149	Administration	43,995 00	
150	Grant to Yukon Council	50,000 00	
	Dominion Forest Service—		
151	General scientific, economic and administrative services	118,440 00	
152	Forest Experiment Stations	50,090 00	
153	Forest Products Laboratories	139,894 00	
154	Grant to the Canadian Forestry Association	1,620 00	
	Land Registry—		
155	Land Registry, Seed Grain Collections, Administration of Ordnance, Admiralty and Public Lands	57,263 00	
	National Parks Bureau—		
156	National Parks and Historic Sites Services	1,144,215 00	
157	Administration of Migratory Birds Convention Act	49,580 00	
158	Grant to John Thomas (Jack) Miner	2,500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MINES AND RESOURCES—*Continued*		
	SURVEYS AND ENGINEERING BRANCH		
159	Branch Administration	21,620 00	
160	Dominion Observatory, Ottawa	104,853 00	
161	Dominion Astrophysical Observatory, Victoria, B.C	30,610 00	
162	Dominion Water and Power Bureau, including the administration of the Dominion Water Power and Irrigation Acts and grant of $250 to International Executive Council, World Power Conference	204,600 00	
163	Lake of the Woods Control Board	7,685 00	
164	To provide for the expenses incurred under the Agreement between the Dominion, Ontario and Manitoba, confirmed by the Lac Seul Conservation Act, 1928, moneys expended to be largely reimbursed	18,000 00	
165	To provide for acquiring flowage easements and discharging claims of owners of riparian lands in Ontario below the outlets of Lake of the Woods affected by regulation under the Lake of the Woods Control Board Act	8,000 00	
166	To provide for the cost of settling flood damage claims on Lac Seul in accordance with the terms of the Agreement confirmed by the Lac Seul Conservation Act, 1928	5,500 00	
167	Engineering and Construction Service	97,487 00	
168	Geodetic Service	139,300 00	
169	To recoup the Temiskaming and Northern Ontario Railway Commission in connection with their claim for injury to John Hedin	240 00	
170	International Boundary Commission	28,600 00	
171	Hydrographic Service	316,248 00	
172	Legal Surveys and Map Service, including grant of $350 to assist in printing the publication of the Canadian Institute of Surveying	169,150 00	
173	To provide for the payment of fees of the Board of Examiners for Dominion Land Surveyors, of the Secretary and of the Sub-Examiners and for travelling expenses, stationery, printing, rent, etc. (the fees of F. H. Peters, W. M. Tobey, and Harry Parry, members of the Board, and A. W. W. Cole, Secretary, are to be paid out of this sum)	850 00	
	INDIAN AFFAIRS BRANCH		
174	Branch Administration	56,572 00	
175	Indian Agencies	656,620 00	
	Reserves and Trusts—		
176	Administration	51,294 00	
	Medical—		
177	Indian Hospitals and General Care of Indians	1,404,612 00	
178	Grants to Hospitals	4,320 00	
	Welfare and Training—		
179	Welfare of Indians	993,240 00	
180	Indian Education	531,565 00	
181	Grants to Residential Schools	1,410,094 00	
182	Grants to Agricultural Exhibitions and Indian Fairs, in the amounts detailed in the Estimates	6,870 00	
183	Grant to provide for additional services to Indians of British Columbia	100,000 00	
	IMMIGRATION BRANCH		
184	Administration of the Immigration Act and the Chinese Immigration Act	166,440 00	
185	Field and Inspectional Service, Canada	1,183,682 00	
186	Field and Inspectional Service, Abroad	126,350 00	
187	Relief of Distressed Canadians, Outside Canada	10,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	MINES AND RESOURCES—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
188	Mrs. Alice Morson Smith	600 00	
189	Mrs. Elizabeth Swinford	600 00	
	SPECIAL		
	MINES AND GEOLOGY BRANCH		
190	To assist in provision of transportation facilities into mining areas and to authorize, subject to the approval of the Governor in Council, continuation of employment up to June 30, 1940, of extra temporary officers, clerks and employees already appointed under the terms of any item in the Special Supplementary Estimates of this Department, except the item for Fur Conservation	58,000 00	
	LANDS, PARKS AND FORESTS BRANCH		
	National Parks Bureau—		
191	National Parks	171,125 00	
192	Historic Sites	500 00	
193	Forest Conservation	40,000 00	
	SURVEYS AND ENGINEERING BRANCH		
194	Development of Tourist Highways	590,533 00	
195	Roads—Improvement and repairs of Golden-Revelstoke Highway, including amounts required for outstanding claims and improvements to main tourist routes from the International Boundary to Banff, Yoho and Kootenay Parks	180,000 00	
	INDIAN AFFAIRS BRANCH		
196	To provide for the completion of the erection and for equipment and furnishings of Indian Residential Day Schools now under construction	146,210 00	
197	To provide for repairs and improvements to Government buildings relating to Indian Medical Field Administration	52,000 00	
198	Fur conservation, and to authorize, subject to the approval of the Governor in Council, the appointment of such extra temporary officers, clerks and employees as may be necessary for the purpose of this item	100,000 00	
			16,557,826 00
	NATIONAL DEFENCE		
	(OTHER THAN WAR APPROPRIATION)		
	NORMAL SERVICES		
199	Cadet Services	145,500 00	
200	Grants to Military Associations and Institutes, in the amounts detailed in the Estimates	11,700 00	
201	Adjustment of War Claims	20,480 00	
202	Battlefields Memorials	30,280 00	
203	Book of Remembrance	6,500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	NATIONAL DEFENCE—*Concluded*		
	(Other than War Appropriations)		
	Normal Services—*Concluded*		
204	Compensation to Mrs. Alice Smuck	480 00	
205	To provide that expenditures of the Department of National Defence in the fiscal year ending March 31, 1940, chargeable to Capital Account by the Appropriation Act No. 3, 1939, be charged to Ordinary Account in the Public Accounts of Canada for the fiscal year ending March 31, 1940, and that no sums be voted or paid into the Consolidated Revenue Fund to provide for the retirement of the said expenditures chargeable to Capital Account		
	Pensions and Other Benefits		
	Civil Pensions—		
206	Robert Allen	269 52	
207	Walter Pettipas	515 90	
208	Florence Walker	360 00	
209	Arnold Truman Townsend	420 00	
210	Michael Mountain	420 00	
	Special		
211	To provide for settlement of claims for compensation in connection with a fire at Unemployment Relief Project No. 65, Nelway, B.C.	47,551 47	
			264,476 89
	NATIONAL REVENUE		
	Customs and Excise Divisions		
212	General Administration	979,625 00	
213	Customs Excise Chemical Laboratory	42,145 00	
214	Inspection, Investigation and Audit Services	1,113,350 00	
215	Preventive Service Undervaluation Unit	66,645 00	
216	Ports, Outports and Preventive Stations, including pay for overtime of officers, notwithstanding anything in the Civil Service Act, and temporary buildings and rentals	7,513,935 00	
	Income Tax Division		
217	General Administration, including authority to create positions and make appointments within the Division, notwithstanding anything contained in the Civil Service Act, and the said positions and staff so appointed are hereby wholly excluded from the operation of the said Act	343,895 00	
218	Internal Inspection and Verification	166,255 00	
219	District Offices	2,211,198 00	
	General		
220	Amount to be paid to the Department of Justice to be disbursed by and accounted for to it for Customs Excise and Income Tax Secret Investigation Services	15,000 00	
			12,452,048 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PENSIONS AND NATIONAL HEALTH		
221	Departmental Administration	119,590 00	
	PENSIONS BRANCH		
222	Pensions Branch Administration	887,602 00	
	Canadian Pension Commission—		
223	Administration Expenses	459,630 00	
224	War Veterans' Allowance Board	192,760 00	
	Direct Payments to Veterans and Dependents		
225	European War Pensions	40,650,000 00	
226	War Veterans' Allowances	8,000,000 00	
227	Unemployment Assistance	2,000,000 00	
228	Hospital and Other Allowances	775,000 00	
229	Probational Training Allowances	40,000 00	
	Services to Veterans and Dependents		
230	Care of Patients	2,853,931 00	
231	Veterans' Bureau	172,725 00	
232	Sheltered Employment	71,905 00	
233	Employers' Liability Compensation	50,000 00	
234	For the continuation or carrying out of projects or schemes commenced or recommended by the Veterans' Assistance Commission and to authorize the employment or continuation in employment by the Governor in Council of such extra temporary officers, clerks and employees as may be necessary to carry out the purposes of the Veterans' Assistance Commission Act	70,000 00	
235	Grant to Last Post Fund	85,000 00	
236	Grant to Canadian Legion	9,000 00	
	HEALTH BRANCH		
237	Health Branch Administration	43,000 00	
238	Food and Drugs	174,565 00	
239	Opium and Narcotic Drugs	46,005 00	
240	Proprietary or Patent Medicines	14,270 00	
241	Quarantine and Leprosy, including contribution of $1,500 to the International Bureau of Public Health	150,570 00	
242	Laboratory of Hygiene	106,780 00	
243	Immigration Medical Inspection	75,210 00	
244	Child and Maternal Hygiene	12,495 00	
245	Epidemiology	10,395 00	
246	Public Health Engineering	34,860 00	
247	Publicity and Health Education	7,950 00	
248	Treatment of Sick Mariners	178,970 00	
249	Industrial Hygiene	11,185 00	
250	Medical Investigations	36,520 00	
251	Venereal Diseases	50,000 00	
252	Grants to Institutions Assisting Sailors, in the amounts detailed in the Estimates	2,600 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PENSIONS AND NATIONAL HEALTH—*Concluded*		
	MISCELLANEOUS GRANTS		
	Grant to the:—		
253	Canadian Welfare Council	8,100 00	
254	Canadian National Committee for Mental Hygiene	10,000 00	
255	Health League of Canada	5,000 00	
256	Canadian National Institute for the Blind	18,000 00	
257	L'Association Canadienne Francaise des Aveugles	4,050 00	
258	L'Institut Nazareth de Montreal	4,050 00	
259	Montreal Association for the Blind	4,050 00	
260	Canadian Tuberculosis Association	20,250 00	
261	Victorian Order of Nurses	13,100 00	
262	St. John Ambulance Association	4,050 00	
263	Canadian Red Cross Society	10,000 00	
	PENSIONS AND OTHER BENEFITS		
264	Pensions payable to men on active service, Northwest Rebellion, 1885, and General Pensions	18,000 00	57,511,168 00
	POST OFFICE		
265	Departmental Administration, including amounts required to pay allowances to Typists, Grade 1, employed cutting stencils, in accordance with regulations approved by Order in Council	438,000 00	
266	Post Offices, including salaries and other expenses of Headquarters and Staff Post Offices and supplies and equipment for Revenue Post Offices	14,779,320 00	
267	Inspection and Investigation	929,820 00	
268	Railway Mail Service	10,421,906 50	
269	Air and Land Mail Services	10,863,876 00	
270	Audit of Revenue, Money Order, Postal Note and Savings Bank Business; Issue of Postage Stamps and Postal Notes, including amounts required to pay allowances to Office Appliance Operators, Grade 2, in accordance with regulations approved by Order in Council	1,281,905 00	
	PENSIONS AND OTHER BENEFITS		
271	To provide for the payment of compassionate allowances to employees injured while in the performance of their duties, or to other persons injured while performing duties in any way connected with the Postal Service, or in protecting His Majesty's mails, or to the dependents of such employees or other persons who may be killed while so engaged; payments to be made only on the specific authority of the Governor in Council	5,000 00	38,719,827 50
	PRIME MINISTER'S OFFICE		
272	Salaries of Staff	.....	51,395 00
	PRIVY COUNCIL OFFICE		
273	Salaries and Expenses of Office	.....	55,870 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC ARCHIVES		
274	General Administration and Technical Services	.....	144,410 00
	PUBLIC PRINTING AND STATIONERY		
275	Departmental Administration	42,365 00	
276	Printing, Binding and Distributing the Annual Statutes	8,500 00	
277	Canada Gazette	23,620 00	
278	Plant—repairs and renewals	10,000 00	
279	Distribution of Official Documents	44,910 00	
280	Printing and Binding Official Publications for sale and distribution to Departments and the Public	40,000 00	
			169,395 00
	PUBLIC WORKS		
281	Departmental Administration	190,415 00	
	CHIEF ARCHITECT'S BRANCH		
282	Branch Administration	224,490 00	
283	Ottawa—Maintenance and Operation of Dominion Public Buildings and Grounds, including rents, repairs, furniture, heating, etc	2,683,989 00	
284	Maintenance and Operation of Dominion Public Buildings and Grounds, other than at Ottawa, including rents, repairs, furniture, heating, etc	3,492,969 00	
285	Telephone Service at Ottawa	97,000 00	
286	Telephone Service other than at Ottawa	8,000 00	
	Construction, Repairs and Improvements of Public Buildings		
	Maritime Provinces Generally		
287	Dominion Public Buildings—Improvements and repairs	50,000 00	
	Quebec		
288	Dominion Public Buildings—Improvements and repairs	100,000 00	
	Ontario		
289	Dominion Public Buildings—Improvements and repairs	125,000 00	
	Manitoba		
290	Dominion Public Buildings—Improvements and repairs	40,000 00	
	Saskatchewan		
291	Dominion Public Buildings—Improvements and repairs	40,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	CHIEF ARCHITECT'S BRANCH—*Concluded*		
	Construction, Repairs and Improvements of Public Buildings—*Concluded*		
	Alberta		
292	Dominion Public Buildings—Improvements and repairs	40,000 00	
	British Columbia		
293	Dominion Public Buildings—Improvements and repairs	50,000 00	
	Generally		
294	Dominion Immigration Buildings—Repairs, improvements, etc.	35,000 00	
295	Dominion Quarantine Stations—Maintenance and repairs	17,000 00	
296	Experimental Farms and Science Laboratories—Replacements, repairs and improvements to buildings	100,000 00	
297	Flags for Dominion Buildings	2,500 00	
298	Public Buildings Generally—Repairs, alterations, fittings and improvements	200,000 00	
299	Veterans' Hospitals—Repairs, improvements and alterations	80,000 00	
	CHIEF ENGINEER'S BRANCH		
300	Branch Administration	203,820 00	
301	Engineering, including salaries of Engineers, Clerks, etc.	514,450 00	
	Dredging		
302	General Superintendence	9,020 00	
303	Maritime Provinces	360,000 00	
304	Ontario and Quebec	200,000 00	
305	Manitoba, Saskatchewan and Alberta	52,424 00	
306	British Columbia	195,000 00	
	Maintenance and Operation of Graving Docks, Locks and Dams, etc.		
307	Champlain Graving Dock	53,985 00	
308	Esquimalt Graving Dock	70,500 00	
309	Lorne Graving Dock	31,740 00	
310	Selkirk—Repair Slip	3,800 00	
311	Locks and dams	53,900 00	
312	Snagboats	41,600 00	
	Maintenance and Operation of Roads and Bridges		
313	Burlington Channel Bridge	13,000 00	
314	Kingston, La Salle Causeway	15,564 00	
315	New Westminster Bridge	45,300 00	
316	Ottawa—Bridges and approaches (Revote $2,800.00)	4,200 00	
317	Generally	19,500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	CHIEF ENGINEER'S BRANCH—*Concluded*		
	Construction, Repairs and Improvements—Harbours and Rivers		
	Nova Scotia		
318	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	225,000 00	
	Prince Edward Island		
319	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	55,000 00	
	New Brunswick		
320	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	80,000 00	
	Quebec		
321	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	250,000 00	
	Ontario		
322	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	130,000 00	
	Manitoba		
323	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	20,000 00	
	Saskatchewan, Alberta and Northwest Territories		
324	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	10,000 00	
	British Columbia and Yukon		
325	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken	90,000 00	
	TELEGRAPH BRANCH		
326	Branch Administration	26,940 00	
	Telegraph and Telephone Services—Operation and Maintenance		
327	Land and Cable Telegraph Lines—Lower St. Lawrence and Maritime Provinces, including working expenses of vessels for cable work	133,420 00	
328	Alberta and Saskatchewan	88,000 00	
329	Division Superintendent's Office, Vancouver	11,560 00	
330	British Columbia—Northern and Yukon Districts	129,540 00	
331	British Columbia—Vancouver Island District	94,480 00	
332	Telegraph and Telephone Services Generally	6,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Continued*		
	TELEGRAPH BRANCH—*Concluded*		
	Reconstruction, Repairs and Improvements		
333	Maritime Provinces and Lower St. Lawrence	12,000 00	
334	Saskatchewan and Alberta	16,500 00	
335	British Columbia—Northern and Yukon Districts	17,000 00	
336	British Columbia—Vancouver Island District	9,000 00	
	GENERAL		
337	National Gallery of Canada	45,000 00	
338	Miscellaneous works not otherwise provided for, not more than $3,000 to be expended upon any one work	50,000 00	
339	To supplement, on approval of Treasury Board except where less than $200 is required, any of the appropriations of the Department of Public Works	100,000 00	
	SPECIAL		
	CHIEF ARCHITECT'S BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	Nova Scotia		
340	To close out contracts	20,000 00	
	Quebec		
341	To close out contracts	235,000 00	
	Ontario		
342	To close out contracts	1,930,000 00	
	Saskatchewan		
343	To close out contracts	24,000 00	
	Alberta		
344	To close out contracts	15,500 00	
	British Columbia		
345	To close out contracts	78,500 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS—*Concluded*		
	SPECIAL		
	CHIEF ENGINEER'S BRANCH		
	Construction, Repairs and Improvements of Harbours and Rivers		
	Nova Scotia		
346	To close out contracts	200,000 00	
	Prince Edward Island		
347	To close out contracts	75,000 00	
	New Brunswick		
348	To close out contracts	85,000 00	
	Quebec		
349	To close out contracts	275,000 00	
	Ontario		
350	To close out contracts	275,000 00	
	Alberta		
351	To close out contract	15,000 00	
	British Columbia		
352	To close out contracts	100,000 00	
	TELEGRAPH BRANCH		
	TELEGRAPH AND TELEPHONE SERVICES		
	Ontario		
353	To close out contract	6,200 00	14,397,806 00
	ROYAL CANADIAN MOUNTED POLICE		
354	General Administration	219,445 75	
355	Land Services—Arising out of the Royal Canadian Mounted Police Act, enforcement of Federal Statutes generally, and other incidental expenses	5,069,949 54	
356	Grant to the Chief Constables Association of Canada	500 00	
357	Compassionate Grant to Henri Roman	600 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	ROYAL CANADIAN MOUNTED POLICE—*Concluded*		
	PENSIONS AND OTHER BENEFITS		
358	To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty	11,749 16	
359	Pensions to Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885	83 95	
360	Pensions to families of members of the Mounted Police Force who have lost their lives while on duty:—		
	Mrs. Mary Emma Bossange	456 25	
	Mrs. Margaret Johnson Brooke	821 25	
	Mrs. Margaret Cox	456 03	
	Mrs. Georgina Harrison	676 50	
	Mrs. Letitia Kennedy	423 50	
	Mrs. Nora Jean Massan	300 00	
	Mrs. Mary Miller	667 38	
	Mrs. Margaret Nicholson	547 50	
	Mrs. Catherine Mildred Ralls	735 25	
	Mrs. Myrtle L. Richards	720 00	
	Mrs. Doris Freda Sampson	816 00	
	Mrs. Amy Lillian Searle	406 98	
	Mrs. Madelaine Mary Shoebotham	810 00	
	Mrs. Eunice Wainwright	602 50	
361	Pension to James Elliott	672 00	
362	Pension to Basil Burke Currie	684 20	
			5,312,123 74
	SECRETARY OF STATE		
363	Departmental Administration	93,649 50	
364	Naturalization Branch	61,365 00	
365	Companies Branch	43,745 00	
366	Bureau for Translations	297,990 00	
367	Trade Marks Division	24,980 00	
368	Canada Temperance Act	2,500 00	
369	Bankruptcy Act Administration	37,762 50	
	PATENT AND COPYRIGHT OFFICE		
370	Branch Administration	34,460 00	
371	Patent Division	152,720 00	
372	Copyright and Industrial Designs Division	11,225 00	
373	Patent Record	34,760 00	
374	Contribution to the International Office for the Protection of Industrial Property, International Copyrights Union Office and Union for the Protection of Literary and Artistic Works	2,500 00	
			797,657 00
	SOLDIER SETTLEMENT OF CANADA		
375	To provide for the cost of administration of Soldier Settlement and British Family Settlement	615,625 00	
376	To provide for the payment to the Government of the United Kingdom on account of losses under the 3,000 British Family Agreement of August 20, 1924, and the New Brunswick 500 British Family Agreements of August 4th, 1927, and August 27th, 1935	30,000 00	
			645,625 00

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRADE AND COMMERCE		
377	Departmental Administration	106,080 00	
	An Act to place Canadian Coal used in the manufacture of Iron or Steel on a basis of equality with imported coal—		
378	Administration	600 00	
379	Commercial Intelligence Service	762,980 00	
380	Electricity and Gas Inspection Services, including Administration of the Electricity and Fluid Exportation Act	266,275 00	
381	Foreign Tariffs Office	37,580 00	
382	Motion Picture Bureau	110,000 00	
383	Precious Metals Marking Act	12,500 00	
384	Publicity and Advertising in Canada and Abroad other than in the United Kingdom and Europe	105,000 00	
385	Weights and Measures Inspection Service	445,715 00	
386	National Film Board	60,000 00	
387	Contribution to the International Bureau of Exhibitions	1,000 00	
388	Contribution to the International Customs Tariffs Bureau	2,700 00	
	Canada Grain Act—		
389	Administration	107,818 00	
390	Operation and Maintenance including Inspection and Weighing	1,584,884 00	
391	Canadian Government Elevators, including equipment	366,377 00	
	Dominion Bureau of Statistics—		
392	Administration	84,410 00	
393	Statistics	904,655 00	
394	Census of Population	211,435 00	
	Exhibitions and Publicity—		
395	Exhibitions	237,960 00	
396	Publicity and Advertising in the United Kingdom and Europe	85,000 00	
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
397	Administration	9,860 00	
	Atlantic Ocean		
398	Canada and South Africa, service between	100,000 00	
	Pacific Ocean		
	British Columbia and China, and/or Australia, service between	118,800 00	
	British Columbia and South Africa, service between	80,000 00	
	Canada, China, and Japan, service between	600,000 00	
	Canada and New Zealand, on the Pacific, service between	300,000 00	
	Prince Rupert, B.C., and Queen Charlotte Islands, service between	12,000 00	
399	Vancouver and the British West Indies, service between	25,000 00	
	Vancouver and Northern ports of British Columbia, service between	15,000 00	
	Victoria, Vancouver, way ports and Skagway, service between	10,000 00	
	Victoria and West Coast Vancouver Island, service between	10,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRADE AND COMMERCE—*Concluded*		
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—*Concluded*		
	Local Services		
	Baddeck and Iona, service between	8,000 00	
	Chester and Tancook Island, winter service between	1,600 00	
	Grand Manan and the Mainland, service between	33,000 00	
	Halifax, Canso and Guysboro, service between	9,000 00	
	Halifax, LaHave and LaHave River ports, service between	1,750 00	
	Halifax, Sherbrooke and Spry Bay, service between	2,900 00	
	Halifax, South Cape Breton, Bras d'Or Lake ports and Bay St. Lawrence, service between	3,000 00	
	Ile-aux-Coudres and Les Eboulements, service between	1,900 00	
	Mulgrave, Arichat and Canso, service between	37,000 00	
	Mulgrave and Guysboro, calling at intermediate ports, service between	9,500 00	
	Murray Bay and North Shore, winter service between	40,000 00	
	Parrsboro, Kingsport and Wolfville, service between	4,500 00	
	Pelee Island and the Mainland, service between	7,000 00	
	Pictou, Mulgrave and Cheticamp, service between	11,500 00	
	Pictou, Souris and the Magdalen Islands, service between	37,500 00	
	Prince Edward Island and Nova Scotia, service between	30,000 00	
	Quebec, Natashquan and Harrington, service between	85,000 00	
	Quebec, or Montreal and Gaspe, calling at way ports, service between	60,000 00	
400	Rimouski and Matane and points on the North Shore of the St. Lawrence, service between	50,000 00	
	Riviere-du-Loup and Tadoussac, and other North Shore ports, service between	14,000 00	
	St. John, Bear River, Annapolis and Granville and other way ports, service between	1,500 00	
	St. John and Bridgetown, service between	800 00	
	St. John and Margaretville and other ports on the Bay of Fundy, service between	2,500 00	
	St. John and Minas Basin ports, service between	5,000 00	
	St. John and St. Andrews, service between	3,000 00	
	St. John, Westport and Yarmouth and other way ports, service between	10,000 00	
	St. John and Weymouth, service between	1,000 00	
	Sydney and Bay St. Lawrence, calling at way ports, service between	22,500 00	
	Sydney and Bras d'Or Lake ports and West Coast of Cape Breton, and Prince Edward Island, service between	22,500 00	
	Sydney and Whycocomagh, service between	16,000 00	
	NATIONAL RESEARCH COUNCIL		
401	Salaries and other expenses of the National Research Council	814,164 00	
402	New premises for Annex Laboratories (Revote $391,925.32)	837,575 32	
			8,957,318 32
	TRANSPORT		
403	Departmental Administration	385,070 00	
	ADMINISTRATION OF THE TRANSPORT ACT		
404	Board of Transport Commissioners for Canada—Administration, maintenance and operation	277,560 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Continued*		
	AIR SERVICE		
405	Air Service Administration	10,770 00	
	Civil Aviation Division		
406	Control of Civil Aviation, including the administration of the Aeronautics Act and Regulations issued thereunder	275,910 00	
407	Airways and Airports—Construction and improvements, including lighting and radio facilities—Capital	1,224,969 00	
408	Airways and Airports—Operation and maintenance, including lighting, radio and meteorological services	1,724,556 00	
409	Grants for advanced aeronautical instruction, and to Aeroplane Clubs, including grant of $5,000 to the Canadian Flying Clubs Association	25,000 00	
410	To provide for contributions to assist municipalities to improve existing airports, or to provide new airports, and for direct construction works on municipal or government airports serving municipalities, the sites of which have been provided by such municipalities	500,000 00	
	Meteorological Division		
411	Meteorological Service, including an allowance of $400 to L. F. Gorman, Observer at Ottawa	391,000 00	
412	Grant to Kingston Observatory	500 00	
	Radio Division		
413	Administration of the Radio-telegraph Act and Regulations	127,145 00	
414	Radio direction finding stations, radio beacons and radio-telegraph stations, operation and maintenance	623,044 75	
415	Suppression of local electrical interferences	150,000 00	
416	Issue of radio receiving licences—(Transport Department only)	150,826 00	
	CANALS SERVICE		
417	Canals Service Administration	30,790 00	
418	Canals—Operation and maintenance	2,191,059 65	
419	Canals—Improvements (Revote $58,800)	183,450 00	
420	To provide for expenses in connection with St. Lawrence Ship Canal Surveys and Investigations	3,000 00	
421	To provide for the carrying out of flow measurements and other expenses connected with the Department's supervision and control over the hydro-electric power development of the Beauharnois Light, Heat and Power Company, Limited	3,000 00	
	MARINE SERVICE		
422	Marine Service Administration	17,920 00	
423	Administration of Floating Equipment	26,405 00	
424	Nautical Service Administration	28,305 00	
425	Marine Service Steamers, including Icebreakers—Maintenance, operation and repairs	1,225,000 00	
426	Construction, maintenance and supervision of Aids to Navigation, including salaries and allowances to lightkeepers	1,842,380 00	
427	Agencies, salaries and office expenses	261,360 00	
428	Maintenance and repairs to wharves	5,000 00	
429	To provide for breaking ice in Thunder Bay, Lake Superior, and other points deemed advisable in the interests of navigation	30,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Continued*		
	MARINE SERVICE—*Concluded*		
430	To provide for Canada's share of the cost of the North Atlantic Ice Patrol	8,000 00	
431	To provide for the removal of derelicts in Canadian Waters	3,000 00	
432	Administration of Pilotage	129,600 00	
433	Life Saving Service, including rewards for saving life	47,790 00	
434	To provide subsidies for wrecking plants—Quebec and British Columbia	45,000 00	
435	Grants of $200 each to the Royal Arthur Sailors Institutes at Port Arthur, Kingston and Toronto, which provide for medical assistance to and hospitalization for distressed seamen on the Great Lakes	600 00	
436	Miscellaneous services relating to navigation and shipping, including grants towards schools of navigation at Lunenburg, N.S., $600, Queen's University, $500 and Vancouver, B.C., $1,200 and provision to settle claims by the Board of Trade, London, England, for expenses incurred in respect of Canadian distressed seamen of British ships registered out of Canada	44,550 00	
437	Steamship inspection and the carrying out of the provisions of the conventions for the safety of life at sea and load lines	199,025 00	
438	Marine Signal Service	93,200 00	
439	River St. Lawrence Ship Channel—Contract dredging in the St. Lawrence River and Montreal Harbour, including cost of administration—Capital	1,978,093 00	
440	River St. Lawrence Ship Channel—Operation and maintenance, including any portion of contract dredging chargeable to maintenance—(Revote $100,000)	173,985 00	
	RAILWAY SERVICE		
441	Repairs and expenses in connection with the operation and maintenance of official railway cars under the jurisdiction of the Department	39,414 69	
442	Hudson Bay Railway—Construction and improvements—Capital	15,000 00	
443	Hudson Bay Railway—To provide for the diffrence between expenditures for operation and maintenance, and revenue accruing from operation during the year ending March 31, 1941, not exceeding	350,000 00	
444	Interest on rails rolled for Canadian National Railways: To provide for payment of interest under the terms and conditions of Orders in Council P.C. 1462 and P.C. 1533 of June 7, 1935, respecting orders of steel rails for the Canadian National Railway Company	10,000 00	
	Maritime Freight Rates Act—		
445	To hereby authorize and provide for the payment from time to time during the fiscal year 1940-41 to the Canadian National Railway Company of the difference (estimated by the Canadian National Railway Company and certified by the Auditors of the said Company to the Minister of Transport as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in Section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the calendar year 1940 under the tariffs approved on the Eastern Lines (as referred to in Section 2 of the said Act) of the Canadian National Railways	2,000,000 00	

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Concluded*		
	RAILWAY SERVICE—*Concluded*		
446	Amount required to provide for payment from time to time during the fiscal year 1940-41 of the difference (estimated by the Board of Transport Commissioners for Canada and certified by the said Board to the Minister of Transport, as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in Section 9 of the said Act) on all traffic moved during the calendar year 1940, under the tariffs approved by the following companies: Canada & Gulf Terminal Railway, Canadian Pacific Railway, including: Fredericton & Grand Lake Coal & Railway Company, New Brunswick Coal & Railway Company, Cumberland Railway & Coal Company, Dominion Atlantic Railway, Maritime Coal, Railway & Power Company, Sydney and Louisburg Railway, Temiscouata Railway Company.....	800,000 00	
	CANADIAN TRAVEL BUREAU SERVICE		
447	To assist in promoting Tourist Business in Canada.....	500,000 00	
	GOVERNMENT EMPLOYEES' COMPENSATION		
448	Administration of the Government Employees' Compensation Act.....	20,370 00	
	PENSIONS AND OTHER BENEFITS		
449	Compassionate allowance to John Davidson, formerly lightkeeper at Cape Mudge, B.C.....	500 00	
450	Compassionate allowance to recoup the Workmen's Compensation Board of British Columbia in continuation of a pension granted and to be paid by that Board up to the 31st March, 1941, in the sum of $40.00 per month, to the widow of the late E. J. McCoskrie, who was formerly employed as Port Warden at Prince Rupert, B.C., and who was killed while in the performance of his duties.....	480 00	
451	Amount required to pay pensions of $300 each to former pilots: Alphonse Asselin, Adjutor Baillergeon, Joseph Pouliot, Raoul Lachance, J. H. Talbot, Jules Asselin, Joseph Vezina, J. B. Pouliot, Arthur Paquet.....	2,700 00	
452	Railway Employees' Provident Fund—To supplement pension allowances under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payment during the period January 1, 1940 to March 31, 1941, the sum of $30.00 per month instead of $20.00 as fixed by the said Act.....	24,000 00	
	SPECIAL		
	CANALS SERVICE		
453	Canals—Improvements (Revote $34,000.00).....	35,000 00	
	MARINE SERVICE		
454	To provide for the completion of a combination Icebreaker and Service Vessel—Capital (Revote $64,000.00).....	176,000 00	
455	River St. Lawrence Ship Channel—To provide for extension and improvement of Control Weirs—capital (Revote).....	61,500 00	
	RAILWAY SERVICE		
456	To provide for the discharge of commitments incurred prior to March 31, 1940, under the authority of Votes Nos. 584 and 585, Schedule "B" to the Appropriation Act No. 3, 1939, respecting highway crossings of railways (Revote).....	952,646 47	
			19,424,474 56

SCHEDULE A—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	GOVERNMENT OWNED ENTERPRISES		
	NON-ACTIVE ACCOUNTS		
	NATIONAL HARBOURS BOARD		
457	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act, to meet expenditures during the calendar year 1940 on any or all of the following accounts:—		
	(a) Retirement of Maturing Debentures—Saint John	48,156 00	
	(b) Reconstruction and Capital Expenditures—(Revote $127,000)—		
	Halifax $176,000		
	Generally Unforeseen 200,000		
	$376,000		
	Less amount to be expended from Replacement Funds 46,000		
		330,000 00	
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
458	Advances to Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine and to be applied in payment of capital expenditure in connection with vessels under the Company's control during the year ending December 31, 1940, (Revote $6,000)	21,000 00	
	SPECIAL		
	DEFICITS		
	CANADIAN NATIONAL RAILWAY COMPANY		
459	Amount required to provide for the payment during the fiscal year 1940–41 to the Canadian National Railway company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made from time to time by the National Company, to the Minister of Finance and to be applied by the National Company in payment of the deficit (certified by the auditors of the National Company) arising in the calendar year 1940, including such supplementary contribution to the Intercolonial and Prince Edward Island Railways Employees' Provident Fund as may be necessary to provide for payment in full of monthly allowances under the provisions of the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including such supplementary contribution to the Grand Trunk Railway of Canada Superannuation and Provident Fund as may be necessary to enable payment to be made of monthly allowances under the rules and regulations of the Fund, notwithstanding the limitation contained in section thirteen of chapter sixty-five of the Statutes of Canada 1874, but not including amounts charged to Proprietor's Equity of the National Railway System as defined in chapter twenty-two of the Statutes of Canada, 1937:—		
	Canadian National Railways, exclusive of Eastern Lines $12,975,000 00		
	Eastern Lines 2,025,000 00		
		15,000,000 00	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	GOVERNMENT OWNED ENTERPRISES—*Concluded*		
	SPECIAL—*Concluded*		
	DEFICITS—*Concluded*		
	PRINCE EDWARD ISLAND CAR FERRY AND TERMINALS		
460	Amount required to provide for the payment during the fiscal year 1940-41 to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made from time to time by the National Company, to the Minister of Finance and to be applied by the National Company in payment of the deficit (certified by the auditors of the National Company) in the operation of the Prince Edward Island Car Ferry and Terminals arising in the calendar year 1940	327,000 00	
	NATIONAL HARBOURS BOARD		
461	To provide for payment to National Harbours Board, of the amount hereinafter set forth, to be applied in payment of the deficits (after payment of interest due the public but exclusive of interest on Dominion Government Advances and depreciation on capital structures) arising in the calendar year 1940, in the operation of the Churchill harbour....	96,867 00	
462	Advances to National Harbours Board with interest at a rate to be fixed by the Governor in Council for such period and upon such terms and conditions as the Governor in Council may determine, to be applied in payment of deficits resulting from the operations of the Jacques Cartier Bridge...	448,150 00	16,271,173 00
	LOANS AND INVESTMENTS		
	NATIONAL HARBOURS BOARD		
463	Advances to National Harbours Board, subject to the provisions of Section 29 of the National Harbours Board Act to meet expenditures during the calendar year 1940 on any or all of the following accounts: Reconstruction and Capital Expenditures— Montreal.....$ 242,800 00 Vancouver..... 150,000 00 $ 392,800 00 *Less* amount to be expended from Replacement Funds..... 59,612 00	333,188 00	
	SOLDIER SETTLEMENT		
464	To provide for Soldier Land Settlement and British Family Settlement net advances.....	123,000 00	456,188 00
	Total.....	.....	*248,730,398 79

*Net Total, $178,176,682.65.

SCHEDULE B

Based on the Supplementary Estimates, 1940-41. The amount hereby granted is $3,197,488.00, being the amount of each of the items in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1941, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	EXTERNAL AFFAIRS		
465	To provide for expenses arising out of the Trail Smelter Arbitration	.....	8,000 00
	LABOUR		
466	Combines Investigation Act—Further amount required	10,000 00	
467	To provide for the administration of the Unemployment Insurance Act, 1940	2,000,000 00	
			2,010,000 00
	LEGISLATION		
	THE SENATE		
468	To provide for the payment of the full sessional indemnity for the Session of 1940 to Members of the Senate for days lost through absence due to public business, by illness, or on account of death. Payment to be made as the Treasury Board may direct	10,000 00	
	HOUSE OF COMMONS		
469	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present Session—Notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, An Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct	15,000 00	
			25,000 00
	NATIONAL DEFENCE		
470	To provide hereby, notwithstanding anything contained in the Consolidated Revenue and Audit Act or any other Act or Law, for payment out of the Consolidated Revenue Fund to the widow of the late Honourable Norman McLeod Rogers of an annuity at the rate of $2,500 to commence from June 11th, 1940, and to continue during her lifetime	.....	2,014 00
	NATIONAL REVENUE		
	INCOME TAX DIVISION		
471	General Administration, including authority to create positions and make appointments within the Division, notwithstanding anything contained in the Civil Service Act, and the said positions and staff so appointed are hereby wholly excluded from the operation of the said Act—Further amount required	72,195 00	
472	District Offices—Further amount required	301,350 00	
			373,545 00

SCHEDULE B—*Continued*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	PUBLIC WORKS		
	CHIEF ARCHITECT'S BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	Ontario		
473	Ottawa, Central Heating Plant—Improvements and repairs...	27,000 00	
	Toronto, Christie Steet Hospital—Electrical equipment.....	15,000 00	
	CHIEF ENGINEER'S BRANCH		
	Construction, Repairs and Improvements of Harbours and Rivers		
	Quebec		
474	St. Irenee—In full and final settlement of the claim of Messrs. Napoleon Trudel et Fils in connection with their contract for wharf repairs.....	3,184 80	
	Ontario		
475	Goderich—In full and final settlement of the claim of W. L. Forrest in connection with his contract for dredging.....	16,308 20	
	Grand River—Agreed contribution to improvements—Dominion Government's share of cost of proceeding only to extent of safeguarding very large investment already made (Revote $156,916).....	338,436 00	
	SPECIAL		
	CHIEF ARCHITECT'S BRANCH		
	Construction, Repairs and Improvements of Public Buildings		
	Quebec		
476	To close out contracts—Further amount required.....	27,200 00	
	Saskatchewan		
477	To close out contracts—Further amount required.....	9,800 00	
	GENERAL		
478	To provide for balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1940-41.....	30,000 00	
479	Protection works generally.....	200,000 00	
			666,929 00
	TRANSPORT		
	AIR SERVICE		
480	Airways and Airports—Construction and Improvements, including lighting and radio facilities—Capital—Further amount required (Revote $60,000).....	100,000 00	

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		$ cts.	$ cts.
	TRANSPORT—*Concluded*		
	MARINE SERVICE		
481	Miscellaneous Services relating to navigation and shipping—Further amount required	12,000 00	
			112,000 00
	Total		3,197,488 00

THE SENATE OF CANADA

19th Parliament, 1st Session
1940

BILLS (First Reading)

- Pool Insurance Act	B
- Stanstead & Sherbrooke Insurance Company	C
- Ottawa Electric Company and Ottawa Gas Company	D
- Detroit and Windsor Subway Company	E
- Saguenay Terminals Limited	F
- Kidd divorce bill	G
- Rowat divorce bill	H
- Mayhew divorce bill	I
- Stinson divorce bill	J
- Simpson divorce bill	K
- Cedars Rapids Manufacturing and Power Company	L
- Aspell divorce bill	M
- Bonet divorce bill	N
- Baker divorce bill	Ø
- Belanger divorce bill	P
- Cohen divorce bill	Q
- Sisters Servants of Mary Immaculate	R
- Naihouse divorce bill	S
- Fumerton divorce bill	T
- Tardif divorce bill	U
- Morris divorce bill	V
- Goldberg divorce bill	W
- Quebec and Montmorency Railway Company	X
- Beech divorce bill	Y
- Roller divorce bill	Z
- Spilberg divorce bill	A^2
- Andrique divorce bill	B^2
- Shepherd divorce bill	C^2
- Sickinger divorce bill	D^2
- Moreau divorce bill	E^2
- Martin divorce bill	F^2
- Pott divorce bill	G^2
- Sauro divorce bill	H^2
- Morrissey divorce bill	I^2
- MacDermid divorce bill	J^2
- Dodge divorce bill	K^2

- Russell divorce bill L^2
- Holt divorce bill M^2
- Logush divorce bill N^2
- Goldberg divorce bill O^2
- Myers divorce bill P^2
- Constantine divorce bill Q^2
- Schwartz divorce bill R^2
- Townsend divorce bill S^2
- Bacon divorce bill T^2
- Fiorilli divorce bill U^2
- Simak divorce bill V^2
- Picard divorce bill W^2
- Gaudry divorce bill X^2
- Copelovitch divorce bill Y^2
- Dickie divorce bill Z^2
- Bruneau divorce bill A^3
- Pitt divorce bill B^3
- Kerby divorce bill C^3
- Perks divorce bill D^3
- Rowell divorce bill E^3
- Lewis divorce bill F^3
- Sauvageau divorce bill G^3
- Hughes divorce bill H^3
- Smilovitch divorce bill I^3
- Beaupré divorce bill J^3
- Brown divorce bill K^3
- Findlay divorce bill L^3
- Boucher divorce bill M^3
- Schwartz divorce bill N^3
- Harris divorce bill O^3
- Hughes divorce bill P^3
- Corley divorce bill Q^3
- Sager divorce bill R^3
- Gordon divorce bill S^3

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL B.

An Act to incorporate Pool Insurance.

Read a first time, Wednesday, 29th May, 1940.

Honourable Senator HAIG.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2295 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL B.

An Act to incorporate Pool Insurance.

Preamble.

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

Incorporation.

1. Paul F. Bredt, of Winnipeg, Colin H. Burnell, of Oakville and John W. Baldwin of Reston, in the province of Manitoba, farmers, John H. Wesson of Regina, Avery F. Sproule of Lafleche and Leonard Widdup of Kipling, in the province of Saskatchewan, farmers, and Lew Hutchinson of Calgary, George Bennett of Mannville and Ben S. Plumer of Bassano in the province of Alberta, farmers, together with such other persons as become shareholders in the company are hereby incorporated under the name of "Pool Insurance", hereinafter called "the Company".

Corporate name.

Provisional directors.

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

Capital stock.

3. The capital stock of the Company shall be five hundred thousand dollars divided into five thousand shares of a par value of one hundred dollars each which may be increased to one million dollars divided into ten thousand shares of a par value of one hundred dollars each.

Prior subscription.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be two hundred thousand dollars.

Head office.

5. The head office of the Company shall be in the city of Winnipeg in the province of Manitoba.

Classes of insurance authorized.

6. The Company may undertake and transact and make contracts of insurance for all or any of the following classes of insurance:—

(a) accident insurance;
(b) automobile insurance;
(c) aviation insurance;
(d) bond insurance;
(e) burglary insurance;
(f) civil commotion insurance;
(g) credit insurance;
(h) earthquake insurance;
(i) explosion insurance;
(j) falling aircraft insurance;
(k) fire insurance;
(l) forgery insurance;
(m) guarantee insurance;
(n) hail insurance;
(o) inland transportation insurance;
(p) inland marine insurance;
(q) livestock insurance;
(r) machinery insurance;
(s) marine insurance;
(t) personal property insurance;
(u) property insurance;
(v) plate glass insurance;
(w) sickness insurance;
(x) sprinkler leakage insurance;
(y) steam boiler insurance;
(z) tornado insurance;
(aa) vehicle insurance;
(bb) weather insurance.

Commencement of business.

7. (1) The Company shall not commence any business of insurance until at least two hundred and fifty thousand dollars of its capital stock have been *bona fide* subscribed and at least one hundred and twenty-five thousand dollars paid thereon. It may then transact the business of fire insurance, falling aircraft insurance, earthquake insurance, tornado insurance, sprinkler leakage insurance, limited or inherent explosion insurance, civil commotion insurance, burglary insurance and insurance against damage to property, other than growing crops, by hail.

Other classes of insurance.

(2) The Company shall not commence any of the other classes of business authorized by section six of this Act until the subscribed capital is at least three hundred and fifty thousand dollars and the paid up capital, together with the surplus, exceeds the sum of one hundred and twenty-five thousand dollars, by an amount or amounts depending upon the nature of the additional class or classes of business as follows, that is to say:—

For accident insurance not less than forty thousand dollars;

For automobile insurance not less than twenty thousand dollars;

For aviation insurance not less than twenty thousand dollars;

For bond insurance not less than forty thousand dollars;

For credit insurance not less than twenty thousand dollars;

For forgery insurance not less than twenty thousand dollars;

For guarantee insurance not less than fifty thousand dollars;

For hail insurance not less than fifty thousand dollars;

For inland transportation insurance not less than ten thousand dollars;

For inland marine insurance not less than thirty-five thousand dollars;

For livestock insurance not less than twenty thousand dollars;

For machinery insurance not less than twenty thousand dollars;

For personal property insurance not less than ten thousand dollars;

For sickness insurance not less than ten thousand dollars;

For steam boiler insurance not less than twenty thousand dollars;

For weather insurance not less than fifty thousand dollars:

Provided that the Company may transact all or any of the classes of insurance business authorized by section six of this Act when the amount subscribed is at least five hundred thousand dollars and the sum paid on its subscribed capital, together with the surplus, amounts to at least five hundred thousand dollars.

Periodic increase of paid up capital and surplus.

(3) The Company shall during the five years next after the date of its being registered for the transaction of fire insurance increase its paid up capital and surplus so that at the end of the first year it will be at least fifteen thousand dollars more than is required under the foregoing subsections of this section, and at the end of the second year at least thirty thousand dollars more than so required, and at the end of the third year at least forty-five thousand dollars more than so required, and at the end of the fourth year at least sixty thousand dollars more than so required, and at the end of the fifth year at least seventy-five thousand dollars more than so required.

"Surplus" defined.

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

Distribution of profits.

8. The directors may, from time to time, out of the earnings of the Company, distribute equitably to the holders of policies issued by the Company such sums as, in the judgment of the directors, are proper and justifiable.

Acquisition of provincial company.

9. (1) The Company may enter into an agreement with Pool Insurance Limited, a company incorporated under Letters Patent of the province of Manitoba in the year 1939, hereinafter called "the provincial company" providing for the acquisition by the Company of the whole or any part of the rights and property of the provincial company and for the assumption by the Company of all the obligations and liabilities of the provincial company; and in the event of such acquisition and assumption the Company shall perform and discharge all of the obligations and liabilities of the provincial company so assumed which at the time of such acquisition and assumption shall not have been performed and discharged by the provincial company.

Agreement to be approved.

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

Qualifications of directors.

1932, c. 46.

10. Notwithstanding the provisions of paragraph *(b)* of subsection 2 of section six of *The Canadian and British Insurance Companies Act, 1932*, any shareholder shall, if otherwise qualified thereunder, be deemed eligible to become a director of the Company if the shares held in his own name are not held for his own use and absolutely in his own right but are held for the use and absolutely in the right of a corporation of which he is an officer or director and which holds in its own name and for its own use and absolutely in its own right shares in the capital stock of the Company to the amount of at least twenty-five thousand dollars.

Notice of coming into force of this Act.

11. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*. Such notice shall not be given until the Superintendent of Insurance has been satisfied by such evidence as he may require that the provisions of this Act have been approved by a resolution adopted by at least two-thirds of the votes of the shareholders of the provincial company present or represented by proxy at a meeting duly called for that purpose and that the provincial company has ceased to transact the business of insurance, or will cease to transact such business forthwith upon a certificate of registry being issued to the Company.

Application of 1932, c. 46.

12. Except as otherwise provided in this Act, *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Company.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL C.

An Act to incorporate The Stanstead & Sherbrooke Insurance Company.

Read a first time, Wednesday, 29th May, 1940.

Honourable SENATOR HOWARD.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2668 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL C.

An Act to incorporate The Stanstead & Sherbrooke Insurance Company.

Preamble.

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

Incorporation.

1. The Honourable Jacob Nicol, publisher, Charles B. Howard, lumberman, J. Gordon Armitage, secretary, Frederick J. Southwood, insurance broker, and W. Lawrence McGannon, superintendent, all of the city of Sherbrooke, in the province of Quebec, together with such persons as become shareholders in the company or as become policyholders on the mutual system in the company, are incorporated under the name, in English, of "The Stanstead & Sherbrooke Insurance Company" and, in French, of "La Compagnie d'Assurance Stanstead & Sherbrooke", hereinafter called "the Company" and either the English or the French name of the Company may be used in carrying on the business or operations of the Company.

Corporate name.

Provisional directors.

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

Head office.

3. The head office of the Company shall be in the city of Sherbrooke in the province of Quebec.

Capital stock.

4. The capital stock of the Company shall be five hundred thousand dollars.

Prior subscription.

5. The amount to be subscribed before the general meeting for the election of directors is called shall be one hundred thousand dollars.

Classes of Insurance authorized.

6. The Company may make contracts of insurance upon the cash premium system or upon the mutual system for:—

(*a*) fire insurance,
(*b*) accident insurance,
(*c*) automobile insurance,
(*d*) aviation insurance,
(*e*) bond insurance,
(*f*) burglary insurance,
(*g*) credit insurance,
(*h*) earthquake insurance.
(*i*) explosion insurance,
(*j*) falling aircraft insurance,
(*k*) forgery insurance,
(*l*) guarantee insurance,
(*m*) hail insurance,
(*n*) inland marine insurance,
(*o*) inland transportation insurance,
(*p*) live stock insurance,
(*q*) machinery insurance.
(*r*) marine insurance,
(*s*) personal property insurance,
(*t*) plate glass insurance,
(*u*) property insurance,
(*v*) sickness insurance,
(*w*) sprinkler leakage insurance,
(*x*) steam boiler insurance,
(*y*) tornado insurance.
(*z*) weather insurance.

Commencement of business.

7. (1) The Company shall not commence any business of insurance until at least two hundred and fifty thousand dollars of its capital stock have been *bona fide* subscribed and at least two hundred thousand dollars paid thereon. It may then transact the business of fire insurance, sprinkler leakage insurance, tornado insurance and insurance against damage to property of any kind caused by the explosion of natural or other gas.

Other classes of insurance.

(2) Except as otherwise provided by *The Canadian and British Insurance Companies Act, 1932*, the Company shall not transact the other classes of insurance business authorized by section six of this Act, or any of them, until the paid capital together with the surplus of the Company amounts to at least six hundred thousand dollars.

"Surplus" defined.

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

Policyholders to be members.

8. (1) Every policyholder on the mutual system of the Company shall be a member thereof during the period specified in his policy and shall, during such period, be subject to the provisions of this Act and the by-laws of the Company, but he may without the consent of the Company withdraw therefrom upon the terms and conditions hereinafter specified.

Deposit of note.

(2) Every such policyholder shall before he receives his policy deposit his note or undertaking (hereinafter called a deposit note) payable on demand to the Company only, endorsed to the satisfaction of the directors, and for a sum of money proportioned according to the classification of risks established by the directors.

Voting at meetings.

9. At all meetings of the Company each policyholder on the mutual system who is not in default in respect of any assessment on his deposit note shall have one vote for each one thousand dollars of insurance on the mutual system held by him and may not vote by proxy unless the proxy himself is a policyholder and entitled to vote.

Election of directors.

10. The Company shall provide by by-law for the election of a majority of the board of directors by the shareholders and of the balance of the board by the policyholders on the mutual system, provided that the directors elected by the policyholders on the mutual system shall form not less than one-third of the board. Any policyholder on the mutual system who is not a shareholder and who holds a policy or policies on the mutual system to the amount of at least one thousand dollars shall be eligible as a policyholders' director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars.

Cash payment on deposit note.

11. (1) A cash payment on account of the deposit note in such amount as the directors may determine by their by-laws may be demanded and received from the policyholder on the mutual system before he obtains his policy and the remainder shall be payable wholly or in part at any time when the directors deem the same to be necessary for the payment of the losses or expenses of the Company.

Entrance fee.

(2) The directors shall by by-law establish an entrance fee payable before any policy on the mutual system is issued. Such entrance fee shall not exceed ten *per centum* of the total amount of the deposit note and when paid shall be deemed to be a payment on the deposit note and to have been fully earned at the date of payment.

Liability for losses and expenses.

(3) Every policyholder on the mutual system shall pay his proportion of all losses and expenses incurred, and the deposit notes belonging to the Company shall be assessed

under the direction of the Board of directors at such intervals from their respective dates, for such sums as the directors determine and for such further sums as they may think necessary to meet the losses and other expenditure incurred during the currency of the policies for which the said notes were given and in respect to which they are liable to assessment. Every policyholder on the mutual system shall pay such sums, during the continuance of the policy, in accordance with such assessment.

Assessments.

(4) The directors of the Company may determine each year, in advance, the amount of the assessment on the deposit notes required to be made to meet the estimated annual losses and expenses for the year and for a reserve fund as hereinafter provided.

Reserve fund.

(5) The directors may, in fixing the assessments, provide for the creation and maintenance of a reserve fund, to remain in the possession of the Company after the payment of its ordinary expenses and losses, but the yearly assessment for such fund shall not at any time exceed ten *per centum* of the amount of the deposit or premium notes.

Publication of notice of amount of assessments.

(6) Notice of the total amount of assessments on deposit notes to be paid in any year shall be given in the form provided by the by-laws of the Company by a circular mailed by registered post to each member.

Cancellation of mutual policies.

12. (1) Any policy issued on the mutual system may be cancelled by the holder thereof by giving written notice to that effect by registered mail to the Company and on such cancellation the policyholder shall cease to be a member of the Company, but on such cancellation or if the Company cancels any such policy in accordance with the conditions thereof the policyholder shall nevertheless be liable to pay his proportion of losses and expenses to the Company up to the time of such cancellation and on so doing he shall be entitled to a return of his deposit note and the deposit note shall thereupon be null and void.

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

(2) Should a loss occur on the property insured by a policy on the mutual system the board of directors may retain, by deduction from the amount of the loss, the unpaid amount of the deposit note given for the insurance of such property until the expiration of the term for which the insurance was contracted and at the expiration of such term the insured may withdraw such part of the amount retained as has not been assessed.

Delivery up of deposit note.

(3) When a policy on the mutual system has expired or is cancelled and the assessments or contribution to the date of expiration or cancellation are paid the deposit note shall be null and void and shall be delivered to the signer thereof on demand.

Bankruptcy of policyholder.

13. (1) In the event of the bankruptcy of any policyholder on the mutual system the Company shall, to the extent of the amount of any assessment due and unpaid, the assessment for the current fiscal year and the costs incurred to obtain payment thereof, have a privilege upon the whole of the movable property of the policyholder and also a hypothec, from the date of the deposit note, upon the immovable property mentioned in the policy of insurance as well as upon the real estate thereunto appertaining.

Ranking of privilege.

(2) The said privilege shall rank and take precedence after municipal taxes and assessments and the said hypothec in favour of the Company shall exist without registration.

Claim for assessments.

(3) Whenever properties affected by the said privilege or hypothec of the Company are advertised to be sold by forced sale, the secretary-treasurer of the Company or his assistant shall file, within the six days following the sale, in the office of the prothonotary or of the clerk of the court, or of the curator, as the case may be, a claim for all assessments due and for such as shall become due up to the end of the then current fiscal year, and the Company shall have the right to be collocated for the amount of the said claim on the proceeds of such sale according to the said rank and privilege.

Application of this section.

(4) This section shall apply only to bankruptcies of policyholders occurring in the province of Quebec.

Suits for assessments.

14. (1) The Company may sue for and recover, with costs, the assessments on the deposit notes of the policyholders who have refused or neglected to pay to the Company the sum of money which the directors have declared to be payable on such deposit notes, but no action or proceeding shall be commenced against any policyholder for the recovery of any assessment within the thirty days following the date when said assessment becomes due.

Evidence.

(2) In all suits for the recovery of assessments the certificate of the secretary-treasurer of the Company shall be *prima facie* evidence that the same are due and that all formalities have been complied with.

Effect of non-payment of assessments.

15. (1) Any policyholder on the mutual system of the Company who fails to pay any assessment within three months from the due date mentioned in the notice of assessment shall not be entitled to recover from the Company for any loss which he may sustain thereafter; provided that a demand has been transmitted by registered letter, to such policyholder, for the payment of such assessment before such loss occurred; provided also that when such assessment shall have been paid, such policyholder shall resume his title to recover from the Company for any loss he may sustain thereafter.

Waiver not to result.

(2) No action or proceeding for the recovery of any assessment shall be a waiver of any forfeiture incurred by the non-payment of such assessment and such forfeiture shall not relieve any policyholder from his liability to pay such assessment or any subsequent assessment.

Liabilities of assets for losses.

16. All the assets of the Company, including the deposit notes or premium notes given by policyholders on the mutual system, shall be liable for losses occurring on all the policies of the Company, whether on the cash premium or on the mutual system.

Winding up.

17. In the event of the winding up of the Company if the assets on hand at the date of winding up, exclusive of the unpaid balance of the shareholders' subscriptions and of the unearned portion of the deposit or premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, a call shall be made upon the shareholders of the Company not exceeding the unpaid balance of their subscriptions, and if the amount yielded by such call is insufficient to provide the deficiency an assessment shall be made on the said policyholders in respect of their deposit or premium notes to an amount not exceeding the unpaid balance of such notes.

Duration of policies.

18. No policy on the mutual system issued by the Company shall extend over a period greater than five years.

Distributions to policyholders on cash system.

19. The directors may from time to time, out of the earnings of the Company, distribute equitably to the holders of participating policies on the cash plan issued by the Company such sums as in the judgment of the directors are proper and justifiable.

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

20. (1) The Company may acquire the whole or any part of the rights and property and may assume the obligations and liabilities of The Stanstead & Sherbrooke Fire Insurance Company incorporated in the year 1835 under the provisions of chapter thirty-three of the statutes of the province of Lower Canada of the year 1834, hereinafter called "the provincial company"; and in the event of such acquisition and assumption the Company shall perform and discharge all such obligations or liabilities of the provincial company in respect to the rights and property acquired as are not performed and discharged by the provincial company.

Duties when acquired.

Approval of Treasury Board.

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

Conditions for bringing this Act into force.

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

Application of 1932, c. 46.

22. Except as hereinbefore provided, *The Canadian and British Insurance Companies Act, 1932*, with amendments, shall apply to the Company.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL D.

An Act respecting The Ottawa Electric Company and The Ottawa Gas Company.

Read a first time, Tuesday, 4th June, 1940.

Honourable Senator COTÈ.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

2535

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL D.

An Act respecting The Ottawa Electric Company and The Ottawa Gas Company.

Preamble.

1894, c. 111.

1853, Prov. of Canada, c. 173.

1865, Prov. of Canada, c. 88.

1902, c. 15.

WHEREAS The Ottawa Electric Company, incorporated by chapter one hundred and eleven of the statutes of Canada, 1894, and The Ottawa Gas Company, originally incorporated as The Bytown Consumers Gas Company under chapter one hundred and seventy-three of the statutes of the former province of Canada, 1853, but, by chapter eighty-eight of the statutes of that province, 1865, renamed as aforesaid, have, by their petition, represented that Ottawa Light, Heat and Power Company, Limited, originally incorporated by Letters Patent of the twenty-eighth day of May, 1906, as Consolidated Light, Heat and Power Company, Limited, under *The Companies Act, 1902*, of Canada, but, by Supplementary Letters Patent of June fourteenth, 1909, issued under the said Act, renamed as aforesaid, is the holder of all the outstanding bonds and of all the outstanding shares (except directors' qualifying shares) of The Ottawa Electric Company and of The Ottawa Gas Company, and have prayed that they may, subject to the provisions, terms and conditions hereinafter imposed, be empowered to assign, transfer and convey all their undertakings, assets, rights, franchises and privileges to Ottawa Light, Heat and Power Company, Limited, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ottawa Electric Co. and Ottawa Gas Co. may convey their undertakings &c. to Ottawa Light, Heat and Power Co.

1. The Ottawa Electric Company and The Ottawa Gas Company may each assign, transfer and convey to Ottawa Light, Heat and Power Company, Limited, its undertakings and assets and all its rights, franchises and privileges, whether held and enjoyed by or under special Act, general Act, by-law, agreement, or otherwise howsoever,

Explanatory Note.

The Ottawa Electric Company and The Ottawa Gas Company are subsidiaries of Ottawa Light, Heat and Power Company, Limited. This Bill empowers the subsidiaries to convey all their assets and undertakings to the parent Company, such undertakings to be carried on thereafter by the parent Company. The purpose of the plan is to eliminate inconveniences and expenses arising out of the existence of three companies where one organization can do the work. Performance of the obligations of the subsidiaries will be in no way affected by the proposed amalgamation.

and upon such assignment, transfer and conveyance Ottawa Light, Heat and Power Company, Limited, its successors and assigns, shall be and become vested with title to all the undertakings and assets and all the rights, franchises and privileges of The Ottawa Electric Company and The Ottawa Gas Company, respectively, as aforesaid, and be and become subject to all the liabilities and obligations of The Ottawa Electric Company and The Ottawa Gas Com-Company, respectively, and to all the provisions, terms and conditions subject to which The Ottawa Electric Company and The Ottawa Gas Company, respectively, enjoy their rights, privileges and franchises, whether under special Act, general Act, by-law, agreement, or otherwise howsoever, and thereafter Ottawa Light, Heat and Power Company, Limited, its successors and assigns, may conduct the undertakings so transferred, assigned and conveyed to it by The Ottawa Electric Company and The Ottawa Gas Company and may exercise as fully and completely as The Ottawa Electric Company and The Ottawa Gas Company are, respectively, empowered to do, all rights, franchises and privileges conferred on or enjoyed by The Ottawa Electric Company and The Ottawa Gas Company, respectively, by any special Act, general Act, by-law, agreement or otherwise howsoever and all shares in the capital stock of The Ottawa Electric Company and of The Ottawa Gas Company, respectively, shall be and be deemed to be cancelled, and The Ottawa Electric Company and The Ottawa Gas Company, respectively, shall be and be deemed to be dissolved as at such date as shall be fixed by resolution of the board of directors of Ottawa Light, Heat and Power Company, Limited.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL E.

An Act respecting The Detroit and Windsor Subway Company.

Read a first time, Tuesday, 4th June, 1940.

Honourable Senator Sir ALLEN AYLESWORTH.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

3686

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL E.

An Act respecting The Detroit and Windsor Subway Company.

Preamble. 1926-27, c. 83.

WHEREAS The Detroit and Windsor Subway Company, a company incorporated by chapter eighty-three of the statutes of 1926-27, has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital stock increased. 1926-27, c. 83.

1. Section seven of chapter eighty-three of the statutes of 1926-27 is repealed and the following is substituted therefor:—

Capital stock.

"**7.** (1) The capital stock of the Company shall consist of one million shares without nominal or par value and one million shares of the par value of three dollars per share.

Shares.

(2) Each share of the capital stock without nominal or par value shall be equal to every other share of such capital stock. Every certificate of shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents and the number of such shares which the Company is authorized to issue, and no such certificate shall express any nominal or par value of such shares.

Issue of shares.

(3) The allotment and issue of shares without nominal or par value may be made from time to time for such consideration as may be fixed by the board of directors by by-law duly confirmed by the holders of two-thirds of the shares then outstanding, at a meeting called for that purpose in such manner as is prescribed by the by-laws of the Company. Any and all such shares issued as permitted by this subsection shall be deemed fully paid and non-assessable and the holder of such shares shall not be liable to the Company or to its creditors in respect thereof.

Explanatory Notes.

1. The Detroit and Windsor Subway Company, in conjunction with Detroit & Canada Tunnel Corporation, a Michigan corporation, owns and operate a vehicular tunnel under the Detroit River between the cities of Windsor, Ontario, and Detroit, Michigan. With the exception of directors' qualifying shares, all of the shares of the capital stock of the Subway Company are owned by the Tunnel Corporation.

2. The existing capital stock of the Company, all of which is issued and outstanding, is one million shares without nominal or par value. It is desired to convert this capital stock into capital stock of a par value of $3.00 per share.

3. Section 7 of the original Act of Incorporation being 1926-1927, 17 Geo. 5th, Chapter 83, reads as follows:—

"**7.** (1) The capital stock of the Company shall consist of one million shares without nominal or par value.

(2) Each share of the capital stock without nominal or par value shall be equal to every other share of such capital stock. Every certificate of shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents and the number of such shares which the Company is authorized to issue, and no such certificate shall express any nominal or par value of such shares.

(3) The issue and allotment of shares authorized by this section may be made from time to time for such consideration as may be fixed by the board of directors by by-law duly confirmed by the holders of two-thirds of the shares then outstanding, at a meeting called for that purpose in such manner as is prescribed by the by-laws of the Company. Any and all shares issued as permitted by this section shall be deemed fully paid and non-assessable and the holder of such shares shall not be liable to the Company or to its creditors in respect thereof.

Capital requisite for carrying on business.

(4) The amount of capital with which the Company shall carry on business shall be not less than the aggregate amount of the consideration for the allotment and issue of as many shares without nominal or par value as from time to time remain outstanding plus the sum of three dollars for each issued share having a par value.

Surrender and cancellation of no par value shares.

(5) The directors of the Company may, with the unanimous consent of the shareholders, allot and issue by way of by-law any or all, as may be required, of such par value shares in consideration for the surrender to the Company of any or all of the issued and at the time outstanding shares without nominal or par value of its capital stock, and on and from such allotment, issue and surrender all such shares with par value so issued for such consideration shall be deemed to be fully paid and non-assessable and the holders thereof shall not be liable to the Company or its creditors in respect thereof.

Cancellation of shares.

(6) In the event of and upon surrender to the Company pursuant to and in execution of the provisions of the next preceding subsection, of any or all of its shares of capital stock without nominal or par value the surrendered shares shall, without further or other action, stand and be deemed to be cancelled, *pro tanto* or *in toto*, as the circumstances shall require, and after the whole of such shares without nominal or par value shall have been so surrendered the capital stock of the Company shall consist, solely, of one million shares of the par value of three dollars each."

(4) The amount of capital with which the Company shall carry on business shall be not less than the aggregate amount of the consideration for the issue and allotment of the shares without nominal or par value from time to time outstanding.

(5) The Company shall not commence its operations or incur any liability before a sum of at least fifty thousand dollars has been paid into the treasury of the Dominion of Canada, which sum shall not be withdrawn until at least twenty-five per cent of the proposed tunnel is constructed and such sum shall be forfeited if the project is not proceeded with."

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL F.

An Act respecting a certain wharf of Saguenay Terminals Limited.

Read a first time, Wednesday, 5th June, 1940.

Honourable Senator Beauregard.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

3405

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL F.

An Act respecting a certain wharf of Saguenay Terminals Limited

Preamble,

1904, Prov. Quebec, c. 86; 1929, Prov. Quebec, c. 109.

WHEREAS Saguenay Terminals Limited (originally incorporated under the laws of the province of Quebec by chapter eighty-six of the statutes of 1904 as "La Compagnie Generale du Port de Chicoutimi", but since renamed as aforesaid under the laws of the same province by chapter one hundred and nine of the statutes of 1929) has by its petition represented that in the years 1919 and 1920, for the purpose of carrying on its business of loading and unloading vessels, it erected a wharf on a water lot owned by it since 27th January, 1917, under title derived through His Majesty in His right of the province of Quebec and since 23rd January, 1939, under Patent No. 31168 derived from His Majesty in His right of Canada; and that the said water lot is part of the bed and beach of the navigable water of Ha! Ha! Bay, Saguenay River, in the said province of Quebec; and that since the said wharf was erected an extension of it has been built with the prior approval of the Governor in Council as required by the *Navigable Waters' Protection Act* of Canada, but that such approval has never been had for the original erection of the wharf, and the petitioner is advised that the terms of the said Act do not permit the grant of the last mentioned approval to be now made with *ex post facto* operation; wherefore the petitioner prays that the Governor in Council be authorized as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., 1927, c. 140.

Governor in Council may approve site and plans of works.

1. The Governor in Council may, notwithstanding any provision of the *Navigable Waters' Protection Act*, as fully and effectively approve of the site and plans of the wharf

works mentioned in the preamble hereto as if such works had been, from the first and since, built, placed and maintained in compliance with section four of the said Act, and upon such approval given the said works shall be deemed to be and always to have been lawful works within the meaning of that Act.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL G.

An Act for the relief of Elizabeth Pauline Tingley Kidd.

Read a first time, Wednesday, 12th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
98039 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL G.

An Act for the relief of Elizabeth Pauline Tingley Kidd.

Preamble.

WHEREAS Elizabeth Pauline Tingley Kidd, residing at the city of Westmount, in the province of Quebec, wife of Henry William Erskine Kidd, advertising agent, who is domiciled in Canada and residing at the city of Montreal, in the said province of Quebec, has by her petition, alleged that they were married on the twenty-first day of August, A.D. 1930, at the city of Vancouver, in the province of British Columbia, she then being Elizabeth Pauline Tingley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elizabeth Pauline Tingley and Henry William Erskine Kidd, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elizabeth Pauline Tingley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry William Erskine Kidd had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL H.

An Act for the relief of Nancy Patricia Lytle Rowat.

Read a first time, Wednesday, 12th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92129 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL H.

An Act for the relief of Nancy Patricia Lytle Rowat.

Preamble.

WHEREAS Nancy Patricia Lytle Rowat, residing at the city of Lachine, in the province of Quebec, clerk, wife of John Pozer Rowat, notary, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the eighth day of August, A.D. 1936, at the town of Huntingdon, in the county of Chateauguay, in the said province, she then being Nancy Patricia Lytle, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nancy Patricia Lytle and John Pozer Rowat, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nancy Patricia Lytle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Pozer Rowat had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL I.

An Act for the relief of Henry Carl Mayhew.

Read a first time, Wednesday, 12th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2399 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL I.

An Act for the relief of Henry Carl Mayhew.

Preamble.

WHEREAS Henry Carl Mayhew, domiciled in Canada and residing at the village of Kazabazua, in the county of Wright, in the province of Quebec, school teacher, has by his petition alleged that on the fifth day of October, A.D. 1932, at the village of Bishop's Crossing, in the county of Wolfe, in the said province, he and Pauline Francesca Evans, who was then of the said village of Bishop's Crossing, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Henry Carl Mayhew and Pauline Francesca Evans, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Henry Carl Mayhew may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Pauline Francesca Evans had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL J.

An Act for the relief of Laura Lucrezia Green Stinson.

Read a first time, Wednesday, 12th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

98064

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL J.

An Act for the relief of Laura Lucrezia Green Stinson.

Preamble.

WHEREAS Laura Lucrezia Green Stinson, residing at the city of Westmount, in the province of Quebec, nurse, wife of Edwin Watson Stinson, accountant, who is domiciled in Canada and residing at the city of Montreal, in the said province of Quebec, has by her petition alleged that they were married on the twenty-eighth day of September, A.D. 1912, at the village of Plaster Rock, in the county of Victoria, in the province of New Brunswick, she then being Laura Lucrezia Green, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Laura Lucrezia Green and Edwin Watson Stinson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Laura Lucrezia Green may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edwin Watson Stinson had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL K.

An Act for the relief of Irene Nellie Kon Simpson.

Read a first time, Wednesday, 12th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

2403

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL K.

An Act for the relief of Irene Nellie Kon Simpson.

Preamble.

WHEREAS Irene Nellie Kon Simpson, residing at the city of Montreal, in the province of Quebec, account executive, wife of George Patrick Simpson, insurance inspector, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the fourth day of October, A.D. 1935, at the city of Belleville, in the province of Ontario, she then being Irene Nellie Kon, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Irene Nellie Kon and George Patrick Simpson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Irene Nellie Kon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Patrick Simpson had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL L.

An Act respecting The Cedars Rapids Manufacturing and Power Company.

Read a first time, Wednesday, 12th June, 1940.

Honourable Senator BEAUBIEN.
(Montarville)

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2672 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL L.

An Act respecting The Cedars Rapids Manufacturing and Power Company.

Preamble. 1904, c. 65.

WHEREAS The Cedars Rapids Manufacturing and Power Company, a company incorporated by chapter sixty-five of the statutes of 1904, has, by its petition, prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1904, c. 65, s. 9 amended.

1. Section nine of chapter sixty-five of the statutes of 1904 is amended by adding, immediately after paragraph *(f)* thereof, as paragraphs *(g)*, *(h)* and *(i)*, the following:—

Power to sell or dispose of undertaking.

"*(g)* sell or dispose of the undertaking of the Company or any part thereof for such consideration as the Company may think fit and in particular for shares, debentures or securities of any other company which has objects altogether or in part similar to those of the Company;

Power to distribute property or assets.

(h) distribute among the shareholders of the Company in kind, specie or otherwise any property or assets of the Company including any proceeds of the sale or disposal of any property of the Company and in particular any shares, debentures or other securities of or in any other company belonging to the Company, or of which it may have power to dispose.

Power to amalgamate or consolidate with another company.

(i) amalgamate or consolidate with any other company carrying on or engaged in or about to carry on or engage in any business or transaction which the Company is authorized to carry on or engage in or any business or transaction capable of being conducted so as to directly or indirectly benefit the Company; and any company resulting from any such amalgamation or consolidation shall enjoy and may exercise the powers of both companies."

Explanatory Note

The purpose of the amendment is to confer upon the Company the powers set forth in the proposed amendment which, generally speaking, are powers possessed by companies incorporated under the Companies Act, 1934.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL M.

An Act for the relief of Elma Jane Harris Aspell.

Read a first time, Thursday, 13th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

94052

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL M.

An Act for the relief of Elma Jane Harris Aspell.

Preamble.

WHEREAS Elma Jane Harris Aspell, residing at the the city of Montreal, in the province of Quebec, wife of William Thomas Aspell, accountant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of December, A.D. 1926, at the said city, she then being Elma Jane Harris, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Elma Jane Harris and William Thomas Aspell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Elma Jane Harris may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Thomas Aspell had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL N.

An Act for the relief of Edith Leanora Holland Bonet.

Read a first time, Thursday, 13th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92117 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL N.

An Act for the relief of Edith Leanora Holland Bonet.

Preamble.

WHEREAS Edith Leanora Holland Bonet, residing at the city of Montreal, in the province of Quebec, stenographer, wife of William Russell Bonet, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the ninth day of April, A.D. 1936, at the said city, she then being Edith Leanora Holland, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edith Leanora Holland and William Russell Bonet, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edith Leanora Holland may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Russell Bonet had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Dorothy Lavinia Worsley Baker.

Read a first time, Thursday, 13th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92133 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL O.

An Act for the relief of Dorothy Lavinia Worsley Baker.

Preamble.

WHEREAS Dorothy Lavinia Worsley Baker, residing at the city of Montreal, in the province of Quebec, wife of Colin Macartney Baker, agent, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the eighth day of October, A.D. 1931, at the city of Longueuil, in the said province, she then being Dorothy Lavinia Worsley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Lavinia Worsley and Colin Macartney Baker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Lavinia Worsley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Colin Macartney Baker had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Eugene Belanger.

Read a first time, Thursday, 13th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

94028

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL P.

An Act for the relief of Eugene Belanger.

Preamble.

WHEREAS Eugene Belanger, domiciled in Canada and residing at the town of Magog, in the county of Stanstead, in the district of St. Francis, in the province of Quebec, garage proprietor, has by his petition alleged that on the third day of October, A.D. 1922, at the said town, he and Marie Alma Beatrice Vincelette, who was then of the said town, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eugene Belanger and Marie Alma Beatrice Vincelette, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eugene Belanger may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Alma Beatrice Vincelette had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Rebecca Cohen.

Read a first time, Thursday, 13th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
98044 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Q.

An Act for the relief of Rebecca Cohen.

Preamble.

WHEREAS Rebecca Cohen, residing at the city of Montreal, in the province of Quebec, wife of Harry Cohen, butcher, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married in or about the month of June, in or about the year A.D. 1905, at the town of Orive, in Bessarabia, then part of Russia, she then being Rebecca Mashcavtzam, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rebecca Mashcavtzam and Harry Cohen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rebecca Mashcavtzam may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Harry Cohen had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL R.

An Act to incorporate Sisters Servants of Mary Immaculate.

Read a first time, Wednesday, 19th June, 1940.

HONOURABLE SENATOR HAYDEN.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

4239

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL R.

An Act to incorporate Sisters Servants of Mary Immaculate.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, represented that they are members of a religious order or congregation in communion with the Holy See of Rome (hereinafter called "the Order") which has for many years carried on in various provinces of Canada, under the name of "Sisters Servants of Mary Immaculate," various educational, charitable and religious missionary works; and that the said Order has been incorporated in the province of Alberta by chapter fifty-one of the statutes of 1911 as The Ruthenian Sisters of the Immaculate Conception; in the province of Manitoba by chapter one hundred and thirty-six of the statutes of 1912 as The Ruthenian Catholic Sisters of the Immaculate Conception; and in the province of Saskatchewan by chapter thirty-eight of the statutes of 1916 as The Ruthenian Sisters of the Immaculate Conception of the Province of Saskatchewan;

AND WHEREAS the said persons have by their said petition prayed that they may be incorporated for the purposes and in the manner hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Sophie Kassian (known in religion as Sister Elizabeth) Anna Butrin (known in religion as Sister Ignatia) Mary Mantyka (known in religion as Sister Monica) Nadia Lesiuk (known in religion as Sister Gertrude) and Pauline Sianchuk (known in religion as Sister Sophronia) all of the city of Edmonton, in the province of Alberta, together with such other persons as hereafter become members of the religious order or association hereby incorporated, are incorporated under the name of "Sisters Servants of Mary Immaculate", hereinafter called "the Corporation".

Corporate name.

Head Office.

2. The head office of the Corporation shall be at the city of Edmonton, in the province of Alberta, or at such other place in Canada as may from time to time be determined by its by-laws.

Objects.

3. The objects of the Corporation, which it is hereby empowered to execute in and throughout Canada, shall be the education and moral training of pupils in convents and schools, including kindergarten schools; the instruction of prisoners; the attendance upon the sick in hospitals; the visitation of the sick and the poor in their homes; the establishment and maintenance of missions and congregations for ladies, orphanages, working places, schools of housekeeping, agricultural orphanages, industrial schools, deaf and dumb institutions, asylums, homes for incurables, dispensaries and boarding houses for lame and aged persons; the promotion of the spiritual, intellectual, social and physical welfare of young women by such means as may from time to time be determined; together with such other educational, charitable or religious works as the Corporation may, from time to time, determine, and the doing of all things reasonably ancillary or incidental to all or any of the things above expressed.

Only members of the Order are entitled to membership in the Corporation.

4. Only members of the Order known as Sisters Servants of Mary Immaculate shall be eligible for membership in the Corporation.

Only professed sisters entitled to privileges.

5. Only such members of the Corporation as have pursuant to the rules of the Order pronounced their final vows and have thus become professed members thereof shall be entitled to vote at meetings of, or to hold office in, or otherwise to take part in the government of, the Corporation.

Establish branches.

6. The Corporation may, from time to time, establish and maintain in and throughout Canada any number of branches and may appoint in connection therewith such subordinate officers, with such powers and tenure of office, as may be deemed advisable.

Carry on industries.

7. The Corporation may, from time to time, engage in and conduct any industry which seems likely to aid in the execution of the charitable or religious works and objects of the Corporation or any of them.

Application of revenue.

8. The revenues, issues and profits of all property, real and personal, held by the Corporation, shall be appropriated and applied to the maintenance of the Corporation and to the furtherance of the objects thereof.

Persons leaving the Order not entitled to compensation.

9. No member admitted to the Order, whether as postulante or novice or otherwise, and whether she has or has not pronounced her final vows and made her religious profession, shall be entitled, upon or after ceasing to be a member of the Order, to any compensation for any work done for the Order while a member thereof.

No liability for unauthorized acts.

10. The Corporation shall not be legally liable or responsible for anything done or undertaken by an individual member unless such action was duly authorized by the by-laws of the Corporation.

Amalgamation.

11. The Corporation may amalgamate with, absorb and take over the following provincial corporations, namely:— The Ruthenian Sisters of the Immaculate Conception, incorporated by chapter fifty-one of the statutes of the province of Alberta of the year 1911; The Ruthenian Catholic Sisters of the Immaculate Conception, incorporated by chapter one hundred and thirty-six of the statutes of the province of Manitoba of the year 1912; and The Ruthenian Sisters of the Immaculate Conception of the Province of Saskatchewan, incorporated by chapter thirty-eight of the statutes of the province of Saskatchewan of the year 1916.

The state of the Order vested in the Corporation.

12. All and every the estate and property, real and personal, belonging to or hereafter acquired by the members of the said Order as such and all debts, claims and rights whatsoever due to them in that capacity, shall be and are hereby vested in the Corporation.

Rules of the Order continued.

13. The rules and regulations for the management and governance of the said Order shall be and continue to be the by-laws of the Corporation, until amended or repealed.

No personal liability.

14. Nothing herein contained shall have, or be construed to have, the effect of rendering any of the several persons mentioned in section one of this Act or any other person now a member or who may hereafter become a member of the Order, personally liable or accountable for any debt incurred or any engagement or liability contracted by the Corporation, but the Corporation shall alone be liable and accountable therefor.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Ethel Cahan Naihouse.

Read a first time, Wednesday, 19th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

94048

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL S.

An Act for the relief of Ethel Cahan Naihouse.

Preamble.

WHEREAS Ethel Cahan Naihouse, residing at the city of Montreal, in the province of Quebec, wife of Morris Naihouse, physician, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eleventh day of May, A.D. 1918, at the said city, she then being Ethel Cahan, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ethel Cahan and Morris Naihouse, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ethel Cahan may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Morris Naihouse had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL T.

An Act for the relief of John Roy Fumerton.

Read a first time, Wednesday, 19th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92105 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL T.

An Act for the relief of John Roy Fumerton.

Preamble.

WHEREAS John Roy Fumerton, domiciled in Canada and residing at the town of Temiskaming, in the county of Pontiac, in the province of Quebec, superintendent, has by his petition alleged that on the twentieth day of June, A.D. 1930, at the city of Ottawa, in the province of Ontario, he and Ines Marie Ray, who was then of the village of Bryson, in the county of Pontiac, in the province of Quebec, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Roy Fumerton and Ines Marie Ray, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Roy Fumerton may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ines Marie Ray had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Paul Edouard Tardif.

Read a first time, Wednesday, 19th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99191 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL U.

An Act for the relief of Paul Edouard Tardif.

Preamble.

WHEREAS Paul Edouard Tardif, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the twentieth day of May, A.D. 1926, at the city of Paris, in the French Republic, he and Marie Alice Juliette Wilhelmine Wilhelmy, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Paul Edouard Tardif and Marie Alice Juliette Wilhelmine Wilhelmy, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Paul Edouard Tardif may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Alice Juliette Wilhelmine Wilhelmy had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940

THE SENATE OF CANADA

BILL V.

An Act for the relief of Pearl Aizanman Morris.

Read a first time, Wednesday, 19th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1090 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL V.

An Act for the relief of Pearl Aizanman Morris.

Preamble.

WHEREAS Pearl Aizanman Morris, residing at the city of Montreal, in the province of Quebec, saleswoman, wife of Sidney Morris, music teacher, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the eighth day of November, A.D. 1931, at the city of Westmount, in the said province, she then being Pearl Aizanman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Pearl Aizanman and Sidney Morris, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Pearl Aizanman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Sidney Morris had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Molly Goldfarb Goldberg.

Read a first time, Wednesday, 19th June, 1940.

The Honourable the Chairman of the
Committe on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95758 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL W.

An Act for the relief of Molly Goldfarb Goldberg.

Preamble.

WHEREAS Molly Goldfarb Goldberg, residing at the city of Montreal, in the province of Quebec, wife of Saul Goldberg, merchant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of October, A.D. 1933, at the said city, she then being Molly Goldfarb, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Molly Goldfarb and Saul Goldberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Molly Goldfarb may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Saul Goldberg had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL X.

An Act to incorporate Quebec and Montmorency Railway Company.

Read a first time, Wednesday, 19th June, 1940.

Honourable Senator L'ESPERANCE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

4392

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL X.

An Act to incorporate Quebec and Montmorency Railway Company.

Preamble.

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

Incorporation.

1. James Wilson, gentleman, William Stephen Hart, gentleman, Philip Stancliffe Gregory, engineer, and Henry Gordon Budden, secretary, all of the city of Montreal in the province of Quebec, and Joseph Eugene Tanguay, manager, of the city of Quebec in the province of Quebec, together with such persons as become shareholders in the company are hereby incorporated under the name of "Quebec and Montmorency Railway Company", hereinafter called "the Company".

Corporate name.

Declaration.

2. The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Provisional directors.

3. The persons named in section one of this Act are hereby constituted provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be two million dollars.

Head office.

5. The head office of the Company shall be in the city of Quebec in the province of Quebec.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Tuesday in the month of March in each year or on such other day as the directors of the Company may determine.

Explanatory Notes.

Since 1895 The Quebec Railway, Light & Power Company has operated a tramway system in the City of Quebec and a line of railway extending a distance of some thirty miles from Quebec to Cap Tourmente on the north shore of the St. Lawrence River and passing through Montmorency Falls and Ste. Anne de Beaupre. This line of railway is known as the Montmorency division of the Company and it connects with the Canadian National Railways and the Canadian Pacific Railway Company. The Canadian National Railways run their trains to Murray Bay over this division.

It is desired to incorporate a new company to acquire and operate the Montmorency division of The Quebec Railway, Light & Power Company as a separate undertaking, inasmuch as the tramway division provides transportation services of a different character for the city and district of Quebec.

The terms and conditions of any acquisition by Quebec and Montmorency Railway Company will be subject to the approval of the Board of Transport Commissioners and the Governor in Council in the manner provided by the Railway Act.

Notice calling shareholders' meetings.

7. Shareholders' meetings shall be called by a notice mailed at least ten clear days before the date fixed for the meeting to the address of every shareholder as entered in the books of the Company.

R.S., c. 170, s. 77 not applicable.

8. Section seventy-seven of the *Railway Act* shall not apply to the Company.

Calling of meetings.

9. At any time after the passing of this Act the provisional directors may call a meeting of the shareholders for the purpose of passing or confirming the by-laws of the Company, electing directors and considering and acting upon any other business specified in the notice calling the meeting.

Number of directors.

10. The number of directors shall be not less than five nor more than seven.

Issue of securities.

11. The Company may make and issue bonds, debentures or other securities to an amount not exceeding three million dollars.

Powers of Company.

12. The Company may maintain, manage and operate by means of steam, electricity or other motive power, upon the standard gauge of four feet eight and one-half inches, with single or double track, the Montmorency division of The Quebec Railway, Light & Power Company, consisting of the railway and undertaking now constructed and in operation extending from the terminal station of the said railway in the lower town in the city of Quebec to Cap Tourmente on the north shore of the river St. Lawrence.

Power to enter into certain agreements.

13. Subject to the provisions of sections one hundred and fifty-one and one hundred and fifty-three of the *Railway Act*, the Company may enter into an agreement with The Quebec Railway, Light & Power Company for the purchase or lease of its said Montmorency division and, subject to the same provisions, The Quebec Railway, Light & Power Company may enter into any such agreement with the Company.

Power to issue bonds, debentures and shares.

14. As consideration for any agreements entered into under the provisions of section thirteen of this Act, the Company may issue bonds or debentures and issue and allot shares of the capital stock of the Company as fully paid and The Quebec Railway, Light & Power Company may accept, hold and dispose of any bonds, debentures and shares so issued and allotted in payment.

Electric and other power.

R.S., c. 170.

15. Subject to the provisions of section three hundred and sixty-eight of the *Railway Act*, the Company shall have power to generate, acquire, use, transmit and distribute electric and other power or energy and for the purposes of such generation, acquisition, use, transmission and distribution may construct, acquire, operate and maintain lines for the conveyance of light, heat, power and electricity.

Telegraph and telephone lines. R.S., c. 170.

16. Subject to the provisions of section three hundred and sixty-nine of the *Railway Act* the Company shall have power to transmit telegraph and telephone messages for the public and to collect tolls therefor.

Additional powers.

17. The Company may for the purposes of its undertaking—

(a) construct, acquire, charter and navigate steamships and other vessels and ferries, for the conveyance of passengers, goods and merchandise;

(b) construct, acquire, operate, lease and dispose of terminal stations, hotels, restaurants, depots, wharves, docks, elevators, warehouses, offices, pumping stations, tanks and other structures to be used to facilitate the carrying on of business in connection therewith;

(c) carry on the business of warehousemen and wharfingers; and

(d) charge wharfage and other dues for the use of any such property.

Agreements with other companies.

18. Subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of the *Railway Act*, the Company may, for any of the purposes mentioned in the said section one hundred and fifty-one, enter into agreements with the Canadian Pacific Railway Company and the Canadian National Railways or either of them.

Prohibition relating to The Quebec Railway, Light & Power Co.

19. No powers authorized or granted under the provisions of this Act shall be exercised in, over or upon the tramways system of The Quebec Railway, Light & Power Company in the city of Quebec, nor for acquiring any of the properties of The Quebec Railway, Light & Power Company used in connection with the said tramways system.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Muriel Agnes Martin Beech.

Read a first time, Thursday, 20th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
98059 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Y.

An Act for the relief of Muriel Agnes Martin Beech.

Preamble.

WHEREAS Muriel Agnes Martin Beech, residing at the city of Montreal, in the province of Quebec, confectionery decorator, wife of Henry Beech, pipe inspector, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of September, A.D. 1933, at the said city, she then being Muriel Agnes Martin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Agnes Martin and Henry Beech, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Agnes Martin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Beech had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Alfred Reinhold Roller.

Read a first time, Thursday, 20th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3793 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Z.

An Act for the relief of Alfred Reinhold Roller.

Preamble.

WHEREAS Alfred Reinhold Roller, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, salesman, has by his petition alleged that on the nineteenth day of August, A.D. 1922, at the city of Stuttgart, in Germany, he and Hedwig Teresia Laux, who was then of the said city of Stuttgart, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Alfred Reinhold Roller and Hedwig Teresia Laux, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Alfred Reinhold Roller may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Hedwig Teresia Laux had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL A[2].

An Act for the relief of Sarah Kerzner Spilberg.

Read a first time, Thursday, 20th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2407 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL A[2].

An Act for the relief of Sarah Kerzner Spilberg.

Preamble.

WHEREAS Sarah Kerzner Spilberg, residing at the city of Montreal, in the province of Quebec, clothing operator, wife of Leslie Spilberg, barber, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the fifteenth day of April, A.D. 1934, at the city of Ottawa, in the province of Ontario, she then being Sarah Kerzner, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sarah Kerzner and Leslie Spilberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sarah Kerzner may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leslie Spilberg had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL B[2].

An Act for the relief of Christina Smith Dunlop Andrique.

Read a first time, Thursday, 20th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94036 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL B[2].

An Act for the relief of Christina Smith Dunlop Andrique.

Preamble.

WHEREAS Christina Smith Dunlop Andrique, residing at the city of Montreal, in the province of Quebec, clerk, wife of Georges Leon Andrique, machinist, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-ninth day of April, A.D. 1933, at the said city, she then being Christina Smith Dunlop, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Christina Smith Dunlop and Georges Leon Andrique, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Christina Smith Dunlop may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Georges Leon Andrique had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL C[2].

An Act for the relief of Anna Shepherd.

Read a first time, Thursday, 20th June 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94040 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL C[2].

An Act for the relief of Anna Shepherd.

Preamble.

WHEREAS Anna Shepherd, residing at the city of Ottawa, in the province of Ontario, wife of Thomas Marshall Shepherd, clerk, who is domiciled in Canada and formerly resided at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twentieth day of June, A.D. 1914, at the village of Blue Mountain Lake, in the county of Hamilton, in the state of New York, one of the United States of America, she then being Anna Freeman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Anna Freeman and Thomas Marshall Shepherd, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Anna Freeman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Thomas Marshall Shepherd had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL D[2].

An Act for the relief of Margaret Somerville Sickinger.

Read a first time, Tuesday, 25th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92109 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL D[2].

An Act for the relief of Margaret Somerville Sickinger.

Preamble.

WHEREAS Margaret Somerville Sickinger, residing at the city of Montreal, in the province of Quebec, wife of Frank Sickinger, lithographer, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the fifteenth day of November, A.D. 1913, at the city of Toronto, in the province of Ontario, she then being Margaret Somerville, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Somerville and Frank Sickinger, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Somerville may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Sickinger had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL E2.

An Act for the relief of Romain Cléophas Moreau.

Read a first time, Tuesday, 25th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92113 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL E[2].

An Act for the relief of Romain Cléophas Moreau.

Preamble.

WHEREAS Romain Cléophas Moreau, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chauffeur, has by his petition alleged that on the first day of July, A.D. 1933, at the said city, he and Marie-Rose Annette Lucille Gauthier, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Romain Cléophas Moreau and Marie-Rose Annette Lucille Gauthier, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Romain Cléophas Moreau may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie-Rose Annette Lucille Gauthier had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL F2.

An Act for the relief of Dorothy Florence Donn Martin.

Read a first time, Tuesday, 25th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
98049 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL F[2].

An Act for the relief of Dorothy Florence Donn Martin.

Preamble.

WHEREAS Dorothy Florence Donn Martin, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Leonard Benjamin Martin, store manager, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-sixth day of October, A.D. 1935, at the said city, she then being Dorothy Florence Donn, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothy Florence Donn and Leonard Benjamin Martin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothy Florence Donn may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leonard Benjamin Martin had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL G².

An Act for the relief of Phoebe Doris Edge Pott.

Read a first time, Tuesday, 25th June, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92137 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL G².

An Act for the relief of Phoebe Doris Edge Pott.

Preamble.

WHEREAS Phoebe Doris Edge Pott, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Leonard Pott, clerk, who is domiciled in Canada and residing at the town of Magog, in the said province, has by her petition alleged that they were married on the sixteenth day of August, A.D. 1919, in the parish of Newton-in-Makerfield, in the county of Lancaster, England, she then being Phoebe Doris Edge, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Phoebe Doris Edge and Leonard Pott, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Phoebe Doris Edge may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Leonard Pott had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL H[2].

An Act for the relief of Filomena Grego Sauro.

Read a first time, Tuesday, 25th June, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL H².

An Act for the relief of Filomena Grego Sauro.

Preamble.

WHEREAS Filomena Grego Sauro, residing at the city of Montreal, in the province of Quebec, domestic servant, wife of Antonio Sauro, labourer, who is domiciled in Canada and formerly resided at the said city, has by her petition alleged that they were married on the fourth day of June, A.D. 1932, at the said city, she then being Filomena Grego, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Filomena Grego and Antonio Sauro, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Filomena Grego may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Antonio Sauro had not been solemnized.

68

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL I[2].

An Act for the relief of Kathleen Irene Mae Stephens Morrissey.

AS PASSED BY THE SENATE, 27th JUNE, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2421 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL I[2].

An Act for the relief of Kathleen Irene Mae Stephens Morrissey.

Preamble.

WHEREAS Kathleen Irene Mae Stephens Morrissey, residing at the city of Westmount, in the province of Quebec, secretary, wife of Luke Anthony Vincent Morrissey, salesman, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twelfth day of January, A.D. 1935, at the said city of Montreal, she then being Kathleen Irene Mae Stephens, a spinster; and whereas by her petition she has prayed that because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Kathleen Irene Mae Stephens and Luke Anthony Vincent Morrissey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Kathleen Irene Mae Stephens may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Luke Anthony Vincent Morrissey had not been solemnized.

69

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL J[2].

An Act for the relief of Dorothea Frances Poyser MacDermid.

AS PASSED BY THE SENATE, 27th JUNE, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1940

2425

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL J[2].

An Act for the relief of Dorothea Frances Poyser MacDermid.

Preamble.

WHEREAS Dorothea Frances Poyser MacDermid, residing at the town of Vankleek Hill, in the province of Ontario, music teacher, wife of William Stuart MacDermid, book-keeper, who is domiciled in Canada and residing at the village of Thurso, in the province of Quebec, has by her petition alleged that they were married on the tenth day of September, A.D. 1932, at the city of Montreal, in the province of Quebec, she then being Dorothea Frances Poyser, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dorothea Frances Poyser and William Stuart MacDermid, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dorothea Frances Poyser may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Stuart MacDermid had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL K[2].

An Act for the relief of Sheila Alice Dolly Young Dodge.

AS PASSED BY THE SENATE, 27th JUNE, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99606 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL K[2].

An Act for the relief of Sheila Alice Dolly Young Dodge.

Preamble.

WHEREAS Sheila Alice Dolly Young Dodge, residing at the city of Verdun, in the province of Quebec, office clerk, wife of William Dodge, office clerk, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of September, A.D. 1937, at the said city, she then being Sheila Alice Dolly Young, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Sheila Alice Dolly Young and William Dodge, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Sheila Alice Dolly Young may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Dodge had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL L².

An Act for the relief of Margaret Louise MacDonald Russell.

AS PASSED BY THE SENATE, 27th JUNE, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2441 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL L[2].

An Act for the relief of Margaret Louise MacDonald Russell.

Preamble.

WHEREAS Margaret Louise MacDonald Russell, residing at the city of Lachine, in the province of Quebec, stenographer, wife of John Homer Russell, agent, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the eighth day of September, A.D. 1925, at the said city of Montreal, she then being Margaret Louise MacDonald, a spinster; and whereas by her petition she has prayed, that because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Louise MacDonald and John Homer Russell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Louise MacDonald may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Homer Russell had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL M².

An Act for the relief of Edward James Holt.

AS PASSED BY THE SENATE, 27th JUNE, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2985 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL M².

An Act for the relief of Edward James Holt.

Preamble.

WHEREAS Edward James Holt, domiciled in Canada and residing at the city of Outremont, in the province of Quebec, clerk, has by his petition alleged that on the fourth day of November, A.D. 1933, at the city of Montreal, in the province of Quebec, he and Edith May McLachlan, who was then of the said city of Montreal, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Edward James Holt and Edith May McLachlan, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Edward James Holt may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edith May McLachlan had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL N².

An Act for the relief of Peter Logush.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2411 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL N².

An Act for the relief of Peter Logush.

Preamble.

WHEREAS Peter Logush, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, barber, has by his petition alleged that on the twenty-third day of July, A.D. 1922, at the said city, he and Pauline Pelletier, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Peter Logush and Pauline Pelletier, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Peter Logush may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Pauline Pelletier had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL O².

An Act for the relief of Goldie Wolfe Goldberg.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2427 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL O2.

An Act for the relief of Goldie Wolfe Goldberg.

Preamble.

WHEREAS Goldie Wolfe Goldberg, residing at the city of Montreal, in the province of Quebec, book-keeper, wife of Mendle Goldberg, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixth day of June, A.D. 1926, at the said city, she then being Goldie Wolfe, a spinster; and whereas by her petition she has prayed that because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Goldie Wolfe and Mendle Goldberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Goldie Wolfe may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Mendle Goldberg had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL P[2].

An Act for the relief of Ethel Witkov Myers.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92141 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL P[2].

An Act for the relief of Ethel Witkov Myers.

Preamble.

WHEREAS Ethel Witkov Myers, residing at the city of Montreal, in the province of Quebec, wife of Saul Joseph Myers, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of March, A.D. 1931, at the said city, she then being Ethel Witkov, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ethel Witkov and Saul Joseph Myers, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ethel Witkov may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Saul Joseph Myers had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Q[2].

An Act for the relief of Tilly Fishman Constantine.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2415 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Q2.

An Act for the relief of Tilly Fishman Constantine.

Preamble.

WHEREAS Tilly Fishman Constantine, residing at the city of Montreal, in the province of Quebec, wife of Benjamin Constantine, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the eighteenth day of January, A.D. 1931, at the said city, she then being Tilly Fishman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Tilly Fishman and Benjamin Constantine, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Tilly Fishman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Benjamin Constantine had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL R[2].

An Act for the relief of Rachel Ruth Levenstein Schwartz.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94012 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL R2.

An Act for the relief of Rachel Ruth Levenstein Schwartz.

Preamble.

WHEREAS Rachel Ruth Levenstein Schwartz, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Lorne Schwartz, furrier, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fifth day of November, A.D. 1919, at the said city, she then being Rachel Ruth Levenstein, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Rachel Ruth Levenstein and Lorne Schwartz, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Rachel Ruth Levenstein may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Lorne Schwartz had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL S[2].

An Act for the relief of Eleanor Mabel Campbell Townsend.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2431 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL S².

An Act for the relief of Eleanor Mabel Campbell Townsend.

Preamble.

WHEREAS Eleanor Mabel Campbell Townsend, residing at the city of Montreal, in the province of Quebec, trained nurse, wife of Stuart Ross Townsend, physician, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the n neteenth day of December, A.D. 1933, at the city of Verdun, in the said province, she then being Eleanor Mabel Campbell, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eleanor Mabel Campbell and Stuart Ross Townsend, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eleanor Mabel Campbell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Stuart Ross Townsend had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL T[2].

An Act for the relief of Isabel Margaret Gill Bacon.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3963 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL T[2].

An Act for the relief of Isabel Margaret Gill Bacon.

Preamble.

WHEREAS Isabel Margaret Gill Bacon, residing at the city of Toronto, in the province of Ontario, wife of George Raymond Bacon, manager, who is domiciled in Canada and residing at the town of St. Lambert, in the province of Quebec, has by her petition alleged that they were married on the twenty-fifth day of December, A.D. 1915, at the said city, she then being Isabel Margaret Gill, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Isabel Margaret Gill and George Raymond Bacon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Isabel Margaret Gill may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Raymond Bacon had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL U[2].

An Act for the relief of Michele Fiorilli.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2750 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL U².

An Act for the relief of Michele Fiorilli.

Preamble.

WHEREAS Michele Fiorilli, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, labourer, has by his petition alleged that on the fourteenth day of February, A.D. 1916, at the said city, he and Maria Teresa Bordorina, otherwise known as Maria Teresa Ferrara, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Michele Fiorilli and Maria Teresa Bordorina, otherwise known as Maria Teresa Ferrara, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Michele Fiorilli may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Maria Teresa Bordorina, otherwise known as Maria Teresa Ferrara, had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL V[2].

An Act for the relief of Gertie Schwartz Simak.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5313 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL V².

An Act for the relief of Gertie Schwartz Simak.

Preamble.

WHEREAS Gertie Schwartz Simak, residing at the city of Montreal, in the province of Quebec, wife of Louis William Simak, butcher, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twentieth day of February, A.D. 1938, at the said city, she then being Gertie Schwartz, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gertie Schwartz and Louis William Simak, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gertie Schwartz may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Louis William Simak had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL W².

An Act for the relief of Geneva Clementine Hurley Picard.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2991 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL W².

An Act for the relief of Geneva Clementine Hurley Picard.

Preamble.

WHEREAS Geneva Clementine Hurley Picard, residing at the city of Montreal, in the province of Quebec, nurse, wife of Herbert Eugene Picard, merchant, who is domiciled in Canada and residing at the town of Birchton, in the county of Compton, in the said province, has by her petition alleged that they were married on the third day of June, A.D. 1918, at the town of Randboro, in the said province, she then being Geneva Clementine Hurley, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Geneva Clementine Hurley and Herbert Eugene Picard, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Geneva Clementine Hurley may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Eugene Picard had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL X².

An Act for the relief of René Gaudry.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5209 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL X².

An Act for the relief of René Gaudry.

Preamble.

WHEREAS René Gaudry, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, accountant, has by his petition alleged that on the first day of August, A.D. 1931, at the said city, he and Laurette Casavant, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between René Gaudry and Laurette Casavant, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said René Gaudry may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Laurette Casavant, had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Y².

An Act for the relief of Fanny Costom Copelovitch.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92121 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Y².

An Act for the relief of Fanny Costom Copelovitch.

Preamble.

WHEREAS Fanny Costom Copelovitch, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Hyman Copelovitch, salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fourth day of October, A.D. 1932, at the said city, she then being Fanny Costom, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Fanny Costom and Hyman Copelovitch, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Fanny Costom may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hyman Copelovitch had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Z².

An Act for the relief of William Gerald Dickie.

Read a first time, Tuesday, 9th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92145 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Z².

An Act for the relief of William Gerald Dickie.

Preamble.

WHEREAS William Gerald Dickie, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the second day of April, A.D. 1938, at the said city, he and Nancy Lucerne Elford, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between William Gerald Dickie and Nancy Lucerne Elford, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said William Gerald Dickie may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Nancy Lucerne Elford had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL A[3].

An Act for the relief of Agnes Dorothy Smith Bruneau.

Read a first time, Friday, 12th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94044 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL A[3].

An Act for the relief of Agnes Dorothy Smith Bruneau.

Preamble.

WHEREAS Agnes Dorothy Smith Bruneau, residing at the city of Montreal, in the province of Quebec, clerk, wife of Pierre Arthur Bruneau, accountant, who is domiciled in Canada and residing at the town of Dorion, in the county of Vaudreuil, in the said province, has by her petition alleged that they were married on the twentieth day of June, A.D. 1923, at the city of Westmount, in the said province, she then being Agnes Dorothy Smith, a spinster; and whereas by her petition she has prayed that, because of his adultery since then their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agnes Dorothy Smith and Pierre Arthur Bruneau, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agnes Dorothy Smith may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Pierre Arthur Bruneau had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL B[3].

An Act for the relief of John Eric Pitt.

Read a first time, Friday, 12th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5217 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL B[3].

An Act for the relief of John Eric Pitt.

Preamble.

WHEREAS John Eric Pitt, domiciled in Canada and residing at the city of Outremont, in the province of Quebec, real estate broker, has by his petition alleged that on the second day of May, A.D. 1936, at the city of Montreal, in the said province, he and Mary Elizabeth Florence Viens, who was then of the village of Marieville, in the county of Rouville, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Eric Pitt and Mary Elizabeth Florence Viens, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Eric Pitt may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Elizabeth Florence Viens had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL C[3].

An Act for the relief of Dennis Calvert Kerby.

Read a first time, Friday, 12th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3967 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL C[3].

An Act for the relief of Dennis Calvert Kerby.

Preamble.

WHEREAS Dennis Calvert Kerby, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, accountant, has by his petition alleged that on the eleventh day of June, A.D. 1932, at the said city, he and Esther Helen Mitchell, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dennis Calvert Kerby and Esther Helen Mitchell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dennis Calvert Kerby may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Esther Helen Mitchell had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL D^3.

An Act for the relief of Camille Perks.

Read a first time, Friday, 12th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
4745 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL D[3].

An Act for the relief of Camille Perks.

Preamble.

WHEREAS Camille Perks, residing at the city of Montreal, in the province of Quebec, telegraph operator, wife of George Wilfrid Perks, radio mechanic, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of June, A.D. 1924, at the said city, she then being Camille Lemarquand, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Camille Lemarquand and George Wilfrid Perks, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Camille Lemarquand may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Wilfrid Perks had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL E[3].

An Act for the relief of Maria Cecilia Patricia Gatien Rowell.

Read a first time, Friday, 12th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2995 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL E[3].

An Act for the relief of Maria Cecilia Patricia Gatien Rowell.

Preamble.

WHEREAS Maria Cecilia Patricia Gatien Rowell, residing at the city of Montreal, in the province of Quebec, wife of Hartland Page Rowell, restaurant employee, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the sixteenth day of August, A.D. 1934, at the said city, she then being Maria Cecilia Patricia Gatien, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Maria Cecilia Patricia Gatien and Hartland Page Rowell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Maria Cecilia Patricia Gatien may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hartland Page Rowell had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL F[3].

An Act for the relief of Lemuel Athelton Lewis.

Read a first time, Friday, 12th July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94032 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL F[3].

An Act for the relief of Lemuel Athelton Lewis.

Preamble.

WHEREAS Lemuel Athelton Lewis, domiciled in Canada and residing at the city of Valleyfield, in the district of Beauharnois, in the province of Quebec, clerk, has by his petition alleged that on the sixteenth day of June, A.D. 1934, at the said city, he and Alice Louise Brownlee, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lemuel Athelton Lewis and Alice Louise Brownlee, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lemuel Athelton Lewis may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Alice Louise Brownlee had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL G[3].

An Act for the relief of Joseph Philias Hector Sauvageau.

Read a first time, Friday, 12th July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94024 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL G[3].

An Act for the relief of Joseph Philias Hector Sauvageau.

Preamble.

WHEREAS Joseph Philias Hector Sauvageau, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chauffeur, has by his petition alleged that on the eleventh day of January, A.D. 1915, at the said city he and Marie-Angelina Daigneault, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Philias Hector Sauvageau and Marie-Angelina Daigneault, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Philias Hector Sauvageau may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie-Angelina Daigneault had not been solemnized.

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First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL H[3].

An Act for the relief of John Bernard Hughes.

AS PASSED BY THE SENATE, 18th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
4237 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL H[3].

An Act for the relief of John Bernard Hughes.

Preamble.

WHEREAS John Bernard Hughes, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, porter, has by his petition alleged that on the first day of July, A.D. 1922, at the city of St. Johns, in the district of Iberville, in the said province, he and Marie-Louise Barry, who was then of the said city of St. Johns, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Bernard Hughes and Marie-Louise Barry, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Bernard Hughes may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie-Louise Barry had not been solemnized.

106

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Annie Block Smilovitch.

AS PASSED BY THE SENATE, 18th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5925 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL I[3].

An Act for the relief of Annie Block Smilovitch.

Preamble.

WHEREAS Annie Block Smilovitch, residing at the city of Montreal, in the province of Quebec, wife of David Smilovitch, otherwise known as David Smiley, fur operator and salesman, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fourth day of January, A.D. 1934, at the said city, she then being Annie Block, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Annie Block and David Smilovitch, otherwise known as David Smiley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Block may at any time hereafter marry any man who she might lawfully marry if the said marriage with the said David Smilovitch, otherwise known as David Smiley, had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL J[3].

An Act for the relief of Charles-Auguste Armand Lionel Beaupré.

AS PASSED BY THE SENATE, 18th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
3973 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL J[3].

An Act for the relief of Charles-Auguste Armand Lionel Beaupré.

Preamble.

WHEREAS Charles-Auguste Armand Lionel Beaupré, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, real estate agent, has by his petition alleged that on the eighteenth day of May, A.D. 1920, at the city of Quebec, in the said province, he and Marie Laure Fabiola Angeline Lemieux, who was then of the said city of Quebec, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles-Auguste Armand Lionel Beaupré and Marie Laure Fabiola Angeline Lemieux, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles-Auguste Armand Lionel Beaupré may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Laure Fabiola Angeline Lemieux had not been solemnized.

108

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL K[3].

An Act for the relief of Albert Lennox Brown.

AS PASSED BY THE SENATE, 18th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5913 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL K[3].

An Act for the relief of Albert Lennox Brown.

Preamble.

WHEREAS Albert Lennox Brown, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, electrician, has by his petition alleged that on the twenty-eighth day of May, A.D. 1918, at the said city, he and Emily Ackroyd, otherwise known as Evelyn Ackroyd, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Albert Lennox Brown and Emily Ackroyd, otherwise known as Evelyn Ackroyd, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Albert Lennox Brown may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Emily Ackroyd, otherwise known as Evelyn Ackroyd, had not been solemnized.

109

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL L[3].

An Act for the relief of Talitha Emily Findlay.

AS PASSED BY THE SENATE, 18th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2437 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL L[3].

An Act for the relief of Talitha Emily Findlay.

Preamble.

WHEREAS Talitha Emily Findlay, residing at the town of Timmins, in the district of Cochrane, in the province of Ontario, housekeeper, wife of James Verney Findlay, retired farmer, who is domiciled in Canada and residing at the village of Shawville, in the province of Quebec, has by her petition alleged that they were married on the fifteenth day of October, A.D. 1924, at the village of Charteris, in the said province of Quebec, she then being Talitha Emily Richards, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Talitha Emily Richards and James Verney Findlay, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Talitha Emily Richards may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Verney Findlay had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL M³.

An Act for the relief of Joseph Armand Odilon Boucher.

AS PASSED BY THE SENATE, 18th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92127 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL M3.

An Act for the relief of Joseph Armand Odilon Boucher.

Preamble.

WHEREAS Joseph Armand Odilon Boucher, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, drug store clerk, has by his petition alleged that on the eleventh day of October, A.D. 1937, at the said city, he and Marie Esther Muriel David, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Joseph Armand Odilon Boucher and Marie Esther Muriel David, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Joseph Armand Odilon Boucher may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Esther Muriel David had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL N[3].

An Act for the relief of Doris Bertha Schwartz.

AS PASSED BY THE SENATE, 18th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
6178 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL N[3].

An Act for the relief of Doris Bertha Schwartz.

Preamble.

WHEREAS Doris Bertha Schwartz, residing at the city of Vancouver, in the province of British Columbia, wife of Mitchel Schwartz, merchant, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the seventh day of September, A.D. 1936, at the city of Manchester, in Lancashire, England, she then being Doris Bertha Hattenstone, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Doris Bertha Hattenstone and Mitchel Schwartz, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Doris Bertha Hattenstone may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Mitchel Schwartz had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL O[3].

An Act for the relief of Lilias Augusta Shepherd Harris.

Read a first time, Tuesday, 23rd July, 1940.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
2987 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL O[3].

An Act for the relief of Lilias Augusta Shepherd Harris.

Preamble.

WHEREAS Lilias Augusta Shepherd Harris, residing at the city of Westmount, in the province of Quebec, wife of Roland Fraser Harris, naval officer, who is domiciled in Canada and formerly resided at the said city of Westmount, has by her petition alleged that they were married on the twenty-second day of April, A.D. 1932, at the city of Halifax, in the province of Nova Scotia, she then being Lilias Augusta Shepherd, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lilias Augusta Shepherd and Roland Fraser Harris, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lilias Augusta Shepherd may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Roland Fraser Harris had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL P[3].

An Act for the relief of Forest Wentworth Hughes.

Read a first time, Tuesday, 23rd July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
6477 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL P[3].

An Act for the relief of Forest Wentworth Hughes.

Preamble.

WHEREAS Forest Wentworth Hughes, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the eighteenth day of September, A.D. 1923, at the said city of Montreal, he and Lillian Grace Love, who was then of the city of Westmount, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Forest Wentworth Hughes and Lillian Grace Love, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Forest Wentworth Hughes may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lillian Grace Love had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Q[3].

An Act for the relief of Margaret Florence Stewart Corley.

Read a first time, Tuesday, 23rd July, 1940.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
6506 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL Q[3].

An Act for the relief of Margaret Florence Stewart Corley.

Preamble.

WHEREAS Margaret Florence Stewart Corley, residing at the town of St. Lambert, in the province of Quebec, wife of John Thomas Corley, assistant buyer, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the twenty-ninth day of August, A.D. 1936, at the city of Toronto, in the province of Ontario, she then being Margaret Florence Stewart, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Margaret Florence Stewart and John Thomas Corley, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Margaret Florence Stewart may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Thomas Corley had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL R[3].

An Act for the relief of Moora Lipsin Sagermacher, otherwise known as Mary Lipsin Sager.

AS PASSED BY THE SENATE, 29th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
7380 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL R[3].

An Act for the relief of Moora Lipsin Sagermacher, otherwise known as Mary Lipsin Sager.

Preamble.

WHEREAS Moora Lipsin Sagermacher, otherwise known as Mary Lipsin Sager, residing at the city of Montreal, in the province of Quebec, piano teacher, wife of Edward Sagermacher, otherwise known as Edward Sager, metal worker, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of March, A.D. 1925, at the said city, she then being Moora Lipsin, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Moora Lipsin and Edward Sagermacher, otherwise known as Edward Sager, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Moora Lipsin may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Sagermacher, otherwise known as Edward Sager, had not been solemnized.

First Session, Nineteenth Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL S[3].

An Act for the relief of Robert Tester Gordon.

AS PASSED BY THE SENATE, 30th JULY, 1940.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
5319 1940

1st Session, 19th Parliament, 4 George VI, 1940.

THE SENATE OF CANADA

BILL S[3].

An Act for the relief of Robert Tester Gordon.

Preamble.

WHEREAS Robert Tester Gordon, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, pipe fitter, has by his petition alleged that on the eighth day of November, A.D. 1923, at the town of St. Lambert, in the said province, he and Catherine Smith, who was then of the city of Westmount, in the said province, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Robert Tester Gordon and Catherine Smith, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Robert Tester Gordon may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Catherine Smith had not been solemnized.