KE
72
C36
13-5
3-233

Bills 9+10 reversed
Bill 42 missing

Many Senate bills missing

Senate
A-44

49664
696

Agreement between Canada & West Indies. 59
Animal contagious diseases Act (to amend) I36
Armistice Day. II9

Bankruptcy Act (to amend) 36-II8
Bankruptcy Act (French version) 37

Calgary & Fernie Ry.Co. W.5
Canada Evidence Act (to amend) I56
Canada shipping Act (Public Harbours) 40
Canada Temperence Act. 2I9
Canadian Bar Asso. 3
Canadian Pacific Ry.Co. 3I
Canadian Transit Co. 32
Canadian Wheat Board 75
Central Ry.Co.of Canada . I.4
Civil Service Act, I9I8 (to amend) I22
Chinese Immigration Act (to amend) I46
Commonwealth Bank of Canada. 0.3
Conservation Act Amendments (to repeal) F.4
Copyright Law, relating to Consolidate. I2
Credit Foncier Franco-Canadian. 33
Criminal Code (to amend) B.E.3-M.3
Criminal Code (to amend) 74,76,83,52-I38
Currupt Practices at Elections (to amend) 39
Currency Act, I9I0 (to amend) 78
Customs and Excise (Dept.of. 2II
Customs Tariff, I907 (to amend) I99
Canadian National Act to define I7

Dairy Produce , Grading of 206
Dominion Elections Act (to amend) A.
Dominion Elections Act (to amend) I30
Dominion Express Co. X.
Dominion Lands Act.(to amend) X.4
Dominion Life Assu.Co. 4

Edmonton & Mackenzie River Ry.Co., 0.4
Essex Terminal Ry.Co., 29
Exchequer Court Act. (to amend) I9
Extradition Convention with U.S.A. I58

Fertilizers Act, I909 (to amend) 55
Fidelity Com.of Canada. 5
Fort Smith Ry.Co., 53

Gas & Gas Meters Inspection of	I3
General Synod of the Church of England in Can.	6
Gilmour Hughson Ltd.	I4
Grand Trunk Arbitration.	80
Great West Bank of Canada.	M.4
Gold & Silver Marking Act.	C.
Harbour Commissioners of Montreal.	77
Immigration Act (to amend) Deportation of indesirable persons	56
Immigration Act (to amend)	I39
Income War Tax Act 1917 (to amend)	221
Inland Revenue Act (to amend)	200-79
International Justice Permanent Court.	73
Inspection & Sales Act (to amend)	I59
Judges Act (to amend)	60
Juvenile Deliquents Act (to amend)	I57
Kettle Valley Ry.Co.	25
Lake of the Woods Control Board	D.
Lake of the Woods & others Waters.	A.6
London & Lake Erie Ry.& Transportation Co.	34
MacLaren, The James Co.Ltd.	8
Manitoba & North Western Ry.Co.	26
Maple products Act, 1920. (to amend)	II7
Maritime Coal, Ry.& Power Co.Ltd.	V.2
Mayo Valley Ry.Ltd.	20
Migratory Birds Convention Act (to amend)	Y.
Montreal, Ottawa & Georgian Bay Canal Co.,	7
National Research Institute.	II6
Naturalization Act, 1914 (to amend)	I05
North Am.Trust Co.of Canada.	I5
Northwestern Territories Act. (to amend)	Y.4
Oblats de Marie Immaculée, Rev.Pères des Territoires du Nord Ouest.	I6
Oleomargarine Act, 1919 (to amend)	205
Opium & Narcotic Drug Act (to amend)	8I
Oshawa Ry.Co.	2I
Ottawa Improvement Commission, 1919.(to amend)	I35
Ottawa Northern & Western Ry.Co.,	30

Patents of Autographic Register Systems Ltd. R.3
Patent Act. (to amend) 140
Patents of Invention to consolidate Acts. 11
Penitentiary Act. (to amend) 201
Pension Act (to amend) 223
Post Office Act (to amend) F.
Prisons & Reformatories Act (to amend) 35

Quebec Central Ry.Co. 27
Quebec Companie de Téléphone 38
Quebec, Montreal & Southern Ry.Co. H.
Quebec Steamship Co.(to amend) 137
Quebec Union Telephone Co., 38

Railway Act (to amend) 41-54
Research Council Act (to amend) 116
Retirement of Members of the Public Service. 107
Returned Soldiers Insurance Act (to amend) 222
Royal Canadian Mounted Police Act. 82

St.John & Quebec Ry.Extension of time. 71
Senate,House of Commons Act (to amend) 10
Slave River Ry.Co., 28
Standard Insurance Co. 43
Statistics Act (to amend) 141

Telephone, La Companie de- Quebec. 38
Thousand Islands Ry.Co. 22
Trade Agreement between His Majesty and the President of the French Republic. 61
Trade Mark & Design Act (to amend) 9

War Revenue Act, 1915 (to amend) 204
Western Dominion Ry.Co. 44
Winding-up Act.(to amend)

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 3.

An Act to incorporate The Canadian Bar Association.

First reading, 23rd February, 1921.

(PRIVATE BILL)

Mr. JACOBS.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18097 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to incorporate The Canadian Bar Association.

WHEREAS Sir James Albert Manning Aikins, King's Counsel, president, Honourable E. Fabre Surveyer, Judge of the Superior Court for the Province of Quebec, honorary secretary, and George F. Henderson, King's Counsel, honorary treasurer, have by their petition on behalf of the unincorporated association known as "The Canadian Bar Association" 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, enacts as follows:—

Incorporation.

1. The said Sir James Albert Manning Aikins, King's Counsel, Honourable E. Fabre Surveyer, Judge of the Superior Court for the Province of Quebec, and George F. Henderson, King's Counsel, and all other members of the Association mentioned in the Preamble (hereinafter called "the unincorporated Association"), together with such other persons as may hereafter from time to time become members of the Corporation, are incorporated under the name of "The Canadian Bar Association," hereinafter called "the Association."

Name.

Objects of association.

2. The objects of the Association shall be to advance the science of jurisprudence; promote the administration of justice and uniformity of legislation throughout Canada so far as is consistent with the preservation of the basic systems of law in the respective provinces; uphold the honour of the profession of the law, and foster harmonious relations and co-operation among the incorporated law societies, barristers' societies and general corporations of the Bar of the several provinces and cordial intercourse among the members of the Canadian Bar; encourage a high standard of legal education, training and ethics; publish its own transactions as well as reports of cases and

information and decisions concerning the law and its practice, and generally to do all further or other lawful acts and things touching the premises.

Power to constitute local branches and executives.

3. Subject to the by-laws of the Association, local executives or branches may be constituted under such title and designation and subject to such conditions and provisions and with such powers as the Association may determine by by-law: Provided, however, that such powers shall not be in excess of those conferred on the Association by this Act.

Proviso.

Powers by rules and by-laws.

4. The Association may by rules or by-laws, which it may make:

Members and fees.

(1) Define and regulate the admission, suspension and expulsion of members; determine the different classes of members and their rights and privileges and fix the fees, subscriptions and dues to be paid by them;

Council.

(2) Establish a council of the Association with executive power; determine the method of election or appointment thereto, or selection thereof; define the constitution, powers, duties, quorum, and term of office of such council and fix the number, powers, duties and term of office of the officers and committees of the Association, and of local executives and branches;

Officers.

Locals.

Annual and other meetings.

(3) Fix the time and place for holding the annual and other meetings of the Association and the notice to be given thereof;

Administration and management.

Delegation.

(4) Provide for the administration and management of the business and affairs of the Association and the furthering of its objects and purposes, and such delegation as it may deem proper of any of its powers to the council of the Association.

Membership classes.

5. The membership in the Association shall be divided into classes as follows:

Active.

(a) Active members, who shall comprise the active members of the unincorporated Association, and all others who are from time to time admitted to active membership under the provisions of the by-laws or rules of the Association; any member in good standing of the Bar of any province, and any judge or retired judge of a Court of Record in Canada appointed from such Bar shall be eligible to active membership in the Association;

Honorary.

(b) Honorary members, who shall comprise all honorary members of the unincorporated Association, and all others who are from time to time admitted to honorary membership under the provisions of the by-laws or rules of the Association;

Other classes.

(c) Any other classes of members which the Association by by-law may determine.

Powers.

6. (1) The Association may, for the purpose of carrying out its objects,—

Property.

(a) subject to provincial laws, acquire by purchase, lease, gift, legacy or otherwise, and own and hold any real and personal estate and property, rights or privileges, and sell, manage, develop, lease, mortgage, dispose of or otherwise deal therewith in such manner as the Association may determine: Provided, that real estate held by the Association shall not exceed in value at any one time the sum of five hundred thousand dollars; and no parcel of land or interest therein, at any time acquired by the Association, and not required for actual use and occupation, and not held by way of security, shall be held by the Association or by any trustee on its behalf for a longer period than ten years after the acquisition thereof, or after it shall have ceased to be required for actual use or occupation by the Association, but at or before the expiration of such period be absolutely barred, sold or disposed of, so that the Association shall no longer retain any interest or estate therein, except by way of security;

Restrictions.

Bills of exchange.

(b) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments;

Investment.

(c) invest the surplus funds of the Association in such manner and upon such securities as may be determined;

Borrow.

(d) borrow money as and when required for the purposes of the Association;

General.

(e) do all such other lawful acts and things as are incidental or may be conducive to the attainment of the objects of the Association.

Not to issue bearer notes, etc.

(2) Nothing in this section shall be deemed to authorize the Association to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

Business of banking or insurance prohibited.

Present officers' tenure.

7. The present officers and members of the council and of the committees of the unincorporated Association shall, subject to the by-laws or rules of the unincorporated Association, continue to hold their offices until their successors shall have been appointed or elected, in accordance with the provisions of this Act and of the by-laws and rules made thereunder.

Existing constitution, by-laws, and rules retained.

8. The existing constitution, by-laws and rules of the unincorporated Association, in so far as they are not contrary to law or to the provisions of this Act, shall be the constitution, by-laws and rules of the Association until altered or repealed at an annual or special general meeting of the Association.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 4.

An Act respecting The Dominion Life Assurance Company.

First reading, 23rd February, 1921.

(PRIVATE BILL)

Mr. EULER.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
16678 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 4.

An Act respecting The Dominion Life Assurance Company.

1889, c. 95.

WHEREAS The Dominion Life Assurance Company 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:—

1. Section thirteen of chapter ninety-five of the statutes of 1889, is hereby repealed and the following is substituted therefor:—

Non-participation in profits section.

"**13.** The Company may establish a section on the principle of non-participation in profits. In the distribution of profits, the directors shall allot to the policy holders in the participating section of the Company at least nine-tenths of the profits declared, from time to time, which shall be payable as the directors by by-laws or regulations, from time to time, determine."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 5.

An Act to incorporate Fidelity Company of Canada.

First reading, 23rd February, 1921.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
16677 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 5.

An Act to incorporate Fidelity Company of Canada.

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. Herbert Abraham Clark, Lancing Belmont Campbell, barristers-at-law, Arthur James Ernest Kirkpatrick, Sidney Willington Band, insurance managers, and Frederick Lane, accountant, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the Company, are incorporated under the name of "Fidelity Company of Canada," hereinafter called "the Company". When the French language is used to designate the Company, the equivalent of the said name shall be "La Compagnie Fidélité du Canada".

Corporate name.

French title.

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 one million dollars.

Amount to be subscribed.

4. The amount to be subscribed before the general meeting for the election of directors shall be one hundred thousand dollars.

Head office.

5. The head office of the company shall be in the city of Toronto, in the province of Ontario.

Classes of business authorized.

6. The Company may make contracts of any of the following classes of insurance :

(*a*) Guarantee insurance;
(*b*) Burglary insurance;
(*c*) Accident insurance;
(*d*) Sickness insurance;
(*e*) Automobile insurance;
(*f*) Plate glass insurance;
(*g*) Forgery insurance;
(*h*) Fire insurance;
(*i*) Inland transportation insurance;
(*j*) Inland marine insurance;
(*k*) Tornado insurance;
(*l*) Sprinkler insurance;
(*m*) Hail insurance;
(*n*) Bond and credit insurance;
(*o*) Weather insurance;
(*p*) Explosion insurance;
(*q*) Steam boiler insurance.

Commencement of business of guarantee insurances.

7. (1) The Company shall not commence the business of guarantee insurance until at least one hundred thousand dollars of its capital stock has been *bona fide* subscribed and at least fifty thousand dollars paid thereon.

Other classes of insurance authorized.
Increase of capital.

(2) The Company shall not commence any of the other classes of business authorized by section six of this Act until the subscribed capital has been increased to at least two hundred and fifty thousand dollars and until the paid capital or the paid capital together with the surplus has been increased by an amount or amounts dependent upon the nature of the additional class or classes of business as follows, that is to say:—for burglary insurance not less than twenty thousand dollars; for accident insurance the said increase shall not be less than forty thousand dollars; for sickness insurance not less than ten thousand dollars; for automobile insurance not less than thirty thousand dollars; for plate glass insurance not less than ten thousand dollars; for forgery insurance not less than twenty thousand dollars; for fire insurance not less than one hundred thousand dollars; for inland transportation insurance not less than ten thousand dollars; for inland marine insurance not less than ten thousand dollars; for tornado insurance not less than ten thousand dollars; for sprinkler leakage insurance not less than ten thousand dollars; for hail insurance not less than fifty thousand dollars; for bond and credit insurance not less than twenty thousand dollars; for weather insurance not less than twenty-five thousand dollars; for explosion insurance not less than twenty thousand dollars; for steam boiler insurance not less than ten thousand dollars.

Burglary
Accident.
Sickness.
Automobile.
Plate glass.
Forgery.
Fire.
Inland transportation.
Inland marine.
Tornado.
Sprinkler leakage.
Hail.
Bond and credit.
Weather.
Explosion.
Steam boiler.

Increase of amounts required to be paid on capital stock.

(3) The Company shall at or before the expiration of one year from the date of its receiving a license for the transaction of fire insurance, increase the amount paid on the

capital stock by the sum of fifteen thousand dollars, and during each of the succeeding four years an additional fifteen thousand dollars shall be paid on account of its said capital stock until the total paid capital, together with its surplus exceeds the total amount from time to time required by the preceding subsection of this section by at least seventy-five thousand dollars.

Surplus defined.

(4) In this section the word "surplus" means 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.

1917, c. 29.

8. *The Insurance Act, 1917*, shall apply to the Company.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 6.

An Act to incorporate The General Synod of the Church of England in Canada.

First reading, 23rd February, 1921.

(PRIVATE BILL)

Mr. CRONYN.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
16680 1921

5th Session, 13th Parliament, 11-12 George V, 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 6.

An Act to incorporate The General Synod of the Church of England in Canada.

WHEREAS, The General Synod of the Church of England in Canada is composed of the Archbishops and Bishops of the Church of England in Canada and of clerical and lay delegates from all the dioceses of the said Church in Canada; and whereas a petition has been presented praying that the said General Synod may be incorporated, 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 the House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name.

1. The General Synod of the Church of England in Canada is hereby declared to be a body corporate under the name and style of "The General Synod of the Church of England in Canada," hereinafter called "the General Synod."

Power to acquire, hold and dispose of property.

2. The General Synod may acquire, receive, take and hold by purchase, gift, devise and bequest land or personal property or any estate or interest therein and may use, enjoy, sell, transfer, dispose of, mortgage or hypothecate the same, or any part thereof and may apply the proceeds of such property for the purposes of the said Church, subject to the terms of any trust on which the same may have been received or are held, and any devise of real estate shall be subject to the laws respecting the devises of real estate to religious corporations in force at the time of such devise in that locality in which such real estate is situate.

Fifth Session, Thirteenth Parliament. 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 7.

An Act respecting The Montreal, Ottawa and Georgian Bay Canal Company.

First reading, 23rd February, 1921.

(PRIVATE BILL).

Mr. FRIPP.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
16679 1921

5th Session, 13th Parliament, 11-12 George V, 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 7.

An Act respecting The Montreal, Ottawa and Georgian Bay Canal Company.

1894, c. 103; 1898, c. 109; 1900, c. 106; 1902, c. 79; 1904, c. 98; 1906, c. 128; 1908, c. 130; 1910, c. 130; 1912, c. 123; 1913, c. 154; 1915, c. 76; 1918, c. 72.

WHEREAS The Montreal, Ottawa and Georgian Bay Canal Company 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:—

Extension of time for commencement and completion.

1. The Montreal, Ottawa and Georgian Bay Canal Company, hereinafter called "the Company," may commence the construction of its canals, or any of them, and expend fifty thousand dollars thereon, on or before the first day of May, one thousand nine hundred and twenty-four, and may complete the said canals and put them in operation before the first day of May, one thousand nine hundred and thirty, and subject to the provisions of this Act may, in connection with such construction and operation, exercise all the powers granted to the Company by chapter one hundred and three of the statutes of 1894 and amendments thereto; and if such construction is not commenced and such expenditure is not so made, or if the said canals are not completed and put in operation within the said periods respectively, the powers granted to the Company by Parliament shall cease and be null and void as respects so much of the said canals and works as then remains uncompleted.

1894, c. 103.

Repeal.

2. Section three of chapter seventy-two of the statutes of 1918 is repealed.

Rights of Government to take over works, preserved.

3. Nothing in this Act shall affect or impair the rights of the Government of Canada under or by virtue of the provisions of the section substituted by section five of chapter one hundred and twenty-eight of the statutes of 1906 for section forty-three of chapter one hundred and three of the statutes of 1894.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 8.

An Act respecting The James MacLaren Company, Limited.

First reading, 23rd February, 1921.

(PRIVATE BILL)

Mr. FONTAINE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18096 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 8.

An Act respecting The James MacLaren Company, Limited.

Preamble. 1895, c. 90.

WHEREAS The James MacLaren Company, Limited, incorporated by chapter ninety, of the statutes of 1895, have by their petition prayed that their charter be amended and that their capital stock be increased to ten million dollars, that restrictions on their borrowing and other powers be removed, and that their borrowing, holding, operating and other powers be enlarged, and whereas it is expedient to grant the prayer of 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 from one million to ten million.

1. Section two of the said Act is amended and the capital stock of the James MacLaren Company, Limited, hereinafter called the "Company," is increased from one million dollars to ten million dollars, divided into shares of one hundred dollars each.

Limitation as to real estate repealed, and powers extended.

2. Section six of the said Act is amended by striking out all words after the word "Company" in the fourth line from the end of said section, and by adding thereto the following:—

"And may also purchase, lease or otherwise acquire the whole or any part of the business, property, franchise, good-will, rights and privileges held or enjoyed by any persons or firm or by any company or corporation carrying on any business which the company is authorized to carry on, on such terms, conditions and for such considerations as may be agreed upon, assume the liabilities of any such person, firm, company or corporation, and exercise the rights, powers and franchises of any company or corporation whose capital stock is owned by the company, in the name of such other company or corporation or in the name of the company; and may also purchase, secure, acquire,

develop, produce, use, lease, sell, distribute and otherwise deal in and with electricity, motive power and energy of all kinds, water-power, water-powers, water-lots, lands covered with water, springs, wells, rivers, lakes, water, rights to water and the flow thereof, hydraulic rights and privileges, easements, servitudes, the banks, beaches and beds of rivers, streams and lakes, water-powers on or that can be developed on and near thereto, and land adjoining or near the same, or thought suitable for use in connection therewith, and may also store water and regulate the flow thereof, and make and do all things deemed expedient for such purposes and may also lease, purchase and otherwise acquire, build, erect, make, construct, use, operate, sell, dispose of and otherwise deal in and with waterworks, reservoirs, cisterns, filter-beds, pumping stations, aqueducts, dams, and other works, and all kinds of machinery, plant and appliances, sink wells, construct and lay down mains and pipes, and do all things necessary or convenient for procuring, collecting, storing, distributing, and supplying water, or for any other purpose of the company, construct or make any of the things aforesaid, or procure them to be built, erected, constructed, sunk or laid down or made by other persons, buy, sell, and deal in, and supply and let on hire or otherwise, pipes, meters, taps, and other appliances used or which may be used in connection with the supply or use of water, and lease sell dispose of and otherwise deal with such water, and all power derived from water, or electricity developed therefrom, also construct, maintain, operate, use, and manage conduits, tunnels, transmission lines, structures, devices, poles, towers, and lay out and maintain pipes, cables, wires or other conductors and connect them with similar lines, the whole in any way or manner and by such works and means as the company may deem expedient.

Sections added extending powers. Authorized business.

3. The said Act is amended by inserting the following sections immediately after section six thereof:—

"6A. The Company may:—

"(1) Carry on the business of the transportation of goods, wares, merchandise, timber, ore, coal, grain and passengers upon land and water; carry on the business of towing, wrecking and salvage in all its branches in and over any of the waters within or bordering upon the Dominion of Canada, to and from any port therein and to and from any foreign port; design, lay out, construct, acquire, buy, own, charter, improve, develop, repair, maintain, operate, manage, lease, sell, alienate, dispose of, and deal in and with steamships, steamboats, motor boats of all kinds, vessels, ships, barges, tugs, scows, steamship lines, vessel lines, transportation lines, towing, salvage and wrecking outfits, aero-

planes, gasolene and all things and appliances used for propelling and operating aeroplanes, booms, dams, wharves, piers, docks, dry docks, dock yards, ship-building yards, slips, basins, coaling apparatus, telegraph and telephone lines on highways or on public or Crown lands or on lands owned, leased or controlled by the company, wireless telegraph outfits and stations, and all incidental structures, appliances and equipment, steamboat and railway terminals, transportation, warehouse, storage and cold storage facilities, yards, stock yards, oil tanks, pipe lines, freight sheds, freight and passenger stations, stores, buildings of every description, tramways and tracks on lands owned, leased or controlled by the company, cars, motors, engines and equipment for the movement, care, storage or handling of any merchandise or traffic, passenger facilities and accommodation, hotels, boarding houses, elevators for elevating grain, wheat or other produce, and cleaning plant and equipment, mills and machinery for the manufacture of flour, cereals or any product or by-product of grain or of other agricultural products, shops and works for the manufacture of machinery, of railway and other equipment, and all supplies for steamships and vessels and their equipment;

Real and personal property.

"(2) Lease and acquire by purchase, concession, exchange or other legal title and construct, erect, operate, maintain, manage, sell and dispose of factories, mills, warehouses, depots, machine shops, engine houses and other structures and erections of all kinds deemed useful for its business, lease, purchase or otherwise acquire all other property movable or immovable, real or personal, deemed useful or suitable for the company and any partial, limited or undivided share thereof or interest therein, and also, in the discretion of the company sell, alienate and dispose of, on such terms and conditions and for such price or consideration as may be deemed expedient, any rights or property of the company, movable or immovable, real or personal, and any partial, limited or undivided share thereof,

Easements.

or interest therein, and any servitude, easement, right or privilege therein or thereover, or in reference to the use thereof;

Agreements.

"(3) Enter into any agreement or arrangement with any person, company or corporation for any joint or common action or purpose, or for jointly constructing, carrying on or operating works of development, or for jointly regulating or jointly controlling the storage or flow of water, or for jointly creating any water-power, or for jointly deriving or procuring electricity from water-power, or for jointly utilizing, selling, distributing or delivering such power or electricity,

or for the joint holding or acquisition of timber limits, or for the joint cutting, hauling, storing, floating, driving, selling and handling of logs, timber and wood goods, and also acquire and hold property, real or personal, movable or immovable, and any partial, limited or undivided share thereof or interest therein, jointly with any person, company or corporation;

Partnership.

"(4) Enter into partnership or any arrangement for sharing of profits, union of interests, co-operation, joint venture, reciprocal concession or otherwise with any person, company or corporation carrying on or engaged in or authorized or about to carry on or engage in any undertaking, business or transaction respecting the development of water-powers, the damming, storing, raising, lowering, retaining or regulating the flow of water, or in any business or transaction which the company is authorized to carry on or engage in, or any undertaking, business or transaction thought capable of being conducted so as directly or indirectly to benefit the company, lend money to, guarantee the contracts of, or otherwise assist any such person, company or corporation;

Loans and guarantees.

Advertising.

"(5) Adopt such means of making known the products of the company as may seem expedient and in particular by advertising in the press, by circulars, by moving pictures, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes, rewards and donations;

Consolidation and amalgamation.

"(6) Consolidate or amalgamate with any other company having objects altogether or in part similar to those of the company, and acquire by purchase, lease or otherwise the property, franchises, undertaking and business of any such company and assume the obligations thereof;

Provincial and foreign registration.

"(7) Cause the company to be registered and recognized in any Province of the Dominion of Canada or any foreign country, and designate persons therein according to the laws of such Provinces or foreign country, to represent the company and to accept service for and on behalf of the company of any process or suit;

Trade-marks, patents, etc.

"(8) Apply for, purchase or otherwise acquire any trade-marks, patents, licenses, concessions and the like conferring any exclusive or non-exclusive or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the company, or the acquisition of which may seem calculated directly or indirectly to benefit the company, and use, exercise, develop or grant licenses in respect of or otherwise turn to account the property, rights or information so acquired;

Places of instruction and amusement.

"(9) Own, operate, maintain, lease, sell and dispose of residences schools, theatres and places of instruction and recreation;

Employees' benefits.

"(10) Establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or the dependents or connections of such persons, grant pensions and allowances to and make payments towards insurance of any such persons and subscribe or guarantee money for charitable, patriotic, or benevolent objects, or for any hospital, church, exhibition, or for any public, general or useful object;

Other benevolent objects.

General.

"(11) Do all such other things as are incidental or conducive to the attainment of the above objects and do all or any of the above things as principals, agents, contractors or otherwise and by or through trustees, agents or otherwise and either alone or in conjunction with others;"

Arrangements with government and other authorities.

"6B. The company may also enter into any arrangements with any authorities, government, municipal, local or otherwise, that may seem conducive to the company's objects or any of them, and obtain from any such authority any rights, privileges, exemptions, and concessions which the company may think it desirable to obtain, and carry out or exercise and comply with any such arrangements, rights, privileges and concessions;"

Works necessary to logging operations.

"6C. The company may also purchase, lease, make, construct or otherwise acquire, and hold, sell, transfer, assign or otherwise dispose of, booms, dams, slides, piers, assorting booms, sorting gaps and all other works, and all accessories of the same, on, adjoining or near lakes, rivers, streams, creeks and other water, which may be deemed necessary, useful or expedient for collecting, storing, assorting, driving, and handling logs, timber and wood-goods of every nature and description, in upon or down lakes, rivers, streams and creeks, and may also operate such booms and works and direct and drive all such logs, timber and wood-goods, in, on and down lakes, rivers, streams and creeks, and save, collect and gather such logs, timber and wood-goods as may be found loose upon any lake, river stream or creek, or stranded upon the shoals, beds and banks thereof, and direct and bring same to such booms and works of the company and do all things deemed necessary or useful

Collect tolls, etc.

for the above purposes, and claim and recover from the owners of such logs, timber and wood-goods reasonable tolls, charges and compensation for said operations, or any of them or for the use of said booms and works including such tolls, compensation and charges as the company may have the right to claim or recover, or may hereafter be authorized to claim or recover, under any law or statute

of the Dominion of Canada, or any Province of Canada; and the company may from time to time and at any time also enter into any contract, agreement or arrangement with any person, company or corporation for collecting, saving, booming, storing, driving or otherwise handling the logs, timber and wood-goods of such person, company or corporation that are, may be, or are expected thereafter to be, in, upon, adjoining or near, any lake, river, stream or creek, or the shoals, beds or banks thereof, and the company may also in and by such contract or contracts, agreement or agreements, arrangement or arrangements, agree upon, settle and fix with such person, company or corporation the tolls, charges and compensation that the company shall receive and be entitled to receive for anything done or to be done with or in reference to any such logs, timber and wood-goods, and the company shall be entitled to and have the right to collect of and from such person, company or corporation the tolls, charges and compensation so agreed upon, settled or fixed;"

Contract to handle logs for others.

Fix tolls.

Electricity.

"6D. The rights and powers conferred upon the company in reference to electricity, when exercised in regard to electricity used for domestic purposes outside the properties of the company, shall be subject to the provincial and municipal laws and regulations in that behalf; and provided that in any province where there is no provincial authority to regulate the rates and charges of electricity when so used for domestic purposes, such rates and charges shall be subject to the approval of the Board of Railway Commissioners of Canada which may revise the same from time to time."

Application to Board of Railway Commissioners.

"6E. (1) When any rights and powers of the company can only be exercised with the approval or consent of a municipal corporation, and when the company cannot obtain such approval or consent from such municipal corporation, or when the company cannot obtain such approval or consent otherwise than subject to terms and conditions not acceptable to the company, the company may apply to the Board of Railway Commissioners of Canada for leave to exercise such rights and powers;

Powers of Board.

"(2) The said Board may refuse or may grant such application in whole or in part, and may by order impose any terms, conditions or limitations in respect of the application which it deems expedient, having due regard to all proper interests;

Order of Board.

"(3) Upon such order being made, and subject to any terms imposed by the said Board, the company may exercise such powers in accordance with such order."

Section requiring the alienation of real estate repealed and new powers of dealing therewith conferred.

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

"**10.** The company may survey and lay out any of its real or immovable properties into lots, and lay out roads, streets, squares and parks thereon, and make and register plans thereof and construct, alter, demolish and decorate houses, buildings and structures and conveniences of all kinds thereon, let same on building leases or building agreements or otherwise, advance and lend money and enter into contracts and arrangements of all kinds with purchasers, builders, tenants, and others having dealings with the company in respect of such properties or any of them, and otherwise develop, deal with and improve said lands in such manner as it may deem advisable and the company may sell, lease or dispose of such lands and properties or any part thereof, when and as, and upon such terms and conditions, and for such prices and considerations as the company may deem expedient."

Bonding and borrowing powers and limitations repealed and new powers conferred.

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

"**14.** Without restricting the other borrowing powers of the company but in addition thereto, if authorized by a by-law or by-laws sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the company represented at a general meeting duly called for considering the by-law, the directors may from time to time,—

Borrow.

"*(a)* Borrow money upon the credit of the company;

"*(b)* Limit or increase the amount to be borrowed;

Issue securities.

"*(c)* Issue bonds, debentures or other securities of the company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;

Mortgage, etc.

"*(d)* Hypothecate, mortgage or pledge by one or more trust deeds the whole or any part of the property of the company, present and future, to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the company;

Securities to rank as of date of issue.

"*(e)* Saving the rights arising from registration the said bonds, debentures and securities shall rank in priority according to the respective dates of the issue thereof, and nothing herein contained shall authorize the issue of any such bonds, debentures or other securities ranking in priority to, or *pari passu* with any of the bonds of the company previously issued."

6. The said Act is amended by inserting the following section immediately after section fourteen:—

Moneys of the Company. Powers of investment.

"**14A.** The company may invest the moneys of the company not immediately required in such manner as may from time to time be determined; and may also, with the approval

Distribution of property among shareholders.

of two-thirds of the shareholders first duly obtained at a general meeting or at a meeting specially called, distribute among the shareholders of the company in kind any property of the company and in particular any shares, debentures or securities in any other companies belonging to the company or which the company may have power to dispose of;

Issue fully paid-up shares in payment of property acquired.

and may also issue fully paid-up shares in payment or part payment of the consideration or purchase price of any movable or immovable, personal or real property, easements, servitudes, rights, privileges, works, business, undertaking, contract, agreement, transaction, patent rights, stock or shares of other companies, that may be acquired by the company, accept the fully paid-up shares of any other company or corporation in payment or part payment or as the consideration or part consideration of any rights, privileges and property, movable or immovable, real or personal of the company; and may also, notwithstanding the provisions of any act, purchase, subscribe or apply for, take in exchange or otherwise acquire, register, hold, sell, transfer, assign or otherwise dispose of or turn to account the stock, shares, bonds, debentures, debenture stock, notes and other securities and evidences of interest in or indebtedness of, and all other interest in and claims upon, any company, person, firm, voluntary association, trust, joint stock company, or corporation, and while the owner or holder thereof exercise, through such agent or agents as the directors may appoint, all the rights, powers and privileges of ownership, including the right to vote thereon; and may also enter into, carry out and complete contracts of inter-insurance and for such purpose appoint agents and attorneys and do any act necessary to complete such contracts."

Accept fully paid-up shares of other company as payment.

Power to acquire and deal with shares, bonds, etc., of other companies and persons.

Inter-insurance.

R.S. c. 79. Calls on stock. Purchase of stock in other companies.

7. Sections one hundred and forty-one and one hundred and sixty-eight of the *Companies Act*, shall not apply to the company.

Company may operate throughout Canada and elsewhere.

8. The rights and powers of the company may be exercised and the operations, business and undertakings of the company may be carried on throughout Canada and elsewhere.

Bill 9 follows Bill 10

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 10.

An Act to amend the Senate and House of Commons Act.

1912, c. 50; 1915, c. 7; 1917, c. 35; 1918, c. 41; 1920, c. 69.

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

1. Chapter ten of the Revised Statutes of Canada, 1906, is amended by adding after section twenty-one, the following sections, viz.:—

Ministers not to be or act as directors of incorporated companies.

"**21A.** No person accepting or holding the office of First Minister, President of the Privy Council, Minister of Finance, Minister of Justice, Minister of Militia and Defence, Secretary of State, Minister of the Interior, Minister of Railways and Canals, Minister of Public Works, Postmaster General, Minister of Agriculture, Minister of Customs and Inland Revenue, Minister of Marine and Fisheries, Minister of the Naval Service, Minister of Trade and Commerce, Secretary of State for External Affairs, Minister of Health, Minister of Immigration and Colonization, Minister of Soldiers' Civil Re-establishment, Minister of Labour, or Solicitor General, or any office which is hereafter created, entitling him to be a Minister of the Crown, shall hold the office of, or act as, a director of any incorporated company: Provided, however, that the provisions of this section shall not apply to holding the office of or acting as a director of any company incorporated for purely religious, charitable, philanthropic or educational purposes.

Religious, etc., corporations excepted.

Ministers violating Act to cease to be eligible for Senate or House of Commons or to sit or vote therein.

"**21B.** Should any Minister violate the provisions of section 21A, by accepting while a Minister, the office of a director, or by neglecting, within fifteen days of his being sworn in as a Minister, to resign the directorships held by him, he shall cease to be eligible as a member of the Senate or of the House of Commons, and shall not sit or vote therein."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 10.

An Act to amend the Senate and House of Commons Act.

First reading, February 24, 1921.

Mr. McMaster.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18607 1921

Bill 10 precedes Bill 9.

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 9.

An Act to amend the Trade Mark and Design Act

R.S., c. 71; 1919, c. 64.

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

Act amended so that Part II, Industrial Designs, will apply to designs of non residents, etc.

1. Section three of the *Trade Mark and Design Act*, Revised Statutes of Canada, 1906, chapter seventy-one, is amended by striking out thereof the words "but does not apply to any design the proprietor of which is not a person resident within Canada, nor to any design which is not applied to a subject-matter manufactured in Canada."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 9.

An Act to amend the Trade Mark and Design Act

First reading, 23rd February, 1921

The Minister of Trade and Commerce

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18351 1921

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 11.

An Act to amend and consolidate the Acts relating to Patents of Invention.

First reading, February 25, 1921.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18352 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 11.

An Act to amend and consolidate the Acts relating to Patents of Invention.

R.S. c. 69; 1913, c. 17; 1919, c. 64; 1919, (2 sess.), c. 26.

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 Patent Act.* R.S., c. 69, s. 1.

INTERPRETATION.

Definitions.

2. In this Act, and in any regulation or order made hereunder, unless the context otherwise requires,—

(*a*) "Minister" means the Minister of the Crown named by the Governor in Council to administer this Act;

(*b*) "Commissioner" means the Commissioner of Patents;

(*c*) "invention" means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter;

(*d*) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns or other legal representatives. R.S., c. 69, s. 2.

PATENT OFFICE AND APPOINTMENT OF OFFICERS.

Patent office.

Commissioner.

Staff.

3. (1) There shall be attached to such Department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed.

(2) There may be appointed from time to time, in accordance with *The Civil Service Act, 1918,* and any amendments thereto, such officers and clerks as are necessary for the purposes of this Act. 1919, c. 64.

Duties of Commissioner.

4. The Commissioner shall receive all applications, fees, papers, documents and models for patents, and shall perform and do all acts and things requisite for the granting and issuing of patents of invention; and he shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office. R.S., c. 69, s. 4.

Powers of Commissioner.

5. The Commissioner of Patents may do any act or thing, whether judicial or ministerial, which the Minister is authorized or empowered to do by any provision of *The Patent Act*, and any Act in amendment of the said Act; and, in the absence or inability to act of the Commissioner, any officer or clerk named by the Minister to perform the duties of the Commissioner may, as acting Commissioner, exercise such powers and do any such act or thing. 1919, c. 64.

Seal of office.

6. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., c. 69, s. 6.

APPLICATIONS FOR PATENTS.

Who may obtain patents.

7. (1) Any person who has invented any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvements thereof, not known or used by others in Canada before his invention thereof and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than two years prior to his application and not in public use or on sale in this country for more than two years prior to his application may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention.

What may not be patented.

(2) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem.

Inventions for which foreign patents have been taken out.

8. (1) Any inventor who elects to obtain a patent for his invention in a foreign country before obtaining a patent for the same invention in Canada, may obtain a patent in Canada if the patent is applied for within two years from the earliest date on which an application for a patent for the invention was filed in any foreign country or within one year from the passing of this Act.

Effect of application for foreign patent if same applied for in Canada.

(2) An application for patent for an invention filed in Canada by any person who has previously regularly filed an application for a patent for the same invention in a foreign country shall have the same force and effect as the same

application would have if filed in Canada on the date on which the application for patent for the same invention was first filed in such foreign country, provided the application in this country is filed within twelve months from the earliest date on which any such foreign application was filed, or within one year from the passing of this Act. But no patent shall be granted on an application for patent for an invention which had been patented or described in a patent or printed publication in this or any foreign country more than two years before the date of the actual filing of the application in Canada, or which had been in public use or on sale in Canada for more than two years prior to such filing.

Limitation of two years after publication or public use or sale.

Improvements may be patented.

9. Any person who has invented any improvement on any patented invention may obtain a patent for such improvement, but he shall not thereby obtain the right of making, vending or using the original invention, nor shall the patent for the original invention confer the right of making, vending or using the patented improvement. R.S., c. 69, s. 9.

Oath of inventor to be made before obtaining patent.

10. (1) Every inventor shall, before a patent can be obtained, make oath, or, when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the petition contained are respectively true and correct.

Or of the applicant if inventor dead, incapable, or his residence unknown.

(2) In the event of the inventor being dead, or mentally or physically incapable, or if, after the assignment of his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent enquiries, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is was the inventor of the invention for which the patent is solicited, and that the several allegations in the petition contained are respectively true and correct.

Before whom oath may be made.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 69, s. 10.

Refusal to execute assignment.

11. In any case where,—

(a) an applicant has agreed in writing to assign a patent when granted to another party or a joint applicant and refuses to proceed with the application; or,

Disputes between joint applicants.

(b) disputes arise between joint applicants as to proceeding with an application;

Powers of Commissioner.

the Commissioner, on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other party or joint applicant to proceed with the application, and may grant a patent to him, so however that all parties interested shall be entitled to be heard before the Commissioner, and an appeal shall lie from the decision of the Commissioner under this section to the Exchequer Court.

Election of domicile.

12. The applicant for a patent shall, for the purposes of this Act, elect his domicile at some known and specified place in Canada, and shall mention the same in his petition for a patent. R.S., c. 69, s. 11.

Particulars required on application.

13. The applicant shall, in his petition for a patent, insert the title or name of the invention, and shall, with the petition, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. R.S., c. 69, s. 12.

Specifications.

14. (1) The specification shall correctly and fully describe the invention and its operation or use as contemplated by the inventor. It shall set forth clearly the various steps in a process, or the method of constructing, making or compounding, a machine, manufacture, or composition of matter. It shall end with a claim or claims stating distinctly the things or combinations which the applicant regards as new and in which he claims an exclusive property and privilege.

Place and date.

(2) Such specification shall bear the name of the place where, and the date when it is made, and shall be signed by the applicant.

Drawings.

(3) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate, showing clearly all parts of the invention; and each drawing shall bear the signature of the inventor, or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification; but the Commissioner may require further drawings or dispense with any of them as he sees fit.

Duplicates.

(4) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

Copies in place of duplicates.

(5) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu

thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 69, s. 13.

Models and specimens.

15. (1) In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment.

Dangerous substances.

(2) If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. R.S., c. 69, s. 14.

Patents to be for special methods or processes of manufacture.

16. (1) In the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the special methods or processes of manufacture described and claimed or by their obvious chemical equivalents: Provided, that, in an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall in the absence of proof to the contrary be deemed to have been produced by the patented process.

Proviso.

No patent to preclude free manufacture or free sale or use of article for human food or medical purpose.

(2) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the Commissioner shall, unless he sees good reason to the contrary, grant to any person applying for the same, a license limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such license and fixing the amount of royalty or other consideration payable, the Commissioner shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Appeals.

Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court.

Application.

(3) This section shall apply only to patents granted after the passing of this Act.

Withdrawal of applications.

17. No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof. R.S., c. 69, s. 16.

REFUSAL TO GRANT PATENTS.

Power of Commissioner to refuse grant.

18. The Commissioner may object to grant a patent whenever he is satisfied that the applicant is not by law entitled thereto, and when it appears to him that the invention has already been patented, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor and the application was filed within two years from the date of the patent.

Notice to applicant.

19. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor, with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. R.S., c. 69, s. 18.

Appeal to Exchequer Court.

20. (1) Every applicant who has failed to obtain a patent by reason of the objection of the Commissioner as aforesaid may, at any time within six months after notice thereof has been mailed by registered letter, addressed to him or his agent, appeal from the decision of the said Commissioner to the Exchequer Court.

Jurisdiction.

(2) The Exchequer Court shall have exclusive jurisdiction to hear and determine any such appeal. 3-4 Geo. V, c. 17.

CONFLICTING APPLICATIONS.

To be decided by Exchequer Court.

21. In case of conflicting applications for any patent, the applicants shall be notified by the Commissioner that the question is one for the decision of the Exchequer Court, and no further proceedings shall be had or taken by the Commissioner concerning the applications until a judgment is produced deciding which applicant is entitled to the patent.

GRANT AND DURATION OF PATENTS.

What patent shall contain and confer.

22. (1) Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall, subject to the conditions hereinafter mentioned, grant to the patentee and his legal representatives for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction.

Joint applications.

(2.) In cases of joint applications, the patents shall be granted in the names of all the applicants. R.S., c. 69, s. 21.

Patents for inventions by persons in public service.

23. (1) Every patent granted in respect of an invention made by a person while employed in the public service of Canada and relating to the nature of his employment shall, notwithstanding anything in the patent or *The Patent Act* to the contrary contained, be subject to the following conditions, which shall be endorsed on such patent, that is to say,—

Terms.

(a) The Commissioner may grant to any person applying therefor a license to use the patented invention on terms to be fixed by the Commissioner;

Duty of Commissioner.

(b) In fixing the said terms the Commissioner shall have regard to the circumstances under which the invention was made and the right and interest of the Government of Canada therein in consequence thereof, which right and interest the said government is hereby declared to have, and shall reduce the royalty payable to the patentee accordingly or apportion the royalty between the patentee and the Government of Canada, but in no case shall the amount payable to the patentee be less than one-half of what it would have been had the inventor not been in the public service when making the invention;

Respective rights of Government and patentee.

Consent of Commissioner to use of invention.

(c) The patentee shall not make use of nor allow others to make use of the patented invention without the consent of the Commissioner, who in granting such consent may exact a royalty for such use to be fixed by him and paid to the Government of Canada;

Restraint of unauthorized use.

(d) The Government of Canada shall have a right of action in any court of competent jurisdiction to restrain the unauthorized use of the patented invention and recover damages therefor which may be apportioned by the Commissioner between the patentee and the Government in such way as to him seems fit.

Disputes.

(2) Any question which may arise as to whether any invention comes within the terms of this section shall be determined by the Commissioner on the application for a patent therefor.

Deputy may apply if inventor refuses.

(3) On the refusal of such inventor to apply for a patent for such invention after being thereunto duly required by the deputy head of the department in which he was at the time of making the invention employed, such deputy head may in his official capacity apply for and obtain a patent for such invention.

Inventor's rights outside of Canada.

(4) Nothing herein contained shall be construed to restrict the right of the inventor to the full enjoyment of his invention outside of Canada.

Form of issue.

24. Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner and, when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent. R.S., c. 69, s. 22 (1).

25. The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years. R.S., c. 69, s. 23 (1).

RE-ISSUE OF PATENTS.

Issue of new or amended patents.

26. (1) Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more or less than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent, within four years from its date, and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention, for any part or for the whole of the then unexpired residue of the term for which the original patent was or might have been granted.

Death or assignment.

(2) In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives.

Effect of new patent.

(3) Such new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

Separate patents for separate parts.

(4) The Commissioner may entertain separate applications, and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a re-issue for each of such re-issued patents. R.S., c. 69, s. 24.

DISCLAIMERS.

Patentee may disclaim anything included in patent by mistake.

27. (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has,—

(*a*) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or,

(*b*) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and to which he had no lawful right;

the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

18352—2

Form and attestation of disclaimer.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested in the manner hereinbefore prescribed, in respect of an application for a patent; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification.

Pending suits not affected.

(3) Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it.

Death of patentee.

(4) In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer.

Effect of disclaimer.

(5) The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. R.S., c. 69, s. 25.

ASSIGNMENTS.

Representatives may obtain patent.

28. The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment, or bequest, to the legal representatives of the inventor. R.S., c. 69, s. 26.

Patents to be assignable.

29. (1) Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner from time to time prescribed by the Commissioner for such registration; and every assignment affecting a patent for invention shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 69, s. 27.

Registration.

Assignment null if not registered.

Duly registered patents admitted as evidence.

(2) No assignment of, or any other instrument affecting the title to, a patent or any interest therein, or a license to use a patent, shall be admitted in evidence in any court unless it has been registered in the Patent Office.

Assignments in case of joint applications.

30. In cases of joint applications or grants, every assignment from one or more of the applicants or patentees to the

other or others, or to any other person, shall be registered in like manner as other assignments. R.S., c. 69, s. 28.

IMPEACHMENT AND OTHER LEGAL PROCEEDINGS IN RESPECT OF PATENTS.

Patent to be void in certain cases, or valid only for parts.

31. (1) A patent shall be void, if any material allegation in the petition or declaration of the applicant hereinbefore mentioned in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading: Provided that if it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to.

Proviso.

Copies of judgment to be sent to patent office.

(2) Two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made a part of it by a reference thereto. R.S., c. 69, s. 29.

Remedy for infringement of patent.

32. Every person who, without the consent in writing of the patentee, makes, constructs or puts in practice any invention for which a patent has been obtained under this Act or any previous Act, or who procures such invention from any person not authorized by the patentee or his legal representatives to make or use it, and who uses it, shall be liable to the patentee or his legal representatives in an action of damages for so doing; and the judgment shall be enforced, and the damages and costs that are adjudged shall be recoverable, in like manner as in other cases in the court in which the action is brought. R.S., c. 69, s. 30.

Action for infringement of patent.

33. Any action for the infringement of a patent may be brought in the court of record having jurisdiction, to the amount of the damages claimed, in the province in which the infringement is alleged to have taken place, which holds its sittings nearest to the place of residence or of business of the defendant; and such court shall decide the case and determine as to costs. R.S., c. 69, s. 31.

Injunction may issue.

34. (1) In any action for the infringement of a patent, the court, or any judge thereof, may, on the application of the plaintiff or defendant, respectively, make such order as the court or judge sees fit,—

(a) restraining or for an injunction restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience of such order; or,

(b) for and respecting inspection or account; and,

(c) generally respecting the proceedings in the action.

Appeal.

(2) An appeal shall lie from any such order under the same circumstances, and to the same court, as from other judgments or orders of the court in which the order is made. R.S., c. 69, s. 32.

Court may discriminate in certain cases.

35. Whenever, the plaintiff, in any such action, fails to sustain the same, because his specification and claim embrace more than that of which he was the first inventor, and it appears that the defendant used or infringed any part of the invention justly and truly specified and claimed as new, the court may discriminate, and the judgment may be rendered accordingly. R.S., c. 69, s. 33.

Defence.

36. The defendant, in any such action, may plead as matter of defence, any fact or default which, by this Act, or by law, renders the patent void: and the court shall take cognizance of such pleading and of the facts connected therewith, and shall decide the case accordingly. R.S., c. 69, s. 34.

Proceedings for impeachment of patent.

37. (1) Any person who desires to impeach any patent may obtain a sealed and certified copy of the patent and of the petition, affidavit, specification and drawings thereunto relating, and may have the same filed in the office of the prothonotary or clerk of the High Court Divisions of the Supreme Court of Ontario, or of the Superior Court of Quebec, or of the Supreme Court in Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, respectively, or of the Court of King's Bench in Manitoba, or of the Supreme Court of the Northwest Territories in the provinces of Saskatchewan and Alberta respectively, pending the disestablishment of that Court by the legislature of those provinces respectively, and thereafter of such superior court of justice as, in respect of civil jurisdiction, is established by the said legislatures respectively in lieu thereof, or of the Territorial Court in the Yukon Territory, according to the domicile elected by the patentee, as aforesaid, or in the office of the registrar of the Exchequer Court of Canada, and such courts, respectively, shall adjudicate on the matter and decide as to costs; and if the domicile elected by the patentee is in that part of Canada formerly known as the district of Keewatin, the Court of King's Bench of Manitoba shall have jurisdiction until there is a superior court therein, after which such superior court shall have jurisdiction.

Scire facias may issue.

(2) The patent and documents aforesaid shall then be held as of records in such courts respectively, so that a writ of *scire facias*, under the seal of the court, grounded upon such record, may issue for the repeal of the patent, for cause as aforesaid, if, upon proceedings had upon the writ in accordance with the meaning of this Act, the patent is adjudged to be void. R.S., c. 69, s. 35.

Judgment voiding patent to be filed.

38. A certificate of the judgment avoiding any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 69, s. 36.

Appeal.

39. The judgment declaring or refusing to declare any patent void shall be subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which such judgement was rendered. R.S., c. 69, s. 37.

CONDITIONS.

40. (1) Every patent, except those governed by section twenty-three, shall be subject to the following conditions:—

Manufacture for reasonable requirements.

(a) Every patentee shall satisfy the reasonable requirements of the public with reference to his patent and to that end shall adequately manufacture the patented article or carry on the patented process within Canada;

Petition to compel supply.

(b) Any person interested may present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied and praying that the patentee be ordered to supply the patented article at a reasonable price or grant licenses for the use of the invention on reasonable terms;

Powers of Commissioner.

(c) The Commissioner shall then consider the petition and, if the parties do not come to an arrangement between themselves, the Commissioner, if satisfied that a *prima facie* case has been made out, shall refer the petition to the Exchequer Court and, if the Commissioner is not so satified, he may dismiss the petition,

Reference to Exchequer Court.

(d) Where any such petition is referred by the Commissioner to the Exchequer Court, such Court shall have jurisdiction to hear and determine the matter and if it is proved to the satisfaction of the Court that the reasonable requirements of the public with respect to the patented invention have not been satisfied,

Order to compel supply.

the patentee may be ordered by the Court to supply the patented article within reasonable limits at such price as may be fixed by the Court and in accordance

with the custom of the trade to which the invention relates as to payment and delivery, or to grant licenses for the use of the patented invention on such terms as may be fixed by the Court, in either case within and after such time as may be fixed by the Court and on pain of forfeiture of the patent:

Proviso.

Provided that such an order shall not be made before the expiration of three years from the date of the patent and not less than one year after the passing of this Act, or if the patentee gives satisfactory reasons for his default;

Reasonable requirements.

(*e*) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied,—

Default to manufacture to adequate extent, or on reasonable terms.

(i) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licenses on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry, in the Dominion of Canada is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or,

Unfair conditions of patentee.

(ii) if any trade or industry in the Dominion of Canada is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working of the patented process.

Revocation of patent time limit.

41. (1) At any time not less than three years after the date of a patent and not less than one year after the passing of this Act, any person may apply to the Commissioner for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside Canada, to supply the Canadian market with the invention covered by the patent.

Powers of Commissioner.

(2) The Commissioner shall consider the application, and, if after enquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in Canada, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the Commissioner may make an order revoking the patent either,—

Order.

(*a*) forthwith; or,

(*b*) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his

satisfaction that the patented article or process is manufactured or carried on within Canada to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement or engagement with any foreign country.

Extension of time.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within Canada to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the Commissioner may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

Appeal.

(4) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court.

WAR PROVISIONS.

Saving rights of persons who have used, etc., invention while patent was void.

42. (1) In any case where an order has been made by the Commissioner under the authority of sections one or two of chapter twenty-six of the statutes of 1919, second session, or where a patent which has become void under the terms of the *Patent Act* in consequence of the non-payment of fees or failure to manufacture, or because of the importation of the patented invention has been subsequently restored and made valid by the operation of any order made under the authority of sections one or two of chapter twenty-six of the statutes of 1919, second session, or under any order in council or regulation heretofore lawfully passed, and during the period when such patent was void any person has commenced lawfully to manufacture, use or sell the invention covered by such patent, the patentee or proprietor of the patent shall not be entitled to any claim, action or demand in respect of such manufacture or sale, or the use of the article so manufactured or sold; and moreover the Commissioner, upon hearing the parties after such notice as he may deem requisite and sufficient and considering all the facts and circumstances of the case, may impose such terms and conditions (including if he so deems advisable, permission to continue such manufacture, use or sale), to which any such order by him heretofore made shall be subject, as the Commissioner may deem reasonably necessary for the protection of persons who have commenced lawfully to manufacture, use or sell the invention covered by the patent.

Proviso respecting rights under Treaty of Peace.

(2) Nothing in the provisions of this section shall be deemed in any way to affect or to operate in derogation of any rights as to the revival or restoration of any lapsed rights to or in respect of any patent of invention applied for or acquired under the provisions of this Act which may

be asserted or claimed by any person under and in virtue of the stipulations of the Treaty of Peace between the Allied and Associated Powers, on the one part, and Germany on the other, or under or in virtue of any treaty entered into and ratified, or that may be duly entered into and ratified by His Majesty, acting on behalf of Canada, with any other power with which the said Allied and Associated Powers are or have been at war, with regard to industrial property, or otherwise affecting patent rights. 1919, (2 Sess.) c. 26.

PROVISIONS IN RE WAR 1914 TO 1919.

Validity of patents protected, under orders or regulations during war.

43. All orders which have been made under and in conformity with the orders and regulations respecting patents of invention made by the Governor in Council under the provisions of *The War Measures Act, 1914*, on the second day of October, 1914 (P.C. 2436), and on the fourteenth day of February, 1916 (P.C. 293), are hereby ratified and confirmed.

CAVEATS.

Intending applicant for patent may file a *caveat*.

44. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file, in the Patent Office, a description of his invention so far as it has proceeded with or without plans, at his own will; and the Commissioner, on payment of fee in this Act prescribed, shall cause the said document, which shall be called a *caveat*, to be preserved in secrecy with the exception of delivering copies of the same whenever required by the said applicant or by any judicial tribunal, but the secrecy of the document shall cease when the applicant obtains a patent for his invention.

Notice of application by another to be sent to person filing *caveat*.

(2) If application is made by any other person for a patent for any invention with which such *caveat* may in any respect interfere, the Commissioner shall forthwith give notice by mail, of such application, to the person who has filed such *caveat*, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the *caveat*, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications.

Duration of *caveat*.

(3) Unless the person filing a *caveat* makes application within one year from the filing thereof for a patent, the Commissioner shall be relieved from the obligation of giving notice, and the *caveat* shall then remain as a simple

matter of proof as to novelty or priority of invention, if required. R.S., c. 69, s. 46.

PATENT FEES.

Tariff of fees.

45. (1) The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

On filing an application for patent	$ 15 00
On grant of patent	20 00
(Payable on pain of forfeiture within six months from the date of notice of the allowance of patent.)	
On lodging a *caveat*	5 00
On asking to register a judgment *pro tanto*	4 00
On asking to register an assignment, or any other document affecting or relating to a patent	2 00
On asking to attach a disclaimer to a patent	2 00
On asking for a copy of patent with specification	4 00
On petition to re-issue a patent after surrender	30 00
On office copies of documents, not above-mentioned, the following charges shall be made:—	
For every single or first folio of one hundred words certified copy	$ 0 25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio	0 10

Fees paid prior to this Act.

(2) In the case of patents on which fees to the extent of thirty-five dollars or more were paid prior to the passing of this Act, no further fee shall be required, but no refund of any amount in excess of thirty-five dollars shall be made. In the case of a patent on which a fee of twenty dollars was paid prior to the coming into force of this Act, a further fee of fifteen dollars on pain of nullity of the patent shall be payable at or before the expiration of six years from the date of its issue.

Unprovided cases.

(3) The fees on any proceedings not herein provided for shall be such as may be fixed by the Commissioner with the approval of the Governor in Council.

Fees in full for all services.

46. The said fees shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 69, s. 49.

Application of fees.

47. All fees received under this Act shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office. R.S., c. 69, s. 50.

18352—3

No exemptions.

48. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and no fee, when paid, shall be returned to the person who paid it.

GENERAL.

Government may use patented invention.

49. The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof. R.S., c. 69, s. 52.

Patented invention in foreign vessels.

50. No patent shall extend to prevent the use of any invention in any foreign ship or vessel, if such invention is not so used for the manufacture of any goods to be vended within or exported from Canada. R.S., c. 69, s. 53.

Patent not to affect a previous purchaser.

51. Every person who, before the issuing of a patent, has purchased, constructed or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention, by the person first aforesaid or by those to whom he has sold the same, unless the same was purchased, constructed, acquired or used, with the consent or allowance of the inventor thereof, for a longer period than two years before the application for a patent therefor, thereby making the invention one which has become public and in public use. R.S., c. 69, s. 54.

Proviso as to other persons

Patented article to be stamped or marked.

52. Every patentee under this Act shall stamp or engrave on each patented article sold or offered for sale by him the year of the date of the patent applying to such article, thus—Patented, 1906, or as the case may be; or when, from the nature of the article, this cannot be done, then by affixing to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with a like notice. R.S., c. 69, s. 55.

Inspection by the public.

53. All specifications, drawings, models, disclaimers, judgments and other papers, except *caveats*, and except those filed in connection with applications for patents which are still pending, shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 69, s. 56.

Clerical errors.

54. Clerical errors which occur in the framing or copying of any instrument in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected under the authority of the Commissioner. R.S., c. 69, s. 58.

Destroyed or lost patents.

55. If any patent is destroyed or lost, a certified copy thereof may be issued in lieu thereof upon the person who applies therefor paying the fees hereinbefore prescribed for office copies of documents. R.S., c. 69, s. 59.

Seal of patent Patent Office to be evidence.

56. Every court, judge and person whosoever shall take notice of the seal of the Patent Office and shall receive the impressions thereof in evidence, in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. R.S., c. 69, s. 60.

Officers of Patent Office not to deal in patents.

57. No officer or employee of the Patent Office shall buy, sell or acquire or traffic in any invention or patent, or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employee, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor or to any acquisition by bequest. R.S., c. 69, s. 61.

Register of Attorneys.

58. A register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to represent applicants in the presentation and prosecution of applications for patents or in other business before the Patent Office. Entry on such register shall be made in accordance with regulations to be made by the Commissioner with the approval of the Governor in Council.

Patent agent or attorney.

59. For gross misconduct or any other cause which he may deem sufficient, the Commissioner may refuse to recognize any person as a patent agent or attorney either generally or in any particular case.

Regulations and forms.

60. The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act, and notice thereof shall be given in the *Canada Gazette;* and all documents, executed in conformity with the same and accepted by the Commissioner, shall be held valid, so far as relates to proceedings in the Patent Office. R.S., c. 69, s. 62.

Annual report.

61. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall, from time to time and at least once in each year, publish a list of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest, or essential parts thereof, to be printed, from time to time for distribution or sale. R.S., c. 69, s. 63.

Cost of proceedings before the Court.

62. In all proceedings before the Court under this Act the costs of the Commissioner shall be in the discretion of the Court, but the Commissioner shall not be ordered to pay the costs of any other of the parties.

Offences and Penalties.

Patented articles to be stamped or marked.

63. Any patentee under this Act who sells or offers for sale any article patented under this Act not stamped or engraved with the year of the patent, applying to such article, or when from the nature of the article this cannot be done, not having affixed to it or every package wherein one or more of such articles is or are enclosed a label marked with the year of the date of the patent applying to such article in manner and form provided by this Act, shall be liable to a penalty not exceeding one hundred dollars, and in default of the payment of such penalty, to imprisonment for a term not exceeding two months. R.S., c. 69, s. 64.

Penalty.

Falsely marking article as patented.

64. Every person who,—

(a) writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name or any imitation of the name of any patentee for the sole making or selling of such thing, without the consent of such patentee; or,

(b) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words, *Patent*, *Letters Patent*, *King's or Queen's Patent*, *Patented*, or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee or his legal representatives; or,

(c) offers for sale as patented any article not patented in Canada, for the purpose of deceiving the public;

An indictable offence.

is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a

term not exceeding three months, or to both. R.S., c. 69, s. 65.

False entries an indictable offence.

65. Every person who wilfully makes or causes to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who produces or tenders any such false or altered document in evidence, knowing the same to be such, is guilty of an indictable offence and shall be liable to be punished by fine and imprisonment accordingly. R.S., c. 69, s. 66.

Repeal.

66. The *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada, 1906, as amended by chapter sixty-four of the statutes of 1919, with the exception of section 5A thereof which is not repealed, and chapter twenty-six of the statutes of 1919, second session, are hereby repealed:

Proviso.

Provided, however, that any patent issued prior to the passing of this Act which could successfully have been impeached for violation of or non-compliance with any provision of the Acts heretofore in force may with like effect be so impeached after the passing of this Act.

Commencement of Act.

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

Fifth Session, Thirteenth Parliament, 11-12 George V, 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 12.

An Act to amend and consolidate the Law relating to Copyright.

First reading, February 28, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18869

5th Session, 13th Parliament, 11-12 George V, 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 12.

An Act to amend and consolidate the Law relating to Copyright.

R.S., c. 70; 1908, c. 17; 1915, c. 12.

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 Copyright Act, 1921.*

INTERPRETATION.

Definitions.

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

"Architectural work of art."

(a) "architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Act shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

"Artistic work."

(b) "artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

"Book."

(c) "book" shall include every volume, part or division of a volume, pamphlet, sheet of letter-press, sheet of music, map, chart, or plan separately published;

"Cinematograph."

(d) "cinematograph" includes any work produced by any process analogous to cinematography;

"Collective work."

(e) "collective work" means,—

(i) an encyclopædia, dictionary, year book, or similar work;

(ii) a newspaper, review, magazine, or similar periodical; and,

(iii) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

"Delivery." (*f*) "delivery," in relation to a lecture, includes delivery by means of any mechanical instrument;

"Dramatic work." (*g*) "dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

"Engravings." (*h*) "engravings" include etchings, lithographs, woodcuts, prints, and other similar works, not being photographs;

His Majesty's dominions. (*i*) "His Majesty's dominions" includes any territories under His Majesty's protection to which an order in council made under the provisions of section twenty-eight of the *Copyright Act, 1911*, passed by the Parliament of the United Kingdom relates;

"Infringing." (*j*) "infringing," when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made, or imported in contravention of the provisions of this Act;

"Lecture." (*k*) "lecture" includes address, speech, and sermon;

"Legal representatives." (*l*) "legal representatives" includes heirs, executors, administrators and assigns or other legal representatives;

"Literary work." (*m*) "literary work" includes maps, charts, plans, tables, and compilations;

"Minister." (*n*) "Minister" means the Minister of the Crown named by the Governor in Council to administer this Act;

(*o*) "musical work" means any combination of melody and harmony, or either of them, printed, reduced to writing, or otherwise graphically produced or reproduced.

"Performance." (*p*) "performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

"Photograph." (*q*) "photograph" includes photo-lithograph and any work produced by any process analogous to photography;

"Plate." (*r*) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls, or other contrivances for the acoustic representation of the work, are or are intended to be made;

"Work of sculpture." (*s*) "work of sculpture" includes casts and models.

WORKS IN WHICH COPYRIGHT MAY SUBSIST.

Conditions for obtaining copyright.

3. (1) Subject to the provisions of this Act, copyright shall subsist in Canada for the term hereinafter mentioned, in every original literary, dramatic, musical and artistic work, if the author was at the date of the making of the work a British subject, a citizen or subject of a foreign country which has adhered to the Convention and the Additional Protocol thereto set out in the Second Schedule to this Act, or resident within His Majesty's dominions; and if, in the case of a published work, the work was first published within His Majesty's dominions or in such foreign country; but in no other works, except so far as the protection conferred by this Act is extended as hereinafter provided to foreign countries to which this Act does not extend.

(2) If the Minister certifies by notice, published in the *Canada Gazette*, that any country which has not adhered to the Convention and the Additional Protocol thereto, set out in the Second Schedule to this Act, grants or has undertaken to grant, either by treaty, convention, agreement or law, to citizens of Canada the benefit of copyright on substantially the same basis as to its own citizens or copyright protection substantially equal to that conferred by this Act, such country shall, for the purpose of the rights conferred by this Act, be treated as if it were a country to which this Act extends; and it shall be lawful for the Minister to give such a certificate as aforesaid, notwithstanding that the remedies for enforcing the rights, or the restrictions on the importation of copies of works, under the law of such country, differ from those in this Act.

Copyright in records and other mechanical contrivances.

(3) Copyright shall subsist for the term hereinafter mentioned in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical, literary or dramatic works.

COPYRIGHT.

"Copyright" defined.

4. (1) For the purposes of this Act, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right,—

(a) to produce, reproduce, perform or publish any translation of the work;

(b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;

(c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;

(d) in the case of a literary, dramatic, or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered;

and to authorize any such acts as aforesaid.

Meaning of "Publication."

(2) For the purposes of this Act, "publication," in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purpose of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

When work deemed to be published, performed or delivered in public.

(3) For the purposes of this Act (other than those relating to infringement of copyright) a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public without the consent or acquiescence of the author, his executors, administrators or assigns.

When work deemed to be first published, if issued simultaneously in some other place.

When work deemed to be published simultaneously in two places.

(4) For the purposes of this Act, a work shall be deemed to be first published within His Majesty's dominions or within a foreign country to which this Act extends, notwithstanding that it has been published simultaneously in some other place; and a work shall be deemed to be published simultaneously in two places, if the time between the publication in one such place and the other place does not exceed fourteen days or such longer period as may for the time being be fixed by order in council.

Conditions under which copyright complied with in case of unpublished works.

(5) Where, in the case of an unpublished work, the making of the work is extended over a considerable period, the conditions of this Act conferring copyright shall be deemed to have been complied with if the author was, during any substantial part of that period a British subject, or a subject or citizen of a foreign country to which this Act extends, or a resident within His Majesty's dominions.

When author deemed to be resident.

(6) For the purposes of the provisions of this Act as to residence, an author of a work shall be deemed to be a resident within His Majesty's dominions if he is domiciled within His Majesty's dominions.

"A work of joint authorship" defined.

(7) For the purposes of this Act, "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

TERM OF COPYRIGHT.

Term of copyright.

5. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be

the life of the author and a period of fifty years after his death.

Proviso.

Provided that any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Act thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work, and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright, royalties in respect of all copies of the work sold by him, calculated at the rate of ten per cent on the price at which he publishes the work; and, for the purposes of this proviso, the Governor in Council may make regulations prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if he thinks fit) regulations requiring payment in advance or otherwise securing the payment of royalties.

Cases of joint authorship.

6. In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Act to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last, whichever period may be the shorter, and in the provisions of this Act with respect to the grant of compulsory licenses a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

Term of copyright in photographs. Author, etc.

7. The term for which copyright shall subsist in photographs shall be fifty years from the making of the original negative from which the photograph was directly or indirectly derived, and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Act to reside within His Majesty's dominions or a foreign country mentioned in section three of this Act, if it has established a place of business within either.

Term of copyright in records and perforated rolls.

8. The term for which copyright shall subsist in records, perforated rolls and other contrivances by means of which sounds may be mechanically reproduced shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and where such owner is a body coporate, the body corporate shall be deemed for the purposes of this Act to reside within His Majesty's dominions if it has established a place of business therein.

How long copyright to subsist in posthumous works.

9. In the case of a literary, dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or, in the case of a work of joint authorship, at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section five of this Act shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

When copyright belongs to His Majesty.

10. Without prejudice to any rights or privileges of the Crown, where any work has, whether before or after the commencement of this Act, been prepared or published by or under the direction or control of His Majesty or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to His Majesty, and in such case shall continue for a period of fifty years from the date of the first publication of the work.

OWNERSHIP OF COPYRIGHT.

Ownership of copyright.

11. (1) Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein: Provided that,—

(a) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright; and,

(b) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employ-

ment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright; but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

Assignment of right by owner.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either generally or subject to territorial limitations, and either for the whole term of the copyright or for any other part thereof, and may grant any interest in the right by license, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorized agent.

Limitation in case the author is first owner of copyright.

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Act, shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal personal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void; but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a license to publish a work or part of a work as part of a collective work.

Ownership in case of partial assignment.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee, as respects the rights so assigned, and the assignor, as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of the copyright, and the provisions of this Act shall have effect accordingly.

Assignee to fulfil conditions of this Act.

(4) If the person to whom a grant of an interest in a copyright, either by assignment or license, is made, does not satisfy the conditions conferring copyright laid down by this Act, such assignee or licensee shall be required to fulfil the conditions required of an author who is a subject or citizen of the country to which the said assignee or licensee belongs, as prescribed by order in council.

Married woman and husband as joint authors.

(5) Where a married woman and her husband are joint authors of a work the interest of such married woman therein shall be her separate property.

Ownership of manuscript by testamentary disposition

(6) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

COMPULSORY LICENSES.

When owner of copyright compelled to grant license to reproduce.

12. If, at any time after the death of the author of a literary, dramatic, or musical work which has been published or performed in public, a complaint is made to the Governor in Council that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a license to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the Governor in Council may think fit.

Three copies of book to be deposited with notice giving particulars.

13. (1) It shall be the duty of the owner of a copyright upon any book, before publishing such book in Canada, or simultaneously with such publication, to deposit with the Minister three copies of such book, and register with the Minister a notice, in a form prescribed by the regulations, specifying the publisher of such book and stating whether it is intended to print such book in Canada or whether it is intended to import such book, and whether or not it is intended to publish such book in serial form.

Particulars published.

(2) Particulars of such notice shall forthwith be published in the *Canada Gazette* by and at the expense of the copyright owner.

Disposal of copies.

(3) The Minister shall cause one of such three copies to be deposited in the Library of the Parliament of Canada and one in the British Museum, and one to be retained in the Copyright Office.

Name and date on title page.

(4) Every book in which copyright subsists under this Act shall have printed on the title page or frontispiece, the name of the owner of the copyright at the time of the issue of such work and the year of such issue.

Default in filing notice, effect of.

(5) In any action or proceeding by the owner of the copyright for the enforcement of his right or any remedy in respect thereof, under this Act the default of such owner in filing a notice as provided in this section shall be a good defence; provided that the filing of such notice at any time before the commencement of such action or proceeding, together with the payment of such fees as may be prescribed by the regulations, shall be deemed to cure such default.

18869—2

LICENSES.

Application for license to print book in Canada by others than owner.

14. (1) If it shall appear by notice as provided by section thirteen that any book is not intended to be printed in Canada, or if such book is not printed in Canada within two months after the filing of such notice, or if it is shown to the satisfaction of the Minister, that the owner of the copyright at any time within the duration of the copyright fails to supply the reasonable demands of the Canadian market for such book, any person other than the owner of the copyright may apply for a license to print such book in Canada.

Form stating retail price.

(2) Such application may be in such form as may be prescribed by the regulations and shall state the proposed retail price of the edition of such book proposed to be printed.

Deposit with application.

(3) Every applicant for a license under this section shall with his application deposit with the Minister an amount not less than the amount of the royalty on one thousand copies of such book and not less than one hundred dollars, and such amount shall, if such application is unsuccessful, be returned to such applicant less such deductions for fees, as may be authorized by the regulations.

Notice to owner.

(4) Notice of such application shall forthwith be communicated by the Minister to the owner of the copyright as shown on the register of copyrights in such manner as may be prescribed by the regulations, provided that where the applicant shall so require, such communication shall be by telegraph or cable.

If owner does not proceed, application may be granted.

(5) If the owner of the copyright shall not within fourteen days after communication of such notice give an undertaking, with such security as may be prescribed by the regulations, to procure within two months after the date of such communication the printing in Canada of an edition of not less than one thousand copies of such book, the Minister may grant to the applicant a license to print such book upon the terms hereinafter provided.

License to highest application.

(6) Where two or more persons have applied for a license under this section, the Minister shall award the license to the applicant proposing the highest retail selling price.

Rights of licensee.

(7) Such license when issued shall entitle the licensee to the sole right to print such book in Canada during the term of the copyright.

Royalty.

(8) Such licensee shall pay a royalty of ten per cent on the retail selling price of every copy of such book printed under such license, but not less than two and one-half cents per copy.

If owner in default, license granted after notice published.

(9) Where the owner of a copyright has made default in registering notice of copyright as required by section thirteen, the Minister may, without communication of any notice as hereinbefore provided, grant to any person

The owner may cure default.

applying therefor a license to print such book in Canada, provided that before such license is issued, notice of application therefor shall have been published in three consecutive issues of the *Canada Gazette;* provided further that if such owner shall at any time before a license is issued under this section file the notice required by section thirteen and pay such additional fees as may be required by the regulations, such default shall be deemed to be cured and such owner shall be entitled to notice of further application for license as hereinbefore provided.

Indorsements on books.

(10) Every book published under a license under this section shall have printed or otherwise impressed upon it the words "Printed under Canadian license" and the calendar year of such license and the retail selling price of such book.

SERIAL LICENSE

License to publish book in serial form.

15. (1) If it shall appear by notice, as provided by section thirteen that any book is to be published as a serial, or if without the filing of a notice as provided by section thirteen, the publication of a book is begun as a serial elsewhere than in Canada, a license may be granted to any person in Canada, being the publisher of a periodical to publish such book in serial form, provided that a license shall not be granted to more than one such publisher in the same city, town or place.

Application.

(2) Such license shall be issued by the Minister on application by the publisher in such form as may be prescribed by the regulations.

"Serial" defined.

(3) The term "serial" under this section shall mean and refer to any book which is intended to be published in book form, but is first published in separate articles in a newspaper or periodical.

"Owner of a copyright."

(4) The term "owner of a copyright" under this section may mean the owner of the right to publish in serial form as distinct and separate from other rights of publication.

Draft contract.

(5) The application for a license under this section may be in the form of a draft contract between the licensee and the owner of the copyright.

Terms of license.

(6) Such license may be upon the terms proposed in such draft contract, or upon terms prescribed by the regulations; provided that before such terms are settled the owner of the copyright shall be entitled to a hearing.

Deposit with application.

(7) The applicant for a license under this section shall with his application deposit such amount of money as may be required by the regulations, and such money shall on the issue of the license be paid forthwith to the owner of the copyright.

License deemed a contract and licensee subrogated to rights of owner.

16. (1) Every license issued under sections five, twelve, fourteen or fifteen shall be deemed to constitute a contract, on the terms embodied in such license or in this Act, between the owner of the copyright and the licensee, and the licensee shall be entitled to the like remedies as in the case of a contract, and shall be subrogated to all the rights of the owner of the copyright in respect to the enforcement of such copyright and the remedies in respect thereof, and the provisions of this Act respecting owners of copyright shall be applicable *mutatis mutandis* to such licensee.

License declared forfeited on default.

(2) The owner of the copyright shall, in addition to any other remedy in respect to such license as a contract, be entitled, in case of default by the licensee in observing the terms of such license, on petition to the Exchequer Court of Canada, to have such license declared to be forfeited.

Particulars entered.

(3) Particulars of such declaration may be entered on the Register of Copyrights.

Fees paid to Department.

(4) All moneys paid or payable by a licensee or applicant for a license under sections twelve, thirteen or fourteen shall be paid into the Department of Inland Revenue.

Deposits and royalty paid to Department.

(5) All moneys deposited by a successful applicant for a license and all moneys due from time to time by way of royalty or otherwise from licensees shall likewise be paid to the Department of Inland Revenue and such moneys shall be paid to the persons entitled thereto, less such deductions for fees as may be authorized by the regulations.

Payment of royalty stamped on book.

(6) The Department of Inland Revenue shall, if required by the owner of the copyright, or by the Minister, suitably stamp or mark every copy of a book upon which the royalty has been duly paid.

INFRINGEMENT OF COPYRIGHT.

Infringement of copyright.

17. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright:

Exceptions.

Provided that the following acts shall not constitute an infringement of copyright:—

For purposes of study.

(i) Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary;

When author not owner.

(ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work;

When permanently situate in public place.

(iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture

or artistic craftsmanship, if permanently situate in a public place or building, or the making or publishing of paintings, drawings, engravings, or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art;

Short passage for schools.

(iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools, and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists: Provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged;

Not more than two passages.

Newspaper report of public lecture unless notice to contrary.

(v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisions in paragraph (i) as to newspaper summaries;

Reading of extract.

(vi) The reading or recitation in public by one person of any reasonable extract from any published work.

Infringement by personal action.

(2) Copyright in a work shall also be deemed to be infringed by any person who,—

(a) sells or lets for hire, or by way of trade exposes or offers for sale or hire; or,

(b) distributes either for the purposes of trade, or to such an extent as to affect prejudicially the owner of the copyright; or,

(c) by way of trade exhibits in public; or,

(d) imports for sale or hire into Canada any work which to his knowledge infringes copyright or would infringe copyright if it had been made within Canada.

Infringement when reproduced for private profit without owner's consent.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright: Provided that if at the date of the performance the copyright in the work was duly registered under this Act, the person who permitted the performance shall be deemed to have had reasonable ground for suspecting that the performance would be an infringement of copyright.

Report in newspaper of political speech no infringement.

18. Notwithstanding anything in this Act, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

When making in Canada, of records, etc., not infringement.

19. (1) It shall not be deemed to be an infringement of copyright in any musical, literary or dramatic work for any person to make within Canada records, perforated rolls, or other contrivances, by means of which sounds may be reproduced and by means of which the work may be mechanically performed, if such person proves,—

(a) that such contrivances have previously been made by, or with the consent or acquiescence of, the owner of the copyright in the work; and,

(b) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, as hereinafter mentioned:

Proviso.

Provided that,—

When alterations necessary for adaptation to contrivance.

(i) nothing in this provision shall authorize any alterations in, or omissions from, the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are reasonably necessary for the adaptation of the work to the contrivances in question; and,

Musical work defined.

(ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which sounds may be mechanically reproduced; and,

(iii) the making of the necessary manuscript copies of the copyrighted work, with reasonable alterations and omissions necessary for the adaptation of the work to the contrivances in question, shall not be deemed an infringement of copyright.

Rates of royalties.

(2) The royalty as aforesaid shall be two cents for each playing surface of each such record and two cents for each such perforated roll or other contrivance.

Change of rates by Governor in Council after 7 years.

Provided that, if, at any time after the expiration of seven years from the commencement of this Act, it appears to the Governor in Council that such royalty as aforesaid is no longer equitable, the Governor in Council may, after holding a public inquiry, make an order either decreasing or increasing said royalty to such extent as under the circumstances may seem just, but any order so made shall be provisional only and shall not have any effect unless and

until confirmed by Parliament; but, where an order revising the royalty has been so made and confirmed, no further revision shall be made before the expiration of fourteen years from the date of the last revision.

Apportionment of royalties when several owners.

(3) If any such contrivance is made reproducing two or more different works in which copyright subsists, and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright equally.

When owner deemed to consent to making of contrivances.

(4) When any such contrivances by means of which a literary, dramatic or musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed enquiries, be deemed to have given his consent to the making of such contrivances if he fails to reply to such enquiries within the prescribed time.

Regulations and notices by Governor in Council.

(5) For the purposes of this section, the Governor in Council may make regulations prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties; and any such regulations may, if the Governor in Council thinks fit, include regulations requiring payment in advance or otherwise securing the payment of royalties.

Provisions as to musical works heretofore published.

(6) In the case of musical, literary or dramatic works published before the commencement of this Act, the foregoing provisions shall have effect, subject to the following modifications and additions:—

Conditions as to making, and restrictions as to alterations.

(a) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work, shall not apply;

Royalties altered.

(b) No royalties shall be payable in respect of contrivances lawfully made, before the commencement of this Act;

Property of author and not of assignee.

(c) Notwithstanding any assignment made before the passing of this Act of the copyright in a literary or dramatic or musical work, any rights conferred by this Act in respect of the making, or authorising the making, of contrivances by means of which the work may be mechanically performed, shall belong to the author or his legal personal representatives and not to the assignee, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal personal representatives.

Copyright deemed to exist at date of making of original plate.

(7) Notwithstanding anything in this Act, where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made

before the commencement of this Act, copyright shall, as from the commencement of this Act, subsist therein in like manner and for the like term as if this Act had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived.

Proviso. Provided that,—

(i) the person who, at the commencement of this Act, is the owner of such original plate shall be the first owner of such copyright; and,

(ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first mentioned contrivance.

CIVIL REMEDIES.

Civil remedies. **20.** (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

Costs. (2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

Presumptions as to copyright and ownership. (3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is at issue, then,—

(a) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(b) if no name is so printed or indicated, or if the name so printed or indicated is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

Ownership of copies, plates, etc. **21.** All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates

used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

Injunction only remedy when defendant not aware of copyright.

22. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement if the defendant proves that at the date of the infringement he was not aware, and had no reasonable ground for suspecting that copyright subsisted in the work: Provided that if at the date of the infringement the copyright in the work was duly registered under this Act, the defendant shall be deemed to have had reasonable ground for suspecting that copyright subsisted in the work.

No injunction in case of a building.

23. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction in respect of the construction of such building or structure or to order its demolition.

Penalties not to apply.

(2) Such of the other provisions of this Act as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

Prescription of action.

24. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

SUMMARY REMEDIES.

Summary remedies.

25. (1) If any person knowingly,—

(a) makes for sale or hire any infringing copy of a work in which copyright subsists; or,

(b) sells or lets for hire, or by way of trade exposes or offers for sale or hire any infringing copy of any such work; or,

(c) distributes infringing copies of any such work either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright; or,

(d) by way of trade exhibits in public any infringing copy of any such work; or,

(e) imports for sale or hire into Canada any infringing copy of any such work;

Penalties.

he shall be guilty of an offence under this Act and be liable

18869—3

on summary conviction to a fine not exceeding ten dollars for every copy dealt with in contravention of this section, but not exceeding two hundred dollars in respect of the same transaction; or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

Possession of plates for infringement.

(2) If any person knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding two hundred dollars, or in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for a term not exceeding two months.

Penalties.

Power of court to deal with copies or plates.

(3) The court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

Infringement in case of dramatic, operatic, or musical work.

26. (1) Any person who, without the written consent of the owner of the copyright or of his legal representative, knowingly performs or causes to be performed in public and for private profit the whole or any part, constituting an infringement, of any dramatic or operatic work or musical composition in which copyright subsists in Canada, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars, or, in the case of a second or subsequent offence, either to such fine or to imprisonment for a term not exceeding two months, or to both.

Change or suppression of title or author's name.

(2) Any person who makes or causes to be made any change in or suppression of the title, or the name of the author, of any dramatic or operatic work or musical composition in which copyright subsists in Canada, or who makes or causes to be made any change in such work or composition itself without the written consent of the author or of his legal representative, in order that the same may be performed in whole or in part in public for private profit, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five hundred dollars, or in the case of a second or subsequent offence, either to such fine or to imprisonment for a term not exceeding four months, or to both.

IMPORTATION OF COPIES

Importation of certain copyright works prohibited.

27. Copies made out of Canada of any work in which copyright subsists which if made in Canada would infringe copyright and as to which the owner of the copyright gives notice in writing to the Department of Customs that he is desirous that such copies should not be so imported into Canada, shall not be so imported, and shall be deemed to be included in Schedule C to *The Customs Tariff, 1907*, and that Schedule shall apply accordingly.

No importation where right or license to reproduce in Canada granted.

28. (1) Where the owner of the copyright has by license or otherwise granted the right to reproduce any book in Canada, or where a license to reproduce such book has been granted under sections five, twelve or fourteen, it shall not be lawful, except as provided in subsection three to import into Canada copies of such book, and such copies shall be deemed to be included in Schedule C to *The Customs Tariff, 1907*, and that Schedule shall apply accordingly.

Notice required of intention to import.

(2) Except as provided in subsection three, it shall be unlawful to import into Canada copies of any book on which copyright subsists under this Act until fourteen days after notice of intention to import such book has been filed as provided by section thirteen, or, in case such book is first published elsewhere than in Canada, until fourteen days after such publication, and during such period such copies shall be deemed to be included in Schedule C to *The Customs Tariff, 1901*, and that Schedule shall apply accordingly.

Exceptions.

(3) Notwithstanding anything in this Act it shall be lawful for any person:—

(*a*) To import for his own use not more than two copies of any work published in any country adhering to the Convention;

(*b*) To import for use by any Department of His Majesty's Government for the Dominion or any of the Provinces of Canada, copies of any work, wherever published;

(*c*) At any time before a work is printed or made in Canada to import any copies required for the use of any public library or institution of learning;

(*d*) To import any book lawfully printed in the United Kingdom and published for circulation among, and sale to the public therein; provided that any officer of the Customs, may in his discretion, require any person seeking to import any work under this section to produce satisfactory evidence of the facts necessary to establish his right so to import.

ADMINISTRATION.

Copyright office.

29. The Copyright Office, established under the *Copyright Act* and amendments thereto, shall continue and shall be attached to the Patent Office, and any officers appointed under the said Act shall continue as if established or appointed under this Act.

Powers of Commissioner and Registrar.

30. The Commissioner of Patents may do any act or thing, whether judicial or ministerial, which the Minister is authorized or empowered to do by any provision of this Act, and in the absence or inability to act of the Commissioner of Patents the Registrar of Copyrights may exercise such powers and do any such act or thing.

Registrar.

31. There shall be a Registrar of Copyrights.

Duties of Commissioner and Registrar.

32. The Commissioner of Patents or the Registrar of Copyrights shall sign all entries made in the Registers and shall sign all certificates and certified copies under the seal of the Copyright Office.

Other duties of Registrar.

33. The Registrar of Copyrights shall perform such other duties in connection with the administration of this Act as may be assigned to him by the Commissioner of Patents.

Seal.

34. There shall be a seal of the Copyright Office and impressions thereof shall be judicially noticed.

Control of business and officials.

35. The Commissioner of Patents shall, subject to the Minister, oversee and direct the officers, clerks and employees of the Copyright Office, and have general control of the business thereof, and shall perform such other duties as are assigned to him by the Governor in Council.

Register to be evidence.

36. Every register of copyrights under this Act shall be *prima facie* evidence of the particulars entered therein and documents purporting to be copies of any entries therein or extracts therefrom, certified by the Commissioner of Patents or the Registrar of Copyrights and sealed with the seal of the Copyright Office, shall be admissible in evidence in all courts without further proof or production of the originals.

REGISTRATION.

Registers of copyrights.

37. (1) The Minister shall cause to be kept at the Copyright Office, books to be called the Registers of Copyrights, in which may be entered the names or titles of works and the names of authors, and such other particulars as may be prescribed.

Entries by author, etc.

(2) The author or publisher of, or the owner of, or other person interested in the copyright in any work may cause the particulars respecting the work to be entered in the register.

Single entry sufficient.

(3) In the case of an encyclopædia, newspaper, review, magazine or other periodical work, or work published in a series of books or parts, it shall not be necessary to make a separate entry for each number or part, but a single entry for the whole work shall suffice.

Indexes.

(4) There shall also be kept at the Copyright Office such indexes of the registers established under this section as may be prescribed.

Form and inspection of registers; extracts may be made.

(5) The registers and indexes established under this section shall be in the prescribed form, and shall at all reasonable times be open to inspection, and any person shall be entitled to take copies of or make extracts from any such register.

R.S. 1906, c. 70.

(6) Any registration made under the *Copyright Act* shall have the same force and effect as if made under this Act.

Subsisting copyright.

(7) Any work in which copyright, operative in Canada, subsisted immediately before the commencement of this Act, shall be registerable under this Act.

By whom application for registration may be made.

38. (1) The application for the registration of a copyright may be made in the name of the author or of his legal representatives, by any person purporting to be agent of such author or legal representatives.

Recovery of damages.

(2) Any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable in any court of competent jurisdiction.

Form of application.

39. Application for registration of a copyright shall be made in accordance with the prescribed form, and shall be deposited at the Copyright Office together with the prescribed fee.

Registration of grant of interest in copyright.

40. (1) Any grant of an interest in a copyright, either by assignment or license, may be registered, if made in duplicate, upon production of both duplicates to the Copyright Office and payment of the prescribed fee. One duplicate shall be retained at the Copyright Office and the other shall be returned to the person depositing it, with a certificate of registration.

When grant is void.

(2) Any grant of an interest in a copyright, either by assignment or license, shall be adjudged void against any subsequent assignee or licensee for valuable consideration without actual notice, unless such assignment or license is registered in the manner directed by this Act before the registering of the instrument under which a subsequent assignee or licensee claims.

FEES.

Registration fees.

41. (1) The following fees shall be paid to the Minister in advance before an application for any of the following purposes is received, that is to say:—

Registering a copyright	$ 1 00
Registering an assignment of copyright, in respect of each copyright assigned, including certificate of registration	1 00
Certificate of registration of copyright	0 50
Certified copies of documents or extracts:—	
For every folio of one hundred words	0 10

For all services

(2) The said fees shall be in full of all services by the Minister or any person employed by him.

Disposal of fees.

(3) All fees received under this Act shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada.

No exemptions.

(4) No person shall be exempt from the payment of any fee or charge payable in respect of any services performed under this Act for such person.

Further fees.

(5) Such further or other fees as may be necessary for the purposes of this Act may be established and imposed by Order in Council.

Subsistence of substituted right.

42. (1) Where any person is immediately before the commencement of this Act entitled to any such right in any work as is specified in the first column of the First Schedule to this Act, or to any interest in such a right, he shall, as from that date, be entitled to the substituted right set forth in the second column of that Schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right shall subsist for the term for which it would have subsisted if this Act had been in force at the date when the work was made, and the work had been one entitled to copyright thereunder.

Proviso.

Provided that,—

(a) if the author of any work in which any such right as is specified in the first column of the First Schedule to this Act subsists at the commencement of this Act has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Act, the right would have expired, the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Act and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either,—

(i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or,

(ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or, where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment.

Notice.

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the *Canada Gazette*;

(b) where any person has, before the commencement of this Act, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such action which are substituting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

"Author" defined.

(2) For the purposes of this section, the expression "author" includes the legal personal representatives of a deceased author.

Works made before this Act in force.

(3) Subject to the provisions of subsections six and seven of section nineteen of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under, and in accordance with, the provisions of this section.

CLERICAL ERRORS NOT TO INVALIDATE.

Clerical errors do not invalidate.

43. Clerical errors which occur in the framing or copying of an instrument drawn by any officer or employee in or of the Department shall not be construed as invalidat-

ing such instrument, but when discovered they may be corrected under the authority of the Minister.

RULES AND REGULATIONS.

Governor in Council to make rules and forms.

44. The Governor in Council may make such rules and regulations, and prescribe such forms as appear to him necessary and expedient for the purposes of this Act; and such regulations and forms, circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act.

No copyright unless under this Act.

45. No person shall be entitled to copyright or any similar right in any literary, dramatic, musical or artistic work otherwise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

Rights saved.

46. (1) The Governor in Council may make orders for altering, revoking, or varying any order in council made under this Act, but any order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the order comes into operation, and shall provide for the protection of such rights and interests.

Laid before Parliament.

(2) Every order in council made under this Act shall be published in the *Canada Gazette*, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act.

As to application to designs registrable under R.S., c. 71.

47. (1) This Act shall not apply to designs capable of being registered under the *Trade Mark and Design Act*, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section thirty-nine of the *Trade Mark and Design Act*, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

REPEAL.

Acts of United Kingdom.

48. Subject to the provisions of this Act, all the enactments relating to copyright passed by the Parliament of the United Kingdom are, so far as they are operative in Canada, hereby repealed.

Acts of Canada.

49. The *Copyright Act*, chapter seventy of the *Revised Statutes of Canada, 1906*, and chapter seventeen of the statutes of 1908, are hereby repealed.

CONVENTION OF BERNE.

Adherence to Convention of Berne.

50. The Governor in Council may take such action as may be necessary to secure the adherence of Canada to the revised Convention of Berne, signed the thirteenth day of November, 1908, and the Additional Protocol thereto signed at Berne the twentieth day of March, 1914, set out in the Second Schedule to this Act.

COMMENCEMENT.

Commencement of Act.

51. This Act shall come into force on the first day of July, 1921.

FIRST SCHEDULE.

(See sec. 42.)

EXISTING RIGHTS

Existing Right.	Substituted Right.
(a) In the case of Works other than Dramatic and Musical Works.	
Copyright.	Copyright as defined by this Act
(b) In the case of Musical and Dramatic Works.	
Both copyright and performing right	Copyright as defined by this Act.
Copyright, but not performing right	Copyright as defined by this Act, except the sole right to perform the work or any substantial part thereof in public.
Performing right, but not copyright	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined by this Act.

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings:—

"Copyright" in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

"Performing right" in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the performance thereof in public.

18869—4

SECOND SCHEDULE.

REVISED BERNE CONVENTION.

Convention for the purpose of revising the Convention of Berne of the 9th September, 1886, the Additional Article and the Final Protocol attached to the same Convention, and the Additional Act and the Interpretative Declaration of Paris of the 4th May, 1896; made on the 13th day of November, 1908, between His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the German Emperor, King of Prussia; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the Republic of Liberia; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Serene Highness the Prince of Monaco; His Majesty the King of Norway; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; His Highness the Bey of Tunis.

[The following is an English translation of the Convention with the omission of the formal beginning and end.]

ARTICLE 1.

The Contracting States are constituted into a Union for the protection of the rights of authors over their literary and artistic works.

ARTICLE 2.

The expression "literary and artistic works" shall include any production in the literary, scientific or artistic domain, whatever may be the mode or form of its reproduction, such as books, pamphlets, and other writings; dramatic or dramatico-musical works, choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; works of drawing, painting, architecture, sculpture, engraving and lithography; illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture or science.

Translations, adaptations, arrangements of music and other reproductions in an altered form of a literary or artistic work as well as collections of different works, shall be protected as original works without prejudice to the rights of the author of the original work.

The contracting countries shall be bound to make provision for the protection of the above-mentioned works.

Works of art applied to industrial purposes shall be protected so far as the domestic legislation of each country allows.

ARTICLE 3.

The present Convention shall apply to photographic works and to works produced by a process analogous to photography. The contracting countries shall be bound to make provision for their protection.

ARTICLE 4.

Authors who are subjects or citizens of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which the respective laws do now or may hereafter grant to natives as well as the rights specially granted by the present Convention.

The enjoyment and the exercise of these rights shall not be subject to the performance of any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the express stipulations of the present Convention, the extent of protection, as well as the means of redress secured to the author to safeguard his rights, shall be governed exclusively by the laws of the country where protection is claimed.

The country of origin of the work shall be considered to be: in the case of unpublished works, the country to which the author belongs; in the case of published works, the country of first publication; and in the case of works published simultaneously in several countries of the Union, the country the laws of which grant the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin.

By published works must be understood, for the purposes of the present Convention, works copies of which have been issued to the public. The representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, and the construction of a work of architecture shall not constitute a publication.

ARTICLE 5.

Authors being subjects or citizens of one of the countries of the Union who first publish their works in another country of the Union shall have in the latter country the same rights as native authors.

ARTICLE 6.

Authors not being subjects or citizens of one of the countries of the Union, who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by the present Convention.

ARTICLE 7.

The term of protection granted by the present Convention shall include the life of the author and fifty years after his death.

Nevertheless, in case such term of protection should not be uniformly adopted by all the countries of the Union, the term shall be regulated by the law of the country where protection is claimed, and must not exceed the term fixed in the country of origin of the work. Consequently the contracting countries shall only be bound to apply the provisions of the preceding paragraph in so far as such provisions are consistent with their domestic laws.

For photographic works and works produced by a process analogous to photography, for posthumous works, for anonymous or pseudonymous works, the term of protection shall be regulated by the law of the country where protection is claimed, provided that the said term shall not exceed the term fixed in the country of origin of the work.

ARTICLE 8.

The authors of unpublished works, being subjects or citizens of one of the countries of the Union, and the authors of works first published in one of those countries shall enjoy, in the other countries of the Union, during the whole term of the right in the original work, the exclusive right of making or authorizing a translation of their works.

ARTICLE 9.

Serial stories, tales, and all other works, whether literary, scientific, or artistic, whatever their object, published in the newspapers or periodicals of one of the countries of the Union may not be reproduced in the other countries without the consent of the authors.

With the exception of serial stories, and tales any newspaper article may be reproduced by another newspaper unless the reproduction thereof is expressly forbidden. Nevertheless, the source must be indicated; the legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

The protection of the present Convention shall not apply to news of the day or to miscellaneous information which is simply of the nature of items of news.

ARTICLE 10.

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational purposes, or having a scientific character, or for chrestomathics, the effect of the legislation of the countries of the Union and of special Arrangements existing or to be concluded between them is not affected by the present Convention.

ARTICLE 11.

The stipulations of the present Convention shall apply to the public representation of dramatic or dramatico-musical works, and to the public performance of musical works, whether such works be published or not.

Authors of dramatic or dramatico-musical works shall be protected during the existence of their right over the original work against the unauthorized public representation of translations of their works.

In order to enjoy the protection of the present Article, authors shall not be bound in publishing their works to forbid the public representation or performance thereof.

ARTICLE 12.

The following shall be specially included among the unlawful reproductions to which the present Convention applies: Unauthorized indirect appropriations of a literary or artistic work, such as adaptations, musical arrangements, transformations of a novel, tale, or piece of poetry into a dramatic piece and *vice versa*, etc., when they are only the reproduction of that work, in the same form or in another form without essential alterations, additions, or abridgments, and do not present the character of a new original work.

ARTICLE 13.

The authors of musical works shall have the exclusive right of authorizing (1) the adaptation of those works to instruments which can reproduce them mechanically; (2) the public performance of the said works by means of these instruments.

Reservations and conditions relating to the application of this Article may be determined by the domestic legislation of each country in so far as it is concerned; but the effect of any such reservations and conditions will be strictly limited to the country which has put them in force.

The provisions of paragraph 1 shall not be retroactive, and consequently shall not be applicable in any country of the Union to works which have been lawfully adapted in that country to mechanical instruments before the coming into force of the present Convention.

Adaptations made in virtue of paragraphs 2 and 3 of the present Article, and imported without the authority of the interested parties into a country where they would not be lawful, shall be liable to seizure in that country.

ARTICLE 14.

Authors of literary, scientific or artistic works shall have the exclusive right of authorizing the reproduction and public representation of their works by cinematography.

Cinematograph productions shall be protected as literary or artistic works, if, by the arrangement of the acting form or the combinations of the incidents represented, the author has given the work a personal and original character.

Without prejudice to the rights of the author of the original work the reproduction by cinematography of a literary, scientific or artistic work shall be protected as an original work.

The above provisions apply to reproduction or production effected by any other process analogous to cinematography.

ARTICLE 15.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the Courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

For anonymous or pseudonymous works the publisher, whose name is indicated on the work, shall be entitled to protect the rights belonging to the author. He shall be, without other proof, deemed to be the legal representative of the anonymous or pseudonymous author.

ARTICLE 16.

Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

In such a country the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

The seizure shall take place in accordance with the domestic legislation of each country.

ARTICLE 17.

The provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

ARTICLE 18.

The present Convention shall apply to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin through the expiration of the term of protection.

If, however, through the expiration of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew in that country.

The application of this principle shall take effect according to the stipulations contained in special Conventions existing, or to be concluded, to that effect between countries of the Union. In the absence of such stipulations, the respective countries shall regulate, each in so far as it is concerned, the manner in which the said principle is to be applied.

The above provisions shall apply equally in case of new accessions to the Union, and also in the event of the term of protection being extended by the application of Article 7.

ARTICLE 19.

The provisions of the present Convention shall not prevent a claim being made for the application of any wider provisions which may be made by the legislation of a country of the Union in favour of foreigners in general.

ARTICLE 20.

The Governments of the countries of the Union reserve to themselves the right to enter into special arrangements between each other, provided always that such arrangements confer upon authors more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention. The provisions of existing arrangements which answer to the above-mentioned conditions shall remain applicable.

ARTICLE 21.

The International Office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

That office is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its working.

The official language of the Office shall be French.

ARTICLE 22.

The International Office collects every kind of information relative to the protection of the rights of authors over their literary and artistic works. It arranges and publishes such information. It undertakes the study of questions of general interest concerning the Union, and by the aid of documents placed at its disposal by the different administrations, edits a periodical publication in the French language on the questions which concern the objects of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize by common accord the publication by the Office of an edition in one or more other languages, if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union with a view to furnish them with any special information which they may require relative to the protection of literary and artistic works.

The Director of the International Office shall make an annual Report on his Administration, which shall be communicated to all the members of the Union.

ARTICLE 23.

The expenses of the Office of the International Union shall be shared by the contracting States. Until a fresh arrangement be made they cannot exceed the sum of 60,000 francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article 24.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding countries into six classes, each of which shall contribute in the proportion of a certain number of units, viz.:—

1st class	25	units.
2nd "	20	"
3rd "	15	"
4th "	10	"
5th "	5	"
6th "	3	"

These coefficients are multiplied by the number of countries of each class, and the total products thus obtained gives the number of units by which the total expenses is to be divided. The quotient gives the amount of the unit of expense.

Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration prepares the Budget of the Office, superintends its expenditure, makes the necessary advances, and draws up the annual account which shall be communicated to all the other Administrations.

ARTICLE 24.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Questions of this kind, as well as those which are of interest to the Union in other respects, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet prepares, with the assistance of the International Office, the programme of the Conference. The Director of the Office shall attend at the sittings of the Conferences, and shall take part in the discussions without the right to vote.

No alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

ARTICLE 25.

States outside the Union which make provision for the legal protection of the rights forming the object of the present Convention may accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention. It may, nevertheless, contain an indication of the provisions of the Convention of the 9th September, 1886, or of the Additional Act of the 4th May, 1896, which they may judge necessary to substitute, provisionally at least, for the corresponding provisions of the present Convention.

ARTICLE 26.

Contracting countries shall have the right to accede to the present Convention at any time for their Colonies or foreign possessions.

18809—5

They may do this either by a general Declaration comprising in the accession all their Colonies or possessions, or by specially naming those comprised therein, or by simply indicating those which are excluded.

Such Declaration shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

ARTICLE 27.

The present Convention shall replace, in regard to the relations between the Contracting States, the Convention of Berne of the 9th September, 1886, including the Additional Article and the Final Protocol of the same date, as well as the Additional Act and the Interpretative Declaration of the 4th May, 1896. These instruments shall remain in force in regard to relations with States which do not ratify the present Convention.

The Signatory States of the present Convention may declare at the exchange of ratifications that they desire to remain bound, as regards any specific point, by the provisions of the Conventions which they have previously signed.

ARTICLE 28.

The present Convention shall be ratified, and the ratifications exchanged at Berlin not later than the 1st July, 1910.

Each Contracting Party shall, as regards the exchange of ratifications, deliver a single instrument, which shall be deposited with those of the other countries in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications signed by the Plenipotentiaries who took part.

ARTICLE 29.

The present Convention shal be put in force three months after the exchange of ratifications, and shall remain in force for an indefinite period until the termination of a year from the day on which it may have been denounced.

Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

ARTICLE 30.

The States which shall introduce in their legislation the duration of protection for fifty years contemplated by Article 7, first paragraph, of the present Convention, shall give notice thereof in writing to the Government of the

Swiss Confederation, who will communicate it at once to all the other States of the Union.

The same procedure shall be followed in the case of the States renouncing the reservations made by them in virtue of Articles 25, 26, and 27.

Additional Protocol to the International Copyright Convention of November 13, 1908.

The countries belonging to the International Union for the protection of literary and artistic works, being desirous of permitting the limitation at discretion of the application of the Convention of the 13th November, 1908, have adopted by common consent the following Protocol:—

1. Where any country outside the Union fails to protect in an adequate manner the works of authors who are subject to the jurisdiction of one of the contracting countries, nothing in the Convention of the 13th November, 1908, shall affect the right of such contracting country to restrict the protection given to the works of authors who are, at the date of the first publication thereof subjects or citizens of the said non-Union country, and are not effectively domiciled in one of the countries of the Union.

2. The right accorded by the present Protocol to contracting States belongs equally to any of their oversea possessions.

3. No restrictions introduced by virtue of Article 1 of the present Protocol shall in any way affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put in force.

4. The States which restrict the grant of copyright in accordance with the present Protocol shall give notice thereof to the Government of the Swiss Confederation by a written declaration specifying the countries in regard to which protection is restricted, and the restrictions to which rights of authors who are subject to the jurisdiction of these countries are subjected. The Government of the Swiss Confederation will immediately communicate this declaration to all the other States of the Union.

5. The present Protocol shall be ratified, and the ratifications deposited at Berne within a period not exceeding twelve months from the date thereof. It shall come into operation one month after the expiration of this period, and shall have the same force and duration as the Convention to which it relates.

In witness whereof the Plenipotentiaries of the countries belonging to the Union have signed the present Protocol, a certified copy of which shall be transmitted to each of the respective Governments.

Done at Berne, the 20th day of March, 1914, in a single copy, deposited in the archives of the Swiss Confederation.

13.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 13.

An Act to amend and consolidate the Acts respecting the Inspection of Gas and Gas Meters

First reading, February 28, 1921.

The Minister of Trade and Commerce

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17092 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 13.

An Act to amend and consolidate the Acts respecting the Inspection of Gas and Gas Meters.

R.S. c. 87; 1910, c. 23.

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 Gas Inspection Act.*

INTERPRETATION.

Definitions.

2. In this Act and in any regulation made thereunder, unless the context otherwise requires,—

(*a*) "contractor" means any company or person agreeing to furnish gas to any purchaser;

(*b*) "Department" means the Department of Trade and Commerce;

(*c*) "gas" includes natural as well as manufactured gas;

(*d*) "inspector" means any officer appointed under the authority of this Act;

(*e*) "meter" means gas meter, and includes every kind of machine, apparatus or instrument used for measuring the quantity of gas or the calorific power of gas supplied to a purchaser;

(*f*) "Minister' means the Minister of Trade and Commerce;

(*g*) "purchaser" means any person to whom gas is sold;

(*h*) "regulation" means any regulation made under the provisions of this Act;

(*i*) "verified meter" means a meter that has been verified and sealed in accordance with the provisions of this Act and of the regulations. s. 2. Am.

REGULATIONS.

Regulations.

3. The Governor in Council may from time to time make such regulations, not inconsistent with this Act, as are necessary for giving effect to its provisions; and,

(*a*) for determining the calorific power of gas and establishing standards therefor;

(*b*) for defining the methods of making the tests prescribed by this Act and the places where such tests shall be made, and for defining territorial districts;

(*c*) for declaring the true intent and meaning of this Act in all cases of doubt;

(*d*) for prescribing how the units of measure mentioned in this Act shall be determined;

(*e*) to provide for the custody of any apparatus, stamps or supplies used or required for the purpose of this Act or of the regulations;

(*f*) to prescribe the duties of officers appointed for the purposes of this Act. s. 3. Am.

UNITS AND STANDARDS.

Units of measure.

4. (1) The unit of measure for the sale of gas by quantity shall be the cubic foot.

(2) The unit of measure for the sale of gas by heat units shall be the British Thermal Unit.

Custody of standard apparatus for determining units.

(3) The standard apparatus necessary to establish the said units shall be deposited and maintained in the Standards Laboratory of the Department of Trade and Commerce, and shall form part of the system of standards of measure and weight established by the *Weights and Measures Act*. ss. 4, 5, 6. Am.

REGISTRATION.

Certificate of registration.

5. No distribution system for supplying gas to any purchaser shall be operated until the contractor has obtained from the Minister a certificate of registration for such system. Such certificates shall expire on the thirty-first day of March in each year. New.

INSPECTION.

Right of access by contractor to premises where gas is used.

6. (1) The contractor may at all reasonable hours enter the premises of any purchaser to whom he may be or has been supplying gas, for the purpose of

(*a*) inspecting and testing all piping, fittings or apparatus for the conveyance, measurement or consumption of gas;

(*b*) ascertaining the quantity of gas consumed or supplied;

(*c*) changing or removing any piping, fittings, meters or other apparatus belonging to the contractor.

Liability of contractor for damage.

(2) The contractor shall be responsible for, and shall immediately repair and make good all damage caused by such entry, inspection, testing or removal. New.

PRESSURE.

Pressure.

Supply of facilities for testing.

7. The contractor shall from time to time report to the Minister what the minimum service pressure is, and shall provide, free of charge, gas and piping and all other reasonable facilities at such place or places as the Minister may designate, for making such tests of gas and meters and other apparatus as the Minister may deem necessary for the purposes of this Act. New.

OFFICERS.

Dicector.

8. (1) There may be appointed for the purpose of this Act a Director, together with such assistants as may be deemed necessary. Such director shall have the direction and general supervision of the work of gas and gas meter inspection throughout Canada, and shall have the custody of all the standards for gas measurements and of all laboratory equipment. New.

(2) In each gas inspection district in Canada a district inspector with such assistants as may from time to time be found necessary may be appointed, and his duties shall be:—

(*a*) to have the custody of all measuring, testing and sealing apparatus, all stamps and supplies furnished for use in his district;

(*b*) to be responsible for the general inspection work of his district and perform such other related duties as may from time to time be assigned to him by the Minister.

Right of access to premises where gas made or used.

(3) Any officer appointed under the provisions of this Act may at all reasonable times enter any premises where gas is being manufactured, distributed from or used, for the purpose of performing any duty imposed upon him by this Act. s. 7. Am.

Qualification of officers.

(4) No person shall be employed or appointed under this section either temporarily or permanently until he has passed a qualifying technical examination, such examination to be held under the direction of the Civil Service Commission. New.

Officer not to be seller of gas or meters.

(5) No person shall be appointed under this section, or shall act as an officer under the provisions of this Act or of a regulation who is a seller of gas or gas meters, or who is employed by a seller of gas or gas meters. s. 9. Am.

METERS.

Meters.

9. (1) The quantity of gas supplied by any contractor to any purchaser shall, if either party so desires, be ascertained by means of a meter.

Calorimeter.

(2) When gas is sold by heat units the quantity of such units per cubic foot of gas supplied shall be ascertained by means of an approved calorimeter, to be used under such conditions and in such locations as may be determined by regulation. New.

Verification.

(3) No meter shall be installed for use until it has been duly verified and sealed in accordance with regulations established under the authority of this Act. s. 14. Am.

Type of meter to be approved.

(4) No meter shall be admitted to verification in Canada until the type of meter to which it belongs has received the approval of the Minister. New.

Re-verification of meters.

(5) Within six years from each verification and sealing every meter shall be presented by the owner for re-verification and re-sealing, or for the cancellation of the seal by the inspector. s. 18. Am.

Meters to be verified.

(6) No meter shall be verified or sealed by any person who is not an inspector, and no person other than an inspector shall break the seal of any verified meter the correctness of which is in dispute, or, not being an inspector or the owner, shall break the seal of any verified meter. No meter on which the seal has been broken shall be continued in use until it has been re-verified and re-sealed. s. 55. Am.

Liability for repair and verification of meters.

(7) In every case the owner shall keep every verified meter that is in use in good repair and shall be responsible for the due inspection and testing thereof, and except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred with respect to such meter. He shall keep a record of all meters in his possession, giving their location and all tests made thereon, which record shall be open to the inspector during business hours and from which the inspector may make such extract copies as he may require. s. 24. Am.

Location of meters to be reported.

(8) The contractor shall notify the District Inspector without delay of any change of location of any verified meter from one inspection district to another. and also of the number, mark or other description of any verified meter that may be sold, scrapped, destroyed, burnt or lost. New.

DISPUTED TESTS.

Tests in the case of disputed accuracy of meter.

10. (1) If at any time the contractor or purchaser is dissatisfied with the condition or registration of any meter, the inspector shall, at his request and upon his depositing with such inspector the prescribed fee, make such tests as

are necessary to show the condition of the meter. Tests made under such circumstances shall be designated disputed tests. Disputed meters found to be correct shall not be re-stamped, but may be continued in service for the unexpired period indicated by the date on the seal that was on the meter immediately before the disputed test. s. 28. Am.

Certificate.

(2) The inspector shall issue to the requesting party a disputed test certificate showing the result of the disputed test, and shall give a duplicate thereof to the opposite party. The cost of such certificate shall be borne by the party against whom the decision is given. If either the contractor or the purchaser is dissatisfied with the finding of any inspector, the inspector shall, if so requested in writing by such dissatisfied party, refer the matter to the Director, and the decision of the Director thereon shall be final and conclusive. s. 29. Am.

Loss by error, payments for.

(3) If on a disputed test the meter is found to register with an error greater than that permitted by regulation, such error shall be held to have existed for a period of three months, or from the date on which the meter was last sealed if the said sealing took place within three calendar months previous to the disputed test, or, in the event of the meter being more than three months past due for re-verification, then from the date on which it should have been re-verified, and the contractor or the purchaser, as the case may be, shall be entitled to the amount represented by the full error of the meter. s. 22. Am.

Test for owner.

(4) The owner of any verified meter may have it re-tested upon paying the prescribed fee, and shall have the same right to appeal to the Director. s. 29. Am.

FEES.

Fees, how fixed.

11. (1) All fees connected with the testing of gas and gas meters shall be determined from time to time by the Governor in Council and published in the *Canada Gazette*. Such fees shall be regulated so that they will, as nearly as may be, meet the cost of carrying this Act into effect, and all fees received under this Act shall be accounted for and paid to the Minister of Finance at such times and in such manner as the Minister of Finance directs. s. 48. Am.

How payable.

(2) All fees shall be due and payable at the time the verifications are made, and shall be paid before the certificate is issued. The Inspector shall affix to the certificate an adhesive stamp or stamps equal in value to the amount of such fees, and shall cancel such stamps at the time of affixing the same, and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled. s. 49. Am.

Stamps, preparation of.

(3) The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act

bearing such device as he thinks proper, and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund. Each stamp shall have expressed thereon the value at which it shall be reckoned in payment of the prescribed fees. s. 50. Am.

ACCOUNTS.

Accounts of revenue and expenditure to be kept.

12. Separate accounts shall be kept of all expenditure incurred and of all fees and penalties collected and received under the authority of this Act. s. 51. Am.

PENALTIES.

For failing to obtain certificate of registration.

13. Every contractor who refuses or neglects to obtain, within thirty days after the first day of April in each year, the certificate of registration required by this Act, shall be liable to a penalty of ten dollars for each day during which such refusal or neglect continues. New.

For forging and counterfeiting stamps and seals.

14. Every person who, except under the authority of this Act, makes, causes or procures to be made, or assists in making, or who forges or counterfeits, or causes or procures to be forged or counterfeited, or assists in the forging or counterfeiting of any stamp or mark or seal issued for the stamping, marking or sealing of any meter under this Act, or any certificate required by this Act, is guilty of forgery, and shall be punished accordingly, and every one who steals any such stamp or seal is guilty of theft; and every person who knowingly sells, utters or disposes of, lets, uses, lends or exposes for sale, any meter with such forged stamp or mark thereon shall for every such offence be liable to a penalty not exceeding two hundred dollars and not less than twenty dollars; and all meters having on them such forged or counterfeited stamps or marks shall be forfeited to His Majesty, and shall be destroyed or otherwise disposed of as the Minister may direct. ss. 52, 56. Am.

For altering or tampering with verified meter.

15. Every person who repairs or alters, or causes to be repaired or altered, or tampers with or does any other act in relation to any verified meter so as to cause such meter to register unjustly, or who prevents or refuses lawful access to any meter in his possession or control, or obstructs or hinders any examination or testing authorized by this Act, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars, and shall also be liable to pay the expense of and fees for removing and testing the meter and the expense of purchasing and installing a new meter: Provided that the payment of any such penalty as aforesaid shall not exempt the person paying it from liability for any punishment to which he may otherwise be liable

upon indictment or other proceeding, or deprive any person of the right to recover damages against such person for any loss or injury sustained in consequence of such act or default. s. 53. Am.

For not keeping records or permitting inspection of them.

16. Every contractor who fails to keep the records required by this Act, or who refuses to allow an inspector to examine such records and to take such extracts therefrom as he may deem necessary, shall be liable to a penalty of fifty dollars. s. 58. Am.

For installing unverified meter.

For failing to have meter reverified.

17. Every person who,—

(*a*) installs or causes to be installed in any purchaser's service any meter that has not been verified and sealed as herein required; s. 54. Am.

(*b*) refuses or neglects to present any meter installed in any purchaser's service for re-verification or re-sealing within six years after the preceding verification and sealing, or, being a contractor, permits any such meter to continue in service beyond the said six years, or refuses or neglects to present any meter which has been verified and sealed for the cancellation of such seal immediately after the expiry of six years after it has been so verified and sealed; New.

For verifying, etc., without authority.

(*c*) not being an inspector, verifies or seals or issues a certificate as to the accuracy or condition of any meter after it has been fixed for use; or s. 55. Am.

For breaking seal without authority.

(*d*) not being an inspector, breaks or causes to be broken the seal of any verified meter the accuracy of which is in dispute, or, not being an owner or inspector, breaks or causes to be broken the seal of any other verified meter; New.

shall be liable to a penalty of twenty-five dollars for each meter with respect to which any of the provisions of this section have been violated.

Where heat units are used as measure for sale.

18. Any contractor selling gas by heat units who supplies gas below the standard calorific power prescribed by regulation shall be liable:—

(*a*) if the contractor has more than ten thousand verified meters, to a penalty not exceeding eighty dollars for the first offence and double this penalty for each subsequent offence;

(*b*) if the contractor has more than five thousand and not more than ten thousand verified meters, to a penalty not exceeding sixty dollars for the first offence and double this penalty for every subsequent offence;

(*c*) if the contractor has more than two thousand and not more than five thousand verified meters, to a penalty of forty dollars for the first offence, and double this penalty for every subsequent offence;

(*d*) if the contractor has more than one thousand and not more than two thousand verified meters, to a penalty of twenty dollars for the first offence and double this penalty for every subsequent offence;

(*e*) if the contractor has one thousand verified meters, or less to a penalty of ten dollars for the first offence and double this penalty for every subsequent offence. New.

For supplying injurious gas.

19. Any contractor who supplies any purchaser with manufactured gas containing any trace of sulphuretted hydrogen (H_2S) shall be liable to a penalty not exceeding one hundred dollars and not less than twenty-five dollars. s. 57 (1). Am.

For offense specific penalty for which is not provided.

20. Every person who violates any of the provisions of this Act, or of any regulation established under this Act, or refuses or neglects to perform any duty imposed by this Act or a regulation, for which violation no penalty is specifically herein provided, shall be liable to a penalty of not less than twenty-five dollars and not more than one hundred dollars. ss. 7 (3). Am.

Procedure.

21. All penalties imposed under the authority of this Act or of any regulation shall be recoverable on summary conviction, with costs,—

(*a*) before any justice of the peace for the district, county or place in which the offence was committed if the penalty does not exceed twenty-five dollars; or

(*b*) before any two justices of the peace, if the penalty exceeds twenty-five dollars. s. 62. Am.

REPEAL.

R.S., c. 87, 1910, c. 23 repealed.

22. The *Gas Inspection Act*, chapter eighty-seven of the Revised Statutes of Canada, 1906, and *An Act to amend the Gas Inspection Act*, chapter twenty-three of the statutes of 1910, are hereby repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 14.

An Act respecting Gilmour and Hughson, Limited.

First reading, March 1, 1921.

(PRIVATE BILL.)

Mr. FRIPP.

OTTAWA
THOMAS MULVEY
INTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18350

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 14.

An Act respecting Gilmour and Hughson, Limited.

Preamble

WHEREAS Gilmour and Hughson, Limited, hereinafter called "the Company," has by its petition represented, that the Company was incorporated by chapter eighty-nine of the statutes of 1895; that by a memorandum of agreement made on the twenty-seventh day of April, 1920, entered into between the said Company and one Izaak Walton Killam, the latter agreed to purchase all the property, business and assets of the Company as a going concern as of the first day of January, 1920, except cash on hand and in bank, bills receivable and manufactured lumber on hand at the time of the said deed and particularly referred to and described in the said memorandum of agreement and the several schedules thereto annexed, subject to the price and terms, covenants and conditions therein set forth; and that in accordance with the terms of the said agreement, the said Izaak Walton Killam paid to the Company, on account of the purchase money, five hundred thousand dollars, principal with interest thereon, and has by said memorandum of agreement convenanted to make a further payment of five hundred and sixteen thousand, seven hundred and seventy-seven dollars and eleven cents on account of said purchase money with interest, and to pay the balance of the said purchase money amounting to two million dollars on the first day of January, 1925, with interest payable half-yearly; and whereas the directors of the Company have, pursuant to a resolution unanimously adopted by the shareholders at a general meeting held on the second day of February, 1921, distributed among the said shareholders, in proportion to the number of shares held by each, the sum of five hundred thousand dollars and interest; and whereas the Company 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

1895, c. 89.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 15.

An Act to incorporate North American Trust Company of Canada.

First reading, March 1, 1921.

(PRIVATE BILL)

Mr. MOWAT.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17399 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 15.

An Act to incorporate North American Trust Company of Canada.

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. George Herbert Wood, financier, James Henry Gundy, financier, Edward Warner Wright, barrister-at-law, Edward Gordon McMillan, barrister-at-law, and Geoffrey Stuart O'Brien, barrister-at law, all of the city of Toronto, in the county of York and Province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of North American Trust Company of Canada, hereinafter called "the Company."

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 one million dollars, which may be increased to three million dollars.

Head office.

4. The Head Office of the Company shall be in the city of Toronto, in the province of Ontario.

1914, c. 55.

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of *The Trust Companies Act, 1914*.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 16.

An Act respecting "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest."

First reading, March 1, 1921.

(PRIVATE BILL)

Mr. MACKIE
(Edmonton.)

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18702 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act respecting "Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest."

1883, c. 96.

WHEREAS Les Révérends Pères Oblats de Marie Immaculée des Territoires du Nord-Ouest 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:—

1. Chapter ninety-six of the statutes of 1883 is amended by adding thereto, as section eleven, the following:—

Powers.

"**11.** (1) The Corporation may, from time to time, for the purposes of the Corporation,—

Borrowing.

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

Notes, bills, etc.

(b) make, draw, accept, endorse or become party to promissory notes and bills of exchange; but it shall not be necessary to have the seal of the Corporation affixed to any such note or bill;

Mortgage, etc.

(c) mortgage, hypothecate or pledge any property of the Corporation, real or personal, to secure the repayment of any money borrowed for the purposes of the Corporation;

Lending.

(d) lend the moneys of the Corporation on mortgages, promissory notes or other securities.

Limitation.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note or bill payable to bearer thereof, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to define Canadian Nationals.

First reading, March 1, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18875

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to define Canadian Nationals.

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

Canadian Nationals defined.

1. The following persons are Canadian Nationals, viz:—

(a) British subjects domiciled in Canada.

(b) British subjects who ordinarily reside in Canada although not domiciled there.

[REPRINT]

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to define Canadian Nationals.

(As proposed to be amended in Committee of the Whole House.)

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19203 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 17.

An Act to define Canadian Nationals.

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

Canadian Nationals defined.

1. The following persons shall be deemed to be Canadian Nationals, viz:—

(a) any British subject who is a Canadian citizen within the meaning of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as heretofore amended;

(b) the wife of any such citizen;

(c) any person born out of Canada, whose father was a Canadian National at the time of that person's birth.

Declaration renouncing Canadian nationality.

2. *(a)* Any person who by reason of his having been born in Canada is a Canadian National, but who at his birth or during his minority became under the law of the United Kingdom or of any self-governing Dominion of the British Empire, a national also of that Kingdom or Dominion, and is still such a national, and,

(b) any person who though born out of Canada is a Canadian National;

may, if of full age and not under disability, make a declaration renouncing his Canadian nationality and on making such declaration shall cease to be a Canadian National.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 19.

An Act to amend the Exchequer Court Act.

First reading, March 4, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19094 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 19.

An Act to amend the Exchequer Court Act.

R.S. c. 140; 1907, c. 15; 1908, c. 27; 1909, c. 12; 1910, c. 19; 1912, c. 21; 1913, c. 17; 1916, c. 16; 1917, c. 23; 1919 (2 Sess.) c. 14; 1920, c. 26.

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

1. The *Exchequer Court Act*, chapter one hundred and forty of the Revised Statutes of Canada, 1906, is amended by adding the following section immediately after section 23A thereof:—

Commissioner of Patents may appear by counsel.

"**23B.** (1) The Commissioner of Patents shall be entitled to appear and be heard by counsel on the hearing of any such appeal.

Appeal to Supreme Court.

(2) The Commissioner of Patents shall be entitled to appeal to the Supreme Court of Canada from the judgment of the Exchequer Court of Canada in any such appeal by filing within thirty days from the day upon which such judgment was given, with the registrar of the Supreme Court of Canada, a notice stating that the Commissioner of Patents is dissatisfied with such judgment, and such notice shall be in lieu of a deposit by way of security for costs.

Existing practice to apply.

(3) The further proceedings in the said appeal shall be governed by the existing practice relating to appeals from judgments of the Exchequer Court."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1912.

THE HOUSE OF COMMONS OF CANADA

BILL 20.

An Act to incorporate The Mayo Valley Railway, Limited.

First reading, March 7, 1921.

(PRIVATE BILL)

Mr. THOMPSON
(Yukon).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18705 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act to incorporate The Mayo Valley Railway, Limited.

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. Alexander J. Gillis of the city of Dawson, in the Yukon Territory, and Robert B. Young, William Alfred H. MacBrien and Norman J. Robinson, all of the city of Toronto, in the province of Ontario, and John McDougall of the city of Ottawa, in the said province, together with such persons as become shareholders in the company, are incorporated under the name of "The Mayo Valley Railway, Limited," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be seven hundred and fifty thousand dollars.

Preference stock.

4. (1) The Company, if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting or at any special general meeting called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present or represented by proxy, may issue any portion of its capital stock as preference stock, and preference stock so issued shall have such preference and priority, as respects dividends or otherwise, over ordinary stock as is declared by such resolution.

Preference shareholders

(2) Holders of such preference stock shall be deemed to be shareholders within the meaning of this Act and of *The Railway Act, 1919*, and shall, in all respects other than the preference and priority provided by this section, possess

the rights and be subject to the liabilities of such shareholders.

Head office.

5. The head office of the Company shall be at the city of Dawson.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in July.

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Railway authorized.

8. The Company may lay out, construct, equip and operate a line of railway commencing from a point at or near the junction of the Mayo and Stewart Rivers in Yukon Territory, in a northerly direction, following the valley of the Mayo River to its junction with Duncan Creek, thence by the Duncan Creek Valley to its junction with Lightning Creek, thence *via* Lightning Creek and Crystal Valleys to the McQuesten River, thence by the most feasible route to connect with and include the valleys of the McQuesten, Ladue and Beaver Rivers; or in the alternative from a point at or near Gordon's Landing on the Stewart River *via* Janet Lake to the Junction of the Mayo River and Duncan Creek.

Telegraphs and telephones.

9. Subject to the provisions of section three hundred and sixty-nine of *The Railway Act, 1919*, the Company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor.

Vessels, wharves, docks, etc.

10. The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels and ferries, for the conveyance of passengers, goods and merchandise; and may construct, acquire, lease and dispose of terminal stations, wharfs, docks, elevators, warehouses, offices, and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business of warehousemen and wharfingers, and may charge wharfage and other dues for the use of any such property.

Bonds on railway.

11. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Borrowing.

12. In addition to the securities authorized by section eleven of this Act, the directors, if previously authorized as prescribed by section one hundred and thirty-two of *The*

Railway Act, 1919, may from time to time borrow moneys for the acquisition, construction, extension or development of any such properties, assets or works, other than the railway, as the Company is authorized to acquire, construct or operate; and to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works in respect whereof the issue is made.

Agreements for sale, lease or amalgamation of railway.

13. 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, 1919*, the Company may, for any of the purposes specified in the said section one hundred and fifty-one, enter into agreements with any other Company.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 21.

An Act respecting The Oshawa Railway Company.

First reading, March 7, 1921.

(PRIVATE BILL)

Mr. SMITH.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921.

17678

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 21.

An Act respecting The Oshawa Railway Company.

1887, c. 92; 1891, c. 91; 1895, c. 56; 1900, c. 70.

WHEREAS The Oshawa Railway Company, hereinafter called "the Company," 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:—

Annual meeting.

1. Notwithstanding anything contained in chapter seventy of the statutes of 1900, or in any other Act heretofore passed relating to the Company, the annual meeting of the shareholders of the Company may be held on such day as the directors may from time to time determine.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 22.

An Act respecting The Thousand Islands Railway Company.

First reading, March 7, 1921.

(PRIVATE BILL)

Mr. SMITH.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17677 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act respecting The Thousand Islands Railway Company.

1888, c. 75; 1896, c. 38; 1900, c. 83.

WHEREAS The Thousand Islands Railway Company, hereinafter called "the Company," 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:—

Annual meeting.

1. Notwithstanding anything contained in chapter eighty-three of the statutes of 1900, or in any other Act heretofore passed relating to the Company, the annual meeting of the shareholders of the Company may be held on such day as the directors may from time to time determine.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 25.

An Act respecting The Kettle Valley Railway Company.

First reading, March 11, 1921.

(PRIVATE BILL)

Mr. GREEN.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18205

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act respecting The Kettle Valley Railway Company.

1901, c. 68; 1911, c. 101; 1912, c. 48; 1913, c. 46; 1913, c. 140; 1914, c. 92; 1915, c. 46; 1916, c. 45; 1918, c. 54; 1930, c. 78.

WHEREAS The Kettle Valley Railway Company 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:—

Securities.

1. That subsection two of section three of chapter fifty-four of the statutes of 1918 is amended by striking out the word "seventy" where it occurs in the third line thereof and substituting therefor the words "one hundred and fifty."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 26.

An Act respecting The Manitoba and North Western Railway Company of Canada.

First reading, March 11, 1921.

(PRIVATE BILL)

Mr. LANG.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18204

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act respecting The Manitoba and North Western Railway Company of Canada.

1893, c. 52; 1908, c. 126; 1910, c. 121; 1911, c. 109; 1912, c. 115; 1913, c. 144; 1914, c. 97; 1915, c. 47; 1919, c. 90.

WHEREAS The Manitoba and North Western Railway Company of Canada 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:—

Lines of railway authorized.

1. The Manitoba and North Western Railway Company of Canada, hereinafter called "the Company," may lay out, construct, maintain and operate the following lines of railway:—

(a) From a point at or near Tuffnell on its line of railway in or about township thirty, range ten or eleven, west of the second meridian, thence northwesterly, northerly and westerly to a crossing of the North Saskatchewan River in or about townships forty-nine, fifty or fifty-one, range fourteen or fifteen, west of the second meridian, thence in a westerly direction to the city of Prince Albert;

(b) From a point at or near Theodore in or about township twenty-eight, range six or seven, west of the second meridian, thence in a generally westerly direction to a point between Govan and Lanigan on the Pheasant Hills Branch of the Canadian Pacific Railway.

Time for construction and completion.

2. The Company may within two years after the passing of this Act commence to construct the lines of railway authorized by section one of this Act, and may within five years after the passing of this Act complete the said lines of railway; and if within the said periods respectively either of such lines is not commenced or is not completed and put in operation the powers of construction conferred upon the Company by Parliament shall cease and be null

and void as respects so much of that line as then remains uncompleted.

Issue of securities.

3. The securities issued by the Company shall not exceed forty thousand dollars per mile of the railways authorized by this Act, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 27.

An Act respecting The Quebec Central Railway Company.

First reading, March 11, 1921.

(PRIVATE BILL)

Mr. BÉLAND.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18348

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 27.

An Act respecting The Quebec Central Railway Company.

Preamble.

WHEREAS under Indenture of Lease dated the second day of October, 1912, the railway and undertaking of The Quebec Central Railway Company is now leased to the Canadian Pacific Railway Company; and whereas The Quebec Central Railway Company 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:—

Authority to complete and operate line originally authorized under a Quebec statute.

1901, c. 59 (Que.)

1904, c. 70 (Que.)

1. The Quebec Central Railway Company, hereinafter called "the Company" may within five years after the passing of this Act, complete and put in operation the line of railway which it was authorized to construct by section one of chapter fifty-nine of the statutes of the Province of Quebec of 1901, as amended by section four of chapter seventy of the said statutes of 1904, from Scotts Station (so-called) in the County of Beauce, on its present line to a point on the River St. Lawrence at or near the southern extremity of the Quebec Bridge (so-called), and thence eastward to another point on the south bank of the River St. Lawrence for a distance of about five miles, such branch line being in all about thirty-five miles in length and if the said line of railway is not so completed and put in operation within the said periods, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line of railway as then remains uncompleted.

Authority to commence and complete line originally authorized by Quebec statute.

1912, c. 81 (Que.).

2. The Company may within two years after the passing of this Act commence to construct the line of railway which it was authorized to construct by section one of chapter eighty-one of the statutes of the said Province of 1912, from a point on its main line at or near Leeds Station,

in the Township of Thetford, or the Township of Broughton, thence through Thetford, Broughton, Leeds and the Counties of Lotbinière and Lèvis to a connection with the line of railway referred to in section one hereof at or near St. Lambert, in the County of Lèvis a distance of about thirty-five miles, and may within five years after the passing of this Act complete the said line of railway; and if within the said periods respectively the said line of railway is not commenced or is not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line of railway as then remains uncompleted.

Issue of securities.

3. The securities issued by the Company shall not exceed forty thousand dollars per mile of the railways authorized by this Act, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

28.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 28.

An Act to incorporate The Slave River Railway Company.

First reading, March 11, 1921.

(PRIVATE BILL)

Mr. TWEEDIE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19201 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 28.

An Act to incorporate The Slave River Railway Company.

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.

Corporate name.

1. Edmund Taylor, John B. B. Hill, Frank M. Stanford, George Binnie and Cecil S. M. Pugh, all of the city of Calgary, in the province of Alberta, together with such other persons as become shareholders in the company, are incorporated under the name of "The Slave River Railway Company," hereinafter called "the Company."

Declaratory.

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 constituted provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be one million dollars.

Preference stock.

5. (1) The Company if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting, or at any special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present or represented by proxy, may issue any portion of its capital stock as preference stock; and preference stock so issued shall have such preference and priority, as respects dividends or otherwise, over ordinary stock as is declared by the resolution.

Preference shareholders.

(2) Holders of such preference stock shall be deemed to be shareholders within the meaning of this Act and of *The Railway Act, 1919*, and shall, in all respects other than the preference and priority provided for by this section, possess the rights and be subject to the liabilities of such shareholders.

Head office.

6. The head office of the Company shall be at the city of Calgary, in the province of Alberta.

Annual meeting.

7. The annual meeting of the shareholders shall be held on the second Tuesday in October.

Directors.

8. The number of directors shall be not less than five and not more than nine, one or more of whom may be paid directors.

Railway authorized.

9. The Company may lay out, construct and operate a line of railway commencing at a point on the westerly bank of the Slave River at or near Fort Smith, thence in a south-easterly direction to a point on the westerly bank of the Slave River at or near Smith Landing (or Fort Fitzgerald), and generally as may be necessary, for the purpose of overcoming shoals, rapids, or other obstructions or impediments to navigation on the Slave River.

Electric and other power.

10. Subject to the provisions of section three hundred and sixty-eight of *The Railway Act, 1919*, the Company shall have power to acquire, use, transmit and distribute electric or other power or energy, and for the purposes of such acquisition, use, transmission and distribution may construct, acquire, operate and maintain lines for the conveyance of light, heat, power and electricity.

Telegraphs and telephones.

11. Subject to the provisions of section three hundred and sixty-nine of *The Railway Act, 1919*, the Company shall have power to transmit, telegraph and telephone messages for the public and collect tolls therefor.

Vessels, wharves, docks, etc.

12. The Company may, for the purpose of its undertaking, construct, acquire, charter and navigate steam and other vessels and ferries for the conveyance of passengers goods and merchandise and may construct, acquire, lease and dispose of terminal stations, wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business of warehousemen and wharfingers and may charge wharfage and other dues for the use of any such property.

Transportation of oil and gas.

13. The Company may construct and operate a pipe line or lines for the transportation of oil and gas between

the terminals of its railway or elsewhere along the westerly side of the Slave River and may construct and operate storage tanks, warehouses and all other buildings, plant, and equipment required for the storage, transportation and marketing of oil and gas.

Issue of securities.

14. The securities issued by the Company shall not exceed seventy-five thousand dollars per mile of the railway and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Borrowing.

15. In addition to the securities authorized by section fourteen of this Act, the directors, if previously authorized as prescribed by section one hundred and thirty-two of *The Railway Act, 1919*, may from time to time borrow moneys for the acquisition, construction, extension or development of any such properties, assets or works, other than the railway, as the company is authorized to acquire, construct or operate; and to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works in respect whereof the issue is made.

Agreement for sale, lease or amalgamation of railway.

16. 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, 1919*, the Company may, for any of the purposes specified in the said section one hundred and fifty-one, enter into agreements with any other company.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 29.

An Act respecting The Essex Terminal Railway Company.

First reading, March 14, 1921.

(PRIVATE BILL)

Mr. KENNEDY
(Essex N.).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

17401

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 29.

An Act respecting The Essex Terminal Railway Company.

1902, c. 62; 1904, c. 76; 1906, c. 93; 1910, c. 98; 1915, c. 43; 1917, c. 51; 1919, c. 84.

WHEREAS The Essex Terminal Railway Company 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:—

Extension of time for construction.

1. The Essex Terminal Railway Company, hereinafter called the "Company" may commence and construct the line of railway authorized by section one of chapter fifty-one of the statutes of 1917, namely,—

From a point on or near the navigable waters of the Detroit River, in or near the town of Ojibway, to a point at or near Pelton, in the county of Essex.

Limitation of time for commencement of and completing construction.

2. If the said line is not commenced within two years, and is not completed and put in operation within five years from the passing of this Act, the powers of construction conferred upon the Company by Parliament, shall cease and be null and void as respects such part of the said line of railway as then remains uncompleted.

Repeal.

3. Section two of chapter eighty-four of the statutes of 1919 is repealed.

Annual meeting.

4. The section substituted by section one of chapter forty-three of the statutes of 1915 for section six of chapter sixty-two of the statutes of 1902, is repealed and the following is substituted therefor,—

"(6) The annual meeting of the shareholders shall be held on the third Tuesday in January, in each year."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 30.

An Act respecting The Ottawa, Northern and Western Railway Company.

First reading, March 14, 1921.

(PRIVATE BILL)

Mr. DEVLIN.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18206

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 30.

An Act respecting The Ottawa, Northern and Western Railway Company.

1894, c. 87; 1897, c. 58; 1898, c. 112; 1901, c. 80; 1902, c. 89; 1913, c. 170; 1914, c. 101; 1919, c. 91.

WHEREAS The Ottawa, Northern and Western Railway Company 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:—

Extension of time for commencement and completion.

1. The Ottawa, Northern and Western Railway Company, hereinafter called "the Company," may within two years after the passing of this Act commence to construct the line of railway which it was authorized to construct by section two of chapter ninety-one of the statutes of 1919 extending from the present terminus of its so-called Waltham Branch at Waltham, in the province of Quebec, thence through the townships of Waltham, Chichester and Sheen, thence across the Ottawa River to a junction with the Canadian Pacific Railway at or near Chalk River, in the province of Ontario; and may within five years after the passing of this Act complete the said line of railway; and if within the said periods respectively the said line is not commenced or is not completed and put in operation the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said line as then remains uncompleted.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 31.

An Act respecting the Canadian Pacific Railway Company.

First reading, March 18, 1921.

(PRIVATE BILL)

Mr. MEWBURN.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

19518

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 31.

An Act respecting the Canadian Pacific Railway Company.

WHEREAS the Canadian Pacific Railway Company 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:—

Issue of securities collateral to or in lieu of consolidated debenture stock.

1. The Canadian Pacific Railway Company, hereinafter called "the Company", being first authorized so to do by the votes of at least two-thirds of the shareholders present or represented at an annual meeting, or at a special meeting of shareholders duly called for the purpose, may, from time to time, issue bonds, debentures or other securities collateral to or in lieu of any consolidated debenture stock which it is or may hereafter be authorized to issue, and to the same amount. Such bonds, debentures or other securities may be secured by pledge of such consolidated debenture stock, or may be secured upon the Company's income after payment of the interest on the outstanding consolidated debenture stock theretofore or thereafter issued.

How secured.

Payment.

Interest.

2. Such bonds, debentures or other securities shall be payable in such currency, at such times and places and with such interest as the directors may think proper.

Subsequent dealings with consolidated debenture stock.

3. Upon redemption of such bonds, debentures or other securities, the consolidated debenture stock collateral to or in lieu of which they were issued may be sold, or otherwise dealt with, as fully as if such bonds, debentures or other securities had not been issued.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 32.

An Act to incorporate The Canadian Transit Company.

First reading, March 18, 1921.

(PRIVATE BILL)

Mr. KENNEDY
(Essex).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17402 1921

5th Session, 13th Parliament, 11-12 George V., 1920.

THE HOUSE OF COMMONS OF CANADA.

BILL 32.

An Act to incorporate The Canadian Transit Company.

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. William John Pulling of the city of Windsor in the county of Essex, lumberman, Wallace Ronald Campbell of the said city of Windsor, manufacturer, Edward Lake Winter of the said city of Windsor, gentleman, Charles Stanley King of the town of Walkerville in the county of Essex, gentleman, and Charles Evan Fowler of the city of New York in the state of New York, one of the United States of America, consulting engineer, together with such persons as become shareholders in the Company, are hereby

Corporate name.

incorporated under the name of "The Canadian Transit Company," hereinafter called "the Company."

Declaratory.

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

Provisional directors.

3. The said William John Pulling, Wallace Ronald Campbell, Edward Lake Winter, Charles Stanley King, and Charles Evan Fowler, named in section one of this Act, are constituted provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be five million dollars.

Head office.

5. The head office of the Company shall be at the city of Windsor in the province of Ontario.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Tuesday in February of each year.

Directors.

7. The number of directors shall be not less than five nor more than eleven, one or more of whom may be paid directors; and it shall not be necessary that a majority of the directors be resident in Canada or subjects of His Majesty.

1919, c. 68; R. S., c. 115.

8. Subject to the provisions of *The Railway Act, 1919*, and of the *Navigable Waters' Protection Act*, the Company may,—

Power to construct bridge across Detroit river.

(a) construct, maintain and operate a railway and general traffic bridge across the Detroit river from some convenient point, at or near Windsor in the province of Ontario, to the opposite side of the river in the state of Michigan, and may lay, maintain and use tracks on the said bridge for the passage of steam, electric or other locomotive engines, railway trains, and rolling stock, with all necessary approaches, terminal facilities, machinery and appurtenances required for the said bridge;

Track connections.

(b) construct, maintain and operate lines of railway not exceeding twenty miles in length to connect the said bridge with any railway or railways now or hereafter constructed on either side of the said river;

Pipes, electric, telegraph and telephone wires.

(c) lay, maintain and operate along, upon or under the said bridge, gas, water, and other pipes, and wires, cables and other appliances for the transmission of electricity or other motive power, telegraph and telephone wires, cables and other appliances, and may enter into contracts for the construction, maintenance or operation thereof;

Way for pedestrians, cars and vehicles.

(d) and the Company shall construct as part of the said bridge a way for general traffic purposes for the passage of pedestrians, carriages, cars and vehicles propelled or drawn by any motive power, and may make by-laws, rules and regulations for the management, control and use of the said way;

Lands for bridges, yards and works.

(e) and the Company may purchase, lease or otherwise acquire and hold lands for the bridge, tracks, terminal yards, accommodation works and facilities, and construct and erect and maintain buildings and other structures required for the convenient working of traffic to, from and over the said bridge, and for said lines of railway as the Company thinks necessary for any of the said purposes;

Expropriation.

(f) expropriate and take an easement in, over, under or through any lands without the necessity of acquiring a title in fee simple thereto;

Abandonment of land to reduce damage, and assessment and award of damages.

(g) in reduction of the damage or injury to any lands taken or affected by such authorized works, abandon or grant to the owner or party interested therein, any portion of such lands, or any easement or interest

therein, or make any structures, works or alterations in or upon its works for such purposes. And if the Company by its notice of expropriation or some subsequent notice, prior to the first meeting of the arbitrators, specify its decision to take only such easement or undertake to abandon or grant such lands or easement or interest in lands, or to make such structures or works or alterations, the damages (including damages, if any, resulting from the change in the notice of expropriation) shall be assessed by the arbitrator or arbitrators appointed pursuant to the provisions of *The Railway Act, 1919*, in view of such specified decision or undertaking, and the arbitrator or arbitrators shall declare the basis of their award accordingly, and such award, as well as such specified decision or undertaking of the Company, may be enforced by the Board of Railway Commissioners of Canada;

Right of entry and compensation for damages.

(h) enter into and upon any lands, buildings or structures proximate to the said bridge, for the purpose of ascertaining the state of repair thereof, and for devising the best means of avoiding any possible damage which the execution of the authorized works might occasion thereto, and make upon or in connection therewith any works, repairs or renewals, for the purpose of preventing or mitigating any such damage, and the Company shall make compensation in the manner specified in *The Railway Act, 1919*, to all persons interested for the damage sustained by them (if any) by reason of the exercise of the powers in this clause contained; and section two hundred and thirty-nine of *The Railway Act, 1919*, shall apply to the exercise of the powers in this clause granted so far as is necessary to enable the Company to carry them into effect;

Tolls.

(i) charge tolls for the passage of locomotives, engines, railway trains and rolling stock, and for pedestrians, carriages, cars, vehicles and general traffic over the said bridge, approaches, railways and terminal property or for the use thereof or any part thereof; and

Powers of a railway company.

(j) for the purposes of its undertaking, exercise under and subject to the provisions of *The Railway Act, 1919*, all or any of the powers, rights and privileges of a railway company.

Approval of United States.

9. The Company shall not commence the actual construction of the said bridge until an Act of the Congress of the United States or other competent authority has been passed authorizing or approving the bridging of the said river, but the Company may, in the meantime, acquire the lands, submit its plans to the Governor in Council, and do all other things authorized by this Act.

Consent of municipalities.

10. The Company shall not construct or operate, any of the works mentioned in section eight of this Act along any highway, street or other public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality, and failing such consent then upon such terms as are fixed by the Board of Railway Commissioners for Canada.

Places and location of bridge subject to approval.

11. The said bridge shall be constructed and located under, and be subject to, such regulations as the Governor in Council prescribes, and to such end the Company shall submit to the Governor in Council, for examination and approval, a design and drawing of the bridge, and a map of the location, giving soundings accurately, showing the bed of the stream and the location of other bridges, and shall furnish such other information as is required for a full and satisfactory understanding of the subject, and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced; and if any change is made in the plans of the said bridge during its construction, such change shall be subject to the approval of the Governor in Council, and shall not be made or commenced until it is approved.

Power to borrow money and issue bonds.

12. The directors may borrow money on behalf of the Company, and may in the manner prescribed by *The Railway Act, 1919*, issue, sell or pledge and secure bonds, debentures and other securities to an amount not exceeding fifteen million dollars.

Tolls to be approved by Railway Commission.

13. The directors may fix and regulate the tolls and rates to be charged, and such tolls and rates shall, before being imposed, be submitted to and approved by the Board of Railway Commissioners for Canada, which Board may revise the same from time to time.

Amalgamation and agreements with other companies.

14. The Company may unite with any company or companies incorporated under the laws of Canada or of the state of Michigan or of the United States, or any state thereof, in building, working, managing, maintaining and using the said bridge, terminals and approaches, and may make agreements with any such company or companies respecting the construction, maintenance, management and use of the said bridge and its appurtenances, and acquiring the approaches and lands therefor in Michigan as well as in Canada, and may, subject to the provisions of *The Railway Act, 1919*, make arrangements with any such company or companies for conveying or leaving the said bridge to such company or companies in whole or in part, or any rights or

powers acquired by it, as also the franchise, surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with any such company on such terms and conditions as are agreed upon and subject to such restrictions as the directors deem fit; Provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders, duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company are present, or represented by proxy, and that such agreement has also received the sanction of the Governor in Council; and certified copies of such agreement shall be filed forthwith in the office of the Secretary of State for Canada, and also in the office of the Minister of Railways and Canals.

Approved by shareholders.

Sanction of Governor in Council.

Assets and liabilities of amalgamated company.

15. Upon an amalgamation agreement being sanctioned by the Governor in Council under the last preceding section, the companies, parties to such agreement, shall, subject to the provisions of *The Railway Act, 1919*, be amalgamated, and shall form one company under the name and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with the undertakings, powers, rights, privileges, franchises and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies parties to such agreement, or either of them, or to which they or either of them may be or become entitled, and shall be liable for all claims, debts, obligations, works, contracts, agreements or duties, to as full an extent as the said companies were or either of them was at the time the said amalgamation took effect.

Amalgamated company may borrow money and mortgage property.

16. The said new or amalgamated company may from time to time borrow such sums of money, not exceeding thirty million dollars, as may be necessary for constructing and completing the said bridge, and for the acquiring of the necessary lands therefor, and may mortgage its property, assets, rents and revenues, present and future, or such portion thereof as may be described in the mortgage deed, to secure the payment thereof under the provisions of *The Railway Act, 1919*.

Railway companies may loan credit to or own shares of company or amalgamated company.

17. Any railway company or companies in Canada or elsewhere may agree either jointly or severally with the Company or with the amalgamated company, for the loan of its credit to, or may subscribe to or become the owner of shares of the capital stock of the Company hereby created or the amalgamated company, in the same manner and with the like rights as individuals, and may guarantee either jointly or severally bonds, debentures and other securities of the Company or of the amalgamated company.

Time for commencement and completion of bridge.

18. The said bridge shall be commenced within two years after the Governor in Council and the Executive of the United States, or other competent authority therein, have approved of such bridging, and shall be completed within seven years after such commencement, otherwise the powers granted by this Act shall cease and be null and voisd as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within five years after the passing of this Act, the powers granted for the construction of the said bridge shall cease and be null and void. Section one hundred and sixty-one of *The Railway Act, 1919*, shall not apply to the Company.

Proviso.

Equal rights of passage to other companies.

19. Every railway company whose line of railway now has or shall hereafter have a terminus at, or shall run its trains to or from, any point at or near either end of the said bridge, or shall run its trains in connection with any railway having such terminus or upon which trains are or shall be run to or from the localities aforesaid, whether incorporated by Parliament or by any provincial legislature, or by any authority in the state of Michigan, or by the Congress of the United States, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, without discrimination or preference, upon such terms and conditions as are fixed by the Board of Railway Commissioners for Canada; and the said Board may make and enforce such orders for the purpose of carrying out the provisions of this section as it thinks necessary.

Approval of Railway Commission.

Definition.

20. Whenever in this Act the expression "the said bridge" occurs, it means the bridge, approaches, lands, works and facilities hereby authorized.

Application of Railway Act.

Railway to mean bridge.

21. *The Railway Act, 1919*, shall, so far as is not inconsistent with the special provisions of this Act, apply to the works and undertaking of the Company, and wherever in *The Railway Act, 1919*, the word "railway" occurs, it shall, for the purposes of the Company, and unless the context otherwise requires, mean the said bridge.

R.S. c. 79 not to apply.

22. The *Companies Act* shall not apply to the Company.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 33.

An Act respecting the "Crédit Foncier Franco-Canadien."

First reading, March 18, 1921.

(PRIVATE BILL)

Mr. CHABOT.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18703 1921

5th Session, 13th Parliament, 11-12 George V., 1921

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act respecting the " Crédit Foncier Franco-Canadien."

1881, c. 58; 1883, c. 85.

WHEREAS the company called " Crédit Foncier Franco-Canadien " 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:—

Repeal.

1. Chapter eighty-five of the statutes of 1883, being an Act intituled "An Act respecting the Crédit Foncier Franco-Canadien," is hereby repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 34.

An Act respecting The London and Lake Erie Railway and Transportation Company.

First reading, March 18, 1921.

(PRIVATE BILL)

Mr. GLASS.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

17400

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 34.

An Act respecting The London and Lake Erie Railway and Transportation Company.

1910, c. 120; 1914, c. 95.

WHEREAS The London and Lake Erie Railway and Transportation Company 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 consent of the Senate and House of Commons of Canada enacts as follows:—

Company authorized to dispose of its property.

1. The London and Lake Erie Railway and Transportation Company hereinafter called the "Company," is hereby "empowered and authorized to sell and dispose of its rights of way, lands, buildings, terminals, gravel-pits, works, rolling stock, equipment, and accessories, and all and generally its real and personal property wherever situate, en bloc or in parcels, with the written consent and approval of the Fidelity Trusts Company of Ontario, trustees for bond-holders, and upon the terms and conditions approved of by the votes of not less than two-thirds in value of the subscribed stock of the Company represented at a special meeting duly called for the purpose of considering the same.

Sales of Company property where duly approved declared valid.

2. All sales and agreements for sale of rights of way, lands, buildings, terminals, gravel-pits, works, rolling-stock, equipment, or accessories heretofore made by the Company, with the approval and consent of the Fidelity Trusts Company of Ontario, trustees for bondholders, and approved of by the votes of not less than two-thirds in value of the subscribed stock of the Company represented at a special meeting duly called for the purpose of considering the same or which may hereafter receive such approval and consent of the said Fidelity Trusts Company of Ontario, and of the shareholders in the manner aforesaid, are declared to be valid and subsisting sales and contracts and binding upon the respective parties thereto, and no other or further approval or authorization shall be necessary.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 35.

An Act to amend the Prisons and Reformatories Act.

First reading, March 18, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19722 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act to amend the Prisons and Reformatories Act.

R.S. c. 148; 1908, c. 55; 1910, c. 48; 1912, c. 43; 1913, c. 39; 1914, c. 14; 1916, c. 21.

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

Age limits of boys and girls raised from 16 to 18.

1. Sections twenty-eight, twenty-nine, forty-nine, fifty, seventy-nine, eighty-one, one hundred and sixteen, one hundred and seventeen, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-nine, one hundred and forty, one hundred and forty-five, one hundred and forty-six, one hundred and fifty-five and one hundred and fifty-six of the *Prisons and Reformatories Act*, chapter one hundred and forty-eight of the Revised Statutes of Canada, 1906, are amended by striking out the words "sixteen years" wherever they occur in the said sections, and substituting therefor in each case the words "eighteen years".

Part IX not to apply to Nova Scotia.

2. Part IX of the said Act as enacted by chapter thirty-nine of the statutes of 1913 is amended by striking out the words "Nova Scotia" wherever they occur in the said Part.

Repeal.

3. Sections one hundred and five, one hundred and six, one hundred and seven, one hundred and eight, one hundred and ten, one hundred and eleven and one hundred and thirteen of the said Act, and sections ninety and ninety-three and subsections five to nine, both inclusive, of section ninety-seven of the said Act as enacted by chapter fifty-five of the statutes of 1908, are repealed, and the following section is enacted in lieu thereof:—

Definitions.

"**90.** (1) In this Act, unless the context otherwise requires,—

"*(a)* 'child' means a boy or girl under the age of eighteen years;

"*(b)* 'reformatory institution' means and includes one of the following:—

(i) The Maritime Home for Girls, at Truro.

(ii) The Good Shepherd Industrial Refuge, at Halifax.

(iii) The Halifax Industrial School, at Halifax.

(iv) St. Patrick's Home at Halifax.

Child may be sentenced to reformatory.

"(2) If any child is convicted of any offence against the laws of Canada for which a sentence of imprisonment may be imposed upon an adult convicted of a like offence, the court or magistrate before which the child is convicted may sentence such child to be imprisoned in a reformatory institution for such fixed term, not less than three months nor more than three years, as the court or magistrate thinks fit.

Religious faith of child to be ascertained.

"(3) Every court or magistrate before whom any such child is convicted before passing sentence upon such child shall make due inquiries to ascertain the religious denomination to which such child belongs. No child of the Protestant faith shall be sentenced to any Roman Catholic institution and no child of the Roman Catholic faith shall be sentenced to any Protestant institution.

Reformatories to which Roman Catholic and Protestant children are to be sent.

"(4) Girls of the Protestant faith shall be sentenced to the Maritime Home for Girls at Truro, and boys of the Protestant faith shall be sentenced to the Halifax Industrial School at Halifax. Girls of the Roman Catholic faith shall be sentenced to the Good Shepherd Industrial Refuge at Halifax, and boys of the Roman Catholic faith to St. Patrick's Home at Halifax.

Child sentenced to prison or gaol may be sent to reformatory.

"(5) If any child is convicted in Nova Scotia of any offence against the laws of Canada and is sentenced and committed to prison or to the county gaol, any judge of the Supreme Court of Nova Scotia in any case occurring within the province, or any judge of the county court in any case occurring within his district, may summarily examine and inquire into the circumstances of such conviction, and may quash said sentence to the said prison or county gaol, and in substitution thereof sentence said child under the provisions of this section.

Sentence to be served in reformatory institution.

"(6) Every child sentenced under the provisions of this section shall be detained in a reformatory institution until the expiration of the fixed term of its sentence, unless sooner discharged by lawful authority, and every child after having served such fixed term shall, subject to the laws and regulations enacted by the Legislature of the Province of Nova Scotia governing reformatory institutions,

Indeterminate sentence.

be detained for an indefinite period not to exceed three years from the commencement of its imprisonment in the said reformatory institution.

Apprenticeship.

"(7) *(a)* If any responsible and trustworthy person is willing to undertake the charge of any child committed to a reformatory institution under the provisions of this section, the Superintendent of such reformatory institution

may, with the consent and approval of the Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia, indenture such child to such person for any term not to extend beyond the time when such child shall reach the age of twenty-one years;

Child to be given to parents or guardians or apprenticed within three years.

"(b) Every child sentenced to a reformatory institution shall within three years from the date of its reception in such reformatory institution, unless discharged under the provisions of this section, be given over to the custody of its parents or guardians or be placed in a foster home under indenture for any term not to extend beyond the time when such child shall reach the age of twenty-one years, as the Superintendent of such reformatory institution with the consent of the Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia, may deem advisable;

Child may be returned to reformatory institution.

"(c) After a child has been so given over to the custody of its parents or guardians or has been placed in a foster home under indenture not to extend beyond the time when such child shall reach the age of twenty-one years the Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia may, if he deems it in the interest of such child, order such child to be returned to such reformatory institution, there to be detained for any indefinite period, provided, however, that the total period of confinement for such child in such reformatory institution shall not exceed five years;

Discharge on probation upon being apprenticed.

"(d) The Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia shall thereupon order that such child be discharged from such reformatory institution on probation, to remain so discharged providing its conduct during the term of said indenture continues good, and such child shall be discharged accordingly, subject, however, to be returned on an order of the Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia to such reformatory institution for an indefinite period, provided, however, that the total period of confinement in a reformatory institution shall not exceed five years;

Payment of wages.

"(e) Any wages reserved in any indenture under the provisions of this section shall be paid to such child or to some person for such child's benefit;

Penalty for counselling, etc., child to leave person with whom he or she is placed.

"(f) Any person who induces or attempts to induce, aids, assists, abets, counsels or procures any child to leave the person with whom such child is placed under the provisions of this section shall be liable on summary conviction to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months.

Only Governor General to order discharge.

"(8) No child shall be discharged from a reformatory institution until the expiration of the fixed term of its

sentence except under the provisions of this section, unless by authority of the Governor General.

Supervision of child after discharge.

"(9) The Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia shall, subject to the laws of the Province of Nova Scotia, exercise and maintain supervision over every child after its discharge from a reformatory institution under the provisions of this section.

Escapes.

"(10) If a child sentenced to a reformatory institution under the provisions of this section escapes from such reformatory institution it may at any time be apprehended without warrant and brought back to such reformatory institution, there to be detained under the original commitment.

Abetting escape.

"(11) Every person who aids, assists or abets any child in such escape shall be liable on summary conviction to a penalty not exceeding one hundred dollars or to inprisonment for a period not to exceed six months.

Laws that are to regulate reformatory institutions.

"(12) Reformatory institutions mentioned in this section shall be governed by the laws enacted by the Legislature of Nova Scotia respecting such reformatory institutions.

Form of commitment.

"(13) The following form for commitment to reformatory institutions under the provisions of this section may be used for the purpose thereof, or forms of a like effect, and when in use shall be good and sufficient for such purposes in law:—

FORM OF COMMITMENT.

CANADA PROVINCE OF NOVA SCOTIA COUNTY OF S.S.	IN THE MATTER OF "THE PRISON AND REFORMATORIES ACT".

WARRANT COMMITTING CHILD TO REFORMATORY INSTITUTION.

To all or any one of the Constables and other peace officers of the said County, and to the Superintendent or manager or person in charge thereof of the at in the said Province, a reformatory institution:—

WHEREAS a male (or female) child of the faith, was on this day duly convicted before me , a in and for the of for that the said child on or about the day of did unlawfully

Upon due inquiry made it has been found that the religious denomination to which the said child belongs is the faith.

IT WAS THEREFORE ADJUDGED that the said child for the said offence should be imprisoned in the said reformatory institution for the term of , subject to the laws and regulations governing reformatory institutions in the said Province of Nova Scotia.

THIS IS THEREFORE TO COMMAND you the said constables and peace officers or any one of you for the said County to take the said child and safely convey h to the said reformatory institution, and there deliver h to the superintendent, manager or person in charge of the said reformatory institution, together with this precept; and I do hereby command you the said superintendent, manager or person in charge to receive the said child into your care and custody in the said reformatory institution, and there to imprison h for the said term, unless sooner discharged by lawful authority, and for your so doing this shall be your sufficient warrant.

Given under my hand this day of in the year of Our Lord one thousand nine hundred and at in the County of in the Province of Nova Scotia."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 36.

An Act to amend The Bankruptcy Act.

First reading, March 18, 1921.

Mr. JACOBS.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19961 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 36.

An Act to amend The Bankruptcy Act.

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

1919, c. 36, S. 3 amended.

1. (1) Paragraph *(f)* of section three of *The Bankruptcy Act*, chapter thirty-six of the statutes of 1919, is amended by striking out the word "meeting" in the first line thereof, and in the fourth line thereof by replacing the word "meeting" by the word "creditors".

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

Notice to creditors of suspension and ceasing to meet liabilities.

"*(i)* If he gives notice to any of his creditors that he has suspended or that he is about to suspend payment of his debts;

"*(j)* If he ceases to meet his liabilities generally as they become due."

Powers of interim receiver.

2. Section five of the said Act is amended by adding thereto the following as subsection two thereof:—

"(2) The said interim receiver may, under the direction of the court, summarily dispose of any perishable goods and carry on the business of the debtor for all conservatory purposes."

Making of "authorized assignment."

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

"**9.** Any insolvent debtor whose liabilities to creditors provable as debts under this Act exceed five hundred dollars may, at any time prior to the making of a receiving order against him, make to an authorized trustee appointed pursuant to section fourteen with authority in the locality of the debtor and, in cases occurring in the province of Quebec, residing in the judicial district wherein is situated the locality of the said debtor, if there is one, and if there is none to any authorized trustee, an assignment of

all his property for the general benefit of his creditors. An assignment so made is in this Act referred to as an "authorized assignment," and every assignment of his property other than an authorized assignment made by an insolvent debtor for the general benefit of his creditors shall be null and void."

4. The following section is inserted immediately after section ten of the said Act:—

Fyling of assignment in court by authorized trustee.

"**10A.** Every authorized trustee to whom an assignment is made under section nine of this Act shall within four days of such assignment fyle, in the court having jurisdiction in the locality of the debtor, the said assignment, and should another authorized trustee be subsequently appointed in his stead such other trustee shall within four days of his appointment give notice thereof to the said court."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 37.

An Act to amend The Bankruptcy Act (French Version).

First reading, March 18, 1921.

Mr. JACOBS.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19962 1921.

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act to amend The Bankruptcy Act (French Version).

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

Short title.

1. This Act may be cited as *The Bankruptcy Act (French Version) Amendment Act, 1921.*

S. 3 amended.

2. The French version of *The Bankruptcy Act,* chapter thirty-six of the statutes of 1919, is hereby amended by striking out the words "tenir maison" in the last line of paragraph *(d)* of section three thereof, and substituting therefor the words "se renfermer dans sa maison."

S. 11 amended.

3. Section eleven of the said French version of the said Act is further amended by striking out the word "meubles" and replacing it by the word "réels" in the eighteenth and twenty-third lines of subsection one, in the eighth line of subsection eight, in the fifth line of subsection nine and in the seventh line of subsection eleven.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 38.

An Act to incorporate La Compagnie de Téléphone Québec Union Eléctrique (The Quebec Union Electric Telephone Company).

First reading, March 21, 1921.

(PRIVATE BILL)

Mr. POWER.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18867

9

5th Session, 13th Parliament, 11-12 George V, 1921

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

An Act to incorporate La Compagnie de Téléphone Québec Union Eléctrique (The Quebec Union Electric Telephone 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. Charles Jolicœur, contractor, Athanase Doyon, secretary-treasurer, Arthur Martel, electrician, all three of the town of Beauceville, Alfred Huot, trader, and Henry Morin, clerk, both of the town of Saint Nicolas, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "La Compagnie de Téléphone Québec Union Eléctrique," hereinafter called "the Company." When the English language is used to designate the Company, the equivalent of the said name shall be "The Quebec Union Electric Telephone Company."

Corporate name.

English title.

Provisional directors.

2. The persons named in section one of this Act shall be the first or provisional directors of the Company, a majority of whom shall be a quorum. And they may forthwith open stock books, procure subscriptions for shares, receive payments on account of shares and make calls upon the subscribers, and may call the first general meeting of shareholders and carry on the business of the Company.

Quorum and powers.

Capital stock.

3. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each and may be issued in whole or in part and may be called up from time to time and in such manner as the directors determine, but no one call shall exceed ten per cent on the shares subscribed, and there shall be an interval of at least thirty days between calls.

Calls.

Election of directors.

4. (1) So soon as ten thousand dollars of the capital stock has been subscribed and paid up, or sooner if the provisional directors deem proper, the provisional directors shall call a meeting of the shareholders for the election of directors, and for the transaction of such other business as may be transacted at an annual meeting of the Company.

Notice.

(2) Notice of such meeting shall be sufficiently given by mailing the notice, by registered letter, to the last known post office address of each shareholder at least ten days previous to the date of such meeting.

Number of directors.

5. The number of directors shall be not less than five nor more than fifteen; the number of directors may be more than fifteen, provided that there be not more than one director for each one hundred shareholders, one or more of whom may be paid directors, and a majority of whom shall be a quorum.

Head office.

6. The head office of the Company shall be in the town of Beauceville, in the province of Quebec, or at such other place in Canada as the shareholders of the Company may from time to time hereafter determine.

Powers.

7. Subject to the provisions of the *Navigable Waters' Protection Act* and of section three hundred and seventy-three of *The Railway Act, 1919*, and of all amendments hereafter made to the said Acts and of all regulations under the authority of the said Acts or of any such amendments, the Company may—

Telephone lines in Canada.

(a) construct, purchase, lease or otherwise acquire, maintain, repair and operate lines of electric telephone over or under land or under water or both, between any places or to anywhere in Canada, east of the province of Ontario;

Telephone lines outside of Canada.

(b) construct, purchase, lease or otherwise acquire, maintain, repair and operate extension of lines hereby authorized to any places or anywhere outside of Canada, either over or under land or under water or both;

Stations.

(c) construct, purchase, lease or otherwise acquire, maintain, repair and operate stations for the transmission of telephonic messages between places in Canada east of the province of Ontario, or elsewhere.

Apparatus and materials for operation.

(d) construct, manufacture, purchase, lease or otherwise acquire, lay, erect, maintain, repair, use and operate all such towers, cables, wires, poles, manholes, conduits, works, structures, buildings, plants, instruments, switch boards, appliances, machinery, implements, materials and supplies whatsoever as may be necessary for the purposes of the undertaking of the Company or as may be used in connection with

its business, and dispose of the same in whole or in part;

Privileges and patent rights.

(e) acquire and use any privileges granted by any federal, provincial or municipal authority, and acquire, use and dispose of any invention, or all letters patent of invention, or the right to use any inventions in any way connected with or appertaining to its business;

Agreements with federal and other authorities.

(f) enter into contracts or agreements with any federal, provincial or municipal authority, or with any person or company for any purpose or work whatsoever in the interest of the Company, or that may seem to be useful or incidental to the objects of the Company, and to obtain from or give to any such federal, provincial or municipal authority, person or company, any rights, privileges and concessions that the Company may deem expedient to obtain or to give, and to execute, carry out and comply with any such contract or agreement;

Advancing of money.

(g) advance money, on any securities that it deems necessary, to any corporation, company or person having objects similar in whole or in part to those of the Company;

Contractors.

(h) as contractors for any corporation, company or person, do anything as contractors which it might do for its own purposes;

Investments.

(i) invest and deal with any of the moneys (including the moneys held by the Company to the credit of any one of its sinking funds) of the Company not immediately required for the purposes thereof, upon such securities as trustees may by law invest in, and in such manner as they may think fit, and from time to time vary or realize such investments;

Offices and rates and charges.

(j) establish offices for the transmission and reception of messages, and transmit messages for the public and collect rates and charges, but no rate or charge shall be taken until approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges; and

Shares in other companies.

(k) hold shares and any other securities in any other company having objects similar in whole or in part to those of the Company.

Wireless telephony.

(2) The powers and privileges hereinbefore set forth shall apply, in so far as they are applicable, to wireless telephony.

Borrowing powers.

8. (1) If authorized by by-law sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time—

On credit of Company. Regulating amount. Bonds and other securities.

(a) borrow money upon the credit of the Company;
(b) limit or increase the amount to be borrowed;
(c) issue bonds, debentures, debenture stock or other securities of the Company for sums not less than one hundred dollars each and pledge or sell the same for such sums and at such prices as may be deemed expedient;

Mortgage, etc.

(d) hypothecate, mortgage or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures, debenture stocks or other securities, and any money borrowed for the purposes of the Company.

Bills and notes.

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

Securities as first preferential claims.

(3) The bonds, debenture stock, debentures and other securities hereby authorized to be issued shall be taken and considered to be a first lien and preferential charge, after payment of the penalties, improvements and expenses of operation, on the Company, its undertaking and franchises, its uncalled capital, its rates, tolls, receipts, leases, rents and real and personal property at any time acquired and all its property and assets, of whatsoever kind and wheresoever situate, both present and future, save and except, however, of all claims existing at the date of the acquisition thereof.

Disposal of undertaking.

9. The Company may sell or dispose of the undertaking of the Company, its rights and property for such consideration as the Company may think fit: Provided that no such sale or disposal shall be made until it has been approved of at a meeting of the shareholders duly called for that purpose, at which meeting two-thirds in value of the issued shares shall be represented by shareholders in person or by proxy; and provided, further, that no such sale or disposal shall be effective until it has been submitted to and approved of by the Board of Railway Commissioners for Canada.

Approval of Board.

Acquisition of business of other companies.

10. The Company may purchase, assume, take over, lease, amalgamate with or otherwise acquire from any other company having objects in whole or in part similar to those of the Company, the whole or any part of the real or personal property, the undertakings, business, powers, contracts, privileges and rights of any such company that may have been conferred on such company by charter, act of incorporation, bylaws or contracts; conditional upon the Company assuming the duties, obligations and liabilities of such other company with respect to the business rights or property so acquired as have not been performed or discharged by such other company: Provided that agreement therefor shall not take effect until it has

Approval of Board.

Shares in payment.

been submitted to and approved by the Board of Railway Commissioners for Canada. And the Company may allot and issue to such company shares in the capital stock of the Company in payment in whole or in part of the said real or personal property, undertaking, business, rights, contracts, powers and privileges of such company, and to so allot and issue such shares as fully paid up or partly paid up, as shall be agreed upon by the Company and any such company.

1919, c. 68. ss. 151, 152, 153 to apply.

11. Sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of *The Railway Act, 1919*, shall apply to the Company and to any company with which the Company may hereafter enter into any agreement for any of the purposes mentioned in section nine or section ten hereof, in all respects as if the said sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of *The Railway Act, 1919*, applied to the said companies.

Agreements for connecting lines of Company with other lines.

12. In any case where a telephone system or line is owned or operated in Canada, or in an adjacent country, by any person, corporation or municipality, or by any province or territory of Canada, or by any State of the United States of America, the Company may, subject to the provisions of *The Railway Act, 1919*, enter into and carry out contracts or agreements with such person, corporation, municipality, province, territory or State for the purpose of connecting the Company's telephone system or lines of such person, corporation, municipality, province, territory or State.

Telephone lines upon highways, etc.

13. Subject to the provisions of section seven of this Act, the Company may construct, install, erect and maintain its line or lines of telephone over or under land or under water, or both, along, across, over or under any public highway, street, bridges, water courses, whether navigable or not, situated wholly in Canada, or dividing Canada from any other country; but the Company shall not break up or open any part or parts of any highway not being within a municipality, without first having obtained the consent of the Lieutenant Governor in Council of the province for the time being.

Consent of Lieutenant Governor.

Lines passing through woods.

14. (1) The Company may, when the said line or lines shall pass through any wood, cut down the trees or underwood for a space of one hundred feet on each side of such line or lines, doing as little damage as may be in the exercise of the powers to them hereby granted: Provided always that the Company shall make compensation, whenever required to do so, to the owners, proprietors of or persons

Compensation.

interested in the lands so entered upon by the Company, for all damage by them sustained from the exercise of the power granted by this section.

Preservation of trees.

(2) The Company shall not, however, cut down any ornamental or fruit trees or any trees planted or preserved as a protection to any building, orchard or cultivated ground, or any trees in any city, town or village, or in any garden, park, pleasure grounds, churchyard or cemetery.

Arbitration in case of disagreement.

(3) In case of disagreement arising between the Company and any owner or occupier of the lands upon which the Company may have cut down trees, in respect of any damages done the same, the Company, and each owner or occupier, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision on the matter in difference of any two of them in writing shall be final; and if the said owner or occupier, or the Company, neglects or refuses to choose an arbitrator within ten days after notice in writing, and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator, in any such case the Minister of Railways may nominate any such arbitrator or third arbitrator, as the case may be, who shall possess the same power as if chosen in the manner above provided.

When the third arbitrator named by Minister.

As to agreements with other companies.

15. It shall be lawful for the Company, for such consideration as may be agreed upon, to enter into and carry out to completion, any agreement in the nature of assuming the payment of or guaranteeing the payment of principal and interest, or either, on bonds, debenture stock or debentures, issued or to be issued, or assuming the obligations of, or guaranteeing the carrying out of any obligation, or any part thereof, created by any person or company selling, leasing or conveying to the Company under the above powers, such agreement to be approved of by the holders of a majority in value of the shares of the Company who are present or represented by written proxy at any special meeting to be called for the purpose, in accordance with the by-laws of the Company; and every such agreement when so approved shall be valid and binding according to the terms and tenor thereof.

Rates and tolls.

16. The Company shall have power to charge, sue for, recover and collect rates, rentals and tolls for the use of and charged by the system or systems purchased, taken over, leased, amalgamated with or otherwise acquired, not exceeding those authorized to be charged or enforced immediately before the purchase, taking over, leasing, amalgamating with or otherwise acquiring the said system or systems, but not exceeding in any case a period of four months, until rates, rentals and tolls are approved of by the Board of Railway Commissioners for Canada, and

Approval of Board.

thereafter the Company shall charge and may sue for, recover and collect such rates, rentals and tolls as may be approved of by the said Board.

Provisions re calls on stock and limited liability not to apply.

17. Sections one hundred and twenty-five, one hundred and forty-one and one hundred and sixty-five of the *Companies Act* shall not apply to the Company.

1919, c. 68 to apply.

18. Sections three hundred and seventy-one, three hundred and seventy-two, three hundred and seventy-three, three hundred and seventy-five, three hundred and seventy-six, and three hundred and seventy-seven of *The Railway Act, 1919*, as well as all other provisions of the said Act which apply to telephone companies, shall apply to the Company, unless otherwise provided in this Act.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 39.

An Act to amend the Statutes relating to Corrupt Practices at Elections.

First reading, March 21, 1921.

The SOLICITOR GENERAL.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20062

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 39.

An Act to amend the Statutes relating to Corrupt Practices at Elections.

R.S. c. 7; 1912, c. 56, s. 5. 1915, c. 13.

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

1. Section two of the *Dominion Controverted Elections Act* is amended by inserting therein after paragraph *(f)* the following two paragraphs:—

"Illegal practices".

"(ff) 'Illegal practices' means acts in relation to elections which are declared to be illegal practices by the *Dominion Elections Act.*

"Official agent".

"(fff) 'Official agent' has the same meaning as in the *Dominion Elections Act.*"

Chief Electoral Officer.

2. Subsection two of section five of the said Act, as enacted by chapter thirteen of the statutes of 1915, and section seventy of the said Act, are amended by striking out the words "Clerk of the Crown in Chancery" where they occur in the said sections and substituting therefor the words "Chief Electoral Officer".

3. (1) Subsection one of section twelve of the said Act is repealed and the following is substituted therefor:—

Time for presenting petitions against return.

"**12.** (1) A petition complaining of the undue return or the undue election of a member, or of a double return, may be presented within the times hereinafter limited, namely:—

(a) in any case either at any time before the expiration of twenty-eight days after the date of the issue of the *Canada Gazette* in which notice of the return is first published, or,

(b) at any time before the expiration of fourteen days after the returning officer receives the return and declarations respecting election expenses by the mem-

ber to whose election the petition related and his official agent, or,

(c) if the petition complains of a corrupt or illegal practice and specifically alleges a payment of money or any other act to have been made or done by the member to whose return the petition relates or by an agent of such member with the privity of such member or his official agent in pursuance or in furtherance of the corrupt or illegal practice alleged in the petition, at any time before the expiration of twenty-eight days after the date of such payment or act.

(2) Section twelve is further amended by inserting the following subsections immediately after subsection one thereof:—

Times defined.

"(1A) In the case following there shall be substituted for the day upon which the return and declarations respecting election expenses are received by the returning officer:—

(a) if the return and declarations are received on different days, the day upon which the last of them is received, and,

(b) if there is an authorized excuse for failing to make and transmit the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them and the excuse was allowed at different times, the date of the allowance of the last excuse.

Amendment of petition.

"(1B) Any petition presented within any of the times hereinbefore limited, may, upon an allegation of a corrupt or illegal practice upon which a petition might be presented, and with the leave of the court, be amended by alleging such corrupt or illegal practice at any time before the expiration of the time within which a petition based upon such corrupt or illegal practice might have been presented.

Petition where no return.

"(1C) If a petition complains of no return it may be presented at any time after the expiration of seven days after the day upon which the return should have been made and before it is made."

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

Avoidance of election by corrupt or illegal practice.

"**51.** If it is found by the report of the trial judges that any corrupt practice has been committed by a candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, or that any illegal practice has been committed by a candidate or by his official agent or by any other agent of the candidate with the actual knowledge and consent of the candidate, the election of such candidate, if he has been elected, shall be void."

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

Avoidance of election by illegal employment.

"**52.** If, on the trial of an election petition, a candidate is proved to have personally engaged any person at the election to which such petition relates as a canvasser or agent in relation to the election, knowing that such person so engaged has, within seven years previous to such engagement, been found guilty of any corrupt practice, or that within five years previous to such engagement he has been found guilty of any illegal practice, by any competent legal tribunal or by the report of any judge or other tribunal for the trial of election petitions, the election of such candidate, if he has been elected, shall be void."

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

"**56.** Where, upon the trial of an election petition, the trial judges report that a candidate at such election was guilty by his agent or agents of any offence that would render his election void, and further find,—

Exoneration of candidate from consequences of corrupt or illegal practice.

(a) that no corrupt or illegal practice was committed at such election by the candidate personally or by his official agent and that the offences mentioned in the said report were committed contrary to the order and without the sanction or connivance of such candidate or his official agent; and,

(b) that such candidate and his official agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and,

(c) that the offences were of a trivial, unimportant, and limited character; and,

(d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned, be void, nor shall the candidate be subject to any incapacity therefor."

7. The said Act is amended by inserting the following section therein after section fifty-six:—

"**56A.** Where, on application made in the proceedings on an election petition or otherwise, it is shown to the Court or to the trial judges by sufficient evidence,—

Exoneration of any person from consequences of illegal practice.

(a) that any act or omission of any candidate at any election, or of his official agent, or of any other agent or person, constitutes an illegal practice, but,

(b) that such act or omission arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and,

(c) that such notice of the application has been given as to the court or the trial judges seems fit;

and it seems to the court to be just that the candidate, the said official agent and the other agent and person, or any of them, should not be subject to any of the consequences of the said act or omission, the court or the trial judges may make order and declaration accordingly, and thereupon such candidate, agent or person shall not be subject to any of the consequences of the said act or omission."

8. Section one hundred and seven of the said Act, as enacted by chapter thirteen of the statutes of 1915, is repealed, and the following is substituted therefor:—

Punishment of corrupt or illegal practice.

"**107.** Any person convicted before a summary trial court for an offence shall be liable either to the penalty elsewhere expressly provided for such offence, if any, or to imprisonment for a term not exceeding three months, with or without hard labour, and to a fine not exceeding two hundred dollars, and to pay the costs of the prosecution, which shall be taxed by the proper officer under the direction of the summary trial court, and if the said fine and costs are not paid before the expiration of the said term, then to imprisonment for such further time as they remain unpaid not exceeding three months."

Provisions extended to "illegal practices".

9. Paragraph *(n)* of subsection one of section two, and sections forty-three, fifty-five, sixty, sixty-eight, seventy-two, seventy-seven, ninety-two, ninety-four and one hundred and nine of the said Act, are amended by inserting between the words "corrupt practice" or "corrupt practices" wherever they occur the words "or illegal".

R.S. c. 8. Provisions extended to "illegal practices".

10. Sections three, twenty-four, twenty-seven, twenty-nine, thirty-one, thirty-three and thirty-four of the *Corrupt Practices Inquiries Act* are amended by inserting between the words "corrupt practice" or "corrupt practices" wherever they occur the words "or illegal".

R.S. c. 9. Judge's report published.

11. Section twenty-two of the *Disfranchising Act* is amended by striking out all the words after the words *"Canada Gazette"* in the second line of the said section.

Fifth Session, Thirteenth Parliament, 11–12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 40.

An Act to amend the Canada Shipping Act (Public Harbours).

First reading, March 22, 1921.

Mr. MACLEAN
(Halifax).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20124

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 40.

An Act to amend the Canada Shipping Act (Public Harbours).

R.S., c. 113; 1907, cc. 46, 47; 1908, cc. 64, 65; 1912, c. 51; 1913, c. 49; 1914, cc. 48, 49; 1916, cc. 12, 13; 1919, cc. 41, 42; 1919 (2nd Sess.), c. 7; 1920, c. 23.

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

1. Section eight hundred and fifty-five of the *Canada Shipping Act*, Part XII, Public Harbours and Harbour Masters, Revised Statutes of Canada, 1906, chapter one hundred and thirteen, is repealed, and the following is substituted therefor:—

Penalty for breach of harbour regulations increased.

"**855.** The Governor in Council may by any such regulation impose a penalty not exceeding in any case one thousand dollars for any violation of the same. If any such violation continues for more than twenty-four hours every additional twenty-four hours during which it continues shall be deemed to be a separate and additional violation of such regulation."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 41.

An Act to amend the Railway Act.

First reading, March 23, 1921.

Mr. STEVENS.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20196

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 41.

An Act to amend the Railway Act.

1919, c. 68; 1920, cc. 65, 66.

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

1. *The Railway Act, 1919*, chapter sixty-eight of the statutes of 1919, is amended as follows:—

Power of Governor in Council to vary or rescind orders of Board.

(a) Subsection one of section fifty-two is amended by striking out the word "or" between the words "vary" and "rescind" in the fourth line thereof, and by adding thereto, immediately after the word "rescind", the following words:—"or refer back to the Board for further consideration".

No discriminating tolls between localities.

(b) Subsection four of section three hundred and fourteen is amended by striking out the word "unjustly" in the first line thereof.

No preference in traffic facilities.

(c) Paragraph *(a)* of subsection three of section three hundred and sixteen is amended by striking out the words "undue or unreasonable", in the first line thereof.

No prejudicial treatment.

(d) Paragraph *(c)* of subsection three of section three hundred and sixteen is amended by striking out the words "undue or unreasonable" in the second and third lines thereof.

Allotment of freight cars.

(e) Paragraph *(d)* of subsection three of section three hundred and sixteen is amended by striking out the word "unjustly" in the second line thereof.

Board to determine traffic equality.

(f) Subsection one of section three hundred and seventeen is amended by striking out the word "unjust" in the fourth line, and the words "undue or unreasonable" in the fourth and fifth lines thereof.

Declaratory regulation of Board.

(g) Subsection two of section three hundred and seventeen is amended by striking out the words "unjust or unreasonable" in the third line thereof.

Burden of proof on company as to discrimination.

(h) Section three hundred and nineteen is amended by striking out the words "an undue", and the words "an unjust" in the ninth line thereof.

What Board may consider in cases of discrimination.

(i) Section three hundred and twenty is amended by striking out the words "an undue" in the second line thereof, and by striking out the words "an unjust" in the third line thereof, and by striking out the word "unduly" in the seventh line thereof.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 43.

An Act to incorporate Standard Insurance Company.

First reading, March 29, 1921.

(PRIVATE BILL)

Mr. MOWAT.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18814 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 43.

An Act to incorporate Standard Insurance Company.

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 the House of Commons of Canada, enacts as follows:—

Incorporation.

1. Robert Frank Massie and Neil Wilkinson Renwick, insurance managers, Richard Scougall Cassels and George Mortimer Kelley, barristers-at-law, and Frank Young, accountant, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "Standard Insurance Company," 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 shares of twenty-five dollars each, which may be increased to one million dollars.

Division of shares.

4. The directors may at any time divide the capital stock into shares of one hundred dollars each and in that event the shares of twenty-five dollars each then outstanding shall be exchanged for shares of one hundred dollars each upon such basis as the directors may decide.

Amount to be subscribed.

5. The amount to be subscribed before the general meeting for the election of directors is called shall be one hundred thousand dollars.

Head office.

6. The head office of the Company shall be in the city of Toronto in the province of Ontario.

Classes of insurance.

7. The Company may make contracts of any of the following classes of insurance:—

(*a*) Automobile insurance;
(*b*) Burglary insurance;
(*c*) Explosion insurance;
(*d*) Fire insurance;
(*e*) Guarantee insurance;
(*f*) Hail insurance;
(*g*) Inland transportation insurance;
(*h*) Marine insurance;
(*i*) Plate glass insurance;
(*j*) Sprinkler leakage insurance;
(*k*) Tornado insurance.

Commencing business.

Fire or marine insurance.

8. (1) The Company shall not commence the business of fire insurance or marine insurance, or both, until at least two hundred and fifty thousand dollars of the capital stock has been subscribed and at least one hundred thousand dollars paid thereon.

Other classes of insurance authorized.

(2) The Company shall not commence the other classes of business authorized by section seven of this Act, or any of them, in addition to the business of fire insurance or marine insurance until the paid capital or the paid capital together with the surplus has been increased by an amount or amounts dependent upon the nature of the additional class or classes of business as follows, that is to say:—

Increase of paid capital.

For automobile insurance the said increase shall be not less than twenty thousand dollars, for burglary insurance not less than twenty thousand dollars, for explosion insurance not less than twenty-five 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 plate glass insurance not less than ten thousand dollars, for sprinkler leakage insurance not less than ten thousand dollars, and for tornado insurance not less than ten thousand dollars.

Increases of amounts paid on capital stock.

(3) The Company shall at or before the expiration of one year from the date of its receiving a license for the transaction of fire insurance, increase the amount paid on its capital stock by the sum of fifteen thousand dollars, and, during each of the succeeding four years, an additional fifteen thousand dollars shall be paid on account of its said capital stock until the total paid capital, or the total paid capital together with the surplus, exceeds the total amount from time to time required by the preceding subsections of this section by at least seventy-five thousand dollars.

"Surplus" defined.

(4) In this section the word "surplus" means the excess of assets over liabilities including in the said liabilities the amount paid on capital stock and the amount of the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

1917, c. 29.

9. *The Insurance Act, 1917*, shall apply to the Company.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 44.

An Act respecting the Western Dominion Railway Company.

First reading, March 29, 1921.

(PRIVATE BILL)

Mr. MORPHY.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18349 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 44.

An Act respecting The Western Dominion Railway Company.

1912, c. 168; 1914, c. 115; 1915, c. 60; 1917, c. 60; 1919, c. 92.

WHEREAS The Western Dominion Railway Company 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:—

Extension of time for construction of railway.

1. The Western Dominion Railway Company, hereinafter called "the Company," may, within two years after the passing of this Act, commence to construct the following portion of the railway authorized by section eight of chapter one hundred and sixty-eight of the statutes of 1912, namely:—

From a point on the International boundary in range twenty-three west of the fourth meridian in the province of Alberta, thence northwesterly, to the town of Cardston, thence northwesterly, via the town of Pincher Creek, to a point on the Crow's Nest branch of the Canadian Pacific Railway at or near Lunbreck, thence northerly and west of the Porcupine Hills to the city of Calgary; with a branch line from a point on the said main line west of the town of Pincher Creek, in township six, range one, west of the fifth meridian, in a generally southwesterly direction and along the south fork of the Old Man River to the boundary of the province of British Columbia;

Extension of time for construction of branch lines.

and the branch lines of railway authorized by section one of chapter one hundred and fifteen of the statutes of 1914, namely:—

(a) From a point on the Company's line of railway in or near section fifteen, township ten, range two, west of the fifth meridian, in the province of Alberta, westerly and northwesterly along the north fork of the Oldman river to the boundary between Alberta and British Columbia;

(*b*) From a point on the Company's line in or near section nineteen, township eighteen, range two, west of the fifth meridian in the province of Alberta, westerly along Highwood river to the boundary between Alberta and British Columbia;

(*c*) From a point on the Company's line in or near section thirty-five, township nineteen, range three, west of the fifth meridian, in the province of Alberta, westerly along the south branch of Sheep river to the boundary between Alberta and British Columbia;

and may complete the said railways and put them in operation within five years after the passing of this Act.

Repeal. 1919, c. 92.

2. Section one of chapter ninety-two of the statutes of 1919 is repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 52.

An Act to amend the Criminal Code.

First reading, April 1, 1921.

Mr. LAFORTUNE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20520

THE HOUSE OF COMMONS OF CANADA.

R.S., c. 146; 1907, cc. 7, 8, 9, 45; 1908, cc., 10, 18; 1909, c. 9; 1910, cc. 10, 11, 12, 13; 1912, cc. 18, 19; 1913, c. 13; 1914, c. 24; 1915, c. 12; 1917, cc. 13, 14, 26; 1918, c. 16; 1919, cc. 15, 46; 1919 (2 Sess.) c. 12; 1920, cc. 24, 43.

BILL 52.

An Act to amend the Criminal Code.

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

1. The following section is inserted immediately after section two hundred and twenty-nine A of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, as enacted by chapter twelve of the statutes of 1915:—

Penalty.

"**229B.** Every one is guilty of an indictable offence and liable to two years' imprisonment or a penalty not exceeding one hundred dollars, or both, who,

Permitting Three Card Monte, etc., to be played on his premises.

(a) In any premises under his control, to which the public have access, engages in or permits other persons to engage in the game known as "Three Card Monte" or similar game played with other instruments than cards.

Playing Three card Monte, etc.

(b) Engages in the game of Three Card Monte or similar game played with other instruments than cards, in any public place, or any place to which the public have access."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 53.

An Act to incorporate The Fort Smith Railway Company.

First reading, April 4, 1921.

(PRIVATE BILL)

Mr. DOUGLAS
(Strathcona).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20190

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act to incorporate The Fort Smith Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereafter 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. Samuel James Rothwell, Hjalmar August Bergman, Guy Winstanley McGhee, George Luther Lennox, barristers-at-law, and Magnus Paulson, accountant, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company are incorporated under the name of "The Fort Smith Railway Company," hereinafter called "the Company."

Corporate name.

Declaratory.

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 constituted provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be two hundred thousand dollars.

Notice of meetings.

5. No public notice of any meeting of shareholders of the Company need be given, but notice of meetings of the shareholders may be given in such manner as the directors may determine.

Issue of preference stock.

6. (1) The Company, if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting or at any special meeting called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present or represented by proxy, may issue any portion of its capital stock as preference

stock, and preference stock so issued shall have such preference and priority, as respects dividends or otherwise, over ordinary stock, as is declared by such resolution.

Holders of preference stock.

(2) Holders of such preference stock shall be deemed to be shareholders within the meaning of this Act and of *The Railway Act, 1919*, and shall, in all respects, other than the preference and priority provided by this section, possess the rights and be subject to the liabilities of such shareholders.

Head office.

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

Annual meeting.

8. The annual meeting of the shareholders shall be held on the second Tuesday in September, or on such other day as the directors of the Company may determine.

Number of directors.

9. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway authorized.

10. The Company may lay out, construct, equip, and operate a line of railway commencing at a point at or near Smith Landing (otherwise known as Fort Fitzgerald) on the west bank of the Slave River, in the province of Alberta, thence in a north westerly direction by the most feasible route to a point at or near Fort Smith on the west bank of the said river, in the North West Territories.

Gauge of railway.

11. The tracks of the said railway may be of the standard gauge of four feet eight and one-half inches, or of such other gauge as the Company may determine.

Electric and other power.

12. Subject to the provisions of section three hundred and sixty-eight of *The Railway Act, 1919*, the Company shall have power to acquire, use, transmit and distribute electric and other power or energy and for the purposes of such acquisition, use, transmission and distribution may construct, acquire, operate and maintain lines for the conveyance of light, heat, power and electricity.

Telegraphs and telephones.

13. Subject to the provisions of section three hundred and sixty-nine of *The Railway Act, 1919*, the Company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor.

Vessels, wharves, docks, etc.

14. The Company may for the purpose of its undertaking, construct, acquire, charter and navigate steam and other vessels and ferries, for the conveyance of passengers, goods, and merchandise; and may construct, acquire, lease and dispose of terminal stations, 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; and may carry on the business of warehousemen and wharfingers; and may charge wharfage and other dues for the use of any such property.

Dredging, etc., on Slave River.

15. Subject to the approval of the Governor in Council, who may impose such conditions as he may deem necessary, the Company may, for the purpose of its undertaking, dredge or otherwise improve the channel at such points in the Slave River as may be necessary for the purpose of navigating the said river.

Pipe lines for transportation of oil, gas, etc.

16. The Company may lay out, construct, install, maintain, equip and operate a pipe line or lines for the purpose of the transportation or transmission of oil, natural gas, petroleum and other mineral products between the termini of its railway, or elsewhere along the west bank of the Slave River, and may construct, provide and operate reservoirs, warehouses and such buildings, machinery facilities, plant and equipment as may be necessary for the storage, transportation and marketing of such oil, natural gas, petroleum and other mineral products; and except where the said pipe line or lines is or are constructed and located or is or are to be constructed and located, under or upon the right of way of the Company, sections one hundred and sixty-two to one hundred and eighty-four, both inclusive, one hundred and eighty-nine to one hundred and ninety-two, both inclusive, one hundred and ninety-nine to two hundred and thirty-four, both inclusive, two hundred and thirty-six to two hundred and forty-three, both inclusive, and two hundred and fifty-five and two hundred and fifty-six of *The Railway Act, 1919*, shall, in so far as applicable, apply to the works and undertaking of the Company authorized by this section, and wherever the word "railway" occurs in said sections of said Act it shall, for the purposes of the said works and undertaking and, unless the context otherwise requires, extend to and include the said pipe line or lines, and works connected therewith.

1919, c. 68.

Issue of securities.

17. Subject to the provisions of section one hundred and thirty-two of *The Railway Act, 1919*, the directors of the Company may issue bonds, debentures, perpetual or terminable debenture stock, or other securities, provided that such securities shall not exceed eighty thousand dollars per mile of the railway and may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

Borrowings.

18. In addition to the securities authorized by section seventeen of this Act, the directors, if previously authorized

as prescribed by section one hundred and thirty-two of *The Railway Act, 1919*, may from time to time borrow moneys for the acquisition, construction, extension or development of any such properties, assets or works, other than the railway, as the Company is authorized to acquire, construct or operate; and to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities, but such bonds, debentures, debenture stock or other securities, shall not exceed in amount the value of the properties, assets or works in respect whereof the issue is made.

Additional securities.

Agreements for sale, lease or amalgamation of railway.

19. 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, 1919*, the Company may, for any of the purposes mentioned in said section one hundred and fifty-one, enter into agreements with any other company.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 54.

An Act to amend The Railway Act, 1919.

First reading, April 4, 1921.

Mr. ARMSTRONG
(Lambton).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
20618 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act to amend The Railway Act, 1919.

1919, c. 68; 1920, cc. 65, 66.

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

1. *The Railway Act, 1919*, chapter sixty-eight of the statutes of 1919, is amended by inserting the following section immediately after section thirty-three thereof:—

"**33A.** (1) The Board shall have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested,—

Privilege and concession to be under control of Board.

"*(a)* with respect to any privilege or concession given by any company or express company or by any person owning or controlling any such steamboat or vessel as is in the next paragraph mentioned, and where any privilege or concession is given by any such person or by any company or express company to any person or class of business or in any part of Canada, the Board may order that such privilege or concession be discontinued or modified or granted to any other person or class of business or in any other part of Canada, either the same or in a modified form; or,

Steamboats to be subject to regulations of Board of Railway Commissioners.

"*(b)* with respect to the traffic accommodation, classification of freight, traffic agreements and tariffs of maximum tolls to be furnished, made, entered into and charged in connection with and by steamboats, and other vessels engaged in carrying passengers or freight or both from one port or place in the inland waters of Canada to another port or place in the inland waters of Canada, and with respect to the places along the line of route where such steamboats and vessels shall call for traffic, the time of call, and duration of stay, and all such tariffs of tolls, tariff agreements and classifications of freight charged, entered into or adopted in connection with any such steamboat or

Tariffs, etc., to be submitted to Board.

vessel shall be submitted to the Board and shall not come into operation until approved by the Board.

"Inland waters" defined.

"(2) The inland waters of Canada, for the purposes of this section and of section three hundred and fifty-eight, means all the rivers, lakes and other navigable waters within Canada except salt water bays, arms of the sea, and gulfs on the sea coast, and includes the River St. Lawrence as far sea-ward as a line drawn from Cape Chatte on the south shore to Point des Monts on the north shore.

Certain classes of vessels excepted.

"(3) This section shall not apply to sailing vessels or to any vessel smaller than a vessel of fifty tons register."

2. Section three hundred and fifty-eight of the said Act is repealed, and the following is substituted therefor:—

Traffic by water.

Railway Act applies to tolls, tariffs and joint tariffs as approved by Board.

"**358.** (1) The provisions of this Act in respect of tolls, tariffs and joint tariffs shall, so far as deemed applicable by the Board, extend and apply to the traffic carried by any carrier (whether such carrier be or be not a railway company) by inland water, between any ports or places in the inland waters of Canada; and no freight or passenger rate shall be charged by any such water carrier in excess of the maximum rates from time to time approved by the Board; and no such water carrier shall engage in the business of transportation, whether of freight or of passengers, until such carrier shall have submitted to and the Board shall have approved its standard freight or passenger tariffs.

Certain classes of vessels excepted.

"(2) This section shall not apply to sailing vessels or to any vessel smaller than a vessel of fifty tons register."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1912.

THE HOUSE OF COMMONS OF CANADA

BILL 55.

An Act to amend The Fertilizers Act, 1909.

First reading, April 4, 1921.

Mr. CALDWELL.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20619

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act to amend The Fertilizers Act, 1909.

1909, c. 16; 1919, c. 20.

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

Materials and amount of each to be marked on package, etc., of fertilizer.

Phosphoric and available phosphoric acid to be stated.

Potash when derived from sulphate or carbonate of potash must be stated.

1. Subsection one of section two *A* of *The Fertilizers Act, 1909*, as enacted by chapter twenty of the statutes of 1919, is amended by adding after paragraph *(iv)* the following paragraph:—

"*(v)* the materials from which the fertilizer is made and the amount of each such material";

by substituting the words "and the" for the words "unless it be desired to state" in the third line of the next paragraph of the said subsection; by substituting the words "shall also be stated" for the word "also" in the fourth line of the said paragraph, and by substituting the word "shall" for the word "may" in the last line but one of the said paragraph.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 56.

An Act to amend The Immigration Act (Deportation of undesirable persons).

First reading, April 4, 1921.

Mr. LAPOINTE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20620

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 56.

An Act to amend The Immigration Act (Deportation of undesirable persons).

1910, c. 27; 1919, c. 25; 1919, c. 26;

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

Deportation of undesirables. 1910, c. 27, s. 45; 1919, c. 25, s. 15; 1919, c. 26, s. 1.

1. Section forty-one of *The Immigration Act*, as the said section is enacted by section one of chapter twenty-six of the statutes of 1919 (First Session), is hereby amended by striking out the proviso at the end thereof and substituting therefor the following:

"Provided that this section shall not apply to any person who is a Canadian citizen."

Presumption as to certain persons abolished.

2. Subsection two of the said section forty-one is hereby repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 59.

An Act respecting a certain Agreement between Canada and certain of His Majesty's colonies in the West Indies.

First reading, April 5, 1921.

The Minister of Trade and Commerce.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
18818 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act respecting a certain Agreement between Canada and certain of His Majesty's colonies in the West Indies.

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 West Indies Trade Agreement Act.*

Agreement approved.

2. The agreement dated the eighteenth day of June, one thousand nine hundred and twenty, between the Government of the Dominion of Canada and the Governments of certain of His Majesty's colonies in the West Indies set forth in the Schedule to this Act is hereby approved.

Customs duties, preferential treatment as to.

Come into force by proclamation.

3. The provisions in the said agreement relating to the customs duties upon goods, the produce or manufacture of any of the colonies the government of which is a party to the said agreement, is hereby sanctioned and declared to have the force of law in Canada; and the Governor in Council shall have power to prescribe, by proclamation to be published in the *Canada Gazette*, the day upon which the preferential treatment of the said goods provided for in the said agreement shall be brought into force under the terms of the agreement with respect to each of the said colonies, the extent of such preference within the limits prescribed by the said agreement where the exact amount thereof is not specified in the said agreement, and the day upon which the preferential treatment of the said goods of any of the said colonies is terminated under the said agreement.

Customs Tariff amended.

4. *The Customs Tariff, 1907*, and the amendments thereto are hereby amended in accordance with the provisions of the said agreement.

Commencement of Act.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and such proclamation shall be published in the *Canada Gazette*.

SCHEDULE.

The Canada-West Indies Trade Agreement 1920.

Agreement entered into this eighteenth day of June, nineteen hundred and twenty,

BETWEEN

The Right Honourable Sir George Eulas Foster, Minister of Trade and Commerce, the Honourable Martin Burrell, Minister of Customs and Inland Revenue, the Honourable Charles Colquhoun Ballantyne, Minister of Marine and Fisheries and Minister of the Naval Service, and the Honourable Sir Henry Lumley Drayton, Minister of Finance, representing the Government of the Dominion of Canada.

AND

The Honourable Harcourt Gladstone Malcolm, Speaker of the House of Assembly, representing the Government of the Bahamas Islands;

The Honourable William Lambert Collyer Phillips, Colonial Treasurer, representing the Government of Barbados;

The Honourable Wilfred Edward Jackson, Colonial Secretary, representing the Government of Bermuda;

Captain John McIntosh Reid, Comptroller of Customs, representing the Government of British Guiana;

The Honourable Harold Ernest Phillips, Acting Colonial Secretary, representing the Government of British Honduras;

The Honourable Charles Ernest St. John Branch, Attorney General, representing the Government of Jamaica;

The Honourable Donald McDonald, Member of the Legislative Council, representing the Government of the Leeward Islands;

The Honourable Henry Barclay Walcott, Collector of Customs, representing the Government of Trinidad; and

The Honourable Herbert Ferguson, Colonial Secretary, representing the Government of the Windward Islands.

Whereas a Conference has been held between the Government of Canada and the Governments of the Colonies above named through their representatives as-

sembled at Ottawa in the present month of June for the purpose of considering the extent to which and the means by which the trade relations between the Dominion and the several Colonies aforesaid can be rendered closer and more intimate, their trade extended and enlarged, and the means of communication between them improved and rendered fully efficient for all purposes; and

WHEREAS the principles upon which the several Governments are enabled to act in the furtherance of this purpose have been fully considered and a determination has been reached:

THEREFORE the Dominion of Canada and the several Colonies aforesaid declare and agree as follows:

TRADE

Article I. The Dominion of Canada affirms the principle of granting a preference on all goods being the produce or manufacture of any of the Colonies aforesaid imported into Canada, which are now subject to duty or which may be made subject to duty at any future time.

Article II. Subject to the special provisions of Article III, the duties of Customs on all goods (other than tobacco, cigars, cigarettes, and spirituous or alcoholic liquors) being the produce or manufacture of any of the Colonies aforesaid imported into Canada, which are now subject to duty or which may be made subject to duty at any future time, shall not at any time be more than fifty (50) per cent of the duties imposed on similar goods when imported from any foreign country.

Article III. The Dominion of Canada will grant to the articles specified in Schedule " A," being the produce or manufacture of any of the Colonies aforesaid, imported into Canada, the preferential treatment indicated in respect of each such article in the said Schedule " A."

Article IV. The Colonies aforesaid severally affirm the principle of granting a preference on all goods being the produce or manufacture of Canada imported into such Colonies, which are now subject to duty or which may be made subject to duty at any future time.

Article V. Subject to the special provisions of Articles VI and VII, the duties of customs on all goods (other than tobacco, cigars and cigarettes) being the produce or manufacture of Canada imported into the Colonies aforesaid, which are now subject to duty or which may be made subject to duty at any future time, shall not at any time be

(a) in the case of Barbados, British Guiana, and Trinidad, more than fifty (50) per cent.

(b) in the case of British Honduras, the Leeward Islands, and the Windward Islands, more than sixty-six and two-thirds ($66\frac{2}{3}$) per cent.

(c) in the case of Bermuda and Jamaica, more than seventy-five (75) per cent, and

(d) in the case of Bahamas more than ninety (90) per cent

of the duties imposed on similar goods when imported from any foreign country.

Article VI. The Colonies aforesaid will grant to the articles specified in Schedule "B," being the produce or manufacture of Canada, imported into the said Colonies, the preferential treatment indicated in respect of each such article in the said Schedule "B."

Article VII. In the case of the Bahamas, the provisions of Article V *(d)* shall not apply to wines, malt liquors, spirits, spirituous liquors, liquid medicines, and articles containing alcohol.

Article VIII. The Governments of any of the Colonies aforesaid on giving six months' notice may provide that to be entitled to the concessions granted in Articles V and VI the products of Canada shall be conveyed by ship direct without transhipment from a Canadian port into the said Colony or by way of one of the other Colonies entitled to the advantages of this Agreement.

The Government of Canada on giving six months' notice may provide that, to be entitled to the concessions granted in Articles II and III, the products of any of the Colonies aforesaid shall be conveyed by ship direct without transhipment from the said Colony or from one of the other Colonies entitled to the advantages of this agreement into a Canadian port.

Provided that, should the discretion recognized in this Article be at any time exercised by the Government of Canada, provision shall be made, in all contracts entered into with steamships subsidized by the Dominion and the Colonies, aforesaid, and plying between ports in Canada and ports in the said Colonies, for an effective control of rates of freight.

Article IX. This Agreement shall not interfere with any existing preference or with the granting of any future preference by the Dominion or by any of the Colonies aforesaid to any other part of the British Empire, or with any existing preference or the granting of any future preference by the said Colonies among themselves.

STEAMSHIP SERVICES—EASTERN GROUP

Article X. The Government of Canada will use its best endeavours to arrange for a mail, passenger and freight steamship service to come into effect as soon as possible.

and in any case within three years, between Canada, Bermuda, the Leeward Islands, the Windward Islands, Barbados, Trinidad, and British Guiana, on the following lines:

(1) Steamers shall sail weekly from St. John or Halifax calling one week on the outward passage at Bermuda, Barbados, Trinidad and British Guiana, and on the homeward passage at Trinidad, Grenada, St. Vincent, Barbados, St. Lucia, Dominica, Monserrat, Antigua, Nevis, St. Kitts and Bermuda; on alternate weeks calling on the outward passage at Bermuda, St. Kitts, Nevis, Antigua, Monserrat, Dominica, St. Lucia, Barbados, St. Vincent, Grenada, Trinidad, and British Guiana, and on the homeward passage at Trinidad, Barbados, and Bermuda.

(2) The steamers shall be from 5,000 to 6,000 tons gross, capable of maintaining an ocean speed of 12 knots, and providing accommodation for 100 first class, 30 second class, and 100 steerage or deck passengers, and shall be provided with 'tween decks.

Article XI. The Government of Canada will stipulate in any contract entered into for such steamship service that:—

(1) There shall be reasonable proportionate allocation of passenger and cargo accommodation between the Colonies mentioned in Article X.

(2) There shall be no unfair differentiation in rates of freight against the smaller Colonies as compared with the rates to larger Colonies situated at a similar distance from St. John or Halifax.

(3) The steamers shall be so constructed that so far as the traffic warrants, cold storage shall be provided if this can be secured without unreasonable additional cost.

Article XII. If a subsidized steamship service is arranged for the Government of Canada will endeavour to secure the co-operation of the owners of such steamship service towards the provision of hotels and bungalows in the Colonies, the Governments of the Colonies being prepared on their part to offer such facilities as may be practicable, both as regards sites and financial assistance.

Article XIII. The representatives of the Colonies mentioned in Article X undertake to recommend to their Governments that these Governments shall contribute towards such subsidized steamship service, when established, in the following amounts annually:—

Barbados	not less than	£ 5,000
Bermuda	"	2,000
British Guiana	"	7,500
Leeward Islands	"	2,500
Trinidad	"	7,500
Windward Islands	"	2,500
		£27,000

Article XIV. Pending the establishment of such service the Government of Canada will use its best endeavours to maintain a fortnightly service on the existing lines and to supplement it with such additional freight or passenger and freight vessels as the trade may require.

STEAMSHIP SERVICES—WESTERN GROUP

Article XV. The Government of Canada, subject to the adoption by the Governments concerned of the recommendations embodied in Article XVI, undertakes to provide as soon as possible, and in any case not later than the 1st January, 1921, a fortnightly freight, mail and passenger steamship service between Canada, the Bahamas, Jamaica, and British Honduras, on the following lines:—

(1) The steamers shall not be less than 3,500 long tons dead weight, shall have an ocean-going speed of not less than 10 knots, and shall have accommodation for from 15 to 20 first-class passengers, and shall be provided with 'tween decks, and, so far as the traffic warrants, with cold storage if this can be secured with reasonable cost.

(2) The steamers shall sail from such Canadian ports as freight conditions require and shall proceed to Belize in British Honduras, calling at Nassau in the Bahamas, and at such port or ports in Jamaica as may be necessary, and shall call on the return voyage at such port or ports in Jamaica as may be necessary, and at Nassua.

Article XVI. The representatives of the Colonies mentioned in Article XV undertake to recommend to their Governments that these Governments shall, if the service proves unremunerative, contribute twenty-five (25) per cent of any loss; provided that the amounts contributed shall not exceed, in the case of the Bahamas, the sum of £3,000 per annum, in the case of British Honduras, the sum of £5,000 per annum, and in the case of Jamaica the sum of £5,000 per annum.

Article XVII. This Agreement shall be subject to the approval of the Parliament of Canada and of the Legislature of each of the Colonies aforesaid, and of the Secretary of State for the Colonies. Upon such approval being given, the Agreement shall be brought into force at such time as may be agreed upon between the Governments of Canada and of the Colonies aforesaid by Proclamation to be published in the *Canada Gazette* and in the Official Gazette of each of the said Colonies.

Article XVIII. This Agreement shall remain in force for ten years after the Proclamation aforesaid and thereafter until terminated by twelve months' written notice given either by the Government of Canada, or by the Government of any of the Colonies aforesaid, but in the latter case the Agreement shall remain in full force and effect

as to any of the other Colonies which have not given such notice.

In Witness Whereof the representatives of the Government of Canada and of the Governments of the Colonies aforesaid have signed this Agreement.

Done at Ottawa this 18th day of June, 1920, in a single copy which will be deposited in the Archives of the Government of Canada and of which authenticated copies will be transmitted by the Government of Canada to the Governments of each of the Colonies aforesaid.

George E. Foster,
Martin Burrell,
C. C. Ballantyne,
H. L. Drayton,
Harcourt Malcolm,
W. L. C. Phillips,
(per H. B. G. Austin, Acting Delegate),
W. E. Jackson,
J. M. Reid,
H. E. Phillips,
E. St. J. Branch,
Donald McDonald,
H. B. Walcott,
Herbert Ferguson.

SCHEDULE "A."

CANADIAN TARIFF.

Item No.	Article	—	Preference
135	Sugar.....	Degrees of Polarization.....	per 100 lbs. $ cts.
		Not exceeding 76.....	0 46·080
		Exceeding 76 and not exceeding 77.....	0 47·616
		" 77 " 78.....	0 49·152
		" 78 " 79.....	0 50·688
		" 79 " 80.....	0 52·224
		" 80 " 81.....	0 53·760
		" 81 " 82.....	0 55·296
		" 82 " 83.....	0 56·832
		" 83 " 84.....	0 58·560
		" 84 " 85.....	0 60·288
		" 85 " 86.....	0 62·016
		" 86 " 87.....	0 63·744
		" 87 " 88.....	0 65·664
		" 88 " 89.....	0 67·584
		" 89 " 90.....	0 69·888
		" 90 " 91.....	0 72·192
		" 91 " 92.....	0 74·496
		" 92 " 93.....	0 76·800
		" 93 " 94.....	0 79·104
		" 94 " 95.....	0 81·408
		" 95 " 96.....	0 83·712
		" 96 " 97.....	0 86·016
		" 97 " 98.....	0 88·320
		" 98 " —.....	0 96·000

The Customs Tariff of Canada shall be amended so as to provide that sugar above number 16 Dutch Standard in colour when imported by a recognized sugar refiner, for refining purposes only, upon evidence satisfactory to the Minister of Customs, shall not be subject to these duties, *i.e.*, the duties on sugar over number 16 Dutch Standard, specified in item 134 of the Canadian Tariff.

The Canadian Government failing the adoption of the polariscope standard for tariff classification, will use its best endeavours to establish a more stable colour standard than the present Dutch Standard.

Provided that sugar as defined under item 134 shall receive a preference of not less than 25 per cent of the duty charged on foreign sugar.

Cocoa beans, not roasted, crushed or ground (per 100 lbs.).....	A preference of $1.50.
Lime Juice, raw and concentrated, not refined (per gallon).....	A preference of 10 cents.
Limes, fresh.....	Free as against general tariff of 15 per cent *ad valorem*.
Arrowroot, per lb.....	A preference of one cent.
Cocoanuts, per 100 (imported direct to a Canadian port).....	Free, as against general tariff of seventy-five cents.
Cocoanuts, n.o.p.....	A preference of 50 cents per 100.
Grape Fruit.....	A preference of fifty cents per 100 lbs.
Rum.....	A preference of 60 cents per gallon of the strength of proof.
Onions.....	Free, as against a general tariff of 30 per cent *ad valorem*.

SCHEDULE "B."

Flour	Preference of not less than one shilling per barrel or bag of 196 lbs.
Spirits, *i.e.*, Brandy, Gin, Rum, Whisky, unenumerated, potable, if tested	Preference of not less than 2/6 per gallon of the strength of proof.
Spirits, perfumed, unenumerated, potable, if not tested	Preference of not less than 2/6 per liquid gallon.
Wine, beer, and ale	Duty not to exceed four-fifths of full rate

ECLARATION RESPECTING CABLE COMMUNICATIONS SUPPLEMENTARY TO THE CANADA-WEST INDIES TRADE AGREEMENT, 1920.

With a view to the further promotion of the purposes of the Canada-West Indies Trade Agreement of even date the representatives of the Government of Canada and of the Colonies named in the agreement will recommend for the favourable consideration of their respective Governments that direct British owned and British controlled cables should be laid as soon as possible, without waiting for the termination of the Agreement with the West Indian and Panama Telegraph Company, to connect Bermuda with Barbados, Trinidad, British Guiana, the Windward Islands, the Leeward Islands, and Turks Island or Jamaica.

The Government of Canada will institute inquiries as soon as practicable as to the possibility of arranging for the laying of such cables and will communicate the results of these inquiries to the Governments of the Colonies.

GEORGE E. FOSTER,
MARTIN BURRELL,
C. C. BALLANTYNE,
H. L. DRAYTON,
HARCOURT MALCOLM,
W. L. C. PHILLIPS,
(per H. B. G. Austin,
Acting Delegate),
W. E. JACKSON,
J. M. REID,
H. E. PHILLIPS,
E. ST. J. BRANCH,
DONALD MCDONALD,
H. B. WALCOTT,
HERBERT FERGUSON.

OTTAWA, 18th June, 1920.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 60.

An Act to amend the Judges Act.

First reading, April 5, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18359

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 60.

An Act to amend the Judges Act.

R.S., c. 138; 1907, cc. 25, 45; 1908, cc. 10, 39; 1909, c. 21; 1910, c. 35; 1912, c. 29; 1913, c. 28; 1914, c. 38; 1915, c. 6; 1916, c. 25; 1917, c. 31; 1919, cc. 58; 59; 1920, c. 56.

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

S. 11 of c. 56 of statutes of 1920 not to apply to present Chief Justice, as the emoluments of his office were not increased by that Act.

1. Section eleven of chapter fifty-six of the statutes of 1920, entitled *An Act to amend the Judges Act*, shall not apply nor be deemed to have applied to the Right Honourable Sir Louis H. Davies, K.C.M.G., the present Chief Justice of Canada.

Providing for an additional judge of Court of K.B. for Saskatchewan.

2. Paragraph *(d)* of subsection one of section fourteen of the *Judges Act*, chapter one hundred and thirty-eight of the Revised Statutes of Canada, 1906, as enacted by chapter fifty-six of the statutes of 1920, is repealed, and the following is substituted therefor:—

"*(d)* Six puisne judges of the Court of King's Bench, each..... $9,000.00."

When judges not to be paid travelling expenses.

3. Paragraph *(b)* of section eighteen of the said last mentioned Act is repealed, and the following is substituted therefor:—

"*(b)* in the Province of Nova Scotia no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at the city of Halifax; in the Province of New Brunswick no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at either one of the cities of Fredericton or St. John unless he resides at the other of the said cities or in the immediate vicinity thereof; in the Province of Manitoba no judge of the Court of Appeal or of the Court of King's Bench shall receive any travelling allowance for courts or chambers held at the city of Winnipeg; in the Province of British Columbia no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held

at either one of the cities of Victoria or Vancouver unless he resides at the other of the said cities or in the immediate vicinity thereof; in the Province of Prince Edward Island no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at the city of Charlottetown; in the Province of Saskatchewan no judge of the Court of Appeal or of the Court of King's Bench shall receive any travelling allowance for courts or chambers held at the city of Regina; in the Province of Alberta no judge of the Supreme Court shall receive any travelling allowance for courts or chambers held at either one of the cities of Edmonton or Calgary, unless he resides at the other of the said cities or in the immediate vicinity thereof: Provided that nothing in this paragraph shall affect a judge's right to receive travelling allowances if he reside at a place at which he is by order of the Governor in Council required to reside."

Fifth Session, Thirteenth Parliament, 11–12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 61.

An Act respecting a certain Trade Agreement between His Majesty and the President of the French Republic.

First reading, April 5, 1921.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20469

5th Session, 13th Parliament, 11-12 George V., 1921

THE HOUSE OF COMMONS OF CANADA.

BILL 61.

An Act respecting a certain Trade Agreement between His Majesty and the President of the French Republic.

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 French Trade Agreement Act, 1921.*

Trade Agreement approved.

2. The Trade Agreement of the twenty-ninth day of January, one thousand nine hundred and twenty-one, entered into at Paris by representatives appointed by His Majesty and by the President of the French Republic, a copy of which is set forth in the Schedule to this Act, is hereby approved.

Governor in Council may carry out provisions of Trade Agreement.

3. (1) The Governor in Council may make such orders and regulations as are deemed necessary to carry out the provisions of the said Trade Agreement.

Orders and regulations to be of same effect as if enacted in this Act and to be laid before Parliament.

(2) Any order in council or regulation made under this Act shall have effect as if enacted in this Act but may be varied or revoked by a subsequent order or regulation, and shall be laid before both Houses of Parliament as soon as may be after it is made.

SCHEDULE.

Trade Agreement between France and Canada.

Pending the conclusion of a new commercial convention, with a view to which negotiations will begin immediately, the French and Canadian Governments have agreed to the following provisions:—

Art. 1.—Canada shall apply to products originating in and coming from France the most favourable tariffs and taxes that are or may be granted by Canada to the products of any third Power, except those of the United Kingdom or of British Dominions and Possessions.

Art. 2.—Canada shall also accord most-favoured-nation treatment as regards exportation, transit, consumption taxes, and other internal duties.

Art. 3.—The French Government agrees to continue for the benefit of Canadian products imported into France, until the conclusion of the new commercial convention, the application of the regime laid down in the Conventions of 1907 and 1909, with the modifications and additions provided for by the following Articles:—

Art. 4.—Of the goods enumerated in Schedule A annexed to the Convention of 1907, those specified in Schedule I, attached hereto, shall cease to benefit by the minimum tariff. On importation to France they shall enjoy a percentage rebate of duty as indicated in that list. This percentage shall be based on the difference between the rates of the general and minimum tariffs, and the percentage will remain the same whatever increases or decreases in duties, coefficients, or surtaxes may be made by France in the future.

Art. 5.—In addition to the products enumerated in Schedule A of the Convention of 1907, France shall admit the articles enumerated in Schedule II attached hereto, to the benefit of the minimum tariff or at a percentage rebate of the duty, as laid down in the Schedule. This percentage, as fixed by said Schedule, will be based on the difference between the general and minimum tariffs, and will remain the same whatever increases or reductions in duties, coefficients, or surtaxes may be made by France in the future.

Art. 6.—The present arrangement shall remain in force until the conclusion of a new Commercial Convention, but either of the High Contracting Parties may denounce it after four months' notice.

In witness thereof, the representatives appointed for the purpose have signed this arrangement.

Done in duplicate, at Paris, the 29th day of January, 1921.

Signed: HARDINGE OF PENSHURST. Signed: A. BRIAND.

Signed: GEORGE E. FOSTER. Signed: AUG. ISAAC.

SCHEDULE I.

CANADIAN PRODUCTS WHICH SHALL NO MORE BENEFIT BY MINIMUM TARIFF.

Tariff number.	Description of products.	Percentage.
205	Cast-iron:	
	Foundry-iron and forge-pig for refining, containing less than 25% of manganese.	
	Ferro-manganese containing more than 25% of manganese; ferro-silicon containing more than 5% of silicon;	
	Rich silico-spiegel iron containing at least 30% of silicon and manganese; chromic iron, containing 10% of chromium or more; ferro-aluminium, containing 10% of aluminium or less;	
	Ferro-aluminium, containing more than 10% of aluminium and less than 20%	15%
206	Wrought-iron, crude, in blooms, prisms or bars	50%
207	Iron, drawn in bars, angle and T iron, unworked axles and tyres, of cast-iron	15%
213	Steel, in bars	50%
214	Steel axles and tyres of wheels, unworked or forge-steel	50%
216	Steel, in sheets or brown bands, hot-rolled; Steel in sheets or white bands, cold-rolled	50%
484	Gloves	50%
567	Tubes of iron or steel, not welded,	
	Tubes of iron or steel, welded,	
	Jointings of all kinds,	
	Tubes of iron or steel, bored or not welded	20%
590	Furniture of bent wood, fitted or not	50%
ex 591	Furniture, other than of bent wood	50%
ex 592	Furniture with moulding, waxed, varnished or other	50%
ex 592	(Other articles of the tariff, under the same numbers may be imported under the General Tariff only)	
ex 604	Pianos:	
	Organs, harmoniums, instruments with free metallic reeds, with one or more stops.	
	Church organs, complete, and detached parts thereof	50%
ex 605	Accessories and detached parts of the above mentioned musical instruments (Ex. 604)	50%

SCHEDULE II.

CANADIAN PRODUCTS WHICH WILL ENJOY THE BENEFIT OF THE MINIMUM TARIFF OR OF A PERCENTAGE OF REDUCTION.

Number of the tariff.	Description of Products.	Minimum Tariff.	Percentage.
20 bis	Guts, fresh, dried or salted	M.T.	
ex 26	Feathers, ornamental, prepared or mounted, other bed feathers not prepared, prepared and down not prepared or prepared	M.T.	
ex 85	Prunes and apricots, dried	M.T.	
98	Chocolate	M.T.	
ex 110	Fixed oils, pure; linseed oil, other oils	M.T.	
160	Hops	M.T.	
161	Lupuline of hops	M.T.	
174 ter	Pomace	M.T.	
197	Petroleum, schist and other mineral illuminating oils	M.T.	
198	Heavy oils, and residues of petroleum and other mineral oils	M.T.	
0117	Oxides of cobalt, impure residues from the treatment of argentiferous ore containing less than 50% of cobalt	M.T.	
0118	Other oxides of cobalt (including zaffre and smalt)	M.T.	
0119	Salts of cobalt, hydrated (at least 40% water)	M.T.	
0120	Other salts of cobalt	M.T.	
0205	Acetate or pyrolignite of lime	M.T.	
ex 298	Varnishes	.....	20%
312	Soaps, other than perfumed	M.T.	
325	Glue made from bones, sinews, skins, etc	.....	50%
510	Steam engines, stationary and marine, without boilers; stationary steam pumps; compressors of air and various gas; gas, petroleum, alcohol, hot-air, compressed-air motors and those operated by any other gas mixtures or explosive and all other motors, not mentioned	M.T.	
522	Agricultural machines	T.M.T.	
525	Machine tools	.....	50%
525 quater	Rinsing, corking, capping and bottle filling machines	T.M.T.	
526 quinquies	Open boilers; gasometers; vessels of non-galvanized iron or steel plate; radiators for caloriferes; gas, petroleum and alcohol heaters	.....	30%
533	Component parts of machines, of steering and brake apparatus, and of shafting of wrought or stamped iron or steel, of cast iron or steel, of malleable pig iron, and component parts of motor car chassis frames of pressed or welded steel	M.T.	
ex 535	Copper detached pieces for agricultural machines	M.T.	
535 bis	Component parts of machines and of shafting not mentioned of two or more metals, such as iron, steel, pig iron, copper pure or alloyed with all metals mentioned in the preceding items, such as brasses, cocks, and accessory apparatus for water, gas and steam	.....	50%
539	Stereotype plates, engraved plates and dies for printing on paper, other than wall paper with or without designs	M.T.	
559	Locks	.....	40%
559 bis	Padlocks	.....	40%
568	Household wares and articles not mentioned. Enamelled, plain, tinned. Enamelled, ornamented without gold, marbled or granited without gold	M.T.	
	Enamelled, ornamented with gold, etc. in sheets, not manufactured, Other than the three above mentioned categories	.....	30%

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 71.

An Act to authorize an extension of time for the completion of the St. John and Quebec Railway between Centreville, in the County of Carleton, and Andover, in the County of Victoria, N.B.

First reading, April 13, 1921.

The MINISTER OF RAILWAYS AND CANALS.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20668

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 71.

An Act to authorize an extension of time for the completion of the St. John and Quebec Railway between Centreville, in the county of Carleton, and Andover, in the County of Victoria, N.B.

1916, c. 23; 1917, c. 22; 1919, cc. 7, 31.

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

Time for construction of line extended.

1. Section one of chapter thirty-one of the statutes of 1919 is hereby amended by striking out the figures "1921" in the seventh line thereof, and substituting therefor the figures "1923".

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 72.

An Act to amend the Winding-up Act.

First reading, April 14, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21023 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 72.

An Act to amend the Winding-up Act.

R.S., c. 144; 1907, c. 51; 1908, cc. 10, 74, 75; 1910, c. 62; 1912, c. 24; 1915, c. 21; 1916, c. 5.

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

1. The Winding-up Act, Revised Statutes of Canada, 1906, chapter one hundred and forty-four, is amended by inserting the following section immediately after section thirty-three thereof:—

Liquidator to prepare statement of assets and debts.

"**33A.** The liquidator shall, within sixty days after his appointment, prepare a statement of the assets, debts and liabilities of the company and of the value of such assets as shown by his books and records.

Documents to be forwarded to Dominion Statistician.

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

"**38A.** The liquidator shall promptly after their receipt or preparation, mail to the Dominion Statistician, Dominion Bureau of Statistics, Ottawa, a true copy of,—

(a) The winding-up order referred to in section eleven;

(b) The petition referred to in section thirteen;

(c) The statement of the debts, liabilities and assets of the company and statements of the value of such assets referred to in section thirty-three A; and,

(d) The dividend sheets referred to in section eighty-three."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 73.

An Act to authorize the ratification and carrying into effect of the Protocol of the sixteenth day of December, 1920, accepting the Statute for the Permanent Court of International Justice of the thirteenth day of December, 1920.

First reading, April 14, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21106 1921

12

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 73.

An Act to authorize the ratification and carrying into effect of the Protocol of the sixteenth day of December, 1920, accepting the Statute for the Permanent Court of International Justice of the thirteenth day of December, 1920.

Preamble.

WHEREAS the Dominion of Canada as one of the members of the League of Nations has by execution of the Protocol of the sixteenth day of December, 1920, declared its acceptance of the statute thereunto adjoined for the Permanent Court of International Justice, which statute was approved by unanimous vote of the Assembly of the League of Nations on the thirteenth day of December, 1920, at Geneva; and whereas the said Protocol is by the terms thereof subject to ratification; and whereas a copy of the said Protocol and of the said statute thereunto adjoined is set forth in the Schedule to this Act: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to ratify Protocol.

1. The Governor in Council is authorized to ratify the said Protocol of the sixteenth day of December, 1920, in the manner thereby stipulated.

Governor in Council may do everything necessary to carry Protocol into effect.

2. The Governor in Council is authorized to make such orders in council, regulations and nominations, and to give such directions and notices, and to do and authorize such other acts and things as may appear to him necessary, proper or expedient on the part of Canada for carrying into effect the said Protocol and the provisions of the aforesaid statute for the Permanent Court of International Justice.

SCHEDULE.

Protocol of Signature.

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined Statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the Assembly of the League on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned Statute.

The present Protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each Power shall send its ratification to the Secretary-General of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory Powers. The ratification shall be deposited in the archives of the Secretariat of the League of Nations.

The said Protocol shall remain open for signature by the members of the League of Nations and by the States mentioned in the Annex to the Covenant of the League.

The Statute of the Court shall come into force as provided in the above-mentioned decision.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

16th December, 1920.

STATUTE

FOR

THE PERMANENT COURT OF INTERNATIONAL JUSTICE

PROVIDED FOR BY

Article 14 of the Covenant of the League of Nations.

ARTICLE 1.

A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organized by the Conventions of The Hague of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I.

ORGANIZATION OF THE COURT.

ARTICLE 2.

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3.

The Court shall consist of fifteen members: eleven judges and four deputy-judges. The number of judges and deputy-judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of fifteen judges and six deputy-judges.

ARTICLE 4.

The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

In the case of Members of the League of Nations not represented in the Permanent Court of Arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

ARTICLE 5.

At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the Members of the Court of Arbitration belonging to the States mentioned in the Annex to the Covenant or to the States which join the League subsequently, and to the persons appointed under paragraph 2 of Article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ARTICLE 6.

Before making these nominations, each national group is recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

ARTICLE 7.

The Secretary-General of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible for appointment.

The Secretary-General shall submit this list to the Assembly and to the Council.

ARTICLE 8.

The Assembly and the Council shall proceed independently of one another to elect, firstly the judges, then the deputy-judges.

ARTICLE 9.

At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole

body also should represent the main forms of civilization and the principal legal systems of the world.

ARTICLE 10.

Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

In the event of more than one national of the same Member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

ARTICLE 11.

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ARTICLE 12.

If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Articles 4 and 5.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed shall, within a period to be fixed by the Council, proceed to fill the vacant seats by selection from amongst those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes amongst the judges, the eldest judge shall have a casting vote.

ARTICLE 13.

The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

ARTICLE 14.

Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the Court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ARTICLE 15.

Deputy-judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the Court and shall have regard firstly to priority of election and secondly to age.

ARTICLE 16.

The ordinary Members of the Court may not exercise any political or administrative function. This provision does not apply to the deputy-judges except when performing their duties on the Court.

Any doubt on this point is settled by the decision of the Court.

ARTICLE 17.

No Member of the Court can act as agent, counsel or advocate in any case of an international nature. This provision only applies to the deputy-judges as regards cases in which they are called upon to exercise their functions on the Court.

No Member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a Member of a national or international Court, or of a commission of enquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the Court.

ARTICLE 18.

A member of the Court cannot be dismissed unless, in the ananimous opinion of the other members, he has ceased to fulfil the required conditions.

Formal notification thereof shall be made to the Secretary-General of the League of Nations by the Registrar.

This notification makes the place vacant.

ARTICLE 19.

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

ARTICLE 20.

Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

ARTICLE 21.

The Court shall elect its President and Vice-President for three years; they may be re-elected.

It shall appoint its Registrar.

The duties of Registrar of the Court shall not be deemed incompatible with those of Secretary-General of the Permanent Court of Arbitration.

ARTICLE 22.

The seat of the Court shall be established at The Hague.

The President and Registrar shall reside at the seat of the Court.

ARTICLE 23.

A session of the Court shall be held every year.

Unless otherwise provided by rules of Court, this session shall begin on the 15th of June, and shall continue for so long as may be deemed necessary to finish the cases on the list.

The President may summon an extraordinary session of the Court whenever necessary.

ARTICLE 24.

If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

If the President considers that for some special reason one of the members of the Court should not sit on a particular case, he shall give him notice accordingly.

If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

ARTICLE 25.

The full Court shall sit except when it is expressly provided otherwise.

If eleven judges cannot be present, the number shall be made up by calling on deputy-judges to sit.

If, however, eleven judges are not available, a quorum of nine judges shall suffice to constitute the Court.

ARTICLE 26.

Labour cases, particularly cases referred to in Part XIII (Labour) of the Treaty of Versailles and the corresponding portions of the other Treaties of Peace, shall be heard and determined by the Court under the following conditions:

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to ensuring a just representation of the competing interests.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the President will invite one of the other judges to retire in favour of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Labour cases" composed of two persons nominated by each Member of the League of Nations and an equivalent number nominated by the Governing Body of the Labour Office. The Governing Body will nominate, as to one-half, representatives of the workers, and as to one-half, representatives of employers from the list referred to in Article 412 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace.

In Labour cases the International Labour Office shall be at liberty to furnish the Court with all relevant information, and for this purpose the Director of that Office shall receive copies of all the written proceedings.

ARTICLE 27.

Cases relating to transit and communications, particularly cases referred to in Part XII (Ports, Waterways and Railways) of the Treaty of Versailles and the corresponding portions of the other Treaties of Peace shall be heard and determined by the Court under the following conditions :

The Court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of Article 9. In addition, two judges

shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the Court will sit with the number of judges provided for in Article 25. When desired by the parties or decided by the Court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph the President will invite one of the other judges to retire in favour of a judge chosen by the other party in accordance with Article 31.

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under Article 30 from a list of "Assessors for Transit and Communications cases" composed of two persons nominated by each Member of the League of Nations.

ARTICLE 28.

The special chambers provided for in Articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ARTICLE 29.

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ARTICLE 30.

The Court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ARTICLE 31.

Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a judge of the nationality of one of the parties only, the other party may select from among the deputy-judges a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this Article shall fulfil the conditions required by Articles 2, 16, 17, 20, 24 of this Statute. They shall take part in the decision on an equal footing with their colleagues.

Article 32.

The judges shall receive an annual indemnity to be determined by the Assembly of the League of Nations upon the proposal of the Council. This indemnity must not be decreased during the period of a judge's appointment.

The President shall receive a special grant for his period of office, to be fixed in the same way.

The Vice-President, judges and deputy-judges, shall receive a grant for the actual performance of their duties, to be fixed in the same way.

Travelling expenses incurred in the performance of their duties shall be refunded to judges and deputy-judges who do not reside at the seat of the Court.

Grants due to judges selected or chosen as provided in Article 31 shall be determined in the same way.

The salary of the Registrar shall be decided by the Council upon the proposal of the Court.

The Assembly of the League of Nations shall lay down, on the proposal of the Council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the Court.

Article 33.

The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

CHAPTER II.

COMPETENCE OF THE COURT.

Article 34.

Only States or Members of the League of Nations can be parties in cases before the Court.

Article 35.

The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

When a State which is not a Member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute towards the expenses of the Court.

ARTICLE 36.

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force.

The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning:

(a) The interpretation of a Treaty;
(b) Any question of International Law;
(c) The existence of any fact which, if established, would constitute a breach of an international obligation;
(d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

ARTICLE 37.

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

ARTICLE 38.

The Court shall apply:

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;

2. International custom, as evidence of a general practice accepted as law;

3. The general principles of law recognized by civilized nations;

4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex æquo et bono*, if the parties agree thereto.

CHAPTER III.

PROCEDURE.

ARTICLE 39.

The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court will be given in French and English. In this case the Court will at the same time determine which of the two texts shall be considered as authoritative.

The Court may, at the request of the parties, authorize a language other than French or English to be used.

ARTICLE 40.

Cases are brought before the Court, as the case may be, either by the notification of the special agreement, or by a written application addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General.

ARTICLE 41.

The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

ARTICLE 42.

The parties shall be represented by Agents.

They may have the assistance of Counsel or Advocates before the Court.

ARTICLE 43.

The procedure shall consist of two parts: written and oral.

The written proceedings shall consist of the communication to the judges and to the parties of cases, counter-cases and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

A certified copy of every document produced by one party shall be communicated to the other party.

The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

ARTICLE 44.

For the service of all notices upon persons other than the agents, counsel and advocates, the court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ARTICLE 45.

The hearing shall be under the control of the President or, in his absence, of the Vice-President; if both are absent, the senior judge shall preside.

ARTICLE 46.

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 47.

Minutes shall be made at each hearing, and signed by the Registrar and the President.

These minutes shall be the only authentic record.

ARTICLE 48.

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

ARTICLE 49.

The Court may, even before the hearing begins, call upon the agents to produce any document, or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 50.

The Court may, at any time, entrust any individual, body, bureau, commission or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

ARTICLE 51.

During the hearing, any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

ARTICLE 52.

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 53.

Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favour of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

ARTICLE 54.

When subject to the control of the Court, the agents, advocates and counsel have completed their presentation of the case, the President shall declare the hearing closed.

The Court shall withdraw to consider the judgment.

The deliberations of the Court shall take place in private and remain secret.

ARTICLE 55.

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

ARTICLE 56.

The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57.

If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ARTICLE 58.

The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agents.

ARTICLE 59.

The decision of the Court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60.

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

ARTICLE 61.

An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognising that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of ten years from the date of the sentence.

ARTICLE 62.

Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

ARTICLE 63.

Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ARTICLE 64.

Unless otherwise decided by the Court, each party shall bear its own costs.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 74.

An Act to amend the Criminal Code (Probation of Offenders).

First reading, April 14, 1921.

Mr. MOWAT.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21171

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 74.

An Act to amend the Criminal Code (Probation of Offenders).

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

R.S. c. 146; 1909, c. 9.

1. Section one thousand and eighty-one of the *Criminal Code* as amended by chapter nine of the statutes of 1909, is hereby amended by adding thereto the following subsection:—

Placing offender under probation.

"(5) In any case where a sentence is suspended the Court may commit the offender to the care and supervision of a Probation Bureau established under an Act of any Province of Canada, or of a Probation Officer appointed by a municipality under authority of a provincial Act, on probation for such period and under such conditions of probation as the Court may determine; and the Court may subsequently increase or decrease the probation period, and may remove or modify any condition of probation. The offender may also be ordered to make restitution and reparation to a person or persons aggrieved by the offence for which he was convicted for actual damage or loss thereby caused, and may while on probation be ordered to provide for the support of his wife or dependents for which he is liable."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 75.

An Act concerning the Canadian Wheat Board.

First reading, April 14, 1921.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

19873

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 75.

An Act concerning the Canadian Wheat Board.

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

Powers of Wheat Board continued in order that unsettled business may be concluded.

1. The creation of the Canadian Wheat Board by the Governor in Council under the provisions of the Order in Council, of the thirty-first day of July, one thousand nine hundred and nineteen (P.C. 1589), the appointments made thereunder and the powers, duties and rights of the said Board and of the Executive Committee, Chairman and members of the said Board as set forth in the said Order in Council and in the Orders in Council of the seventh day of August, one thousand nine hundred and nineteen (P.C. 1659), the twenty-ninth day of August, one thousand nine hundred and nineteen (P.C. 1817), the eighteenth day of October, one thousand nine hundred and nineteen (P.C. 2148), the third day of December, one thousand nine hundred and nineteen (P.C. 2430), the ninth day of December, one thousand nine hundred and nineteen (P.C. 2462), and in two Orders in Council of the eighteenth day of August, one thousand nine hundred and nineteen (P.C. 1741 and P.C. 1762), and in any other Orders in Council passed with reference to the said Board, and the rules, regulations and orders made by the said Board are hereby ratified and confirmed as on and from the respective dates of the said Orders in Council, rules and regulations; and the powers, duties and rights of the said Board, the Executive Committee, the Chairman and members are hereby continued in full force and effect so far as it may be necessary and convenient for winding up and concluding the unsettled business of the Wheat Board, or any business arising therefrom; and the Governor in Council shall have power during the continuance of such business to fill any vacancy in the chairmanship or the membership of the said

Board and to make any regulations he may deem necessary or convenient for conducting, managing and winding up the said business of the said Board.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 76.

An Act to amend the Criminal Code.

First reading, April 15th, 1921.

Mr. ARCHAMBAULT.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21351

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 76.

An Act to amend the Criminal Code.

R.S. 146.

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

Defamatory libel.

Proceedings of court may be published, but extenuating facts must be given.

1. Section three hundred and twenty of the *Criminal Code* is amended by adding thereto the following words:— "provided he also publishes at the same time any facts, extenuating circumstances, or argument which the person likely to be injured by such defamatory matter is entitled to set up before such court or at such enquiry."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 77.

An Act to extend the time for the payment of certain debentures issued by the Harbour Commissioners of Montreal.

First reading, April 15, 1921.

The MINISTER OF FINANCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19726 1921

5th Session, 13th Parliament, 11-12 George V., 1921

THE HOUSE OF COMMONS OF CANADA.

BILL 77.

An Act to extend the time for the payment of certain debentures issued by the Harbour Commissioners of Montreal.

1896, c. 10; 1898, c. 47.

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

Date for payment of debentures extended for 25 years.

1. The times for the payment of the debentures issued by the Harbour Commissioners of Montreal to His Majesty which are mentioned in the schedule to this Act are extended to the respective dates mentioned in the said schedule.

SCHEDULE.

(a) Debentures issued by the Harbour Commissioners of Montreal to His Majesty under the authority of chapter ten of the statutes of 1896, *An Act respecting the Harbour Commissioners of Montreal.*

SERIES K.

Number	Date of Debenture	Amount	Due
1	23rd April, 1896	$ 389,745 27	
2	16th May, 1896	503,134 73	
3	2nd July, 1896	107,120 00	
4	11th July, 1896	100,000 00	
5	25th June, 1897	90,000 00	1st July, 1921.
6	10th June, 1898	110,000 00	
7	25th July, 1899	100,000 00	
8	1st Dec., 1899	200,000 00	
9	1st June, 1900	100,000 00	
10	6th Sept., 1900	300,000 00	
		$ 2,000,000 00	

The time for the payment of the above mentioned debentures of Series K is extended until the first day of July, A.D. one thousand nine hundred and forty-six.

(b) Debentures issued by the Harbour Commissioners of Montreal to His Majesty under the authority of chapter forty-seven of the statutes of 1898, *An Act to grant further aid to the Harbour Commissioners of Montreal.*

SERIES L.

Number	Date of Debenture.	Amount	Due
1	5th August, 1901	$ 150,000 00	
2	22nd January, 1902	300,000 00	
3	2nd July, 1902	100,000 00	
4	23rd October, 1902	250,000 00	
5	5th March, 1903	250,000 00	
6	4th June, 1903	100,000 00	
7	8th September, 1903	250,000 00	1st July, 1926.
8	14th January, 1904	250,000 00	
9	15th February, 1904	100,000 00	
10	10th June, 1905	90,000 00	
11	5th March, 1906	50,000 00	
12	13th October, 1909	60,000 00	
13	18th February, 1910	50,000 00	
		$2,000,000 00	

The time for the payment of the above mentioned debentures of Series L is extended until the first day of July, A.D. one thousand nine hundred and fifty-one.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 78.

An Act to amend The Currency Act, 1910.

First reading, April 15, 1921.

The MINISTER OF FINANCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19728 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 78.

An Act to amend The Currency Act, 1910.

1910, c. 14; 1914 (2nd Sess.) c. 3; 1919, c. 16; 1920, c. 9.

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

Nickel five cent coins authorized of fixed weight and fineness.

1. (1) *The Currency Act, 1910*, chapter fourteen of the statutes of 1910, is amended by inserting the word "nickel" after the word "silver" where the same appears in sub-sections one and three of section four, in section twelve, and in paragraph *(e)* of subsection one of section twenty; and by inserting the words "or nickel" after the word "silver" in section twenty-four of the said Act.

(2) Subsection one of section eight, of the said Act, is amended by inserting the following paragraph immediately after paragraph *(b)* thereof:

Limit of legal tender.

"*(b1)* in the case of nickel coins for a payment of an amount not exceeding five dollars, but for no greater amount;"

Payment of notes in nickel coins.

(3) Subsection two of section eight of the said Act is amended by adding the following words at the end thereof: "and the provisions of this subsection shall apply to nickel coins with the substitution of five dollars for ten dollars."

(4) The Schedule to the said Act is amended by adding the following at the end thereof:—

Denomination of Coin	Standard Weight.	Standard Fineness.	Remedy allowance	
			Weight of piece	Millesimal fineness
Nickel—Five cent.....	Grains 70	Pure nickel...	Grains *2.00	15

*This remedy is not to exceed one hundred grains per avoirdupois pound of one hundred pieces.

Commencement of Act.

(5) This section shall come into force upon such date as may be prescribed by Proclamation issued by the Governor in Council.

Current gold coin not to be melted down.

2. The said Act is amended by inserting the following section immediately after section twenty-four thereof:—

"**24**A. (1) It shall not be lawful for any person, except under and in pursuance of a license granted by the Minister of Finance, to melt down, break up, or use otherwise than as currency any gold coin which is for the time being current and a legal tender in Canada.

Penalty.

"(2) If any person acts in contravention of this section, or acts in contravention of or fails to comply with any condition attached to a license granted under this section, he shall, for each offence, be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both such fine and imprisonment, and, in addition to any other punishment, the court dealing with the case may order the articles in respect of which the offence was committed to be forfeited."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 79.

An Act to amend the Inland Revenue Act.

First reading, April 19, 1921.

Mr. ARCHAMBAULT.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21449 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 79.

An Act to amend the Inland Revenue Act.

R.S., c. 51; 1908, c. 34; 1910, c. 30; 1911, c. 13; 1914 (2 Sess.), c. 6; 1915, c. 17; 1918, c. 28; 1920, c. 52.

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

Division of penalties and forfeitures.

1. Paragraphs (*a*) and (*b*) of subsection one of section one hundred and thirty-eight of the *Inland Revenue Act*, Revised Statutes of Canada, 1906, chapter fifty-one, are hereby repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 80.

An Act respecting the Grand Trunk Arbitration.

First reading, April 19, 1921.

The PRIME MINISTER.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21445

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 80.

An Act respecting the Grand Trunk Arbitration.

Preamble.

WHEREAS pursuant to *The Grand Trunk Railway Acquisition Act, 1919*, chapter seventeen of the Second Session, His Majesty the King, hereinafter called "the Government," and the Grand Trunk Railway Company of Canada, hereinafter called "the Company," entered into an agreement bearing date the eighth day of March, 1920, for the acquisition by the Government, on the terms in the said agreement stated, of the entire capital stock of the Grand Trunk Railway, except the present guaranteed stock as thereby defined, and the said agreement was by and subject to the provisions of chapter thirteen of the Statutes of 1920 in all respects ratified and confirmed; and whereas, although the Company has not concluded the presentation of its case to the arbitrators and no award has been made, the period of nine months stipulated by the eighth clause of the said agreement for the making of the award of the arbitrators has elapsed and it is expedient to prescribe terms upon which the Governor in Council may approve of a further time within which the award may be made: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor in Council may extend time for arbitrators' award.

1. The Governor in Council may approve of a further time within which the arbitrators or a majority of them may make their award, but any agreement for this purpose shall stipulate terms and conditions which shall ensure to the satisfaction of the Government,—

Conditions.

Directors of company and designated companies to resign, and nominees of Government appointed.

(a) that forthwith the directors of the Company and of such of the companies comprised in the Grand Trunk System as the Government may designate shall resign or vacate their offices as directors at such time or times and in such manner as may be requested by the Government, and that nominees of the Government shall be duly appointed to the vacancies

caused thereby; provided that the substituted board of directors of the Company shall be deemed to be complete although it do not comprise more than five members;

Nominated directors to hold office during pleasure.

(b) that the directors of the Company so nominated by the Government and their successors shall hold office as such directors during pleasure of the Governor in Council, who shall have power to remove them and to fill vacancies, and the board of directors so constituted may exercise and carry on all the powers and business of the Company without reference to or consultation with the shareholders of the Company, and not subject in anywise to their vote, direction or control;

Removals and vacancies.

Powers.

Meetings.

(c) that the meetings of the board of directors of the Company for the transaction of any business may be validly held in Canada or elsewhere;

Vested with powers of Committee of Management.

(d) that the directors of the Company appointed upon nomination of the Government as aforesaid, in addition to their other powers, shall have and may exercise all the powers and functions of the Committee of Management as provided by the said agreement;

Grand Trunk Shareholders' Committee.

(e) that there shall be a committee which may be constituted by authority of the present directors of the Company, or otherwise as may be agreed, and may be known as the Grand Trunk Shareholders Committee, which, for the purpose of carrying on the arbitration proceedings and presenting the case of the Grand Trunk shareholders and for the exercise of the powers or duties conferred or prescribed by the said agreement of the eighth March in that regard, shall have and may exercise the powers and be charged with the duties heretofore belonging to the said directors; and that assessments or deductions, as provided for by clause twenty-one of the said agreement of eighth March, for all costs of the arbitration not heretofore provided and paid by means of assessments shall be made in such amounts as may be necessary for the purpose, and upon and in accordance with requisitions of the Committee, and that upon satisfying such requisitions the Company shall not be bound to see to the application of the moneys requisitioned or otherwise responsible for or bear any of the costs of the arbitration;

May carry on arbitration proceedings.

Assessments and reductions for all costs of arbitration.

Books and records, railways and properties open to inspection by Committee.

(f) that for the purpose of the arbitration the books, minutes, reports, documents and other records, and all the railways and properties of the Companies comprised in the Grand Trunk System shall at all times be accessible and open to inspection and examination by the Committee, or by any person or persons

named by the Committee or by counsel representing the shareholders in the arbitration proceedings;

Arbitration to proceed speedily on substitution of directors.

(g) that upon substitution of directors as hereinbefore provided for the arbitrators shall proceed to a conclusion as speedily as may be, the time for making the award to be subject to provision in the agreement satisfactory to the Government.

Agreement to revive and continue arbitration proceedings to be made on or before 16th May, 1921.

2. The Government and the Company are respectively authorized to agree for reviving and continuing the arbitration proceedings as aforesaid, provided the agreement be made on or before the sixteenth day of May, 1921, and to do, execute and authorize all acts, instruments, matters and things necessary for the purposes aforesaid, and upon the execution of any such agreement on behalf of the Government and on behalf of the Company under the authority of its directors the aforesaid agreement of eighth March as thereby modified shall be and continue to be binding and effective for all purposes, and the stipulations thereof affecting the Government and the Company respectively shall have the same force and effect as if specially enacted by Parliament.

Powers and duties of arbitrators to continue if Governor in Council extend time.

3. In the event of approval by the Governor in Council of a further time for the making of the award under the provisions of this Act, or of any agreement concluded in pursuance of the powers hereby conferred, the powers and duties of the arbitrators shall remain and continue, and be deemed to have remained and continued, and the proceedings shall be resumed and concluded in all respects as if the time within which the award is actually made had been the time limited therefor by the said agreement of eighth March, 1920.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 81.

An Act to amend The Opium and Narcotic Drug Act.

First reading, April 19, 1921.

The MINISTER OF HEALTH.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

19730

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 81.

An Act to amend The Opium and Narcotic Drug Act.

1911, c. 17; 1919 (2 Sess.) c. 25; 1920, c. 31.

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

1. *The Opium and Narcotic Drug Act*, chapter seventeen of the statutes of 1911, as amended by chapter thirty-one of the statutes of 1920, is amended as follows:—

Prescriptions not to be filled more than once.

(a) Subsection one of section five is amended by striking out the words "without the authority of the prescribing physician, veterinary surgeon or dentist" in the ninth and tenth lines thereof.

Physician not to prescribe drug, etc., except for medicinal purposes.

(b) Subsection two of section five is amended by adding immediately after the words "any physician" in the first line thereof, the following words: "who prescribes, administers or gives to any person any drug, or"

Any person may be required to keep record of any drug mentioned in the schedule of Act.

(c) Subsection one of section five A is amended by substituting the word "person" for the word "licensee" in the ninth line, and the words "the schedule to this Act" for the words "such licensee" in the eleventh line thereof.

Person occupying premises where drug is found and charged with unlawful possession deemed to be in possession of drug unless he proves drug there without his knowledge, etc.

(d) Paragraph *(e)* of subsection two of section five A is amended by adding after the word "Minister" in the third line thereof the following:—"and without limiting the generality of this clause, any person who occupies, controls or is in possession of any building, room, vessel, vehicle, enclosure or place in or upon which any drug is found shall, if charged with having such drug in possession without lawful authority, be deemed to have been so in possession unless he prove that the drug was there without his authority, knowledge or consent, or that he was lawfully entitled to the possession thereof."

(e) Subsection two of section five A is amended by adding the following paragraphs at the end thereof:—

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 82.

An Act to amend the Royal Canadian Mounted Police Act.

First reading, April 20, 1921.

PRESIDENT OF THE PRIVY COUNCIL.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21352

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 82.

R.S., c. 91; 1913, c. 47; 1914, (2 Sess.) c. 2; 1919, c. 69; 1919, (2 Sess.) c. 28; 1920, cc. 18, 68.

An Act to amend the Royal Canadian Mounted Police Act.

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

1. The *Royal Canadian Mounted Police Act*, Revised Statutes of Canada, 1906, chapter ninety-one, is amended by inserting the following section immediately after section twenty-one thereof:—

Fines and forfeitures earned by members of the Force to be paid to the Minister.

"**21**A. (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.

How money is to be used.

"(2) The moneys 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 interests of the members of the Force or their dependents;

as the Governor in Council may prescribe.

Regulations.

"(3) The Governor in Council may make any 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."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 83.

An Act to amend the Criminal Code.

First reading, April 21, 1921.

Mr. CURRIE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21632

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 83.

An Act to amend the Criminal Code.

R.S., c. 146; 1919, c. 46; 1919, 2 sess., c. 12; 1920, c. 43.

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

Aliens not to have firearms or weapons without a permit.

1. Paragraph *(aa)* of subsection one of section one hundred and eighteen of the *Criminal Code*, as enacted by chapter forty-three of the statutes of 1920, is repealed, and the following is substituted therefor:—

"*(aa)* being an alien, has in his possession any pistol, rifle, shot-gun, revolver, firearm or offensive weapon without having a permit therefor, which permit may be issued in the same manner, by the same persons, and as near as may be in the same form, as in the case of the other permits referred to in this section; or"

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 105.

An Act to amend the Act to revive and amend The Naturalization Act, 1914.

First reading, April 22, 1921.

Mr. ARCHAMBAULT.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21725

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 105.

An Act to amend the Act to revive and amend The Naturalization Act, 1914.

1914, c. 44; 1914 (2 Sess.) c. 7; 1919, c. 38; 1920, c. 59.

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

Service with His Majesty's allies equivalent to service under the Crown.

1. Subsection six of section two of *The Naturalization Act, 1914*, as enacted by chapter fifty-nine of the statutes of 1920, is amended by inserting after the word "Crown" in the second line thereof the words "or any of His Majesty's Allies."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 107.

An Act to amend an Act to provide for the Retirement of certain Members of the Public Service.

First reading, April 22, 1921.

The MINISTER OF IMMIGRATION AND COLONIZATION.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

19732

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 107.

An Act to amend An Act to provide for the Retirement of certain Members of the Public Service.

1920, c. 67.

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

Short title.

1. Chapter sixty-seven of the statutes of 1920, *An Act to provide for the Retirement of certain Members of the Public Service*, may be cited as *The Public Service Retirement Act.*

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

"Officer" defined.

"*(b)* "officer" means any officer, clerk or employee who is employed in the public service and who receives a stated annual salary, and any officer, clerk or employee in the said service who is continuously employed but for only a portion of each year and who receives a daily or monthly rate of wage, but shall not include any person appointed for a temporary purpose or on part time.

3. (1) Subsection two of section three of the said Act is repealed, and the following is substituted therefor:—

Rate of retiring allowance to officers between 45 and 60 years and over 60.

"(2) Every officer retired under the provisions of this Act who is not less than forty-five and under sixty years of age who has served continuously in the public service for not less than twenty years, and every officer retired under the provisions of this Act who is sixty years of age or over and who has served continuously in the public service for not less than ten years, in addition to the payments authorized by subsection one of this section, shall receive an annual retiring allowance, payable to him during his life, equal to one-sixtieth of his average salary for the last three years during which he was in the public service for each year of his service, but not exceeding in all thirty-

Proviso as to average salary for full term.

sixtieths of such average salary: Provided that if the average salary of any officer retired under this Act for the last three years during which he was in the public service is less than the average salary of such officer for the full term of his service, such latter average shall be taken as the basis upon which to compute any retiring allowance to which such officer may be entitled under this Act.

(2) Subsection five of the said section is amended by striking out the words "average annual" in the first line thereof.

Section to have effect from date of coming into force of Act amended.

(3) This section shall be deemed to have come into operation on the first day of July, one thousand nine hundred and twenty.

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

Allowances to be paid out of Con. Revenue Fund.

"**4.** Any moneys payable under the provisions of this Act to any officer retired under its provisions shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund."

Operation of Act extended for one year.

5. Section eight of the said Act is amended by substituting the words "twenty-two" for the words "twenty-one" at the end thereof.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 116.

An Act to amend the Research Council Act and to establish a National Research Institute.

First reading, April 26, 1921.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21633

14

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 116.

An Act to amend the Research Council Act and to establish a National Research Institute.

1917, c. 20.

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

Council increased from 11 to 15.

1. (1) Section three of *The Research Council Act*, chapter twenty of the statutes of 1917, is amended by substituting for the word "eleven" in the first line thereof the word "fifteen", and by adding thereto the following subsection:—

Tenure of office.

"(2) The members of the Council shall hold office for a period of three years and five members shall retire each year. Provided that of the members first appointed not more than five shall each be appointed for a period of three years, not more than five members shall each be appointed for a period of two years, and not more than five members for a period of one year.

"Any retiring member shall be eligible for reappointment."

(2) Section four of the said Act is repealed, and the following is substituted therefor:—

Title of Chairman changed, etc.

"**4.** One of the members of the Council shall be Chairman, who shall be appointed by the Governor in Council on the recommendation of the Minister of Trade and Commerce (hereinafter called "the Minister')."

Title of Chairman.

(3) Section eight of the said Act is amended by striking out the word "Administrative" in the second line thereof.

Council incorporated.

(4) The following section is inserted immediately after section eight of the said Act:—

"**8A.** The Council is hereby constituted a body corporate capable of suing and being sued, of holding lands, tenements, hereditaments, goods, chattels and any other property, moveable or immoveable, for the purpose of and subject to this Act. It shall have power to acquire by gift, grant, bequest, donation or otherwise any such real estate, property, money or securities for the purposes of this Act, and, subject to

the approval of the Minister, to agree to any conditions upon which such gifts, grants or bequests may have been made. The said Council shall have power, with the approval of the Minister, to appoint such scientific and technical officers, as may be necessary for the conduct of its business, and, subject to the approval of the Minister, to prescribe the remuneration to be paid the same."

Duties of Administrative Chairman transferred to Council.

(5) Section nine of the said Act is amended by striking out the words "under the direction of the Council and" in the fourth and fifth lines; and sections nine, ten and eleven of the said Act are amended by striking out the words "Administrative Chairman" wherever they appear in the said sections, and in each case substituting therefor the word "Council".

2. The said Act is amended by adding thereto the following as Part II thereof:—

PART II.

"NATIONAL RESEARCH INSTITUTE.

Institute created.

"**12.** (1) There shall be established at or in the vicinity of the city of Ottawa a National Research Institute, hereinafter called the "Institute". The staff of the Institute shall consist of a Director and such scientific and technical and other officers, clerks and employees as may be necessary for carrying on the work of the Institute. Subject to the approval of the Minister, the Director and other scientific and technical officers shall be appointed by the Council, which shall also prescribe their several duties, remuneration and tenure of office.

Powers of Director.

"(2) The control and direction of the work of the Institute shall be exercised by the Council through the Director, or, in case of illness, suspension or absence of the Director, or in case of a vacancy in the office of Director, through an acting Director temporarily appointed by the Council.

Director to give his whole time to work, to report, etc.

"(3) The Director shall devote the whole of his time to his duties as Director of the Institute, and shall report to the Council on the work of the Institute from time to time or when called upon to do so. He shall have the right to be present and to take part in the discussions, but without the right to vote, at all meetings of the Council while matters affecting the work of the Institute may be under consideration.

Duties of Institute.

"**13.** (1) The Institute shall have charge of,—

"*(a)* researches undertaken to promote the utilization of the natural resources of Canada;

"*(b)* researches undertaken with the object of improving the technical processes and methods used in the industries of Canada, and of discovering new processes and methods which may promote the expansion of existing or the development of new industries;

"*(c)* researches undertaken with the view of utilizing the waste products of said industries;

"*(d)* the investigation and determination of standards and methods of measurements, including length, volume, weight, mass, capacity, time and heat, light, electricity, magnetism and other forms of energy; and the determination of physical constants and the fundamental properties of matter;

"*(e)* the standardization and certification of the scientific and technical apparatus and instruments for the Government service and for use in the industries of Canada; and the determination of the standards of quality of the materials used in the construction of public works and of the supplies used in the various branches of the Government service;

"*(f)* the investigation and standardization at the request of any of the industries of Canada of the materials which are or may be used in, or of the products of, the industries making such a request.

"(2) The Institute shall have the charge, direction or supervision of the researches which may be undertaken, under conditions to be determined in each case, by or for single industrial firms or by such organizations, to be known as Trade Guilds for Research, as may desire to avail themselves of the facilities offered for this purpose by the Institute.

Discoveries and inventions, control of.

"**14.** All discoveries, inventions and improvements in processes, apparatus or machines, made by a member or any number of members of the technical staff of the Institute shall be vested in the Council and shall be made available to the public under such conditions and payment of fees or royalties or otherwise as the Council may determine, subject to the approval of the Minister. The Council, with the approval of the Minister, may pay to technical officers of the Institute and to others working under its auspices who have made valuable discoveries, inventions or improvements in processes, apparatus and machines such bonuses as in its opinion may be warranted.

Money, how to be expended.

"**15.** The money annually appropriated by Parliament to the Council for the work of the Institute, or which the Council may receive through gift, grant, bequest, donation or otherwise, shall be expended through the Director of the Institute under the direction of the Council, and subject to the approval of the Minister.

Financial returns.

"**16.** All the receipts and expenditures received by or made on behalf of the Institute shall be subject to examination and audit by the Auditor General, and the Director of the Institute shall submit through the Council a statement of such receipts and expenditures to the Minister at such times and containing such details as the Minister may prescribe. A statement of receipts and expenditure during each fiscal year shall be laid before both Houses of Parliament within fifteen days after the close of the fiscal year if Parliament is then sitting, and if not, then within fifteen days after the opening of the then next session of Parliament.

Annual Report.

"**17.** A report of the work done by the Institute, containing such information and details as the Council and the Minister may require, shall be made by the Director to the Council and through the Council to the Minister after the close of each fiscal year, and the said report shall be laid before both Houses of Parliament."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 116.

An Act to amend the Research Council Act and to establish a National Research Institute.

(Reprinted as proposed to be amended in Committee of the Whole House.)

The Minister of Trade and Commerce.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22176

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 116.

An Act to amend the Research Council Act and to establish a National Research Institute.

1917, c. 20.

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 Research Council Act, 1921.*

Advisory Council.

2. There shall be a Council to be called "The Honorary Advisory Council for Scientific and Industrial Research", hereinafter called "the Council."

Appointment of Council.

3. (1) The Council shall consist of not more than fifteen members, who shall be appointed by the Governor in Council on the recommendation of the Minister of Trade and Commerce (hereinafter called the "Minister").

Tenure of office.

(2) The members of the Council shall hold office for a period of three years and five members shall retire each year. Provided that of the members first appointed not more than five shall each be appointed for a period of three years, not more than five members shall each be appointed for a period of two years, and not more than five members for a period of one year.

Any retiring member shall be eligible for reappointment.

Chairman.

4. One of the members of the Council shall be Chairman, who shall be appointed by the Governor in Council on the recommendation of the Minister.

Duties of Council.

5. The Council shall have charge of all matters affecting scientific and industrial research in Canada which may be assigned to it by the Minister, and shall also have the duty of advising the Minister on questions of scientific

and technological methods affecting the expansion of Canadian industries or the utilization of the natural resources of Canada.

Meeting of Council.

6. The Council shall meet at least four times a year in the city of Ottawa on such days as may be fixed by the Council, and may also meet at such other times and places as the Council may deem necessary for its work.

By-laws.

7. The Council may make by-laws for the conduct of its business, but no by-law shall be in force until it has been approved by the Minister.

Remuneration.

8. No member of the Council, with the exception of the Chairman, 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 Council as may be approved by the Governor in Council.

Council incorporated.

9. The Council is hereby constituted a body corporate capable of suing and being sued, of holding lands, tenements, hereditaments, goods, chattels and any other property, moveable or immoveable, for the purpose of and subject to this Act. It shall have power to acquire by gift, grant, bequest, donation or otherwise any such real estate, property, money or securities for the purposes of this Act, and, subject to the approval of the Minister, to agree to any conditions upon which such gifts, grants or bequests may have been made. The said Council shall have power, with the approval of the Minister, to appoint such scientific and technical officers, as may be necessary for the conduct of its business, and, subject to the approval of the Governor in Council to prescribe the remuneration to be paid the same.

Expenditure for research.

10. From the money annually appropriated by Parliament for the work of the Council, or which the Council may receive through bequest, donation, or otherwise, the Council shall, subject to the approval of the Minister, expend all such sums as the Council deems necessary for carrying on its work.

Statement of expenditure and receipts and audit thereof.

11. All the receipts and expenditure of the Council shall be subject to examination and audit by the Auditor General, and the Council shall submit a statement of such receipts and expenditure to the Minister at such times and containing such details as the Minister may prescribe. A detailed statement of all the receipts and expenditure of the Council during each fiscal year shall be laid before both Houses of Parliament within fifteen days from its opening.

Reports.

12. A report of the work done by the Council, containing such information and details as the Minister may require, shall be made by the Council to the Minister after the close of each fiscal year, and the said report shall be printed and laid before both Houses of Parliament. Such further reports and statements shall also be made to the Minister by the Council as the said Minister may require.

PART II.

"NATIONAL RESEARCH INSTITUTE.

Institute created.

13. (1) There shall be established at or in the vicinity of the city of Ottawa a National Research Institute, hereinafter called the "Institute". The staff of the Institute shall consist of a Director and such scientific and technical and other officers, clerks and employees as may be necessary for carrying on the work of the Institute. Subject to the approval of the Minister, the Director and other scientific and technical officers shall be appointed by the Council, which shall also prescribe their several duties, remuneration and tenure of office.

Powers of Director.

(2) The control and direction of the work of the Institute shall be exercised by the Council through the Director, or, in case of illness, suspension or absence of the Director, or in case of a vacancy in the office of Director, through an acting Director temporarily appointed by the Council.

Director to give his whole time to work, to report, etc.

(3) The Director shall devote the whole of his time to his duties as Director of the Institute, and shall report to the Council on the work of the Institute from time to time or when called upon to do so. He shall have the right to be present and to take part in the discussions, but without the right to vote, at all meetings of the Council while matters affecting the work of the Institute may be under consideration.

Duties of Institute.

14. (1) The Institute shall have charge of,—

(a) researches undertaken to promote the utilization of the natural resources of Canada;

(b) researches undertaken with the object of improving the technical processes and methods used in the industries of Canada, and of discovering new processes and methods which may promote the expansion of existing or the development of new industries;

(c) researches undertaken with the view of utilizing the waste products of said industries;

(d) the investigation and determination of standards and methods of measurements, including length, volume, weight, mass, capacity, time and heat, light,

electricity, magnetism and other forms of energy; and the determination of physical constants and the fundamental properties of matter;

(e) the standardization and certification of the scientific and technical apparatus and instruments for the Government service and for use in the industries of Canada; and the determination of the standards of quality of the materials used in the construction of public works and of the supplies used in the various branches of the Government service;

(f) the investigation and standardization at the request of any of the industries of Canada of the materials which are or may be used in, or of the products of, the industries making such a request.

(2) The Institute shall have the charge, direction or supervision of the researches which may be undertaken, under conditions to be determined in each case, by or for single industrial firms or by such organizations, to be known as Trade Guilds for Research, as may desire to avail themselves of the facilities offered for this purpose by the Institute.

Discoveries and inventions, control of.

15. All discoveries, inventions and improvements in processes, apparatus or machines, made by a member or any number of members of the technical staff of the Institute shall be vested in the Council and shall be made available to the public under such conditions and payment of fees or royalties or otherwise as the Council may determine, subject to the approval of the Minister. The Council, with the approval of the Minister, may pay to technical officers of the Institute and to others working under its auspices who have made valuable discoveries, inventions or improvements in processes, apparatus and machines such bonuses as in its opinion may be warranted.

Money, how to be expended.

16. The money annually appropriated by Parliament to the Council for the work of the Institute, or which the Council may receive through gift, grant, bequest, donation or otherwise, shall be expended through the Director of the Institute under the direction of the Council, and subject to the approval of the Minister.

Financial returns.

17. All the receipts and expenditures received by or made on behalf of the Institute shall be subject to examination and audit by the Auditor General, and the Director of the Institute shall submit through the Council a statement of such receipts and expenditures to the Minister at such times and containing such details as the Minister may prescribe. A statement of receipts and expenditure during each fiscal year shall be laid before both Houses of Parliament within fifteen days after the close of the fiscal

year if Parliament is then sitting, and if not, then within fifteen days after the opening of the then next session of Parliament.

Annual report.

18. A report of the work done by the Institute, containing such information and details as the Council and the Minister may require, shall be made by the Director to the Council and through the Council to the Minister after the close of each fiscal year, and the said report shall be laid before both Houses of Parliament.

Repeal.

19. Chapter twenty of the statutes of 1917 is repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 117.

An Act to amend the Maple Products Act, 1920.

First Reading, April 27, 1921.

Mr. BELAND.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21942

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 117.

An Act to amend the Maple Products Act, 1920.

1920, c. 57.

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

1. Chapter fifty-seven of the Statutes of 1920 entitled *An Act respecting Maple Products* is amended by striking out section two of the said Act and replacing it by the following:—

Manufacture and sale of adulterated maple sugar or syrup.

"**2.** (1) No person shall manufacture for sale, keep for sale, or expose for sale or sell any article of food represented as maple sugar or maple syrup which is not pure maple sugar or pure maple syrup.

Adulterated maple sugar or syrup defined.

(2) Any maple sugar or maple syrup which is not up to the standard prescribed by the Governor in Council under the Food and Drugs Act, 1920, shall be deemed to be adulterated within the meaning of the Food and Drugs Act, 1920.

Use of word "maple" with other words on labels or marks.

Exact proportions to be indicated.

(3) The word "maple" may be used in combination with other word or words or letter or letters on the label or other mark, illustration or device, on a package containing any article of food resembling or being an imitation of or being a compound of maple sugar or maple syrup and other substances; and in such cases the exact proportion of maple sugar or maple syrup in such articles shall be clearly indicated on the package."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 118.

An Act to amend The Bankruptcy Act.

First reading, April 27, 1921.

The Acting Solicitor General.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21941

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 118.

An Act to amend The Bankruptcy Act.

1919, c. 36; 1920, 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 Bankruptcy Act Amendment Act, 1921.*

Acts amended.

2. The various enactments, repeals and amendments of sections, subsections and paragraphs in this Act mentioned refer and relate to *The Bankruptcy Act*, chapter thirty-six of the statutes of 1919, as amended by *The Bankruptcy Act Amendment Act, 1920*, chapter thirty-four of the statutes of 1920.

3. Paragraph *(h)* of section two is repealed and the following substituted therefor:—

"Available Act of bankruptcy".

"*(h)* "available act of bankruptcy" means an act of bankruptcy committed within six months before the date of (1) the presentation of a bankruptcy petition, or (2) the making of an authorized assignment, or (3) the payment, delivery, conveyance, assignment, transfer, contract, dealing or transaction mentioned in section thirty-two of this Act."

4. Paragraph *(w)* of section two is repealed and the following substituted therefor:—

"Local newspaper".

"*(w)* "local newspaper" means a newspaper published in and having a circulation throughout the bankruptcy district or division which includes the locality of the debtor."

5. Paragraph *(aa)* of section two is repealed and the following substituted therefor:—

"Person".

"*(aa)* "person" includes a firm or partnership, an unincorporated association of persons, a corporation as

restrictively defined by this section, a body corporate and politic, the successors of such association, partnership, corporation, or body corporate and politic, and the heirs, executors, administrators or other legal representatives of a person, according to the law of that part of Canada to which the context extends."

Dismissal of petition.

6. Subsection six of section four is amended by striking from the second last line thereof the word "may" and substituting the word "shall".

Commencement of bankruptcy.

7. Subsection ten of section four is amended by striking out of the second line the word "service" and substituting the word "presentation".

8. Subsection four of section eleven is amended by adding at the end thereof the following:—

Receiving order or assignment to be filed.

"The trustee shall file the original or a duplicate of the receiving order in the office of the registrar of the court which has made it, or shall file the original or a duplicate of the authorized assignment in the office of the registrar of the court exercising bankruptcy jurisdiction over the division or district which includes the locality of the debtor, as the case may be."

9. Subsection eleven of section eleven is amended by adding at the end thereof the following:—

Affidavit upon registration where title to real estate or lien affected.

"In cases where the title to real, or immovable, property, or any lien or charge upon or against that class of property, is affected by any receiving order, or authorized assignment, there shall be added to such affidavit the following words, with the incidentally necessary description and information—'The annexed document affects the title to (or a lien or liens or a charge or charges upon or against, as the case may be) the following described (real or immovable) property: (add such reasonable description of each parcel affected, stating how it is affected, as may enable the registrar or other officer for the time being in charge of the proper office to identify the affected property and to discover how it is affected).'"

10. Subsection three of section thirteen is repealed and the following substituted therefor:—

Trustee to convene meeting of creditors on proposal for composition, extension or scheme of arrangement.

"(3) As soon as possible after an authorized trustee has been required to convene a meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement, he shall fix a date for such meeting and send by registered mail to every known creditor *(a)* at least ten days' notice of the time and place of meeting, the day of mailing to count as the first day's notice, *(b)* a condensed statement of the assets and liabilities of the debtor, *(c)* a

list of his creditors and *(d)* a copy of his proposal. If any meeting of his creditors whereat a statement or list of the debtor's assets, liabilities and creditors was presented has been held before the trustee is so required to convene such meeting to consider such proposal and at the time when the debtor requires the convening of such meeting the condition of the debtor's estate remains substantially the same as at the time of such former meeting, the trustee may omit observance of the provisions identified as *(b)* and *(c)* in this subsection. If at the meeting so convened to consider such proposal or at any subsequent meeting of creditors a majority of all the creditors and holding two-thirds in amount of all the proved debts resolves to accept the proposal, either as made or as altered or modified at the request of the meeting, it shall be deemed to be duly accepted by the creditors, and if approved by the court shall be binding on all the creditors."

Proposal of composition or arrangement before receiving order or assignment has been made.

11. Section thirteen of the Act is amended by inserting the following subsections immediately after subsection three:—

"(3*a*) The provisions of the five immediately next following subsections shall apply only in case the proposal of a composition, extension or scheme of arrangement is made before a receiving order or authorized assignment has been made."

Committee appointed to administer or carry on estate or business of debtor.

"(3*b*) At any meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement a like majority of the creditors to that which would be competent to accept the proposal may by resolution appoint a committee of not more than five persons to represent the creditors, and such committee or a majority thereof may, if the court, upon the joint application of the trustee and the debtor, shall confirm the action of the meeting, and subject to any limitations imposed from time to time by formal resolution of like majority of the creditors as aforesaid, proceed by itself, its solicitors or agents, to investigate the affairs of the debtor to the end that through the committee the creditors may be intelligently advised whether to accept or reject the proposal. The court, when it confirms the action of the meeting or subsequently thereto, may, upon the joint application of the trustee and the debtor, authorize the committee, by itself or the debtor or jointly with him, to administer and carry on the estate or business of the debtor in the interest of the creditors generally, pending acceptance or rejection by them of the debtor's proposal, or the further order of the court, and in particular,—

Powers of committee.

Compromise of claims of debtor against others.

(i) To compromise any debts, claims and liabilities, whether present or future, certain or contingent, liquid-

ated or unliquidated, subsisting or supposed to subsist between the debtor and any person who may have incurred any liability to the debtor, on the receipt of such sums, payable at such times and on such terms as may be agreed;

Compromise of creditors' claims.

(ii) To compromise or otherwise arrange, as may be thought expedient, with creditors or persons claiming to be creditors, in respect of any debts provable or claims made against the debtor or his estate;

Mortgage or pledge property of debtor.

(iii) To mortgage or pledge any part or parts of the property of the debtor for the purpose of raising money for the payment of his debts or any of them or for the making of payment for goods ordered or to secure money advances made to or obtained by or for the debtor by or with the approval of the committee, for the purpose of carrying on such business;

Action of committee to be binding upon creditors.

and all acts of the committee or a majority thereof and of the trustee and of the debtor done under authority of this section and by, or by the direction or with the approval of such committee or a majority thereof, but subject to such limitations as the creditors shall have imposed as aforesaid, shall be binding upon all the creditors, and in particular all debts and liabilities incurred for or by the debtor in respect of moneys borrowed or goods purchased for the purpose of continuing, by or under the direction or with the approval of such committee or a majority thereof, the business of the debtor or for the payment of claims and debts, the payment of which the committee or a majority thereof has directed or approved, shall,

Costs and expenses fixed by court and payable out of debtor's estate.

with the reasonable costs and expenses of the committee, and of the trustee, and of fair remuneration for the trustee's services, the whole to be fixed by the court, if the debtor shall thereafter be adjudged a bankrupt or shall make an authorized assignment, be payable out of the assets and property of the debtor in priority to the claims of unsecured creditors.

Appointments and filling of vacancies.

"(3*c*) The creditors may, by a simple majority of those present at any meeting, revoke the appointment of any member or members of their committee and in such event, or in case of the death, resignation or absence from the province of any of the committee, may appoint another or others to act permanently or temporarily in their stead."

Cable or telegraphic proof of debts at meetings.

"(3*d*) If at any meeting of creditors to consider the proposal the chairman shall decide that any creditor has not had sufficient time to prove his claim in manner by this Act required, the chairman may accept cable or telegraphic communications as sufficient proof of the debt due to such creditor and sufficient authority to the person named or mentioned therein to vote or act for such creditor at such meeting, whereupon, as respects the proof and action of such creditors, all properly applicable provisions of this Act shall be deemed fully complied with."

Heading of documents, and terms to be used, under these proceedings.

"(3e) When proceedings are taken under the immediately preceding four subsections before the making of any receiving order or authorized assignment all other applicable provisions of this Act shall apply but no document in such proceedings shall be headed "The Bankruptcy Act," nor shall the terms "bankrupt" or "bankruptcy" nor "assignor" or "assignment", be applied either to a person who before any receiving order or authorized assignment has been made makes a proposal for composition, extension or arrangement, nor to such proposal, unless and until the provisions of the immediately next following subsection of this Act shall have come into effect. All such documents shall be headed "In the Matter of a Proposal by ..... for a Composition", or "In the Matter of a Proposal by .....for an Extension of Credit", or "In the Matter of a Proposal by.....of a Scheme of Arrangement of his Affairs", as the circumstances may require."

If proposals not accepted, nor confirmed, debtor may be adjudged bankrupt and receiving order made.

"(3f) If as the result of proceedings instituted under the five immediately preceding subsections neither the proposal of the debtor, nor any further proposal by him or by the creditors by way of amendment is accepted, or confirmed by the court, then, notwithstanding anything in this Act, the court, unless good cause for action otherwise shall appear, shall, upon proof of such fact, and without more, upon application of the trustee or of the committee or a majority thereof, adjudge the debtor bankrupt and make a receiving order. The court may consider an offer of the debtor to forthwith execute an authorized assignment as good cause for such action otherwise."

12. The Act is amended by inserting the following section immediately after section thirteen:—

Stay of proceedings pending consideration of proposal of composition, extension or scheme of arrangement.

"**13**A. (1) The court, at any time after a debtor has required an authorized trustee to convene a meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement, may, on the *ex parte* application of the trustee and his affidavit disclosing the circumstances and stating his belief that the success of the intended efforts to bring into effect a composition, extension of time for payment, or scheme of arrangement of the debtor's affairs and obligations will be imperilled unless, pending consideration by the creditors of the proposal made or to be made the existing conditions as to litigation of claims against the debtor is preserved, order that any action, execution or other proceeding against the person or property of the debtor pending in any court other than the court having jurisdiction in bankruptcy shall stand stayed until the last mentioned court, upon or before report made of the result of the dealings between the debtor and his creditors, shall otherwise order, whereupon such action, execution or other proceeding shall stand stayed accordingly; and

the court in which any such proceedings are pending may likewise, on like application and proof, stay such proceedings until the court having jurisdiction in bankruptcy shall otherwise order.

Proceedings stayed on making of assignment or order approving proposal, except as to secured creditors.

(2) On the making of an authorized assignment or an order approving a proposal of a composition, extension or scheme of arrangement every such action, execution or other proceeding for the recovery of a debt provable in authorized assignment or composition, extension or scheme of arrangement, proceedings under this Act shall, subject to the rights of secured creditors to realize or otherwise deal with their securities stand stayed unless and until the court shall, on such terms as it may think just, otherwise order.

13. Subsection eight of section fourteen is repealed and the following substituted therefor:—

Additional security to be given by trustee.

"(8) If the creditors require the trustee to provide further security the trustee shall, within thirty days after the making of the receiving order or authorized assignment, or forthwith if first required after the elapse of such period, give security by bond or otherwise to the registrar of the court in the bankruptcy district or division of the debtor's locality in the amount required by the creditors, for the due accounting and payment over and transfer of all property received or to be received by the trustee as such in respect of the estate of the debtor. The expense incident to the furnishing of such security may be charged by the trustee to the estate of the debtor."

14. Subsection one of section fifteen is repealed and the following substituted therefor:—

New trustee may be substituted.

"**15** (1) Creditors constituting a majority in number of those who have proved debts of twenty-five dollars or upwards and holding half or more in amount of the proved debts of twenty-five dollars or upwards may, at their discretion, at any meeting of creditors, substitute any other authorized trustee acting for or within the same bankruptcy district or division for the trustee named in the receiving order or to whom an authorized assignment has been made."

15. Subsection three of section seventeen is repealed and the following substituted therefor:—

Trustee to insure property of debtor.

"(3) The trustee shall, on the making of a receiving order or an authorized assignment, forthwith insure and keep insured in his official name until sold or disposed of, all the insurable property of the debtor, to the fair realizable value thereof or to such other insurable amount as may be approved by the inspectors or by the court, in

insurance companies authorized to carry on business in the province wherein the insured property is situate."

16. Section eighteen is amended by adding thereto as paragraph *(d)* the following:—

Trustee may apply to court for directions.

"*(d)* An authorized trustee may at any time apply to the court for directions in relation to any matter affecting the administration of the estate of a bankrupt, an authorized assignor or a debtor who has made a proposal for a composition, extension or scheme of arrangement. The court shall give in writing such directions, if any, as may be proper according to the circumstances and not inconsistent with this Act, which directions shall bind, as well as justify, the subsequent consonant action of the trustee."

17. Subsection one of section twenty is amended by adding thereto as paragraph *(k)* thereof the following:—

Trustee with permission of inspectors may retain or disclaim leases.

"*(k)* Elect to retain for the whole or part of its unexpired term, or to assign or disclaim, the whole pursuant to this Act, any lease of, or other temporary interest in any property forming part of the estate of the debtor."

18. Subsection two of section twenty is repealed and the following substituted therefor:—

Permission limited to particular thing or class.

"(2) The permission given for the purposes of this section shall not be a general permission to do all or any of the above mentioned things but shall only be a permission to do the particular thing or things or class of thing or things which the written permission specifies."

19. Section twenty-two is amended by adding thereto as subsection three the following:—

Person alleged or claiming to own goods in charge or possession of debtor must give 15 days notice to trustee of intention to remove them.

"(3) Where any goods in the charge or possession of a debtor at the time when a receiving order or an authorized assignment is made are alleged to be in his charge or possession subject to the ownership or a special or general property right, or right of possession in another person, and whether or not such goods are held by the debtor under or subject to the terms of any lien, consignment, agreement, hire receipt, or order, or any agreement providing or implying that the ownership of, property in, or right to possession of such goods, or other or like goods in exchange or substitution, shall vest in or pass to the debtor only upon payment of defined or undefined moneys, or upon performance or abstention from performance of any acts or conditions, the person alleged or claiming to own such goods or such special or general property or right of possession therein or thereof shall not, by himself or his agents or servants, nor shall his agents or servants, remove or

attempt to remove such goods or any thereof out of the charge or possession of the debtor, or of the authorized trustee or any actual custodian thereof, until the elapse of fifteen days after delivering notice in writing to the trustee of intention to so remove. It shall not be implied from these provisions that the rights of others than the trustee have been thereby in any manner extended."

Documents sent to statistics department.

20. Subsection two of section twenty-four is amended by adding at the end as paragraph *(f)* thereof the following:

"*(f)* any order made under subsection eighteen of section thirteen of this Act annulling any adjudication of bankruptcy."

Removal of goods. Bank deposits.

21. Section twenty-six is amended by striking from the fifth and fourteenth lines thereof the word "consent" and substituting in each case the word "permission".

22. Section twenty-seven is amended by adding the following paragraphs thereto immediately after paragraph *(b)* thereof:—

Trustee carrying on business of debtor may apply to court for sale of property by tender if creditors refuse or neglect to repay advances.

"*(c)* If the creditors, within ten days after demand by the trustee (made to the inspectors or at any meeting of creditors called by the trustee for the purpose of making such demand) refuse or neglect to repay to the trustee all money advances made by him or obtained in whole or in part upon his credit or responsibility and to secure the trustee to an extent adequate in his opinion or (if the trustee and the creditors cannot agree) in that of the court, in respect of all liabilities incurred or which may be incurred by the trustee in so carrying on the business of the debtor, the court may, upon application of the trustee, order that the property of the debtor be offered for sale by tender, to be addressed to and opened by the court, at any time to be named by the court, and after such advertisement and opening of any tenders received and subject to the directions and approval of the court, sell the whole or any part of the property of the debtor and apply the proceeds to the payment of the advances, liabilities, expenses and proper costs made and incurred by the trustee in the administration of the estate of the debtor."

Tenders and sale.

Court may permit trustee to purchase property if tenders are insufficient.

"*(d)* If the property of a debtor shall be so offered for sale and, within thirty days after the time set for the opening of tenders, no tender or offer of an amount sufficient to repay the advances made and liabilities incurred by the trustee and also his proper costs and expenses, shall be received by the court, then the court may, after such notice to the debtor and the creditors as to it may seem proper, permit the trustee,

21941—2

in his personal capacity, to bid such a sum as shall be sufficient to repay him his advances, costs, expenses, and the amount of any liabilities incurred by him and reasonable remuneration and (conditional upon no higher bid being received before actual vesting of the property in him in his personal capacity) to purchase the whole or any part of such property at such prices and upon such terms as shall be approved by the court. If the trustee shall so purchase the whole or any part of such property it shall pass to and vest in him in his personal capacity when the court shall so order, whereupon all rights and interests of the debtors and the creditors in or to it shall become determined and ended."

23. Subsection one of section thirty is repealed and the following substituted therefor:—

Avoidance of general assignment of book debts.

"**30.** (1) Where a person engaged in any trade or business makes an assignment of his existing or future book debts or any class or part thereof, and is subsequently adjudicated bankrupt or makes an authorized assignment, the assignment of book debts shall be void against the trustee in the bankruptcy or under the authorized assignment, as regards any book debts which have not been paid at the date of the presentation of the petition in bankruptcy or of the making of the authorized assignment, unless there has been compliance with the provisions of any statute which now is or hereafter may be in force in the province wherein such person resides or is engaged in said trade or business as to registration, notice and publication of such assignments. Provided that nothing in this section shall have effect so as to render void any assignment of book debts, due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or any assignment of book debts included in a transfer of a business made *bona fide* and for value, or in any authorized assignment."

Payments, etc., without notice of bankruptcy.

24. Subsection one of section thirty-two is amended by striking from the last line thereof the words "before that time".

25. Section thirty-six is amended by inserting immediately after subsection seven thereof the following:—

When misrepresentation or fraud a defence for contributory to insolvent corporation.

"(7*a*) Misrepresentation or fraud in obtaining any subscription for shares or securities of a corporation shall not constitute a ground of defence in respect of any amount claimed to be payable by a contributory unless, prior to the presentation of the bankruptcy petition against the corporation or the making of the authorized assignment

by it the contributory has brought action to have his subscription cancelled or set aside on the same ground."

Adjustment of rights of contributories.

26. Subsection eleven of section thirty-six is repealed and the following substituted therefor:—

"(11) The court may, on the application of any contributory, adjust the rights of the contributories among themselves, and, for the purpose of facilitating such adjustment may direct the trustee to intervene, carry the proceedings, employ legal or other assistance and make such investigations, do such acts and furnish such information as to the court may seem necessary or advisable."

Court may allow remuneration, expenses and costs as against contributories.

27. Section thirty-six is amended by adding thereto as subsections twelve and thirteen the following:—

"(12) The court shall allow to the trustee and to any solicitor, advocate or counsel or other assistant employed by him under the provisions of the immediately preceding subsection, as against the contributories or any of them, such remuneration, expenses and costs as the court shall deem just, and such remuneration, expenses and costs shall be paid out of such moneys as shall be collected from contributories under the order or direction of the court for the purposes of the adjustment or out of moneys payable to the contributories by the estate of the debtor, as the court shall order, but such remuneration, expenses and costs shall not be payable in any event out of the general estate of the debtor."

Security for remuneration, expenses and costs.

"(13) The court, before proceeding to adjust the rights of contributories among themselves as by subsection eleven of this section provided, may order that the contributory applying shall provide security, in form and amount satisfactory to the court, for the payment of such remuneration, expenses and costs as will be incident to such adjustment, and, in default of such security being provided as and when ordered, the court may refuse to proceed with such adjustment."

Right of creditor to dividend.

28. Subsection three of section thirty-seven is amended by adding after the word "entitled" at the end of the second line the words "upon proof of such debt."

Notice that if claim not proved within 30 days, dividend or final dividend will be made.

29. Subsection six of section thirty-seven is repealed and the following substituted therefor:—

"(6) The trustee may, at any time after the first meeting of creditors, give notice by registered mail prepaid to every person of whose claim to be a creditor with a provable debt the trustee has notice or knowledge, but whose said debt has not been proved, that if such person does not prove his debt within a time limited by the notice (which shall be within thirty days after the mailing of the

notice) the trustee will proceed to make a dividend or final dividend without regard to such person's claim. If any person so notified does not prove his debt within the time limited or within such further time as the court, upon proof of merits and satisfactory explanation of the delay in making proof, may allow, the claim of such person shall, notwithstanding anything in this Act, be excluded from all share in any dividend."

Court may extend time.

30. Subsection seven of section thirty-seven is repealed and the following substituted therefor:—

Final dividend and division of estate.

"(7) The trustee having (*a*) gazetted and published as required by section eleven, subsection four, and (*b*) mailed as required by section forty-two, subsection two, and (*c*) realized all the property of the bankrupt or authorized assignor or all thereof that can, in the joint opinion of himself and of the inspectors, be realized without needlessly protracting the trusteeship, and (*d*) settled or determined or caused to be settled or determined the claims of all creditors to rank against the estate of the debtor, shall make a final dividend and be at liberty subject to the various provisions of this Act, to divide the property of the debtor among the creditors who have proved their debts without regard to the claims of any other claimants."

Unpaid dividends paid to Receiver General.

31. Subsection eight of section thirty-seven of the Act as enacted by section ten of chapter thirty-four of the statutes of 1920, is amended by striking out the first fifteen lines thereof and also the sixteenth line to and including the word "thereof."

No action for dividend unless improperly refused.

32. Subsection nine of section thirty-seven is repealed and the following substituted therefor:—

"(9) No action for a dividend shall lie against the trustee, but if the trustee improperly refuses to pay any dividend the court may order him to pay it and also to pay out of his own money legal interest on the dividend for the time that it is withheld, and the costs of the application."

Remuneration of trustee.

33. Subsection one of section forty is repealed and the following substituted therefor:—

"(1) The remuneration of the trustee in bankruptcy or in any other proceedings under this Act, for his services, excepting those rendered *(a)* upon the adjustment of the rights of contributories as among themselves, and *(b)* in connection with the application of a bankrupt or authorized assignor for a discharge, shall be such as is voted to the trustee by a majority of the creditors present at any general meeting. In the excepted cases the trustee's remuneration shall be fixed by the court."

34. Section forty-one is repealed and the following substituted therefor:—

Discharge of trustee.

"**41.** (1) The court may by its order discharge an authorized trustee from his trusts and from further performance of all or any of his duties and obligations with respect to any estate, upon full administration of the affairs thereof or, for sufficient cause, before full administration. The court shall require proof of the extent of administration and (where there has not been full administration) of the condition of the estate and of the claimed sufficient cause.

Discharge when another trustee has been appointed and account satisfactory.

(2) In particular the trustee shall be entitled to be discharged as aforesaid if, before full administration of the affairs of an estate, another trustee has been substituted for the trustee applying, the latter has accounted to the satisfaction of the inspectors or the court for all property of the estate which came to his hands and a period of three months has elapsed after the date of such substitution without any undisposed of claim or objection having been made by the debtor or any creditor;

Discharge when accounts approved and two years have elapsed after final dividend.

(3) When the trustee's receipts, disbursements and accounts have been approved in writing by the inspectors or the court, a period of two years has elapsed after payment of the final dividend and proof has been supplied that all objections, applications and appeals made by any creditor or the debtor have in the meantime been settled or satisfactorily disposed of, the affairs of the estate shall be deemed to have been fully administered;

Special security released.

(4) The discharge of a trustee under the provisions of this section shall operate as a release of the special security provided pursuant to subsection eight of section fourteen of this Act;

Fraud or breach of trust.

(5) Nothing in this section shall relieve or discharge or be deemed to relieve or discharge a trustee from the results of fraud or any fraudulent breach of trust;

Disposal of books and papers.

(6) The trustee shall finally dispose of all books and papers of the estate of the bankrupt or authorized assignor in manner prescribed by general rules."

35. Subsection twelve of section forty-two is repealed and the following substituted therefor:—

Power of chairman of creditors' meeting to admit or reject proof.

"(12) The chairman of the meeting shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the court. He may, for the same purpose, notwithstanding anything in this Act, accept telegraphic or cable communication as proof of the debt of a creditor who carries on business out of Canada and likewise as to the authority of any one claiming to represent and vote on behalf of such creditor. If the chairman is in doubt whether the proof of a creditor should be admitted or rejected he shall mark the proof as

objected to and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained."

36. Section forty-three is amended by adding at the end as subsection six thereof the following:—

Inspector may not acquire property.

"(6) No inspector shall be capable of, directly or indirectly, purchasing or acquiring for himself or for another any of the property of the estate for which he is an inspector, unless with the prior approval of the court."

References taken out.

37. Section forty-six is amended by striking from the end of subsection one the reference "(Eng. Sch. 2 No. 10)" and by striking from subsection two the reference "(Eng. Sch. 2 No. 11)".

38. Subsection three of section forty-six is repealed and the following substituted therefor:—

Secured creditor to value securities.

"(3) If a secured creditor does not either realize or surrender his security he shall, within thirty days after the date of the receiving order, or of the making of the authorized assignment, or within such further time as may be allowed by the court or the inspectors, file with the trustee a statutory declaration stating therein full particulars of his security or securities, the date when each security was given and the value at which he assesses each thereof. Every creditor shall also, upon demand of the trustee, identify to and for the trustee, within ten days after such demand, any property comprised within the estate of the debtor in, upon or against which he, the creditor, claims to hold any right, interest, lien or security. A creditor shall be entitled to receive a dividend in respect only of the balance due to him after deducting the assessed value of his security, and if any creditor omits or refuses to identify property as in this subsection provided, and within the time so provided (unless it be extended in writing by the trustee or by the court), his right, interest, lien or security in, upon or against such property shall, by force of this Act, and without more, at the expiration of the time limited, become forfeited to the estate of the debtor."

Creditor to identify property on which he claims lien.

Dividend for balance, and penalty for contravention.

39. Subsection one of section fifty-one is amended by adding at the end thereof:—

Priority of claims.

"and all indebtedness of the bankrupt or authorized assignor to any Workmen's Compensation Board established under the law of a province."

40. Subsection four of section fifty-two is repealed and the following substituted therefor:—

Continued occupation of leased premises by trustee.

"(4) The trustee shall be entitled to continue in occupation of the leased premises for so long as he shall require the premises for the purposes of the trust estate, and any payment to be made to the landlord in respect of accelerated rent shall be credited against the amount payable by the trustee for the period of his occupation. The trustee may surrender possession at any time but if he shall occupy for three months or more beyond the date of the making of the receiving order or authorized assignment the landlord shall be entitled to receive one month's notice in writing of the trustee's intention to surrender possession or one month's rent in lieu thereof. After the trustee surrenders possession such of the landlord's rights as are based upon actual occupation by the trustee shall cease."

41. Subsection five of section fifty-two is repealed and the following substituted therefor:—

Trustee may elect to retain leased premises and on payment of overdue rent may assign lease.

"(5) Notwithstanding the legal effect of any provision or stipulation in any lease, where a receiving order or authorized assignment has been made, the trustee may at any time while he is in occupation of leased premises for the purposes of the trust estate and before he has given notice of intention to surrender possession, or disclaimed, elect to retain the leased premises for the whole or any portion of the unexpired term, and he may, upon payment to the landlord of all overdue rent, assign the lease to any person who will covenant to observe and perform its terms and agree to conduct upon the demised premises a trade or business which is not reasonably of a more objectionable or more hazardous nature than that which was thereon conducted by the debtor, and who shall on application of the trustee be approved by the court as a person fit and proper to be put in possession of the leased premises.

Security to be given by assignee of leased premises.

Provided, however, that before the person to whom the lease shall be assigned shall be permitted to go into occupation he shall deposit with the landlord a sum equal to six months' rent or supply to him a guarantee bond approved by the court in a penal sum equal to six months' rent, as security to the landlord that such person will observe and perform the terms of the lease and the covenants made by him with respect to his occupation of such premises."

42. Subsection six of section fifty-two is repealed and the following substituted therefor:—

Trustee may disclaim lease.

"(6) The trustee shall have the further right, at any time before giving notice of intention to surrender possession, and before becoming under obligation to give such notice in case of intention on his part to surrender possession, to disclaim any such lease, and his entry into possession of the leased premises and their occupation by him

while required for the purposes of the trust estate shall not be deemed to be evidence of an intention on his part to elect to retain the premises nor affect his right to disclaim or to surrender possession pursuant to the provisions of this section; and if after occupation of the leased premises he shall elect to retain them and shall thereafter assign the lease to a person approved by the court as by subsection five hereof provided, the liability of the trustee, whether personal or as trustee and whether arising out of privity of contract or of estate and as well all liability of the estate of the debtor shall, subject to the provisions of subsection one hereof, be limited and confined to the payment of rent for the period of time during which the trustee shall remain in possession of the leased premises for the purposes of the trust estate."

Liability if he elects to retain and assign premises.

43. Subsection seven of section fifty-two is repealed and the following substituted therefor:—

"(7) Where the bankrupt or authorized assignor, being a lessee, has, before the making of the receiving order or authorized assignment, demised by way of underlease any premises and the trustee disclaims or elects to assign the lease, the court may, upon the application of such underlessee, make an order vesting in the underlessee an equivalent interest in the property, the subject of the demise to him, to that held by him as underlessee of the debtor, but subject, except as to rental payable, to the same liabilities and obligations as the bankrupt was subject to under the lease at the date of the making of the receiving order or authorized assignment, performance to be secured as and pursuant to the same conditions as provided by subsection five of this section in case of an assignment of lease made by the trustee. The underlessee shall in such event be required to covenant to pay to the landlord a rental not less than that payable by the underlessee to the debtor and if such last mentioned rental was greater than that payable by the debtor to the landlord the underlessee shall be required to covenant to pay to the landlord the like greater rental. The provisions of said subsection five shall be read subject to these provisions so that an underlessee, if he so desires, may have prior opportunity to acquire the right to the possession, for any unexpired term, of the premises occupied or held by him of the debtor, and further, if it shall seem to the court most desirable in the interest of the debtor's estate, and notwithstanding the foregoing provisions of this subsection, a prior opportunity to acquire, pursuant to subsection five hereof, an assignment of the head lease."

Underlease by bankrupt or assignor, if disclaimed or assigned, by trustee may be vested in underlessee of debtor.

Rental payable.

Prior rights of underlessee.

Penalty for failure to attend for examination.

44. Subsection two of section fifty-six as enacted by section fourteen of chapter thirty-four of the statutes of 1920 is amended by striking out the word "him" after the word "cause" in the fifth line from the end thereof, and substituting therefor the words "the debtor or other person so in default."

Jurisdiction of courts of bankruptcy.

45. Subsection one of section sixty-three is amended by striking out of the second, third and fourth lines thereof the words "within their territorial limits as now established or as these may be hereafter changed."

Appeal Courts.

46. Subsection three of section sixty-three is amended by striking out of paragraph *(a)* the word "Alberta" and by striking out of paragraph *(c)* thereof the words "In the Province of Ontario" and substituting the words "In the Provinces of Ontario and Alberta."

47. Section seventy-two is repealed and the following substituted therefor:—

Search warrants.

"**72.** (1) The court may by warrant direct the seizure or search in behalf of the trustee under a receiving order or authorized assignment, of or for any part of the property of the debtor, whether in possession of the debtor or of any other person, and for that purpose the breaking open of any building or place where the debtor or any part of his property is believed to be.

Enforcement of warrants.

(2) Any warrant of a court having jurisdiction in bankruptcy may be enforced in any part of the Dominion of Canada in the manner prescribed or in the same manner and subject to the same privileges in, and subject to which, a warrant issued by any justice of the peace under or in pursuance of the *Criminal Code* may be executed against a person for an indictable offence."

48. Section eighty-five is repealed and the following substituted therefor:—

Who may act for corporations, firms and lunatics.

"**85.** For all or any of the purposes of this Act, an incorporated company may act by any of its officers or employees authorized in that behalf, a firm may act by any of its members, and a lunatic may act by his committee or by the guardian or curator of his property."

49. The Act is amended by inserting immediately after section eighty-eight, the following:—

Where body of persons and court given alternative powers, court to await prior action.

"**88A.** Where by this Act any body of persons is given power or authority to permit, consent or approve, and the court is given like power or authority alternatively, or otherwise than on appeal, and such body of persons has been constituted or convened, the court shall not act except upon satisfactory proof of prior application to such body

of persons and its refusal of such application or its omission to announce its conclusion thereon within what the Court shall deem, according to the circumstances, a reasonable time."

50. The Act is amended by inserting the following as section ninety-seven thereof:—

Penalty for removing, attempting or counselling removal of debtor's goods without notice.

"**97.** Any person, except the authorized trustee hereinafter mentioned, who, before the elapse of fifteen days after delivery to the authorized trustee of the notice in writing mentioned in section twenty-two, subsection three, of this Act, or in case no such notice has been delivered, shall remove or attempt to remove the goods or any thereof mentioned in such section and subsection out of the charge or possession of the debtor or of the authorized trustee or other actual custodian of such goods, unless with the written permission of the trustee, shall be guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, or to a term not exceeding two years' imprisonment, or to both such fine and such imprisonment. In proceedings under this section colour of right shall not be a defence and any person counselling or directing the offence involved shall, in the event of its commission by the person counselled or directed, be liable to conviction of the offence cumulatively with the actual offender, even though such person counselling or directing was not an actual participant in the offence."

Colour of right no defence.

51. Section ninety-eight is repealed and the following substituted therefor:—

Liability of officer, director or agent of Company.

"**98.** 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."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 119.

An Act respecting Armistice Day.

First reading, April 27, 1921.

Mr. MOWAT.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21940

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 119.

An Act respecting Armistice Day.

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

Title.

1. This Act may be cited as the *Armistice Day Act.*

Armistice Day a Holiday.

2. Throughout Canada in each and every year the Monday in the week in which is the eleventh day of November, being the day in 1918 in which the Great War was triumphantly concluded by an armistice by which Canada was delivered from her enemies, shall be a legal holiday and shall be kept and observed as such under the name of Armistice Day.

Thanksgiving Day to be on Armistice Day.

3. The holiday commonly called Thanksgiving Day being a day usually appointed in the month of October or November by proclamation as a day of general thanksgiving to Almighty God, shall whenever appointed be proclaimed and observed for and on Armistice Day.

Interpretation Act amended.

4. Paragraph eleven of section thirty-four of the *Interpretation Act*, Revised Statutes of Canada, 1906, chapter one, is amended by inserting after the words "Labour Day" in the seventh line thereof the words "Armistice Day".

Bills of Exchange Act amended.

5. Paragraph *(a)* of section forty-three of the *Bills of Exchange Act*, Revised Statutes of Canada, 1906, chapter one hundred and nineteen, is amended by inserting after the words "Labour Day" the words "Armistice Day."

The Civil Service Act, 1918, amended.

6. Section thirty-three A of *The Civil Service Act, 1918*, as enacted by chapter forty-one of the Statutes of 1920, is amended by inserting after "(8) Labour Day" the following "(8A) Armistice Day".

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 122.

An Act to amend the Civil Service Act, 1918.

First reading, April 28, 1921.

Mr. SPINNEY.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21866

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act to amend the Civil Service Act, 1918.

1918, c. 12; 1919, 2 Sess., cc. 10, 11; 1920, c. 41.

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

Certain employees excepted from provisions of Civil Service Act, 1918, and amending Acts.

1. (1) "Civil Service" shall not, for the purposes of those provisions of *The Civil Service Act, 1918*, or any amending Act, which relate to organization and changes in organization, changes in classification, appointment, transfer, promotion, salaries and increases of salaries, mean or include the civil employees or persons in the following services or branches of the Public Service, that is to say:—

Manual labourers.

(a) Manual labourers whatever may be the character of the work upon which they are employed and whether they are paid by the hour, the day, the week, the month, the job, or the piece;

Certain postmasters.

(b) Postmasters whose remuneration consists in whole or in part of a percentage on the receipts of the office;

Professional, scientific, technical officers.

(c) Professional, scientific and technical officers employed for the performance of duties as such.

Excepted employees subject to authority and provisions prior to Civil Service Act, 1918.

(2) Members of the Public Service who by this section are excepted from the Civil Service for the purposes of the provisions of the Civil Service Acts aforesaid shall be appointed, promoted, transferred and otherwise regulated by the authority and in the manner provided before the said Acts were passed, but subject to the powers by this Act conferred upon the Governor in Council: Provided that, except in the case of *manual labourers, and professional, scientific and technical officers* as above described, no person appointed shall be retained in employment by this sub-section unless the person appointed shall obtain within six months from the date of his appointment a certificate from the Civil Service Commission, to be given with or without examination as may be determined by the regulations of the Commission, that he possesses the requisite knowledge

Certificate from Commission required for permanent appointment.

and ability for the performance of the duties of the office or employment for which he has been selected.

Promotion for merit, upon recommendation of head, report of deputy, and certificate of Commission.

Auditor General's staff.

2. (1) Promotion shall be made for merit by the Governor in Council upon the recommendation of the Head of the Department based on a report in writing of the Deputy Head accompanied by a certificate of qualification of the Civil Service Commission, given with or without examination upon the duties of the office to which the promotion is recommended, as may be determined by the regulations of the Commission: Provided that the Auditor General shall have and may exercise the power of promotion with regard to any officer, clerk or employee in his office who possesses the requisite certificate of qualification of the Civil Service Commission, reporting, however, to the Governor in Council the particulars of every promotion which he makes within fifteen days after it has been made.

Transfers made upon recommendation, report and certificate.

(2) Transfers within any department or from one department, branch or portion of the Civil Service to another, shall be made by the Governor in Council upon the recommendation of the head of the department, or of the heads of the departments, as the case may be, to which the transfer relates, based upon the report in writing of the Deputy Head or Deputy Heads of the department or departments concerned, as the case may be, and accompanied by a certificate of qualification by the Civil Service Commission to be given with or without examination upon the duties of the office to which the transfer is made, as may be determined by the regulations of the Commission.

No new classes, or alteration of existing classes except on approval.

(3) No new classes shall be established under the classification, neither shall existing classes or rates of compensation prescribed therefor be altered thereunder, except by and with the approval of the Governor in Council.

Classification.

(4) All persons appointed or temporarily employed under the authority of this Act shall be classified in accordance with the provisions of the Order in Council or of the written authorization by or in pursuance of which they are appointed or employed.

Powers of Commission as to classification, new classes and reclassification to be subject to approval of Governor in Council.

Governor in Council may amend classification.

3. The powers of the Commission under subsections one, two and three of section forty-two of *The Civil Service Act, 1918*, as enacted by chapter ten of the Second Session of 1919, shall be exercisable only subject to approval by the Governor in Council, and the Governor in Council shall have power to amend the classification of the first day of October, 1919, by the establishment of additional classes, grades and positions, and to divide, alter or abolish existing classes or grades; also to change, revise, amend and alter the designation or name descriptive of any class or position, and the definition of class or description of duties

thereunto appertaining: Provided that any such amendment when proposed shall be referred to the Civil Service Commission who shall be afforded an opportunity to report thereon for the information of the Governor in Council before the same is sanctioned.

[REPRINT]

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 122.

An Act to amend the Civil Service Act, 1918.

Reprinted as reported by the Select Special Committee.

Mr. SPINNEY.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

23462

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act to amend the Civil Service Act, 1918.

1918, c. 12; 1919, 2 Sess., cc. 10, 11; 1920, c. 41.

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

1. Section thirty-eight A of *The Civil Service Act, 1918*, as amended by chapter ten of the statutes of 1919 (second session) is repealed, and the following sections are enacted in lieu thereof:—

Act not to apply to employees on railways or ships.

"**38A.** The provisions of this Act shall not apply to positions in connection with the Government Railways or any railway owned or controlled by His Majesty, or to any position on any ship of His Majesty, until Parliament otherwise enacts.

Positions, how excluded from operation of Act.

"**38B.** In any case where the Commission decides that it is not practicable nor in the public interest to apply this Act to any position or positions, the Commission may, with the approval of the Governor in Council, exclude such position or positions in whole or in part from the operation of the Act, and make such regulations as are deemed advisable prescribing how such position or positions are to be dealt with.

Act not to apply to appointment of Commissioners, etc., or Deputy Head.

"**38C.** Nothing in this Act shall affect the powers of the Governor in Council with respect to the appointment of any Commissioner or other member of any Royal or other Commission or Board or any Deputy Head."

2. Subsection two of section forty-five of the said Act, as enacted by the said chapter ten, is repealed, and the following subsections are enacted in lieu thereof:—

Promotions to be made for merit.

"(2) Promotions shall be made for merit by the Commission upon such examination, reports, tests, records, ratings or recommendations as the Commission may by regulation prescribe.

Commission may restrict competition to employees or employees of certain class of specified seniority.

"(3). In making promotions the Commission may, by regulation restrict the competition by merit to employees or to employees of certain class or classes of a specified seniority, and may prescribe the marks or ratings to be obtained by such employees for efficiency and seniority, such marks or ratings not to exceed one-half of the total marks required under any merit system or method adopted by the Commission for promotion purposes."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 130.

An Act to amend the Dominion Elections Act.

First reading, April 29, 1921.

The Acting Solicitor General.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22095

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 130.

An Act to amend the Dominion Elections Act.

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

1920, c. 46.

1. Paragraph *(x)* of section two of the *Dominion Elections Act*, chapter forty-six of the statutes of 1920, is repealed and the following is substituted therefor:—

"Urban polling division."

"*(x)* "Urban polling division" means a polling divison which is wholly contained within a place having a population of more than twenty-five hundred persons and being, under the provincial laws, a city, town or incorporated village, or within any other area directed by the Chief Electoral Officer to be treated as urban."

Administration of oaths.

2. Subsection one of section seven of the said Act is amended by inserting the words "election clerk" before the words "deputy returning officer" at the commencement of the fourth line of the said section.

3. Rule eleven of Schedule A to section thirty-two of the said Act is repealed and the following is substituted therefor:—

Revising officers.

"Rule (11).—*(a)* Subject as hereinafter provided, lists of voters for any place shall be revised by the judge hereinafter described within whose territory, county or district such place lies, namely:—

Districts of Quebec and Montreal.

In the judicial districts of Quebec and Montreal in the province of Quebec, by the judge from time to time performing the duties of the Chief Justice or Acting Chief Justice therein.

Province of Quebec.

Elsewhere in the province of Quebec, by the judge exercising from time to time the jurisdiction of the Superior Court Judge of the district, and if there is more than one judge exercising such jurisdiction, by the senior of them.

Yukon. In the Yukon Territory, by the judge from time to time performing the duties of judge of the Territorial Court of said Territory.

Elsewhere. Elsewhere, by the judge exercising from time to time the jurisdiction of the Judge of the County or District Court, and, if there is more than one judge exercising such jurisdiction, by the senior of them.

Judge may appoint substitute in writing. *(b)* The judge hereinbefore described may appoint a person to act as his substitute for any place or places or any part of any place within his territory, district or county and such substitute shall, with respect to the lists of voters for such place or places or part of a place, exercise all the powers and perform all the duties of such judge.

Copy sent to Chief Electoral Officer. Every such appointment shall be made in writing and a duplicate thereof shall be sent by the judge to the Chief Electoral Officer forthwith after the making thereof.

Clerk. *(c)* Any revising officer or substitute revising officer may appoint a clerk.

Provisions retroactive to 30th June, 1920. *(d)* The duties hereby imposed upon judges shall be deemed to have been imposed upon, and to have been performable by them since the thirtieth day of June, 1920, and any fees allowed to revising officers by any tariff of fees approved under section seventy-six of this Act shall be payable to judges who hereafter personally undertake the revision of lists of voters."

Fees payable to judges.

Name omitted added to list. **4.** Rule four of Schedule B to section thirty-two of the said Act is amended by striking out the words "below his signature" after the words "his possession" in the ninth line of the said Rule.

Copy of certified list for returning officer. **5.** Rule five of Schedule B to section thirty-two of the said Act is amended by striking out the words "and the returning officer shall forthwith transmit the same to the Chief Electoral Officer" in the eighth and ninth lines of the said Rule.

When new lists unnecessary. **6.** Subsection one of section thirty-three of the said Act is amended by inserting after the word "except" in the first line of the said subsection the words "at a general election and".

7. Paragraph *(b)* of subsection one of section thirty-six of the said Act is repealed and the following is substituted therefor:—

Indexed copies of Act or excerpts therefrom for election officers. "*(b)* Such sufficiently indexed copies of or excerpts from this Act, and such instructions prepared by him, as are required for the proper conduct of the election and in order to supply to each election officer a copy of such portions of the Act and such instructions as

such officer may have occasion to consult or observe in the performance of his duties."

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

Postponement of nomination day on death of candidate.

"**42.** Whenever any candidate dies after being nominated and before the closing of the polls, the returning officer shall fix another day for the nomination of candidates. Notice of the day fixed, which shall not be more than one month from the death of such candidate or less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted as specified in section thirty-seven and there shall also be named by such proclamation a new day for polling which shall be fourteen days after the date fixed for the nomination. Full particulars of any action taken under this section shall be reported by the returning officer to the Chief Electoral Officer with the return."

Notice and proclamation of new polling day.

Report.

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

Oath of secrecy.

"(2) Each of the agents of such candidate, and, in the absence of agents, each of the electors representing each candidate, on being admitted to the polling station, shall take an oath in Form 27 to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence."

When poll shall be held.

10. Subsection one of section fifty-five of the said Act is amended by striking out all the words after the word "holiday" in the sixth line of the said subsection.

11. Subsection six of section fifty-five of the said Act is repealed and the following is substituted therefor:—

Hours of polling.

"(6) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until six o'clock in the afternoon of the same day. Each deputy returning officer shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station."

12. (1) The said Act is amended by inserting the following section immediately after section fifty-seven thereof:—

Name, address and occupation corresponding closely to another.

"**57**A. (1) Where there is contained in the list of voters a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot is demanded as to suggest that the entry in the voters' list was intended to refer to him, such person shall,

May vote on taking oath.

upon taking an oath in Form 32A in Schedule One to this Act and complying in all other respects with the provisions of the Act, be entitled to receive a ballot and to vote.

Entries in poll book.

"(2) In any such case the name, address or occupation as stated in the list of voters shall be corrected therein according to the facts and correctly entered in the poll book, the fact that the oath has been taken shall be entered in the proper column of the poll book, and the words "Voters' List Corrected" in the remarks column thereof."

Form of oath.

(2) The first Schedule to the said Act is amended by inserting the following Form immediately after Form 32:—

"FORM 32A (Sec. 57-A).

Oath that voter is the person intended to be referred to in the list of voters.

You swear that you are qualified to vote at this election of a member to serve in the House of Commons of Canada and are not disqualified from voting thereat, and that you verily believe that you are the person intended to be referred to by the entry in the list of voters for this polling division of the name of *(name as in list of voters)* whose occupation is given as *(occupation as in list of voters)* and whose address is given as *(address in list of voters)*. (So help you God.)"

13. Subsection one of section seventy of the said Act is repealed and the following subsections are substituted therefor:—

Application for recount or re-addition by judge.

"**70.** (1*a*) If within four days after the day on which the returning officer has declared a candidate elected it is made to appear, on the affidavit of a credible witness, to the judge hereafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of ballots cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs of the candidate declared elected, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount or make a re-addition of the said votes.

Judges to whom application is to be made.

"(1*b*) The judge to whom applications under this section may be made, shall be the judge hereinafter described, within whose territory, district or county is the place at which the declaration of the election was made, namely:—

Districts of Quebec and Montreal.

In the judicial districts of Quebec and Montreal in the Province of Quebec, by the judge from time to time performing the duties of the Chief Justice or Acting Chief Justice therein;

Province of Quebec.

Elsewhere in the Province of Quebec, by the judge exercising from time to time the jurisdiction of the Superior Court judge of the district, and if there is more than one judge exercising such jurisdiction, by the senior of them;

Yukon.

In the Yukon Territory, by the judge at the time performing the duties of the judge of the Territorial Court of the said Territory; and

Elsewhere.

Elsewhere, by the judge exercising from time to time the jurisdiction of the Judge of the County or District Court, and, if there is more than one such judge, then by the senior of them.

Procedure when applications for recount in two or more districts are made.

"(1c) If applications for a recount or re-addition of the votes in two or more electoral districts are made under this section to the same judge, such judge shall proceed with the recount or re-addition in the electoral district in respect of which the first application is made to him, and successively with the recounts or re-additions in the electoral district or districts in respect of which applications were later made, and all such recounts or re-additions shall proceed continuously from day to day until the last of them has been completed."

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

Report by returning officer.

"*(b)* A report of his proceedings, which report shall contain such observations as he may think proper as to the state of the ballot boxes and the election papers as these were received by him from deputy returning officers."

15. The said Act is amended by inserting the following section immediately after section eighty-three:—

Penalty for voting if disqualified not qualified, or incompetent.

"**83A.** Every one is guilty of a corrupt practice and of an indictable offence against this Act punishable as in this Act provided who, at an election, votes or attempts to vote knowing that he is for any reason disqualified, non-qualified or incompetent to vote thereat."

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

Voting at advance polls.

"*(a)* He shall produce and deposit with the deputy returning officer a certificate of his right to vote in Form 53 issued as hereinafter provided and countersigned by himself in the presence of the officer by whom the same is issued."

Issue of certificate *gratis* to

17. Subsection ten of section one hundred of the said Act is amended by striking out the words "every registrar

applicant for vote at advance poll.

or revising officer of a polling division" in the first line thereof and substituting therefor "the registrar for any rural or the revising officer for any urban polling division."

18. Section one hundred of the said Act is amended by inserting the following subsection immediately after subsection (11) thereof:—

Attendance of officers and notice of time and place.

"(11A). Revising officers and registrars authorized to issue certificates to vote at advance polls shall attend for that purpose at such times and places as may be directed by the Chief Electoral Officer, who may specify what public notice, if any, is to be given by such registrar or revising officer that he will so attend."

19. The said Act is amended by adding thereto the following section as section one hundred and two:—

No amendment to apply to election for which writ is issued within three months, except after notice.

"**102.** No amendment to this Act shall apply in any election for which the writ is issued within three months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act or parts thereof printed for distribution to election officers, to correct and reprint all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and reprinted.

Consolidation of amendments.

New forms substituted.

20. The first Schedule to the said Act is amended by substituting the forms in the Schedule to this Act set out for the forms bearing the corresponding numbers contained in the said first Schedule to the said Act.

Repeals and corrected references.

21. Forms 31 and 36 in the first Schedule to the said Act are repealed, and all references in the said Act to Form 31 shall be read as referring to Form 32, and all references to Form 36 shall be read as referring to Form 35; all references to Form 33 shall be read as referring to both Forms 32 and 33.

SCHEDULE.

FORM 7 (Sec. 25).

APPOINTMENT OF A DEPUTY RETURNING OFFICER.

To *(Insert full name, occupation and residence.)*

Know you that I, in my capacity of Returning Officer for the Electoral District of , hereby appoint you to be Deputy Returning Officer for the Polling Division Number of the said Electoral District, there to take the votes of the electors by ballot according to law, at the Polling Station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election for the said Polling Division on the day of , at the hour of 8 o'clock in the forenoon, at *(here describe particularly the place in which the poll is to be held)*, and there to keep the said poll open until 6 o'clock in the afternoon, and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing the ballots, envelopes, list of voters, poll-book, and other documents required by law, together with this commission.

Given under my hand, at this day of , in the year 19 .

Returning Officer.

FORM 12 (Sec. 32).

NOTICE OF REGISTRATION OF VOTERS.

Electoral district of
Province of

Public notice is hereby given:

(1) That the undersigned has been appointed Registrar to prepare the List of Voters for polling division No. in the above-mentioned electoral district wholly or partly contained within the *(insert city, town or village)* of

(2) That the registration sittings will be held from the day of 19 , until the day of 19 , both

inclusive, between the hours of nine o'clock in the forenoon and nine o'clock in the afternoon, with intermissions from one o'clock to two o'clock and from six o'clock to seven o clock.

(3) That all persons who reside within the said polling division desiring and requiring to be registered as voters must apply personally at the place hereinafter stated, to wit:

(4) That on the *(insert the date of the third day after registration closes)* day of 192 , I shall certify and post up the list prepared by me as provided in Rule 6 of Schedule A to Section 32.

Address of Registrar. *Registrar.*

FORM 13 (Sec. 32, Sch. A, Rule 4).

INTERROGATORIES TO A PERSON APPLYING IN PERSON TO BE REGISTERED AS A VOTER.

You swear (*or* affirm) that you will make true and full answer to all such questions as I shall now address to you. So help you God.

1. Where is your ordinary residence? *(Give street and number.)*
2. Have you, on application made by you or on your behalf, been registered as a voter in any other polling division at this election?
3. Are you a British subject in Canada by birth or naturalization.
4. Are you of the full age of twenty-one years?
5. Have you ordinarily resided in Canada for the twelve months immediately before the day of 19 ? *(naming the date of the issue of the writ of election).*
6. Have you ordinarily resided in this electoral district for the two months immediately before the said day of 19 ? *(naming the same date).*
7. Are you within any of the classes of persons who lack qualification or are disqualified by reason of appointment as a judge, employment for pay or reward in reference to the election, place of birth, race, crime, mental incapacity, the receipt of public charitable support, or disfranchisement for corrupt or illegal practices?

If all questions are answered satisfactorily or a certificate of refusal to register is desired, obtain particulars, as follows:

8. What is your surname?

22095—2

9. What are your other names in full?
10. What is your occupation?
11. What is your post office address?

FORM 15, (Sec. 32, Sched. A, Rule 5).

INTERROGATORIES TO A RELATIVE OR EMPLOYER APPLYING FOR THE REGISTRATION OF A RELATIVE OR EMPLOYEE.

You swear (*or* affirm) that you will make true and full answer to all such questions as I shall now address to you. So help you God.

1. What is your name and address?
2. Are you a relative or the employer of the person whom you desire to register?
3. If a relative, what is the relationship, or if an employer, what is the business?
4. How long and how well have you known the person whom you desire to register?
5. What is the reason that the person whom you desire to have registered does not apply in person?
6. What is his *(or* her*)* ordinary residence? *(Give street and number.)*
7. Has he on application made by him or on his behalf, been registered as a voter in any other polling division at this election?
8. Is he a British subject in Canada by birth or naturalization?
9. Is he of the full age of twenty-one years?
10. Has he ordinarily resided in Canada for the twelve months immediately before the day of 19 ? *(naming the date of the issue of the writ of election.)*
11. Has he ordinarily resided in this electoral district for the two months immediately before the said day of 19 ? *(naming the same date.)*
12. Is he within any of the classes of persons who lack qualification or are disqualified by reason of appointment as a judge, employment for pay or reward in reference to the election, place of birth, race, crime, mental incapacity, the receipt of public charitable support, or disfranchisement for corrupt or illegal practices?

If all questions are answered satisfactorily or a certificate of refusal to register is desired, obtain particulars as follows:

13. What is his surname?

14. What are his other names in full?
15. What is his occupation.
16. What is his post office address?

FORM 18. (Sec. 32.)

NOTICE TO ELECTORS.

Notice is hereby given that I will attend and remain at

on the five (*or* four) following days, namely, *(name days of the week and state days of the month between the thirteenth and ninth days before polling day inclusive (except Sunday))* during the hours between two and six o'clock in the afternoon, at which time and place I may be found by the electors as provided by Rule 3 of the Schedule B to Section 32 of the Dominion Elections Act.

.....
Registrar.

Certificate of Registrar.

I certify that the attached *(insert number of sheets)* sheets contain a true copy of the Voters' List for Polling Division No. of the Electoral District of as prepared by me for use in the election of a member of the House of Commons for the said Electoral District, now pending.

Dated at , this.....

day of.....19....

.....
Registrar.

FORM 19 (Sec. 36, 37).

PROCLAMATION.

Electoral district of to wit:
in the province of

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to His Majesty's writ to me directed, and bearing date the day of , 19 , I require the presence of the said electors at *(describe the place where the nomination is to take place)* in the county *(or township, or city, or town*

or village) of on the day of the month of , in the year 19 , from noon until two of the clock in the afternoon for the purpose of nominating a person to represent them in the House of Commons of Canada; and that, in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the day of the month of in the year 19 , at the hour of eight o'clock in the forenoon and kept open until the hour of six o'clock in the afternoon at places of which in that case I shall subsequently give notice.

And further that in that case I shall on the day of , in the year 19 , at *(describe the place at which the votes will be added up)* open the ballot boxes, add up the votes given for the several candidates and return as elected the candidate having the majority of votes.

And further that the territory comprised within the cities, towns and incorporated villages of

shall be, for the purposes of the Dominion Elections Act, known as urban polling divisions and the voters' list shall be prepared and completed therein under the rules set forth in Schedule A to section 32 of the said Act, and that the remainder of the territory comprised within the electoral district shall be for the purpose of the said Act, known as rural polling divisions and the voters' list shall be prepared and completed therein under the rules set forth in Schedule B to section 32 of the said Act.

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

Given under my hand at , this day of in the year 19 .

(Print name of returning officer).
Returning Officer.

FORM 20 (Sec. 40).

NOMINATION PAPER.

We, the undersigned electors of the electoral district of hereby nominate *(here give name in full, residence and occupation, addition or description of person nominated)* as a candidate at the election, now about to be held, of a member to represent the said electoral district in the House of Commons of Canada.

Witness our hands at in the said electoral district this day of 192 .

Signatures of Witnesses.	Residences of Witnesses.	Occupations or Additions of Witnesses.	Signatures of Electors.	Residences of Electors.	Occupations or Additions of Electors.

Several signatures of electors may be bracketed and a witness need only sign once opposite the bracket for the whole series of signatures which he witnessed.

Form 21 (Sec. 40 (6)).

OATH OF ATTESTATION OF THE NOMINATION PAPER.

I, of *(residence)* *(occupation)* swear *(or* solemnly affirm *)* that I know the following persons who have signed the within nomination paper, namely:—

and that they are duly qualified as electors of the electoral district of to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the within nomination paper in my presence.

This oath *(or* affirmation) was sworn *(or* affirmed *)* before me at this day of 19 . } *(Signature of person attesting).*

Returning Officer.

Form 23 (Sec. 44).

NOTICE OF GRANT OF A POLL.

Electoral District of to wit:

Province of

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been granted for the election now pending for the said district, and that such poll will be opened on , the day of , 19 , at the hour of eight o'clock in the forenoon and kept open until the hour of six o'clock in the afternoon as follows:—

For polling division: *(Here insert the numbers, the names, if any, and the descriptions of the polling divisions, and describe the polling stations.*

Further, that the persons duly nominated, and for whom only votes will be received, are:

1. } *(Insert the names and additions of each candidate*
2. } *as given in the nomination paper, and follow the*
3. } *name of each with (in smaller type) the words "Official Agent" and the name and address of the official agent appointed by him.)*

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at this day of 19 .

(Name of returning officer to be printed).
Returning Officer.

FORM 24. (Sec. 45.)

DIRECTIONS TO VOTERS.

Each voter may vote only at one polling station and for only one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The voter will go into one of the compartments, and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials and stamp on the back and the number on the counterfoil can be seen and the counterfoil detached without opening the paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box. The voter shall then forthwith quit the polling station.

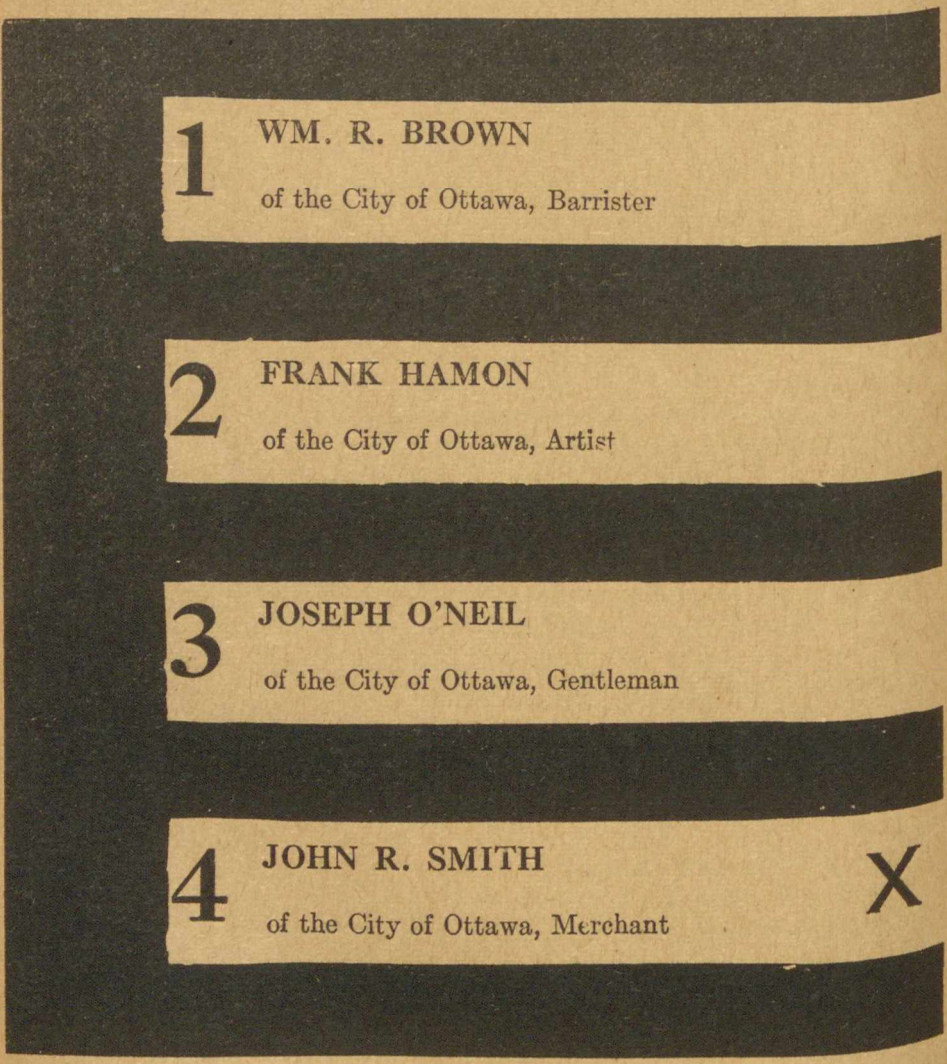
If a voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

If a voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other

paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, Joseph O'Neil and John R. Smith, and the voter has marked his ballot paper in favour of John R. Smith.



FORM 29. (Sec. 53 (6)).

OATH FOR DEPUTY-RETURNING OFFICER, POLL CLERK, CANDIDATE OR CANDIDATE'S AGENT.

I,
of
(1)
(2) *
(3)
(4)
at the election of a member to serve in the House of Commons for the Electoral District of
do swear (or solemnly affirm) that I am actually entitled to vote for a member of the said House of Commons for this Electoral District at the present election;

That I have not voted before at this election, either at this or any other polling place;

That I have not received anything, nor has anything been promised me, directly or indirectly, either to induce me to vote at this election, or for loss of time, travelling expenses, hire of team or for any other service connected therewith, other than my lawful fees and expenses as deputy returning officer or poll clerk.

That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. (So help me God.)

Sworn (or affirmed) before me, at this day of 19 . (Signature, (Signature) (Office)

*(1) Deputy Returning Officer.
(2) Poll Clerk.
(3) Candidate.
(4) Agent for *(name of candidate)* one of the candidates.

(See sec. 31 (b.))

FORM 30 (Sec. 56 (4)).

POLL BOOK

Consec. Number.	Particulars of Voter.				Form Numbers of Oaths, if any, the Voter is required to Swear.
	NAME (Family name first.)	Occupation or Addition.	Place of Residence.	No. on Voters' List.	
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Record that oaths Sworn or Refused. (If sworn, insert "Sworn," if refused, insert "Refused to be sworn.")	Particulars of Person vouching *in a Rural Polling Division only* (Under Sec. 63) for a Voter whose Name is not on the List.			Record that Voter has voted. (When ballot put into ballot box, insert "Voted").	Remarks.
	Name.	No. on Voters' List.	Record that oath (Form 34) sworn (when sworn insert "Sworn")		
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

FORM 32 (Secs. 58 and 63).

OATH OF QUALIFICATION.

You swear that you are a British subject of the full age of 21 years and that you have ordinarily resided in Canada for the year and in this electoral district for the two months immediately preceding the day of 19 , *(naming the date of the issue of the writ of election).*

That you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment for pay or reward in reference to the election, place of birth, race, crime, mental incapacity, the receipt of public charitable support or disfranchisement for corrupt or illegal practices.

That you have not already voted at this election and have not been guilty of any corrupt or illegal practice in relation thereto. So help you God.

FORM 33 (Sec. 63).

You swear that you now reside in this polling division. So help you God.

FORM 34 (Sec. 63).

OATH OF PERSON VOUCHING.

You swear that you are *(name as on list of voters)* whose occupation is *(occupation as on list of voters)* and whose address is *(address as on list of voters)* and that you now reside in this polling division;

That you know *(naming the applicant and stating his address and occupation)* who has applied to have his name added to the voters' list in the said polling division;

That the said applicant now resides in this polling division;

That you verily believe that the applicant is a British subject of the full age of twenty-one years and that he has resided in Canada for the year and in the electoral district for the two months immediately preceding the day of 19 , *(naming the date of the issue of the writ of election)*;

That you verily believe that the applicant is qualified as a voter and is not disqualified from voting at this election. So help you God.

FORM 37 (Sec. 62 (7)).

OATH OF INCAPACITATED VOTER.

You swear that you are incapable of voting without assistance by reason of your being unable to write or of physical incapacity. So help you God.

FORM 38 (Secs. 64 (2), 83).

INFORMATION FOR PERSONATION.

Canada.
Province of ,
County of .

The information of taken this day of in the year , before the undersigned, a Deputy Returning Officer at a polling station in the of for an election being held for the electoral district of of a member of the House of Commons.

The said informant says that he believes that *(insert the name of the accused or, if it is not known, then "a person whose name is to the informant unknown but who is now detained in the polling station by the order of the undersigned")* on this day at the said polling place did commit the offence of personation by *(describe the offence in words following those of Sec. 83 (a), (b) or (c).)*

Taken and sworn before me at the said polling station, the day and year above mentioned.

Deputy Returning Officer.

FORM 39 (Secs. 64 (2), 83a).

INFORMATION FOR VOTING WITH KNOWLEDGE OF DISQUALIFICATION, NON-QUALIFICATION OR INCOMPETENCY.

Canada,
Province of ,
County of .

The information of taken this day of in the year , before the undersigned, a Deputy Returning Officer at a polling station in the of for an election being held for the electoral district of of a member to serve in the House of Commons.

The said informant says that he believes that *(insert the name of accused)* who is now detained in the said polling station under my order, on this day at the said polling place did commit the offence of voting at said election then knowing that he was *("disqualified", "non-qualified" or "incompetent")* to vote at such election.

Taken and sworn before me at the said polling station, the day and year above mentioned.

Deputy Returning Officer.

FORM 40 (Secs. 64 (4), 83).

WARRANT FOR ARREST OF PERSON CHARGED WITH PERSONATION.

Canada,
Province of ,
County of .

To all or any of the constables and other peace officers in the county (*or* province) of .

Whereas, before the undersigned, a Deputy Returning Officer at a polling station in the of for an election being held for the electoral district of of a member of the House of Commons *(insert name or description of person as stated in information)* has this day been charged upon oath with having committed the offence of personation on this day and at the said polling place by *(describe the offence as in the information)*

These are therefore to command you in His Majesty's name forthwith to apprehend the said and to bring him before *(insert the name or names of the*

magistrate or magistrates before whom the accused is to be brought) to answer unto the said charge and to be further dealt with according to law.

Given under my hand and seal under the Dominion Elections Act, this day of , in the year 19 .

Deputy Returning Officer

FORM 41 (Secs. 64 (2), 83a).

WARRANT FOR ARREST OF A PERSON CHARGED WITH VOTING WITH KNOWLEDGE OF DISQUALIFICATION OR INCOMPETENCY.

Canada,
Province of ,
County of .

To all or any of the constables and other peace officers in the county *(or* province) of

Whereas, before the undersigned, a Deputy Returning Officer at a polling station in the of for an election being held for the electoral district of of a member to serve in the House of Commons *(insert the name of the accused)* has this day been charged upon oath with having committed on this day and at the said polling place the offence of having then and there voted at such election knowing that he was *("disqualified," "non-qualified," or "incompetent")* to so vote.

These are therefore to command you in His Majesty's name forthwith to apprehend the said and to bring him before *(insert the name or names of the magistrate or magistrates before whom the accused is to be brought)* to answer unto the said charge and to be further dealt with according to law.

Given under my hand and seal, under the Dominion Elections Act, this day of , in the year 19 .

Deputy Returning Officer.

FORM 42. (Sec. 66 (5)).

OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, the undersigned, Deputy Returning Officer for the

Polling Division No. , of the Electoral District of ,
do swear (*or* solemnly affirm) that, to the best of my knowledge and belief, the poll-book kept for the said Polling Division, under my direction, has been so kept correctly; that the total number of votes polled in the said poll-book is
, and that it contains a true and exact record of the votes given at the Polling Station in the said Polling Division, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate in the manner by law provided and performed all duties required of me by law, and that the statement of the poll, poll book, packets of ballot papers, and other documents required by law to be returned by me to the Returning Officer, will be faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box, being first carefully sealed with my seal, may be transmitted to the Returning Officer according to law.

.....
Deputy Returning Officer.

Sworn before me at , in the electoral district of
day of , 19

(Signature of the Poll Clerk, the Returning Officer or any other of the persons mentioned in Section 7 of the Act.)

FORM 43. (Sec. 66 (5))

OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL.

I, the undersigned, Poll Clerk for the Polling Division No. of the Electoral District of , do swear (*or* do solemnly affirm) that the poll-book in and for the said Polling Division kept under the direction of *(Insert name of D. R. O.)*, who has acted as Deputy Returning Officer therein, has been so kept by me, under his direction as aforesaid, correctly and to the best of my skill and judgment; that the total number of votes polled in the said poll-book, is
and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the Polling Station in the said Polling Division as the said votes were

taken at the said poll by the said Deputy Returning Officer.

.....

Poll Clerk.

Sworn (*or* affirmed) and subscribed before me, at , this day of , in the year 19

(Signature of the D.R.O., the Returning Officer or any of the other persons mentioned in Section 7 of the Act.)

FORM 44. (Sec. 66 (6)).

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling Division No.
Electoral District of

Number of Ballot Papers received from the Returning Officer.....	.....	.....
Number of Ballot Papers cast for.....	.....	
" "	.....	
" "	.....	
" "	.....	
" "	.....	
" "	.....	
" " spoiled.....	.....	
" " rejected.....	.....	
" " not used and returned.....	.....	
Total.....	.....	.....

Number of Names on Voters' List.....

I hereby certify that the above statement is correct.

Dated at
this day of 19

.....
Deputy Returning Officer.

FORM 45. (Sec. 66 (6)).

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, Deputy Returning Officer for Polling Division No. in the Electoral District of

do hereby certify that, at the election held this day, for a Member to serve in the House of Commons, the hereinafter mentioned Candidates received the number of Votes set opposite their respective names, viz. —

Names of Candidates.	Number of Votes
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that ballot papers were rejected.

Dated at
this day of 19 . } *Deputy Returning Officer.*

FORM 46 (Sec. 66 (7)).

OATH OF MESSENGER SENT TO COLLECT, OR OF ANY CUSTODIAN OF BALLOT BOXES.

I, *(insert name, address and occupation of messenger or custodian)* of

messenger or custodian appointed by *(insert name of Returning Officer)*
Returning Officer for the Electoral District of

swear (*or* solemnly affirm) that the several boxes to the number of now delivered by me to were handed to me by *(insert names of D.R.O's or authorized custodian from whom ballot boxes have been received)*, that they have not been opened by me or any other person; and that they are in the same state as they were in when they came into my possession.

(Signature of Messenger or Custodian)

Sworn (*or* affirmed) and subscribed before me, at this day of in the year 19 .

(Signature of the Returning Officer or any other of the persons mentioned in section 7 of the Act).

FORM 48 Sec. 79 (1)).

Electoral District of.....

RETURN OF ELECTION EXPENSES.

On behalf of a Candidate

CERTIFICATE OF PERSON BEFORE WHOM STATUTORY DECLARATION IS MADE.

This is the return of election expenses referred to in the statutory declaration of , which said statutory declaration (in Form 49, 50 or 51 in Schedule 1 to the Dominion Elections Act) was declared before me at
this day of

Signature.

RETURN.

I of in the province of being official agent for a candidate at the election of a member to serve in the House of Commons of Canada, held on the *(insert date of poll)* day of 19 , in the above mentioned electoral district, make the following return respecting the election expenses of the said candidate at the said election.

1—RECEIPTS.

(a) Money or its Value Received.

There are accurately set out hereunder the name and occupation of every person (including the candidate) and of every club, society, company or association, from whom any money, securities or the equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, showing in the case of each person the amount or value received and whether the same was received as a contribution (including subscription or gift), loan, advance, deposit or otherwise:—

Name	Address	Occupation	State whether Contribution, Loan, Advance or Deposit	Amount or Value
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
			TOTAL	

(b) Money or its Value Promised but not Received.

In addition to the foregoing items, the persons (including the candidate), clubs, societies, companies or associations hereunder mentioned are all who have promised to pay but have not yet paid money or its equivalent for the purpose of the expenses incurred, or to be incurred, on account of or in respect of the conduct or management of the said election, and the amount or value promised by them respectively, with its character, is set out after their names:—

Name	Address	Occupation	State whether Contribution, Loan, Advance, Deposit, etc.	Amount or Value
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
			TOTAL	

2—Payments Made Not Requiring a Judge's Order.

(a) Candidates Personal Expenses, Postage, Telegrams and Petty Claims.

Personal Expenditure of candidate paid by him personally and notified to me under Sec. 78 (4)..		
Paid by me as his official agent.....	—	—
Total.....	—	—
Postage paid by me.....		
Telegrams paid by me...		

Petty Expenses paid under written authority under (Sec. 78 (15, 16), the statements of particulars being attached and numbered consecutively.

Consec. No.	Name	Amount
.....	.....	.....
.....	.....	.....
	Total.....	.....

(b) Hire of Premises.

There are set out below the name and address of every person, club, society, company and association from whom premises were hired for the purpose of the election, with a description of the premises so hired, the purpose for which and the length of time during which the same were used, and the amount paid therefor, vouchers for all of the said payments for which vouchers have been received being attached hereto and numbered consecutively as indicated in the proper column below:—

Consec. No. of Voucher	Name of Person from whom premises Hired	Address	Description of Premises Hired	Purpose for which used	Time for which used	Amount Paid
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
					TOTAL	

22095—4

(c) Services.

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for work done, with a description of the nature of the work done and the amount paid to each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below:—

Consec. No. of Voucher	Name	Address	Nature of Work Done	Amount Paid
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
			TOTAL	

(d) Travelling Expenses and Hire of Vehicles.

The following statement contains the name and address of every person, club, society, company or association to whom any payment was made for travelling expenses or the hire of vehicles with the amounts paid by each, vouchers for such payments being attached hereto, so far as the same have been received, and numbered consecutively as indicated in the proper column below.

Consec. No. of Voucher	Name	Address	Nature of Claim	Amount
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
			TOTAL	

(e) Goods Supplied.

The following statement contains the name and address of every person, club, society, company or association to whom any payment (not already set out) was made for goods supplied, with a description of the goods supplied and the amounts paid to each, vouchers for such payments being attached hereto so far as the same have been received and numbered consecutively as indicated in the proper column below:—

Consec. No. of Voucher	Name	Address	Description of Goods Supplied (If only hired, so state and give duration)	Amount Paid
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
			TOTAL	

(f) Advertising.

The following statement contains the name and address of every person, club, society, company and association to whom any payment (not already set out) was made for advertising, with a description of such advertising and the amount paid to each, vouchers for such payments being attached hereto so far as the same have been received, and numbered consecutively as indicated in the proper column below.

Consec. No. of Voucher	Name	Address	Name of Publication	Dates of Issues	Amount
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
				TOTAL	

3—Undisputed Claims Still Unpaid or under a Judge's Order.

The following statement contains the names and addresses of all persons whose undisputed claims were received too late, or remained unpaid too long, to be payable without a judge's order and in respect of which such an order has been or is about to be applied for, together with particulars of the nature of the claim, its amount, etc., as below set out.

Name	Address	Nature of Claim	Paid or Unpaid	If Paid, Date of Order or Judgment	Amount
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
				TOTAL	

4—Disputed Claims.

In addition to the above, I am aware as official agent for the said candidate of the following (and only of the following) disputed and unpaid claims, the names and addresses of the claimants, the character of the claims respectively and the amounts thereof being as set out below:—

Name	Address	Character of Disputed Account	Amount
.....	.....	.....	.....
.....	.....	.....	.....
		TOTAL	

.....
Signature of Official Agent.

FORM 49. (Sec. 79 (2)).

OFFICIAL AGENT'S DECLARATION AS TO EXPENSES.

I, , being official agent of , a candidate at the election held on the day of 19 , for the election of a member to serve in the House of Commons of Canada, do hereby solemnly declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election and now shewn to me and marked by the officer before whom this declaration is made and to the best of my knowledge and belief that return is correct.

And I hereby further solemnly declare that except as appears from that return, I have not and to the best of my knowledge and belief no other person, nor any club, society, company or association has on behalf of the said candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly declare that I have received from the said candidate the sum of *(insert "No" if the fact is so)* dollars and no more for the purposes of said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given or deposited by any one to me or in my hands, or to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of, or in respect of, the conduct or management of the said election.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the Canada Evidence Act.

Signed and declared by the above named declarant at on the day of 19 , before me. } *(Signature of Declarant).*

(Signature of any of the persons mentioned in Sec. 7 of the Act.)

FORM 50 (Sec. 79 (3)).

CANDIDATE'S DECLARATION AS TO EXPENSES.

(Ordinary Form).

I, whose address is and whose occupation is , having been a candidate at the election of a member to serve in the House of Commons of Canada, for the electoral district of held on the *(insert date of poll)* day of , 19 , do hereby solemnly declare that I have examined the return of election expenses transmitted or about to be transmitted by my official agent to the returning officer at the said election, a copy of which return is now shown by me and signed by the officer before whom this declaration is made, and to the best of my knowledge and belief that return is correct;

2. And I further solemnly declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, company or association, has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

3. And I further solemnly declare that I have paid to my said official agent the sum of and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given or deposited by any one to or in the hands of my official agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

4. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the Canada Evidence Act.

(Signature of Declarant.)

Signed and declared before me by the above named declarant at , in the Province of , on the day of 19 .

(Signature)

To be declared before any of the persons mentioned in Sec. 7 of this Act.

FORM 51 (Sec. 79 (3)).

CANDIDATE'S DECLARATION AS TO EXPENSES.

(Alternative Form.)

I, whose address is and whose occupation is , having been *(insert "in my absence nominated as" or "declared by others to be.")* a candidate at the election of a member to serve in the House of Commons of Canada for the electoral district of , held on the *(insert the date of poll)* day of 19 , do hereby solemnly declare that I have taken no part whatever in the said election.

2. And I further solemnly declare that, with the exceptions undernoted, I have not, and no person, club, society, company or association on my behalf, has made any payment, or given, promised, or offered, any reward, office, employment, or valuable consideration or incurred any liability on account of or in respect of the conduct or management of the said election.

Exceptions:

3. And I further solemnly declare that, with the exceptions undernoted, I have not paid any money or given any security or equivalent for money to the person acting as my official agent at the said election, or to any other person, club, society, company or association on account of or in respect of the conduct or management of the said election.

Exceptions:

4. And I further solemnly declare that, with the exceptions undernoted, I am entirely ignorant of any money, security, or equivalent for money having been paid, advanced, given, or deposited by any one for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

Exceptions:

5. And I further solemnly declare that I will not, except so far as I may be permitted by law, at any future time,

make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath, by virtue of the Canada Evidence Act.

Signature of Declarant.

Signed and declared* before me by the above named declarant at in the province of on the day of 19 .

(Signature.)

**To be declared before any of the persons mentioned in Sec. 7 of the Act.*

FORM 52 (Sec. 100 (8)).

NOTICE OF HOLDING OF ADVANCE POLL.

FOR RAILWAY EMPLOYEES, SAILORS AND COMMERCIAL TRAVELLERS.

Take notice that pursuant to the provisions of Section 100 of the *Dominion Elections Act*, an advance poll will be opened between the hours of seven and ten o'clock in the evening of the following three days, namely the , and of the month of 19 , being the three days, exclusive of Sunday, immediately preceding the day fixed for polling at the pending Dominion election, in the *(city, town, village)* of at *(here particularly specify the place where the polling station will be located for each city, town or village or other place in the electoral district in which an advance poll is authorized to be opened; one polling station will be sufficient for each place).* whereat electors of this electoral district, being railway employees, sailors or commercial travellers whose employment or calling will necessarily cause their absence from their ordinary places of residence on polling day and who

comply with the provisions of said section of the said Act, may vote in advance of polling day.

Published this day of 19 .

(Name of returning officer to be printed)
Returning Officer for said Electoral District.

FORM 53 (Sec. 100 (9)).

CERTIFICATE TO A RAILWAY EMPLOYEE, SAILOR OR COMMERCIAL TRAVELLER ENTITLED TO VOTE AT AN ADVANCE POLL.

I, the undersigned revising officer *or* registrar for Polling Division No. of the electoral district of , hereby certify to all deputy returning officers of advance polls held pursuant to section 100 of the *Dominion Elections Act*, as follows:—

1. That *(insert full name, occupation and full address)*, whose ordinary residence is at is an elector whose name appears on the official List of Voters of the said polling division compiled or revised by me for the purposes of the pending Dominion election.

2. That, said elector on this day of 19 , having personally attended before me and requested of me a certificate enabling him to vote at such election in advance of polling day, I, being satisfied that he is a person who is, pursuant to said section 100 of the *Dominion Elections Act* thereto entitled, required him to sign his name hereunder, which, being by him first done, I have signed and issued this certificate.

.....

Elector will sign his name above this line before the Registrar or Revising Officer.

Signature of Revising Officer or Registrar for said polling division.

FORM 54 (Sec. 100 (9)).

STATEMENT OF IDENTIFICATION AND DECLARATION

The undersigned is the elector mentioned in the preceding certificate.

I declare that my employment or calling is that of a railway employee, sailor or commercial traveller and neces-

sitates from time to time my absence from my ordinary place of residence and that I have reason to believe that because of necessary absence from my ordinary place of residence in the pursuit of my employment or calling I will be unable to vote at the pending Dominion Election on polling day. I am aware that after voting or attempting to vote at an advance poll I have no right to vote or to attempt to vote at any other polling station at the pending Dominion election.

. . . . . .

Elector will sign his name above this line before the Deputy Returning Officer.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 135.

An Act to amend The Ottawa Improvement Commission Act, 1919.

First reading, May 4, 1921.

The MINISTER OF FINANCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921.

19723

5th Session, 13th Parliament, 11-12 George V., 1921.

BILL 135.

THE HOUSE OF COMMONS OF CANADA

An Act to amend The Ottawa Improvement Commission Act, 1919.

1899, c. 10; 1902, c. 25; 1903, c. 45; 1905, c. 29; 1910, c. 45.

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

1. Section six of *The Ottawa Improvement Commission Act, 1919*, chapter sixty-two of the statutes of 1919, is amended by striking out all the words after the word "pleasure" in the fourth line thereof, and adding to the said section the following subsection:—

Secretary no longer required to be a member of the public service.

"(2) The Governor in Council may appoint a person to be secretary of the Commission."

2. Section eight of the said Act is amended by adding at the end of paragraph (*a*) thereof, the following:—

Power given to dispose of real property.

"and, subject to the approval of the Governor in Council, sell or lease any real property of the Commission, not being a portion of any public park or square, street, avenue, drive or thoroughfare, which is not required for the purposes of the Commission."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 136.

An Act to amend the Animal Contagious Diseases Act.

First reading, May 4, 1921.

The MINISTER OF AGRICULTURE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

19796

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 136.

An Act to amend the Animal Contagious Diseases Act.

R.S. c. 75; 1909, c. 3; 1913, c. 6; 1918, c. 8; 1920, c. 3.

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

Operation of provision for compensation for slaughtered animals extended for three years.

1. Section two of chapter eight of the statutes of 1918, *An Act to amend the Animal Contagious Diseases Act*, is repealed, and the following is substituted therefor:— 5

"**2.** This Act shall only remain in operation for six years from the twenty-fourth day of May, one thousand nine hundred and eighteen."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 137.

An Act to amend and consolidate the Acts respecting Quebec Steamship Company.

First reading, May 6th, 1921.

Mr. CASGRAIN.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20253

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 137.

An Act to amend and consolidate the Acts respecting Quebec Steamship Company.

1873, c. 108; 1880, c. 62; 1899, c. 125.

WHEREAS the Quebec Steamship Company (hereinafter called the Company), has by its petition prayed that the Acts respecting the Company be amended and consolidated and 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:—

Short title.

1. This Act may be cited as *Quebec Steamship Company Limited Consolidation Act, 1921.*

Repeal.

2. The Acts described in the Schedule to this Act are hereby repealed to the extent described in the said schedule, and the provisions of this Act are substituted for the provisions of the Acts so repealed.

Corporate existence continued.

Change of name.

3. The said repeal shall not in any way affect the corporate existence of the Company, which shall continue to be the same corporation as that constituted by the Act of the Parliament of Canada, 36–37 Vict. chapter one hundred and eight, under the name "Quebec and Gulf Ports Steamship Company," subsequently changed to "Quebec Steamship Company" by the Act of the Parliament of Canada, 43 Vict. chapter sixty-two, and by this Act changed to "Quebec Steamship Company Limited," and to be composed of all persons who are now shareholders or shall at any time hereafter become shareholders in the Company under the provisions of this Act and of any general Act applicable to the Company and of by-laws made under the authority thereof, and the said repeal shall not affect the shares and rights and liabilities of the shareholders as such, and notwithstanding the said repeal, the Company shall continue to be the owner of and entitled to all the property and

assets and subject to the obligations and liabilities to which it was entitled and subject when this Act came into effect, and all by-laws, resolutions and regulations in force when this Act comes into effect shall be of the same force and effect as if made under this Act.

Corporate name.

4. The name of the Company shall be "Quebec Steamship Company Limited" and the Company shall have continued succession, and shall be capable in law of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal which, until altered, shall be the one heretofore adopted by the Company, and may change or alter the same at pleasure, and may acquire, hold, alienate and convey any real property necessary or requisite for the carrying on of the undertaking of the Company.

Seal.

Acquire, hold and convey real property.

Capital stock.

5. The capital stock of the Company shall be ten million dollars, divided into shares of one hundred dollars each.

6. The Company may throughout Canada and elsewhere:—

Power to acquire, employ, dispose of and otherwise deal with vessels.

(a) Purchase, take in exchange, build or otherwise acquire and hold, lease, hire or charter ships or vessels or any shares or interests in ships or vessels, and maintain, repair, improve, alter, sell, exchange, let out on hire or charter or otherwise deal with and dispose of any ships, vessels, or any shares or interests therein, and employ them in any lawful business whatsoever and wheresoever; buy and sell fruit and other goods and merchandise and carry on the business of general merchants; also own, construct, buy, sell or lease wharves, roads, stores, buildings or other property required for their own business.

Engage in business of shipowners, brokers, etc.

(b) Carry on all or any of the businesses of ship owners, ship brokers, insurance brokers, managers of shipping property, freight contractors, carriers by land and sea, barge owners, lightermen, forwarding agents, ice merchants, refrigerating storekeepers, warehousemen, wharfingers and general traders.

Take insurance.

(c) Insure with any other company or person against loss, damages, risks and liabilities of all kinds which may affect this Company.

Generally.

(d) Carry on any other business which may seem to the Company capable of being conveniently carried on in connection with the above or calculated directly or indirectly to enhance the value of or render profitable any of the Company's property or rights.

Acquire and carry on businesses of other company or person.

(e) Acquire and undertake the whole or any part of the business, property and liabilities of any person or company carrying on any business which the Company is authorized to carry on, or possessed of property suitable for the purposes of this Company.

Acquire patents, etc.

(f) Apply for, purchase, or otherwise acquire, any patents, *brevets d'invention*, licenses, concessions, and the like, conferring any exclusive or non-exclusive or limited right to use, or any secret or other information as to any invention which may seem capable of being used for any of the purposes of the Company, or the acquisition of which may seem calculated directly or indirectly to benefit the Company, and use, exercise, develop, or grant licenses in respect of, or otherwise turn to account the property, rights or information so acquired.

Partnerships, etc.

(g) Enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession, or otherwise, with any person or company carrying on or engaged in, or about to carry on or engage in, any business or transaction which this Company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit this Company.

Shares in other company.

(h) Take or otherwise acquire, and hold shares in any other company having objects altogether or in part similar to those of this Company, or carrying on any business capable of being conducted so as directly or indirectly to benefit this Company, and sell, hold or issue with or without guarantee or otherwise deal with the same, and lend money to guarantee the contracts of or otherwise assist any company in which the Company may hold shares or with which it may have business relations.

Loans.

Arrangements with governments and other authorities.

(i) Enter into any arrangements with any governments or authorities supreme, municipal, local or otherwise, that may seem conducive to the Company's objects, or any of them, and obtain from any such government or authority, any rights, privileges and concessions which the Company may think it desirable to obtain, and carry out, exercise, and comply with any such arrangements, rights, privileges and concessions.

Charitable and benevolent works.

(j) Establish and support or aid in the establishment and support of associations, institutions, funds, trusts, and conveniences calculated to benefit employees or ex-employees of the Company or the dependants or connections of such persons, and grant pensions and allowances, and make payments towards insurance, and subscribe or guarantee money for charitable

or benevolent objects, or for any exhibition, or for any public, general or useful object.

Promote company to acquire this company.

(k) Promote any company or companies for the purpose of acquiring all or any of the property, rights and liabilities of this Company, or for any other purpose which may seem directly or indirectly calculated to benefit this Company.

Real and personal property.

(l) Generally purchase, take on lease or in exchange, hire or otherwise acquire, any real and personal property, and any rights or privileges which the Company may think necessary or convenient for the purposes of its business.

Invest moneys of company.

(m) Invest and deal with the moneys of the Company not immediately required in such manner as may from time to time be determined.

Lend money.

(n) Lend money to such persons and on such terms as may seem expedient, and in particular to customers and others having dealings with the Company, and guarantee the performance of contracts by any such persons.

Borrowing powers and issue securities.

(o) Borrow or raise or secure the payment of money in such manner as the Company shall think fit, and in particular by the issue of debentures, or debenture stock, perpetual or otherwise, charged upon all or any of the Company's property both present and future, including its uncalled capital, and purchase, redeem or pay off any such securities.

Pay stock-selling agents.

(p) Remunerate any person or company for services rendered, or to be rendered, in placing or assisting to place or guaranteeing the placing of any of the shares in the Company's capital, or any debentures, debenture stock or other securities of the Company, or in or about the formation or promotion of the Company or the conduct of its business.

Issue paid-up shares, etc., in payment of property acquired.

(q) Issue paid-up shares, debenture stock, debentures, bonds and other securities of the Company in payment or part payment of any property, rights and easements which may be acquired by the Company and for any services rendered to and work done for the Company, and in or towards the payment or satisfaction of debts and liabilities owing by the Company.

Promissory notes, bills of exchange, etc.

(r) Draw, make, accept, indorse, discount, execute, and issue promissory notes, bills of exchange, bills of lading, warrants, debentures and other negotiable or transferable instruments.

Dispose of the undertaking of the Company.

(s) 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 having objects altogether or in part similar to those of this Company.

Distribute property of Company to shareholders.

(t) Distribute among the shareholders of the Company in kind any property of the Company and in particular any shares, debentures or securities in any other company belonging to the Company, or which the Company may have power to dispose of.

Foreign registration.

(u) Procure the Company to be registered or recognized in any foreign country or place.

Deal generally with property of Company.

(v) Sell, improve, manage, develop, exchange, lease, mortgage, enfranchise, dispose of, turn to account, or otherwise deal with, all or any part of the real or personal property and rights of the Company.

Act as principals, agents, etc.

(w) Do all or any of the above things as principals, agents, contractors, trustees or otherwise, and by or through trustees, agents or otherwise, and either alone or in conjunction with others.

Head office.

7. The head office or principal place of business of the Company shall be at Montreal in the Province of Quebec in Canada, and the Company may establish, maintain and close from time to time offices or agencies elsewhere as may be determined by the directors.

Attorneys.

8. The Company may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds or other documents on its behalf in any place elsewhere than the place where its head office is situate, and every deed or other document signed by such attorney, on behalf of the Company, and under his seal, shall bind the Company, and have the same effect as though it were under its common seal.

Official seal for use outside of Quebec province.

9. *(a)* The Company may, if so prescribed by its by-laws, have for use in any territory, district, or place other than that in which its head office is situate, an official seal, which shall be a facsimile of the common seal of the Company, with the addition on its face of the name of every territory, district or place where it is to be used.

Authorize use of seal outside of Quebec province.

(b) The Company may, by writing under its common seal, or by resolution of its directors, authorize any person appointed for the purpose in any territory, district or place other than that in which its head office is situate, to affix such an official seal to any deed or other document to which the Company is party in that territory, district or place; or any person or persons authorized to affix the common seal of the Company to deeds or other documents may affix such official seal to any such deed or document.

Agents' authority with official seal.

(c) The authority of any such agent shall, as between the Company and any person dealing with the agent continue during the period, if any, mentioned in the

instrument conferring the authority, or if no period is therein mentioned, then until notice of the revocation or determination of the agent's authority has been given to the person dealing with him.

Date and place of affixing official seal.

(d) The person affixing any such official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

Company bound by official seal.

(e) The deed or other document to which an official seal is duly affixed shall bind the Company as its deed or otherwise, as though it had been sealed with the common seal of the Company and notwithstanding any failure to comply with the next preceding provision.

Directors.

10. *(a)* The affairs of the Company shall be managed by a board of not more than nine and not less than three directors; the shareholders may, at the annual general meeting, before proceeding to the election of directors, declare by resolution the number, not more than nine and not less than three, of directors to be elected, and when so fixed, such number shall be the number to be elected until changed by like resolution.

Old directors to hold office till new board elected.

(b) The directors at the time of the passing of this Act shall hold office until their successors are elected or appointed under the same.

Director's qualifications.

11. No person shall be eligible as a director unless he is the holder of at least one share in the capital stock of the Company paid up in full, and the majority of the directors of the Company so chosen shall at all times be persons resident in Canada, and subjects of His Majesty by birth or naturalization.

Resident in Canada and British subject.

Voting at general meetings.

12. At all general meetings of the Company every shareholder shall be entitled to give one vote for each share then held by him; shareholders may be represented and vote by proxy; unless otherwise prescribed by the by-laws of the Company, proxies need not be shareholders. The directors may order the stock transfer books of the Company to be closed for any period, not exceeding thirty days, previous to a general meeting or to the payment of a dividend.

Stock deemed personal estate. Conditions of transfer.

13. The stock of the Company shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions and restrictions as by the by-laws of the Company shall be prescribed.

Sections of Companies' Act not to apply.

14. Sections 125, 127, 138, 141, 155 and 168 of Part II of chapter seventy-nine, Revised Statutes of Canada, 1906, the Companies' Act, shall not apply to the Company.

SCHEDULE.

ACTS REPEALED.
(S. 2).

ACTS OF THE DOMINION OF CANADA.

Year and Chapter.	Title.	Extent of Repeal.
36-37 Vict. (1873-1874) c. 108.	An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company.	The whole.
43 Vict. (1880) c. 62....	An Act to amend the Act, 36-37 Vict. c. 108, intituled an Act to grant additional powers to the Quebec and Gulf Ports Steamship Company.	The whole.
62-63 Vict. (1899) c. 125	An Act respecting the Quebec Steamship Company.	The whole.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 138.

An Act to amend the Criminal Code.

First reading, May 6, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22013 1921

1,907, cc. 7, 8, 9 45; 1908, cc. 10, 18; 1909, c. 9; 1910, cc. 10, 11, 12, 13; 1912, cc. 18, 19 1913, c. 13; 1914, c. 24; 1915, c. 12; 1917, cc. 13, 14, 26; 1918, c. 16; 1919, cc. 15, 46; 1919, (2 Sess.) c. 12; 1920, cc. 24, 43.

THE HOUSE OF COMMONS OF CANADA.

BILL 138.

An Act to amend the Criminal Code.

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

Definition of "feeble-minded".

1. (1) Section two of the *Criminal Code*, chapter one hundred and forty-six of the Revised Statutes of Canada, 1906, is amended by inserting the following paragraph immediately after paragraph fourteen thereof:—

"*(14a)* "feeble-minded persons" means persons in whose case there exists from birth or from an early age mental defectiveness not amounting to imbecility yet so pronounced that they require care, supervision and control for their own protection or for the protection of others;"

Carnally knowing feeble-minded female.

(2) The said Act is amended by inserting the following section immediately after section three hundred and two:—

"**302A.** Every one is guilty of an indictable offence and liable to imprisonment for five years who has illicit connection with any girl or woman who is feeble-minded."

"Recorder's court" included in definition of "justice".

2. (1) Paragraph eighteen of section two of the said Act is amended by inserting the words "a recorder's court presided over by a recorder" after the words "police magistrate" in the third line thereof.

Recorder's court given jurisdiction on summary trial of indictable offences.

(2) Subparagraph (i) of paragraph *(a)* of subsection one of section seven hundred and seventy-one of the said Act is amended by inserting the words "recorder's court presided over by a recorder" after the word "recorder" in the second line thereof.

Recorder's court may retain records.

(3) Section seven hundred and ninety-three of the said Act is amended by adding thereto the following proviso:—

"Provided that a recorder's court, if a court of record presided over by a recorder and adjudicating under the provisions of this Part, may retain the conviction, the certificate of dismissal, the written charge, the depositions

of the witnesses for the prosecution and the defence, and any other documents appertaining to such charge, there to be kept among the ordinary records of such court."

Provisions respecting instructions to jury in cases of seducing girls between 16 and 18, seducing female employees, carnally knowing girls between 14 and 16.

3. Section seventeen of chapter forty-three of the statutes of 1920, *An Act to amend the Criminal Code*, is repealed.

4. The said Act is amended by inserting the following section immediately after section one hundred and fourteen:—

Penalty for having without lawful excuse a bomb, etc.

"**114A.** Every one is guilty of an indictable offence and liable to seven years' imprisonment who without lawful excuse, the burden of proof whereof shall lie upon the accused, has in his possession any bomb, grenade or other device or contrivance made or intended for a similar use or purpose."

Prohibition respecting carrying concealed weapons extended to pistols, etc.

5. (1) Paragraph *(a)* of subsection one of section one hundred and eighteen of the said Act, as enacted by chapter forty-three of the statutes of 1920, is amended by inserting after the words "concealed a" in the fourth line thereof the words "pistol, revolver, ammunition that can be used in any pistol or revolver."

Ammunition included in provisions respecting selling, recording sales, etc., of weapons.

(2) Paragraphs *(b)*, *(c)* and *(d)* of the said subsection one and subsections five and six of the said section one hundred and eighteen are amended by inserting immediately after the word "weapon" or "weapons" wherever either such word occurs therein the word "ammunition."

(3) The following paragraph is inserted immediately after paragraph *(d)* of said subsection one:—

"*(d1)* being an alien has in his possession any pistol, revolver, shot gun, rifle or other firearm or any ammunition for any firearm or any offensive weapon without having a permit therefor, which permit may be issued in the same manner by the same persons and as near as may be in the same form as in the case of the other permits referred to in this section."

(4) Paragraph *(aa)* of the said subsection one of section one hundred and eighteen as enacted by chapter forty-three of the statutes of 1920, subsection two of the said section as enacted by chapter thirteen of the statutes of 1913, chapter forty-six of the statutes of 1919 and chapter forty-three of the statutes of 1920, and subsection four of the said section as enacted by chapter thirteen of the statutes of 1913 are repealed, and the following are enacted in lieu of said subsections two and four:—

Persons who may issue permits.

"(2) Upon sufficient cause being shown, any officer of the Royal Canadian Mounted Police or of a provincial police or detective force, or any stipendiary or district magistrate or police magistrate or acting police magistrate or sheriff or chief constable of any city, incorporated town or district municipality, or any person authorized under the law of any province to issue licenses or permits to carry firearms, or to hunt or shoot, or any officer or class of officers or persons thereto authorized by the Governor in Council, may grant any applicant therefor as to whose discretion and good character he is satisfied a permit in Form 76, for such period not exceeding twelve months as he deems fit."

Powers of Governor in Council to restrict possession of arms.

"(4) Whenever the Governor in Council deems it expedient in the public interest he may by proclamation:—

(a) suspend the operation of any of the provisions of this section in any part of Canada and for such period as he deems fit; or

(b) forbid for such period as he deems fit the having in possession in such portion of Canada as may be named in the proclamation any firearm, air gun, or other weapon or any device or contrivance for muffling or stopping the sound of the report of any firearm or ammunition for any weapon named or included in such proclamation, without a permit therefor, which permit may be issued in the same manner by the same persons and as near as may be in the same form as in the case of other permits referred to in this section; and upon the issue of such proclamation the provisions of this section forbidding the sale to a person who has not got a permit and requiring a record to be kept of sales shall apply to the weapons and other articles mentioned in such proclamation."

6. The said Act is amended by inserting immediately after section two hundred and eleven thereof the following section:

Illicit connection with Indian women.

"**211A.** Every one is guilty of an indictable offence and liable to two years' imprisonment who, being a person other than an Indian, has illicit connection with any Indian female not being his wife."

7. The said Act is amended by inserting the following section immediately after section two hundred and nineteen thereof:

Falsely registering at hotels, etc., as man and wife.

"**219A.** Every one is guilty of an offence and liable upon summary conviction to a penalty not exceeding five hundred dollars or six months' imprisonment who, at any hotel, boarding or lodging house, whether by registering in any book kept in such hotel, boarding or lodging house, or otherwise, represents or pretends that a woman or man is his wife or husband, as the case may be, knowing the same

to be untrue, and the onus of proof of the absence of knowledge shall be upon the person accused."

Driving a motor vehicle while intoxicated made an offence.

8. The said Act is amended by inserting the following section immediately after section two hundred and eighty-five B:

"**285**C. Every one who while intoxicated drives any motor vehicle or automobile shall be guilty of an offence and liable upon summary conviction for the first offence to a term not exceeding thirty days and not less than seven days, for a second offence for a term not exceeding three months and not less than one month, and for each subsequent offence for a term not exceeding one year and not less than three months."

Age that consent of child no defence in indecent assault raised from 14 to 16.

9. Section two hundred and ninety-four of the said Act is amended by substituting the word "sixteen" for the word "fourteen" in the second line thereof.

Whipping added to punishments for rape.

10. Section two hundred and ninety-nine of the said Act is amended by adding after the words "imprisonment for life" the words "and to be whipped."

Provision respecting carnally knowing girl between 14 and 16.

11. Subsection two of section three hundred and one of the said Act, as enacted by chapter forty-three of the statutes of 1920, is amended by striking out the words "of previous chaste character" in the third line thereof.

12. Section three hundred and seventy-seven A of the said Act, as enacted by chapter forty-six of the statutes of 1919, is repealed, and the following is substituted therefor:

Minimum sentence for stealing automobile.

"**377**A. Every one who is found guilty of stealing any automobile or motor car shall be sentenced to not less than one year's imprisonment. The provisions of subsection one of section one thousand and thirty-five shall not apply or extend to any such person, and sentence in any such case shall not be suspended without the concurrence of the Attorney General or his agent, or of the counsel acting for the Crown in the prosecution of the offender."

13. The said Act is amended by inserting the following section immediately after section three hundred and eighty-seven thereof:

Persons under 21 guilty of theft liable to be spanked.

"**387**A. Every one under the age of twenty-one years who is guilty of theft, in addition to any other punishment to which he may be liable, shall also be liable to be spanked."

Marks used on public stores.

14. Subsection one of section four hundred and thirty-two of the said Act is amended by adding the following to

the marks appropriated for use on stores, the property of His Majesty in the right of His Government of Canada:

STORES.	MARKS.
"Public stores in charge or under the control of or issued by or through the Department of Public Works.	D. P. W. "

Three card monte, etc., forbidden.

15. (1) The following section is inserted immediately after section four hundred and forty-two of the said Act:

"**442A.** Every one is guilty of an indictable offence and liable to three years' imprisonment who carries on or plays, or offers to carry on or to play, or employs any one to carry on or to play, in any public place or any place to which the public have access, the game known as 'three card monte', or any similar game, whether played with cards or any other instruments and whatever may be the number of cards or instruments employed, for any valuable consideration, or who receives bets, wagers or deposits of any kind on the outcome of any such game, or who permits in any such place that is under his control any person to carry on or to play any such game."

Prosecution for playing, etc., three card monte under Part XVI.

(2) Section seven hundred and seventy-three of the said Act is amended by adding the following paragraph after paragraph *(h)* as enacted by said Chapter forty-three.

"or *(i)* with any offence under section four hundred and forty-two A."

Conviction and penalty section of Part XVI made applicable to prosecutions for playing three card monte.

(3) Section seven hundred and eighty-one of the said Act, as amended by chapter forty-three of the statutes of 1920, is amended by inserting "or *(i)*" immediately before the words "of section" in the second line thereof.

Penalty of whipping for robbery and assault with intent to rob.

16. Sections four hundred and forty-seven and four hundred and forty-eight of the said Act are amended by adding at the end of each of the said sections the words "and to be whipped."

Fraudulently burning any chattel over $25 in value.

17. Section five hundred and eleven of the said Act is amended by adding thereto the following subsection:—

"(2) Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who wilfully and for any fraudulent or unlawful purpose burns any chattel having a greater value than twenty-five dollars."

Penalty for injuring, etc., oil well extended to gas wells.

18. Section five hundred and twenty is amended by inserting the words "or gas" immediately after the words "or oil" in the third line thereof.

Docking animals forbidden.

19. Section five hundred and thirty-seven of the said Act is amended by inserting the words "docks, injures the tail of" after the word "maims" in the fifth line thereof.

Ill-treating animals.

20. (1) Paragraph *(a)* of section five hundred and forty-two of the said Act is repealed, and the following is substituted therefor:—

"*(a)* cruelly kills, slaughters, beats, binds, illtreats, abuses, over-drives, over-rides, over-loads, tortures, infuriates or terrifies, or unnecessarily over-drives or over-rides, any cattle, poultry, dog, domestic animal or bird, or any wild animal or bird in captivity, or subjects or causes or procures or, being the owner permits, any animal to be subjected to any operation which is performed without due care and humanity, or, being the operator, does not when practicable and possible use some general or local anesthetic of sufficient power to prevent such animal from feeling pain when so operating; or"

(2) The said section is amended by inserting the following paragraph immediately after paragraph *(b)* thereof:—

Carrying animals so as to inflict unnecessary suffering.

"*(b1)* shall convey or carry or cause or procure or, being the owner, permit to be conveyed or carried any cattle, domestic animal or bird or any other animal of whatsoever kind or species and whether a quadruped or not which is tame, or which has been or is being sufficiently tamed to serve some purpose for the use of man, in such manner or position as to cause any such animal any unnecessary suffering; or"

Time during which cattle may be kept in cars may be extended from 28 to 36 hours at request of owner, etc.

21. (1) Subsection one of section five hundred and forty-four of the said Act is amended by striking out the word "unless" in the twelfth line thereof and substituting therefor the following words: "or, upon the written request of the owner or person in charge of the shipment, for a period of not more than thirty-six hours unless in either case"; and by adding the following at the end thereof:—

Carriage of calves under three weeks old other than calves with their dams and thoroughbred calves forbidden.

"and no such railway company and no owner or master of any vessel plying from one province to another province, or within any province or from the United States to or through any province, shall convey or transport any calves under the age of three weeks other than calves at foot of milch cows or pure-bred calves on or over any of its lines of railway or on any such vessel."

(2) Subsection six of the said section is repealed, and the following is substituted therefor:—

Penalty extended to transportation of calves under 3 weeks old.

"(6) Every person who knowingly and wilfully fails to comply with the provisions or otherwise violates any of the provisions of this section shall be guilty of an offence and liable for every such offence, on summary conviction, to a penalty not exceeding one hundred dollars."

22. Section five hundred and forty-nine of the said Act is amended by adding at the end thereof the following proviso:—

Metal tokens used as money forbidden.

"Provided, however, that such intent shall not be necessary to constitute such offence in case such coin or token is made or issued with the intention (the disproof whereof shall lie on the accused) of entitling the holder thereof to receive therefor, to the extent of the value denoted thereon, goods or merchandise from the person so charged as aforesaid."

23. Subsections one and two of section six hundred and eighty-four of the said Act are repealed, and the following are substituted therefor:—

Reading deposition on preliminary enquiry.

"**684.** (1) After the examination of the witnesses produced on the part of the prosecution has been completed, the justice, unless he discharges the accused person, shall ask him, if the evidence has not been taken in shorthand, whether he wishes the depositions to be read again, and unless the accused dispenses therewith shall read or cause them to be read again.

Accused to be addressed.

"(2) The justice shall then address the accused in these words, or to the like effect:—

In these words.

" 'Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say anything, but whatever you do say will be taken down in writing and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise or favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you at your trial notwithstanding such promise or threat.' "

Tariffs of fees under part XV summary convictions increased.

24. The tariffs of fees in section seven hundred and seventy of the said Act are repealed and the following are substituted therefor:—

(A) FEES TO BE TAKEN BY JUSTICES OF THE PEACE OR THEIR CLERKS.

1. Information or complaint and warrant or summons	$ 1 00
2. Warrant where summons issued in first instance	0 25
3. Each necessary copy of summons or warrant	0 25
4. Each summons or warrant to or for a witness or witnesses. (Only one summons on each side to be charged for in each case, which may contain any number of names. If the justice of the case requires it, additional summonses shall be issued without charge)	0 50
5. Information for warrant for witness and warrant	0 50

6. Each necessary copy of summons or warrant for witness	0	10
7. For every recognizance	0	50
8. For hearing and determining case	0	75
9. If case lasts over two hours	1	50
10. Where one justice alone cannot lawfully hear and determine the case the same fee for hearing and determining to be allowed to the associate justice		
11. For each warrant of distress or commitment	0	50
12. For making up record of conviction or order where the same is ordered to be returned to sessions or on *certiorari*	1	00
But in all cases which admit of a summary proceeding before a single justice and wherein no higher penalty than $20 can be imposed, there shall be charged for the record of conviction not more than	0	50
13. For copy of any other paper connected with any case, and the minutes of the same is demanded, per folio of 100 words	0	10
14. For every bill of costs when demanded to be made out in detail	0	10

(Items 13 and 14 to be chargeable only when there has been an adjudication).

(B) CONSTABLES' FEES.

1. Arrest of each individual upon a warrant, or arresting without a warrant an individual who is subsequently convicted or committedfor trial	$ 1	50
2. Serving summons or subpoena	0	50
3. Mileage to serve summons, subpoena or to make an arrest, one way, per mile, 15 cents (if no public conveyance is available reasonable livery charges to be allowed).		
4. Mileage when service cannot be effected, upon proof of due diligence, one way	0	15
5. Returning with prisoner after arrest to bring same before a magistrate or justice for preliminary hearing or trial where the magistrate or justice is not at place where warrant was handed constable, and where the journey is of necessity over a different route than that travelled to make the arrest, per mile one way	0	15
6. Taking prisoner to gaol on remand or committal, one way, per mile (if no public conveyance is available reasonable livery charges to be allowed)	0	15
(Not payable if this is return journey from taking prisoner before justice double mileage not being chargeable.)		

7. Attending magistrate or justices on summary trials, or on examination of prisoners charged with crime for each day necessarily employed, only one day's fees on any number of cases	2	00	5
8. Serving distress warrant, and returning same	1	50	
9. Advertising under distress warrant	1	50	
10. Travelling to make distress, or to search for goods to make distress, when no goods are found, one way, per mile	0	15	10
11. Appraisements, whether by one appraiser or more, two cents in the dollar on the value of the goods.			
12. Catalogue sale and commission, and delivery of goods—five cents in the dollar on the net produce of the goods.			15

(C) WITNESSES' FEES.

1. Each day attending trial	$ 1	00	
2. Mileage travelled to attend trial (one way) per mile	0	15	

(D) INTERPRETERS' FEES.

1. Each day attending trial	2	50	20
2. Mileage the same as witnesses.			

Prosecution for officers stealing fares to be tried summarily only with consent of accused.

25. Section seven hundred and seventy-six of the said Act is amended by inserting after the words "provisions of" in the fifth line thereof the words "paragraph *(h)* of section seven hundred and seventy-three or of." 25

26. Section nine hundred and eighty-six of the said Act, as enacted by chapter thirteen of the statutes of 1913 and chapter sixteen of the statutes of 1918, is amended by adding thereto the following subsection:—

Conviction of keeper *prima facie* evidence of premises being a disorderly house.

"(2) In any prosecution under section two hundred and twenty-nine, two hundred and twenty-nine A or two hundred and thirty evidence that a person was convicted for being the keeper of a disorderly house shall be *prima facie* evidence that such house is a disorderly house." 30

27. Section one thousand and twenty-four of the said Act is amended by inserting the following subsection immediately after subsection one thereof:— 35

Persons whose acquittal is set aside may appeal to the Supreme Court of Canada.

"(1A) Any person whose acquittal has been set aside may appeal to the Supreme Court of Canada against the setting aside of such acquittal. 40

28. The following section is inserted immediately after section one thousand and sixty of the said Act:—

"SPANKING.

Spanking.

"**1060A.** (1) Whenever spanking may be awarded for any offence the court may sentence the offender to be once, twice or thrice spanked within the limits of the prison, under the supervision of the medical officer of the prison, or if there be no such officer, or if the medical officer be for any reason unable to be present, then, under the supervision of a surgeon or physician to be named by the Minister of Justice in the case of prisons under the control of the Dominion, and in the case of other prisons by the attorney general of the province in which such prison is situated.

Instrument.

"(2) The number of the strokes shall be specified in the sentence; the offender shall be spanked upon the bare buttocks; and the instrument to be used shall be a leather strap not longer than eighteen inches or wider than two and one-half inches or narrower than one inch or thicker than one-quarter of an inch.

No female to be spanked.

"(3) No female shall be spanked."

29. Section one thousand and eighty-one of the said Act is amended by adding thereto the following subsection:—

Offender under suspended sentence may be placed on probation.

"(5) The court in suspending sentence may direct that the offender shall be placed on probation for such period and under such conditions as the court may prescribe, and may from time to time increase or decrease such period and change such conditions, and that during such period the offender shall report from time to time as the court may prescribe to any officer that the court may designate, and the offender shall be under the supervision of such officer during the said period, and the officer shall report to the court if the offender is not carrying out the terms on which the sentence is suspended, and thereupon the offender shall be brought again before the court for sentence. The offender may also be ordered to make restitution and reparation to a person or persons aggrieved or injured by the offence for which he was convicted for the actual damage or loss thereby caused, and the offender may while on probation be ordered as one of said conditions to provide for the support of his wife and any other dependent or dependents for which he is liable."

Seals not necessary.

30. It shall not hereafter be necessary for any justice to attach or affix any seal to any proceedings or process the forms for which are contained in Part XXV of the said Act.

Chapter amending s. 118 *re* having firearms, etc.

31. Chapter twelve of the statutes of 1919, second session, *An Act to amend the Criminal Code*, is repealed.

Commencement of Act.

32. This Act shall come into operation on the first day of September, 1921.

Forms.

33. Forms one to seventy-six, both inclusive, in Part XXV of the said Act are repealed, and the following are enacted in lieu thereof:—

FORM 1.

(Section 629.)

Information to obtain a Search Warrant.

Canada,
Province of ,
County of .

The information of A. B., of in the said county (*yeoman*), taken this day of in the year before me, who says that (*describe things to be searched for and offence in respect of which search is made*), and that he has reasonable grounds for believing that the said goods and chattels, or some part of them are concealed in the (*dwelling-house, etc.*), of C. D., of in the said district (*or* county, *etc.,*) (*here add the grounds of belief, whatever they may be*): Wherefore (*he*) prays that a search warrant may be granted to (*name of person*) to search the said (*dwelling-house, etc.*), for the said goods and chattels.

Sworn before me the day and year first above mentioned.

J. P. (*name of County*).

63-64 V., c. 46, form J.

FORM 2.

(Section 630.)

Warrant to Search.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas it appears on the oath of A. B., of , that there are reasonable grounds for believing that (*describe*

things to be searched for and offence in respect of which search is made) are concealed in at

This is, therefore, to authorize and require you between the hours of *(as the justice shall direct)* to enter into the said premises, and to search for the said things, and to bring the same before me or some other justice.

Dated this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form I.

FORM 2A.

(Section 629A.)

Canada,
Province of ,
County of .

Whereas proof upon oath has this day been made before me, that the name of J. S. to the within warrant subscribed is of the handwriting of the justice within mentioned, I do therefore hereby authorize W. T. who brings me this warrant and all other persons to whom this warrant was originally directed or by whom it may be lawfully executed, and also all peace officers of the said county to execute the same within the said county.

1909, c. 9. *J. P. (name of County).*

FORM 3.

(Section 654).

Information and Complaint for an Indictable Offence.

Canada,
Province of ,
County of .

The information and complaint of C. D. of , (*yeoman*), taken this day of , in the year , before the undersigned who saith that (*etc., stating the offence*).

(*us*)

Sworn before (*me*), the day and year first above mentioned.

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form C.

FORM 4.

(Section 656.)

Warrant to Apprehend a Person Charged with an Indictable Offence Committed on the High Seas or Abroad.

For offences committed on the high seas the warrant may be the same as in ordinary cases, but describing the offence to have been committed 'on the high seas, out of the body of any district or county of Canada and within the jurisdiction of the Admiralty of England.'

For offences committed abroad for which the parties may be indicted in Canada, the warrant also may be the same as in ordinary cases, but describing the offence to have been committed 'on land out of Canada, to wit: at in the Kingdom of , *or*, at , in the Island of , in the West Indies, *or* at , in the East Indies. *or as the case may be.*

55-56 V., c. 29, sch. 1, form D.

FORM 5.

(Section 658.)

Summons to a Person charged with an Indictable Offence.

Canada,
Province of ,
County of .
To A. B., of (*labourer*):

Whereas you have this day been charged before the undersigned for that you on , at , (*stating shortly the offence*): These are therefore to command you, in His Majesty's name, to appear before (*me*) on at o'clock in the (fore) noon, at , or before such other justice for the said county as shall then be there, to answer to the said charge, and to be further dealt with according to law.

Given under (*my*) hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form E.

FORM 6.

(Section 659.)

Warrant in the first instance to apprehend a Person charged with an Indictable Offence.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas A. B., of , (*labourer*), has this day been charged upon oath before the undersigned, for that he, on , at , did (*etc., stating shortly the offence*): These are, therefore, to command you, in His Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other justice in and for the said county, to answer unto the said charge, and to be further dealt with according to law.

Given under (*my*) hand, this day of , in the year .

J. P., (*name of county.*)

55-56 V., c. 29, sch. 1, form F.

FORM 7.

(Section 660.)

Warrant in lieu of or when the Summons is disobeyed.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas on the day of , A.D. , A. B., of , was charged before (*me* or *us*,) the undersigned for that (*etc., as in the summons*); and whereas I (*or* he) (*or* we *or* they) did then issue (*my*, *our*, *his* or *their*) summons to the said A. B., commanding him, in His Majesty's name, to appear before (*me*) on day the day of A.D. , at o'clock in the (fore) noon, at , or before such other justice as should then be there, to answer to the said charge and to be further dealt with according to law; and whereas the said A. B. has neglected to be or appear at the time and place appointed in and by the said summons,

although it has now been proved to *(me)* upon oath that the said summons was duly served upon the said A. B., or it appears that the said summons cannot be served: These are therefore to command you in His Majesty's name, forthwith to apprehend the said A. B., and to bring him before *(me)* or some other justice in and for the said county, to answer the said charge, and to be further dealt with according to law.

Given under *(my)* hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form G.

FORM 8.

(Section 662.)

Endorsement in Backing a Warrant.

Canada,
Province of ,
County of .

Whereas proof upon oath has this day been made before me, that the name of J. S. to the within warrant subscribed, is of the handwriting of the justice within mentioned: I do therefore hereby authorize W. T. who brings to me this warrant and all other persons to whom this warrant was originally directed, or by whom it may be lawfully executed, and also peace officers of the said county, to execute the same within the said county.

Given under *(my)* hand, this day of , in the year. .

J. P. ,(name of County.)

55-56 V., c. 29, sch. 1, form H.

FORM 9.

(Section 665.)

Warrant to convey before a Justice of another County.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas information upon oath was this day made before the undersigned that A. B., of , on the day

of , in the year , at , in the county of *(state the charge)*.

And whereas I have taken the deposition of X. Y. as to the said offence.

And whereas the charge is of an offence committed in the county of .

This is to command you to convey the said *(name of accused)*, of , before some justice of the last-mentioned county, near the above place, and to deliver to him this warrant and the said deposition.

Dated this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form A.

FORM 10.

(Section 666.)

Receipt to be given to the Constable by the Justice for the County in which the Offence was committed.

Canada,
Province of ,
County of .

I, J. L., hereby certify that W. T., peace officer of the county of has, on this day of , in the year , by virtue of and in obedience to a warrant of J. S., a justice in and for the county of , produced before me one A. B., charged before the said J. S. with having (*etc., stating shortly the offence*) and delivered him into the custody of , by my direction to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said warrant, together with the information (*if any*) in that behalf, and the deposition (*s*) of C. D. (*and of*), in the said warrant mentioned, and that he has also proved to me, upon oath, the handwriting of the said J. S., subscribed to the same.

Dated the day and year first above mentioned.

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form B.

22013—3

FORM 11.

(Section 671.)

Summons to a Witness.

Canada,
Province of ,
County of .

To E. F., of , *(labourer)*:

Whereas information has been laid before the undersigned that A. B. *(etc., as in the summons or warrant against the accused)*, and it has been made to appear to me that you are likely to give material evidence for *(the prosecution or for the accused)*: These are therefore to require you to appear before the presiding justice, on next, at o'clock in the (fore) noon, at to testify what you know concerning the said charge so made againstthe said A.B.

Given under my hand, this day of , in the year .

J. P., *(name of County.)*

55-56 V., c. 29, sch. 1, form K; 58-59 V., c. 40, s. 1.

FORM 12.

(Section 673.)

Warrant when a Witness has not obeyed the Summons, or has avoided service.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas information having been laid before , a justice, in and for the said county, that A. B. *(etc., as in the summons)*; and it having been made to appear to *(me)* upon oath that E. F. of *(labourer)*, was likely to give material evidence for *(the prosecution or the accused)*, *(I)* duly issued *(my)* summons to the said E. F., requiring him to appear before the presiding justice on , at , to testify what he knows respecting the said charge; and whereas proof has this day been made upon oath before *(me)* of such summons having been duly served upon the said E. F. (*or* that the said E. F. has avoided service thereof); and whereas the said E. F. has neglected to appear at the time and place appointed

by the said summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring the said E. F. before the presiding justice on at o'clock in the (fore) noon, at , as shall then be there, to testify what he knows concerning the said charges.

Given under *(my)* hand, this day of , in the year .

J. P., *(name of county.)*

55-56 V., c. 29, sch. 1, form L.

FORM 13.

(Sections 674 and 842.)

Conviction for Contempt.

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , in the county of , E. F. is convicted before me, for that he did not attend before me to give evidence on the trial of a certain charge against one A. B. of theft *(or as the case may be)*, although duly summonsed or subpœaned *(or* bound by recognizance to appear and give evidence in that behalf *(as the case may be)* and has not shown before me any sufficient excuse for such default, and I adjudge the said E. F., for his said offence, to be imprisoned in the common gaol of the county of , at , for the space of , there to be kept with *(or without)* hard labour *(as may be authorized and determined, and in case a fine is also intended to be imposed, then proceed)* and I also adjudge that the said E. F. do forthwith pay a fine of dollars, and in default of payment, that the said fine, with the cost of collection, be levied by distress and sale of the goods and chattels of the said E. F.

Given under my hand the day and year first above mentioned.

J. P. or Judge.

55-56 V., c. 29, sch. 1, form PP.

FORM 14.

(Section 675.)

Warrant for a Witness in the First Instance.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas information has been laid before the undersigned that *(etc., as in the summons);* and it having been made to appear to *(me)* upon oath, that E. F. of , *(labourer)*, is likely to give material evidence for the prosecution *(or for the accused)*, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so: These are therefore to command you to bring the said E. F. before the presiding justice on , at o'clock in the (fore) noon, at , to testify what he knows concerning the said charge.

Given under my hand this day of , in the year .

J. P., (name of county.)

55-56 V., c. 29, sch. 1, form M.

FORM 15.

(Section 677.)

Warrant when a witness has not obeyed a subpœna.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas information having been laid before , a justice in and for the said county, that A. B. *(etc., as in the summons);* and there being reason to believe that E. F., of , *(labourer)*, was likely to give material evidence for *(the prosecution or for the accused)*, a writ of subpœna was issued by order of , judge of *(name of court)* to the said E. F., requiring him to appear before the presiding justice on at to testify what he knows respecting the said charge; and whereas proof has this day been made upon oath before *(me)* of such writ of subpœna having been duly served upon the said E. F.; and whereas the said E. F. has neglected to appear at the time and place appointed by the said writ of subpœna, and no just excuse has been offered for such

neglect: These are therefore to command you to bring the said E. F. before the presiding justice on at o'clock in the (fore) noon, at , to testify what he knows concerning the said charge so made against the said A B.

Given under *(my)* hand this day of , in the year .

J. P., (name of County).

55-56 V., c. 29, sch. 1, form N.

FORM 16.

(Section 678.)

Warrant of Commitment of a witness for refusing to be sworn or to give evidence.

Canada
Province of ,
County of .

To the peace officers in the said county of, and to the keeper of the common gaol at , in the said county.

Whereas A. B. was lately charged before , a justice in and for the said county, for that *(etc., as in the summons)*; and it having been made to appear to *(me)* upon oath that E. F. of was likely to give material evidence *(for the prosecution or for the accused)*, *(I)* duly issued *(my)* summons to the said E. F., requiring him to appear before the presiding judge on , at , to testify what he knows concerning the said charge; and the said E. F. now appearing by virtue of the said warrant, to testify as aforesaid, and being required to make oath or affirmation as a witness in that behalf, *(now refuses so to do or being duly sworn as a witness now refuses to answer certain questions concerning the premises which are now here put to him, and more particularly the following or refuses or neglects to produce certain documents which he is required to produce, to wit; or refuses to sign his depositions)* without offering any just excuse for such refusal or neglect: These are therefore to command you, to take and safely convey the said E. F. to the common gaol at , in the county aforesaid, and there to deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper, to receive the said E. F. into your custody in the said common gaol, and him there safely keep for the space of days, for the said contempt, unless in the meantime he consents to be

examined, and to answer concerning the premises *(or as the case may be)*; and for your so doing, this shall be your sufficient warrant.

Given under *(my)* hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, s ch. 1, form O.

FORM 17.

(Section 679.)

Warrant remanding a prisoner.

Canada Province of , County of , City of , To Wit;	To the Peace Officers in the said City or County and the Keeper of the Common Gaol at in the said County.

You are hereby commanded forthwith to convey to the said common gaol the person or persons this day charged before me and remanded as in the following schedule set forth:—

Person charged.	Offence.	Remanded to.

And you the said keeper are hereby commanded to receive the said person or persons into your custody in said gaol, to be there safely kept until the day when his or her remand shall expire as aforesaid and then to have such person or persons before the presiding justice at at the hour of o'clock in the noon of the said day, there to answer further to said charge and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand this day of 19 , at the aforesaid.

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form P.

FORM 18.

(Section 681.)

Recognizance of Bail discharging Remand on an Adjournment of Examination.

Canada
Province of
County of

Be it remembered that on the day of , in the year , A. B., of , *(labourer)*, L. M. of , *(grocer)*, and N. O., of , *(butcher)*, personally came before me, and severally acknowledged themselves to owe to our Lord the King, the several sums following, that is to say: The said A. B. the sum of , and the said L. M., and N. O., the sum of , each, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lord the King, if he, the said A. B., fails in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned, at before me.

J. P., (name of County.)

Condition.

The condition of the within (*or* above written recognizance is such that whereas the within bounden A. B. was this day (*or* on last past) charged before me for that *(etc., as in the warrant);* and whereas the examination of the witnesses for the prosecution in this behalf is adjourned until the day of : If therefore the said A. B. appears before the presiding judge on the said day of , at o'clock in the (fore) noon, to answer *(further)* to the said charge, and to be further dealt with according to law, the said recognizance to be void, otherwise to stand in full force and virtue.
55-56 V., c. 29, sch. 1, form Q.

FORM 19.

(Section 682.)

Deposition of a Witness.

Canada,
Province of
County of

The deposition of X. Y., of , taken before the undersigned, this day of , in the year , at (*or* after notice to C. D. who stands

committed for) in the presence and hearing of C.D., who stands charged that *(state the charge)*. The said deponent saith on his *(oath or affirmation)* as follows: *(Insert deposition as nearly as possible in words of witness.)*

(If depositions of several witnesses are taken at the same time, they may be taken and signed as follows):

The depositions of X. of , Y. of , Z. of etc., taken in the presence and hearing of C. D., who stands charged that

The deponent X. *(on his oath or affirmation)* says as follows:

The deponent Y. *(on his oath or affirmation)* says as follows:

The deponent Z. *(on his oath, etc., etc.)*

(The signature of the justice may be appended as follows):

The depositions of X., Y., Z., etc., written on the several sheets of paper, to the last of which my signature is annexed, were taken in the presence and hearing of C. D., and signed by the said X., Y., Z., etc., respectively in his presence. In witness whereof I have in the presence of the said C. D. signed my name.

Witness:

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form S.

FORM 20.

(Section 684.)

Statement of the Accused.

Canada,
Province of ,
County of .

A. B. stands charged before the undersigned , this day of , in the year , for that the said A. B., on , at *(etc., as in the captions of the depositions)*; and the said charge being read to the said A. B., and the witnesses for the prosecution, C. D. and E. F., being severally examined in his presence, the said A. B. is now addressed by me as follows:

'Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say anything, but whatever you do say will be taken down in writing, and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise or favour, and nothing to fear from any threat which may have been held out to

you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat.' Whereupon the said A. B. says as follows: *(Here state whatever the prisoner says and in his very words, as nearly as possible. Get him to sign it if he will).*

A. B.

Taken before me, at , the day and year first above mentioned.

J. P., (name of County).

55-56 V., c. 29, sch. 1, form T.

FORM 21.

(Section 688.)

Form of Recognizance where the Prosecutor requires the Justice to bind him over to prosecute after the charge is dismissed.

Canada.
Province of ,
County of .

Whereas C. D. was charged before me upon the information of E. F. that C. D. *(state the charge)*, and upon the hearing of the said charge I discharged the said C. D., and the said E. F. desires to prefer an indictment against the said C. D. respecting the said charge, and has required me to bind him over to prefer and prosecute such an indictment at *(here describe the next practicable sitting of the court by which the person discharged would be tried if committed).*

The undersigned E. F. hereby binds himself to perform the following obligation, that is to say, that he will prefer and prosecute an indictment respecting the said charge against the said C. D. at *(as above)*. And the said E. F. acknowledges himself bound to forfeit to the Crown the sum of $ in case he fails to perform the said obligation.

E. F.

Taken before me.

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form U.

22013—4

FORM 22.

(Section 690.)

Warrant of Commitment.

Canada Province of..... ..... County of..... City of..... To wit:	To the Peace Officers of the said City or County of and to the Keeper of the Common Goal at ..... in the said County.

Whereas.....
was this day charged before me with having on the ....
day of.....19...., in the City or County aforesaid, unlawfully.....
.....
.....
.....

And whereas on a preliminary examination on said charge the said accused was this day committed by me for trial.

These are therefore to command you the said Peace Officers to take the said accused and h.....safely convey to the said Common Goal and there deliver h.....to the Keeper thereof, with this precept. And I do hereby command you the said Keeper to receive the said accused into your custody, in the said Common Gaol and there safely keep h.... until he shall be thence delivered by the due course of law.

Given under my hand this.....day of .....19.....

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form V.

FORM 23.

(Section 692.)

Recognizance to Prosecute.

Canada, Province of County of	,

Be it remembered that on the day of , in the year , C. D. of , in the of , in the county aforesaid, (*farmer*), personally came before me, and acknowledged himself to owe to our Lord the King, the sum of , to be made and levied of his goods and chattels, lands and tenements, to the use of our

said Lord the King, if the said C. D. fails in the condition endorsed (*or* hereunder written).

Taken and acknowledged before me the day and year first above mentioned.

J. P., (name of County.)

Condition to Prosecute.

The condition of the within (*or* above) written recognizance is such that whereas one A. B. was this day charged before me, J. S., a justice within mentioned, for that (*etc., as in the caption of the depositions*); if therefore, he the said C. D. appears at the court by which the said A.B. is or shall be tried* and there duly prosecutes such charge then the said recognizance to be void, otherwise to stand in full force and virtue.

55-56 V., c. 29, sch. 1, form W.

(Section 692.)

FORM 24.

Recognizance to Prosecute and Give Evidence.

(*Same as the last form, to the asterisk*, and then thus*):—And there duly prosecutes such charge against the said A. B. for the offence aforesaid, and gives evidence thereon, as well to the jurors who shall then inquire into the said offence, as also to them who shall pass upon the trial of the said A. B., then the said recognizance to be void, or else to stand in full force and virtue.

55-56 V., c. 29, sch. 1, form X.

FORM 25.

(Section 692.)

Recognizance to Give Evidence.

(*Same as form 23 to the asterisk,* and then thus*):—And there gives such evidence as he knows upon the charge to be then and there preferred against the said A. B. for the offence aforesaid, then the said recognizance to be void, otherwise to remain in full force and virtue.

55-56 V., c. 29, sch. 1, form Y.

FORM 26.

(Section 694.)

Commitment of a Witness for Refusing to Enter into the Recognizance.

Canada
Province of ,
County of .

To the peace officers in the said county and to the keeper of the common gaol of the said county, at in the county aforesaid.

Whereas A. B. was lately charged before the undersigned for that (*etc., as in the summons to the witness*), and it having been made to appear to *(me)* upon oath that E. F., of , was likely to give material evidence for the prosecution, a summons was duly issued to the said E. F., requiring him to appear before the presiding justice on , at to testify what he knows concerning the said charge; and the said E. F. now appearing before *(me)* *(or* being brought before *(me)* by virtue of a warrant in that behalf to testify as aforesaid*)*, has been now examined before *(me)* touching the premises, but being by *(me)* required to enter into a recognizance conditioned to give evidence against the said A. B., now refuses so to do: These are therefore to command you to take and safely convey the said E. F. to the common gaol at , in the county aforesaid, and there deliver him to the said keeper thereof, together with this precept: And I do hereby command you, the said keeper, to receive the said E. F. into your custody in the said common goal, there to imprison and safely keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime the said E. F. duly enters into such recognizance as aforesaid, in the sum of before some one justice for the said county, conditioned in the usual form to appear at the court by which the said A. B. is or shall be tried, and there to give evidence upon the said charge.

Given under my hand this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form Z.

R.S., 1906.

FORM 27.

(Section 694.)

Order Discharging Witness, when Accused Discharged.

Canada,
Province of ,
County of .

To the keeper of the common gaol at , in the county aforesaid.

Whereas by order dated the day of , A.D. , reciting that A. B. was charged before *(me)* for a certain offence therein mentioned, and that E. F. having appeared before *(me)* and being examined as a witness for the prosecution on that behalf, refused to enter into recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he should enter into such recognizance as aforesaid; and whereas the said A. B. has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody: These are therefore to order and direct you the said keeper to discharge the said E. F. out of your custody, as to the said commitment.

Given under my hand this day of , in the year.

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form AA.

FORM 28.

(Section 696.)

Recognizance of Bail.

Canada
Province of ,
County of .

Be it remembered that on the day of , in the year , A. B. of , *(labourer)*, L. M. of , *(grocer)*, and N. O. of , *(butcher)*, personally came before *(us)* the undersigned, *(two)* justices for the said county, and severally acknowledged themselves to owe to our Lord the King, the several sums following, that is to say: the said A. B., the sum of , and the said L. M. and N. O. the sum of , each, to be made

and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lord the King, if he, the said A. B., fails in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned, at , before us.

J. P., (name of County.)

The condition of the within (*or* above) written recognizance is such that whereas the said A. B. was this day charged before *(us)*, the justices within mentioned for that *(etc., as in the warrant)*; if, therefore, the said A. B. appears at the next superior court of criminal jurisdiction (*or* court of general or quarter sessions of the peace) to be holden in and for the said county, and there surrenders himself into the custody of the keeper of the common gaol (*or* lock-up house), and pleads to such indictment as may be found against him by the grand jury, for and in respect to the charge aforesaid; and takes his trial upon the same, and does not depart the said court without leave, then the said recognizance to be void, otherwise to stand in full force and virtue.

63-64 V., c. 46, form BB.

FORM 29.

(Section 698.)

Warrant of Deliverance when Bail given for accused already committed.

Canada,
Province of ,
County of .

To the keeper of the common gaol of the said county at , in the said county.

Whereas A. B. late of , *(labourer)*, has before *(us)*, *(two)* justices in and for the said county, entered into his own recognizance, and found sufficient sureties for his appearance at the next superior court of criminal jurisdiction (*or* court of general or quarter sessions of the peace), to be holden in and for the said county, to answer our Lord the King, for that *(etc., as in the commitment)*, for which he was taken and committed to your said common gaol: These are therefore to command you, in His Majesty's name, that if the said A. B. remains in your custody in the said common gaol for the said cause,

and for no other, you shall forthwith suffer him to go at large.

Given under our hands, this day of , in the year .

J. P., (name of County.)

63-64 V., c. 46, form CC.

FORM 30.

(Section 704.)

Gaoler's Receipt to the Constable for the Prisoner.

I hereby certify that I have received from W. T., constable, of the said county, the body of A. B., together with a warrant under the hand of J. S., justice for the said county, and that the said A. B. was sober, *(or as the case may be)*, at the time he was delivered intomy custody.

Keeper of the common gaol of the said county.

55-56 V., c. 29, sch. 1, form DD.

FORM 31.

(Section 727).

Conviction imposing a Penalty to be Levied by Distress and in Default of Sufficient Distress, by Imprisonment.

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , at , in the said county, A.B. is convicted before the undersigned, for that the said A. B. *(etc., stating the offence, and the time and place when and where committed)*, and I adjudge the said A. B. for his said offence to forfeit and pay the sum of $ *(stating the penalty, and also the compensation, if any)*, to be paid and applied according to law, and also to pay to the said C. D. the sum of , for costs; and if the said several sums are not paid forthwith, *(or* on or before the of next*)*, *I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, *I adjudge the said A. B. to be imprisoned in the common gaol of the said county, at , in the said county *(*there to be kept at hard labour, *if the Act or law authorizes this and it is so adjudged)* for the term of unless the said several sums and

all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said gaol are sooner paid.

Given under my hand the day and year first above mentioned, at .

J. P., (name of County.)

**Or when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears he has no goods whereon to levy a distress, then instead of the words between the asterisks * * say,* ' inasmuch as it is now made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family,' *(or,* ' that the said A. B. has no goods or chattels whereon to levy the said sums by distress' *).*

55-56 V., c. 29, sch. 1, form VV.

FORM 32.

(Section 727.)

Conviction imposing a Penalty, and in Default of Payment, Imprisonment.

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , at , in the said county, A.B. is convicted before the undersigned, for that he the said A. B. *(etc., stating the offence, and the time and place when and where it was committed),* and I adjudge the said A. B. for his said offence to forfeit and pay the sum of *(stating the penalty and the compensation, if any)* to be paid and applied according to law; and also to pay to the said C. D. the sum of for costs ; and if the said several sums are not paid forthwith *(or,* on or before next), I adjudge the said A. B. to be imprisoned in the common gaol of the said county, at , in the said county *(*and there to be kept at hard labour, *if the Act or law authorizes this, and it is so adjudged)* for the term of , unless the said sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid.

Given under my hand, the day and year first above mentioned.

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form WW.

FORM 33.

(Section 727.)

Conviction when the Punishment is by Imprisonment, etc.

Canada,
Province of
County of

Be it remembered that on the day of , in the year , at , in the said county, A. B. is convicted before the undersigned, for that he the said A. B. *(etc., stating the offence, and the time and place when and where it was committed);* and I adjudge the said A. B. for his said offence to be imprisoned in the common gaol of the said county, at , in the county aforesaid, (and there to be kept at hard labour, *if the Act or law authorizes this, and it is so adjudged)* for the term of ; and that the said A. B. do pay to the said C. D. the sum of , for costs, and if the said sum for costs is not paid forthwith *(or* on or before next), then* I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf,* that the said A. B. to be imprisoned in the said common gaol (and kept there at hard labour, *if the Act or law authorizes this, and it is so adjudged)* for the term of , to commence at and from the expiration of the term of imprisonment aforesaid, unless the said sum for costs and the costs and charges of the commitment and of the conveying of the said A. B. to gaol are sooner paid.

Given under my hand, the day and year above first mentioned, at .

J. P., (name of County.)

**Or when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks ** say,* ' inasmuch as it is now made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family,' *(or,* ' that the said A. B. has no goods or chattels whereon to levy the said sum for costs by distress ').

55-56 V., c. 29, sch. 1, form XX.

22013—5

FORM 34.

(Section 727.)

Order for Payment of Money to be Levied by Distress, and in Default of Distress, Imprisonment.

Canada,
Province of
County of

Be it remembered that on , a complaint was made before the undersigned, for that *(stating the facts entitling the complainant to the order, with the time and place when and where they occurred)*, and now at this day, to wit, on , at , the parties aforesaid appear before me the said justice *(or* the said C. D. appears before me the said justice), but the said A. B., although duly called, does not appear by himself, his counsel, solicitor or agent, and it is now satisfactorily proved to me on oath that the said A. B. was duly served with the summons in this behalf, which required him to be and appear here on this day before me or such justice, as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. to pay to the said C. D. the sum of forthwith *(or* on or before next, *or as the Act or law requires)*, and also to pay to the said C. D. the sum of for costs; and if the said several sums are not paid forthwith *(or* on or before next) then,* I hereby order that the same be levied by distress and sale of the goods and chattels of the said A. B. and in default of sufficient distress in that behalf * I adjudge the said A. B. to be imprisoned in the common gaol of the said county, at , (and there kept at hard labour, *if the Act or law authorizes this, and it is so adjudged)* for the term of , unless the said several sums and all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid.

Given under my hand, this day of , in the year .

J. P., (name of County.)

**Or when the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks * * say,* ' inasmuch as it is now made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family,

(or ' that the said A. B. has no goods or chattels whereon to levy the said sums by distress ').

55-56 V., c. 29, sch. 1, form YY.

FORM 35.

(Section 727.)

Order for Payment of Money, and in Default of Payment, Imprisonment.

Canada,
Province of ,
County of .

Be it remembered that on , a complaint was made before the undersigned, for that *(stating the facts entitling the complainant to the order, with the time and place when and where they occurred)*, and now on this day, to wit on , at , the parties aforesaid appear before me *(or* the said C. D. appears before me but the said A. B., although duly called, does not appear by himself, his counsel, solicitor or agent, and it is now satisfactorily proved to me upon oath that the said A. B. was duly served with the summons in this behalf which required him to appear here this day before me, or such justice for the said county, as should now be here, to answer to the said complaint, and to be further dealt with according to law), and now having heard the matter of the said complaint, I do adjudge the said A. B. to pay to the said C. D. the sum of forthwith *(or* on or before next, *or as the Act or law requires)*, and also to pay to the said C. D. the sum of for costs; and if the said several sums are not paid forthwith *(or* on or before next*)*, then the said A. B. to be imprisoned in the common gaol of the said county at , *(*there to be kept at hard labour, *if the Act or law authorizes this, and it is so adjudged)* for the term of , unless the said several sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid.

Given under my hand this day of , A. D. .

J. P., (name of County).

FORM 36.

(Section 727).

Order for any other Matter where the Disobeying of it is punishable with Imprisonment.

Canada,
Province of ,
County of .

Be it remembered that on , complaint was made before the undersigned, for that *(stating the facts entitling the complainant to the order, with the time and place where and when they occurred);* and now on this day, to wit, on , at , the parties aforesaid appear before me *(or* the said C. D. appears before me but the said A. B., although duly called, does not appear by himself, his counsel, solicitor or agent, and it is now satisfactorily proved to me, upon oath, that the said A. B. was duly served with the summons in this behalf, which required him to appear here this day before me, or such justice for the said county, as should now be here, to answer to the said complaint and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. to *(here state the matter required to be done)*, and if, upon a copy of the minute of this order being served upon the said A. B., either personally or by leaving the same for him at his last or most usual place of abode, he neglects or refuses to obey the same, in that case I adjudge the said A. B., for such his neglect or disobedience, to be imprisoned in the common goal of the said county, at , (there to be kept at hard labour, *if the Act or law authorizes this, and it is so adjudged)* for the term of , unless the said order is sooner obeyed, and I do also adjudge the said A. B. to pay to the said C. D. the sum of for costs, and if the said sum for costs is not paid forthwith *(or* on or before next*)*, I order the same to be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress in that behalf I adjudge the said A. B. to be imprisoned in the said common gaol (there to be kept at hard labour, *(if the Act or law authorizes this, and it is so adjudged)* for the space of , to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs is sooner paid.

Given under my hand this day of , in the year .

J. P., (name of County).

55-56 V., c. 29, sch. 1, form AAA.

FORM 37.

(Section 730.)

Form of Order of Dismissal of an Information or Complaint.

Canada,
Province of ,
County of .

Be it remembered that on , information was laid (*or* complaint was made) before the undersigned for that (*etc., as in the summons of the defendant*) and now at this day, to wit, on , at , (*if at any adjournment insert here:* 'to which day the hearing of this case was duly adjourned, of which the said C. D. had due notice,') both the said parties appear before me in order that I should hear and determine the said information (*or* complaint) (*or* the said A. B. appears before me, but the said C. D., although duly called, does not appear); [whereupon the matter of the said information (*or* complaint) being by me duly considered, it manifestly appears to me that the said information (*or* complaint) is not proved, and] (*if the informant or complainant does not appear, these words may be omitted*), I do therefore dismiss the same, and do adjudge that the said C. D. do pay to the said A. B. the sum of , for costs; and if the said sum for costs is not paid forthwith (*or* on or before), I order that the same be levied by distress and sale of the goods and chattels of the said C. D., and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the common gaol of the said county of , at , (and there kept at hard labour, (*if the Act or law authorizes this, and it is so adjudged*) for the term of , unless the said sum for costs, and all costs and charges of the said distress and of the commitment and of the conveying of the said C.D. to to the said common gaol are sooner paid.

Given under my hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form BBB.

FORM 38.

(Section 730.)

Form of Certificate of Dismissal.

Canada,
Province of ,
County of .

I hereby certify that an information (*or* complaint) preferred by C. D. against A. B. for that (*etc., as in the sum-*

mons) was this day considered by me, and was by me dismissed (with costs).

Dated at , this day of , in the year

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form CCC.

FORM 39.

(Section 741.)

Warrant of Distress upon a Conviction imposing a Penalty.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas A. B., late of , (*labourer*), was on this day (*or* on last past) duly convicted before , a justice, in and for the said county , for that (*stating the offence, as in the conviction*), and it was thereby adjudged that the said A. B. should for such his offence, forfeit and pay (*etc., as in the conviction*), and should also pay to the said C. D. the sum of , costs; and that if the said several sums were not paid forthwith or within , the same should be levied by distress and sale of the goods and chattels of the said A.B., and also that the said A. B., in default of sufficient distress, should be imprisoned in the common gaol of the said county, at and there kept at hard labour *(if the conviction so adjudges)* for the space of , unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said common gaol were sooner paid; *And whereas the said A. B. has not paid the same or any part thereof: These are, therefore, to command you in His Majesty's name forthwith to make distress of the goods and chattels of the said A. B.; and if within days next thereafter, the said sums, together with the reasonable charges of taking and keeping the distress, are not paid, then to sell the said goods and chattels, and to pay the money arising from such sale unto me; and if no such distress is found, then to certify such fact unto me.

Given under my hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form DDD.

FORM 40.

(Section 741.)

Warrant of Distress upon an Order for the Payment of Money.

Canada,
Province of ,
County of .

To the peace officers in the county aforesaid.

Whereas on , last past, a complaint was made before , a justice in and for the said county, for that *(etc., as in the order)*, and afterwards, to wit, on , at , the said parties appeared before *(as in the order)*, and thereupon the matter of the said complaint having been considered, the said A. B. was adjudged to pay to the said C. D. the sum of , on or before then next, and also to pay to the said C. D. the sum of , costs; and that if the said several sums were not paid on or before the said then next, the same should be levied by distress and sale of the goods and chattels of the said A. B.; and that in default of sufficient distress in that behalf, the said A. B. should be imprisoned in the common gaol of the said county, at , (and there kept at hard labour *if the order so directs*) for the term of , unless the said several sums and all costs and charges of the distress (and of the commitment and conveying of the said A. B. to the said common gaol) were sooner paid; *And whereas the time in and by the said order appointed for the payment of the said several sums of , and has elapsed, and the said A. B. has not paid the same, or any part thereof: These are, therefore, to command you, in His Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, are not paid, then to sell the said goods and chattels so by you distrained, and to pay the money arising from such sale unto me: *(or some other of the convicting justices, as the case may be)*; and if no such distress can be found, then to certify such fact unto me.

Given under my hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form EEE.

FORM 41.

(Section 741.)

Warrant of Commitment upon a Conviction imposing a Penalty in the first instance.

Canada,
Province of ,
County of .

To the peace officers in the said county, and to the keeper of the common gaol of the county aforesaid at , in the said county.

Whereas A. B., late of , *(labourer)*, was on this day convicted before the undersigned, for that *(stating the offence, as in the conviction)*, and it was thereby adjudged that the said A. B., for his offence, should forfeit and pay the sum of *(etc., as in the conviction)*, and should pay to the said C. D. the sum of ; and that if the said several sums were not paid (forthwith) the said A. B. should be imprisoned in the common gaol of the county, at , in the county aforesaid (and there kept at hard labour *if the conviction so adjudges*) for the term of , unless the said several sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol were sooner paid; And whereas the time in and by the said conviction appointed for the payment of the said several sums has elapsed, and the said A. B. has not paid the same, or any part thereof: These are, therefore, to command you, to take the said A. B., and him safety to convey to the common gaol aforesaid, and there to deliver him to the keeper thereof, together with this precept: And I do hereby command you, the keeper of the said common gaol, to receive the said A. B. into your custody in the said common gaol, there to imprison him (and keep him at hard labour *if the conviction so adjudges*) for the term of , unless the said several sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol are sooner paid unto you; and for your so doing, this shall be your sufficient warrant.

Given under my hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form FFF.

FORM 42.

(Section 741.)

Warrant of Commitment on an Order in the first instance.

Canada,
Province of
County of

To the peace officers in the said county and to the keeper of the common gaol of the said county, at , in the county aforesaid.

Whereas, on last past, complaint was made before the undersigned for that *(etc., as in the order)*, and afterwards, to wit, on the day of , at A. B. and C. D. appeared before me, *(or as it is in the order)*, and thereupon having considered the matter of the complaint, I adjudged the said A. B. to pay the said D. C. the sum of on or before the day of then next, and also to pay to the said C. D. the sum of , for costs; and that if the said several sums were not paid on or before the day of then next, the said A. B. should be imprisoned in the said common gaol (and there be kept at hard labour *if the order so directs*) for the term of , unless the said several sums and the costs and charges of the commitment and of the conveying of the said A. B. to the said common gaol, were sooner paid: And whereas the time in and by the said order appointed for the payment of the said several sums of money has elapsed, and the said A. B. has not paid the same, or any part thereof; These are, therefore, to command you, to take the said A. B. and him safely convey to the said common gaol, and there to deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the common gaol, to receive the said A. B. into your custody in the said common gaol, there to imprison him (and keep him at hard labour *if the order so directs*) for the term of unless the said several sums and the costs and charges of the commitment and of conveying him to the said common gaol are sooner paid unto you; and for your so doing, this shall be your sufficient warrant.

Given under my hand this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form GGG.

22013—6

FORM 43.

(Section 741.)

Constable's Return nulla bona to a Warrant of Distress.

I, W. T., constable, of , in the county of , hereby certify to J. S., a justice in and for the said county, that by virtue of the attached warrant I have made diligent search for the goods and chattels of the within mentioned A. B. and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums in the said warrant mentioned.

Witness my hand, this day of , one thousand nine hundred and .

55-56 V., c. 29, sch. 1, form III.

FORM 44.

(Section 741.)

Warrant for Commitment for Want of Distress.

Canada,
Province of ,
County of .

To the peace officers of the county of , and to the keeper of the common gaol of the said county, at , in the said county.

Whereas *(etc., as in either of the foregoing distress warrants* 39 or 40, *to the asterisk, * and then thus):* And whereas afterwards on the day of , in the year aforesaid, I issued a warrant to the proper officers in that behalf, to levy the said sums of and by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, that the said peace officer has made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found: These are, therefore, to command you, to take the said A. B., and him safely to convey to the common gaol at aforesaid, and there deliver him to the keeper, together with this precept: And I do hereby command you, the said keeper, to receive the said A. B. into your custody, in the said common gaol, there to imprison him (and keep him at hard labour *if the order so directs)* for the term of , unless the said several sums, and all the costs and charges of the said distress and of the commitment and of the

conveying of the said A. B. to the said common gaol are sooner paid unto you, and for so doing this shall be your sufficient warrant.

Giver under my hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form JJJ.

FORM 45.

(Section 742.)

Warrant of Distress for Costs upon an Order for Dismissal of an Information or Complaint.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas on last past, information was laid *(or* complaint was made) before , a justice in and for the said county of , for that *(etc., as in the order of dismissal)* and afterwards, to wit, on , at , both parties appearing before *(me)* , in order that *(I)* should hear and determine the same, and the several proofs adduced to *(me)* in that behalf, being by *(me)* duly heard and considered, and it manifestly appearing to *(me)* that the said information *(or* complaint) was not proved, *(I)* therefore dismissed the same and adjudged that the said C. D. should pay to the said A. B. the sum of , for costs; and *(I)* ordered that if the said sum for costs was not paid (forthwith) the same should be levied on the goods and chattels of the said C. D., and that in default of sufficient distress in that behalf the said C. D. should be imprisoned in the common gaol of the said county at , (and there kept at hard labour *if the order so directed)* for the space of unless the said sum for costs, and all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said common gaol, were sooner paid; * And whereas the said C. D. has not paid the said costs or any part thereof: These are, therefore, to command you, in His Majesty's name, forthwith to make distress of the goods and chattels of the said C. D., and if within the term of days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not

be paid, then to sell the said goods and chattels, and pay the money arising from such sale to *(me)* that *(I)* may pay and apply the same as by law directed, and may render the overplus (if any) on demand to the said C. D., and if no distress can be found, then to certify such fact unto *(me) (or* to any other justice for the said county).

Given under my hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form KKK.

FORM 46.

(Section 742.)

Warrant of Commitment for Want of Distress.

Canada,
Province of ,
County of .

To the peace officers in the said county and to the keeper of the common gaol at , in the county aforesaid.

Whereas *(etc., as in form 45 to the asterisk, * and then thus):* And whereas afterwards, on the day of , in the year aforesaid, I, issued a warrant to the proper officers in that behalf, to levy the said sum of , for costs, by distress and sale of the goods and chattels of the said C. D.: And whereas it appears to me, as well by the return to the said warrant of distress, as otherwise, that the said peace officer has made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found: These are, therefore, to command you, to take the said C. D., and him safely convey to the common gaol of the said county, at aforesaid, and there deliver him to the keeper thereof, together with this precept: And I hereby command you, the said keeper, to receive the said C. D. into your custody in the said common gaol, there to imprison him (and keep him at hard labour *if the order so directed)* for the term of , unless the said sum, and all the costs and charges of the said distress and of the commitment and of the conveying of the said C. D. to the said common gaol are sooner paid unto you; and for your so doing, this shall be your sufficient warrant.

Given under my hand this day of , in the year .

J. P., (name of County).

55-56 V., c. 29, sch. 1, form LLL.

FORM 47.

(Section 743.)

Endorsement in Backing a Warrant of Distress.

Canada,
Province of ,
County of .

Whereas proof upon oath has this day been made before me, that the name of J. S. to the within warrant subscribed is of the handwriting of the justice within mentioned, I do therefore authorize W. T., who brings me this warrant, and all other persons to whom this warrant was originally directed, or by whom the same may be lawfully executed, and also all peace officers in the said county to execute the same within the county aforesaid.

Given under my hand, this day of , one thousand nine hundred and .

J. P., (name of County).

55-56 V., c. 29, sch. 1, form HHH.

FORM

R.S., 1906.

FORM 48.

(Section 748)

Order for Recognizance to keep the Peace.

Canada,
Province of ,
County of .

Whereas A. B. was charged before me on , the day of , A.D. , that he was guilty of having committed the offence of , and after hearing the case against the said A.B., I am satisfied that the said offence was committed by the accused and that it is expedient that the said accused should be required to, and it is hereby ordered and required

that the said accused do enter into a recognizance *(with one or more sureties as the justice may deem meet)* to keep the peace and to be of good behaviour for a period of months from the date hereof.

Given under my hand this day of , A.D. .

J. P. (name of County).

FORM 48A.

(Section 748.)

Order upon Complaint made for Recognizance to Keep the Peace.

Canada,
Province of ,
County of .

Whereas complaint has been made before me upon oath by A. B. of , in the said County (or by C. D. on behalf of A. B.) that he the said A. B. is afraid that E. F. will do him, *(his wife and child)* some personal injury *(or will burn or set fire to his property)* and whereas I am satisfied that the said A. B. has reasonable grounds for his fears so complained of; therefore I do hereby order and require you the said E. F. to enter into a recognizance *(with one or more sureties as the justice may deem meet)* to keep the peace and to be of good behaviour for a period of months from the date hereof.

Given under my hand this day of , in the year .

J. P., (name of County.)

FORM 49.

(Sections 748 and 1058.)

Form of Recognizance to Keep the Peace.

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , A. B. of , *(labourer)*, L. M. of , *(grocer)*, and N. O. of , *(butcher)*, personally came before *(us)* the undersigned, and severally acknowledged themselves to owe to our Lord the King the several sums following, that is to say: the said A. B. the

sum of , and the said L. M. and N. O. the sum of , each, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lord the King, if he, the said A. B., fail in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned at before us.

J. P., (name of County.)

The condition of the within (*or* above) written recognizance is such that if the within bounden A. B. (of *etc.*), keeps the peace and is of good behaviour towards His Majesty and his liege people, and specially towards C. D. (of, *etc*) for the term of now next ensuing, then the said recognizance to be void, otherwise to stand in full force and virtue.

55-56 V., c. 29, sch. 1, form XXX.

FORM 50.

(Section 748.)

Form of Commitment in Default of Recognizance.

Canada,
Province of ,
County of .

To the peace officers in the said county, and to the keeper of the common gaol of the said county, at .

Whereas on the day of *(instant)*, complaint on oath was made before the undersigned (*or* J. L.), by C. D., of , in the said county, *(labourer)*, that A. B., of (etc.), on the day of , at aforesaid, did threaten *(etc., follow to the end of complaint, as in form above, in the past tense, then):* And whereas the said A. B. was this day brought and appeared before me, (*or* J. L., a justice in and for the said county of), to answer unto the said complaint; and having been required by me to enter into his own recognizance in the sum of , with or without two sufficient sureties in the sum of each *(as the case may be)* to keep the peace and be of good behaviour towards His Majesty and his liege people, and especially towards the said C. D., has refused and neglected, and still refuses and neglects, to enter into such recognizance or find such sureties): These are, therefore, to command you, to take the said A. B., and him safely convey to the common gaol at aforesaid, and there to deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody

in the said common gaol, there to imprison him for the space of , or until he shall otherwise be discharged in due course of law, unless he, in the meantime, enters into such recognizance or *(finds sufficient sureties)* to keep the peace as aforesaid.

Given under my hand, this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form YYY.

FORM 51.

(Section 750.)

Form of Recognizance to try the Appeal.

Canada,
Province of ,
County of .

Be it remembered that on , A. B. of *(labourer)*, and L. M., of , *(grocer)*, and N. O., of , *(yeoman)*, personally came before the undersigned and severally acknowledged themselves to owe to our Lord the King, the several sums following, that is to say, the said A. B. the sum of , and the said L. M. and N. O. the sum of , each, to be made and levied of their several goods and chattels, lands and tenements respectively to the use of our said Lord the King, if he the said A. B. fails in the condition endorsed *(or* hereunder written*)*.

Taken and acknowledged the day and year first above mentioned at , before me.

(County Judge or as the case may be.)

The condition of the within *(or* the above*)* written recognizance is such that if the said A. B. personally appears at the (next) General Sessions of the Peace *(or other court discharging the functions of the Court of General Sessions, as the case may be)*, to be holden at , on the day of , next, in and for the said county, and tries an appeal against a certain conviction, bearing date the day of , *(instant)*, and made by *(me)*, whereby he, the said A. B., was convicted, for that he, the said A. B., did, on the day of , at , in the said county, *(here set out the offence as stated in the conviction)*; and also abides by the judgment of the court upon such appeal and pays such costs as are by the court awarded, then the said recognizance to be void, otherwise to remain in full force and virtue.

FORM 52.

(Section 759.)

Certificate of Clerk of the Peace that the Costs of an Appeal are not paid.

Office of the clerk of the peace for the county of

(Title of the Appeal.)

I hereby certify that at a Court of General Sessions of the Peace, *(or other court discharging the functions of the Court of General Sessions, as the case may be)*, holden at in and for the said county, on last past, an appeal by A. B. against a conviction *(or* order*)* of J. S., a justice in and for the said county, came on to be tried, and was there heard and determined, and the said Court of General Sessions *(or other court, as the case may be)* thereupon ordered that the said conviction (or order) should be confirmed (or quashed), and that the said (appellant) should pay to the said (respondent) the sum of , costs and which sum was thereby ordered to be paid to the said clerk of the peace on or before the day of A.D., to be handed over to the said (respondent), and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated at , this day of , A.D.

Clerk of the Peace.

55-56 V., c. 29, sch. 1, form PPP.

FORM 53.

(Section 759.)

Warrant of Distress for Costs of an Appeal against a Conviction or Order.

Canada,
Province of ,
County of .
To the peace officers in the said county.

Whereas *(etc., as in the warrants of distress, forms 39 or 40, and to the end of the statement of the conviction or order, and then thus):* And whereas the said A. B. appealed to and the appeal was heard by the Court of General Sessions of the Peace *(or other court discharging the functions of the Court*

22013—7

of General Sessions, as the case may be), for the said county, against the said conviction or order, in which appeal the said C. D. *(or* J. S., the justice who made the said conviction *(or* order) was the respondent, and the said court thereupon ordered that the said conviction (*or* order) should be confirmed (*or* quashed) and that the said (appellant) should pay to the said (respondent) the sum of which said sum was to be paid to the clerk of the peace for the said county, on or before the day of costs, one thousand nine hundred and , to be by him handed over to the said C. D.; and whereas the said clerk of the peace has, on the day of *(instant)*, duly certified that the said sum for costs had not been paid: *These are, therefore, to command you, in His Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if, within the term of days next after the making of such distress the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, are not paid, then to sell the said goods and chattels, and to pay the money arising from such sale to the said clerk of the peace, and if no such distress can be found, then to certify such fact unto me or any other justice for the said county.

Given under my hand this day of , in the year .

J. P., (name of County).

55-56 V., c. 29, sch. 1, form QQQ.

FORM 54.

(Section 759.)

Warrant of Commitment for want of Distress under Warrant Form 53.

Canada,
Province of ,
County of ,

To the peace officers in the said county, and to the keeper of the common gaol of the said county at .

Whereas *(etc., as in form 53, to the asterisk * and then thus)*: And whereas, afterwards, on the day of , in the year aforesaid, I, the undersigned, issued a warrant to levy the said sum of , for costs, by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return to the said warrant of distress as otherwise, that the peace officer has made

diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the said sum above mentioned could be found: These are, therefore, to command you, the said peace officers, or any one of you, to take the said A. B., and him safely convey to the common gaol of the said county, at aforesaid, and there deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said common gaol, to receive the said A. B. into your custody in the said common gaol, there to imprison him for the term of , unless the said sum and all costs and charges of the said distress and of the commitment and of the conveying of the said A. B. to the said common gaol, are sooner paid unto you; and for so doing this shall be your sufficient warrant.

Given under my hand this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form RRR.

FORM 55.

(Section 799.)

Conviction.

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , at , A. B., being charged before me, the undersigned, (and consenting to my trying the charge summarily), is convicted before me, for that he, the said A. B., *(etc., stating the offence, and the time and place when and where committed)*, and I adjudged the said A. B., for his said offence, to be imprisoned in the (and there kept at hard labour, *if it is so adjudged*) for the term of .

Given under my hand, the day and year first above mentioned.

Police magistrate
for
(or as the case may be).

55-56 V., c. 29, sch. 1, form QQ.

FORM 56.

(Section 799.)

Conviction upon a Plea of Guilty.

Canada,
Province of ,
County of .

Be it remembered that on the day of , A.D. , at , A. B. being charged before me, (and consenting to my trying the charge summarily), for that he, the said A. B., *(etc., stating the offence, and the time and place when and where committed)*, and pleading guilty to such charge, he is thereupon convicted before me of the said offence; and I adjudge him, the said A. B., for his said offence, to be imprisoned in the (and there kept at hard labour, *if it is so adjudged*) for the term of .

Given under my hand, the day and year first above mentioned.

Police magistrate
for
(or as the case may be).

55-56 V., c. 29, sch. 1, form RR.

FORM 57.

(Section 799.)

Certificate of Dismissal.

Canada,
Province of ,
County of .

I, the undersigned, certify that on the day of , in the year , at , A. B., being charged before me (and consenting to my trying the charge summarily), for that he, the said A. B. *(etc., stating the offence charged, and the time and place when and where alleged to have been committed)*, I did, after having summarily tried the said charge, dismiss the same.

Given under my hand, this day of , in the year

Police magistrate
for
(or as the case may be.)

55-56 V., c. 29, sch. 1, form SS.

FORM 58.

(Section 813.)

Certificate of Dismissal.

Canada,
Province of ,
County of .

, justices for the of *(or if a recorder, etc.*, I a , of the of , *as the case may be)*, do hereby certify that on the day of , in the year , at , in the said of , A. B. was brought before us, the said justices (*or* me, the said), charged with the following offence, that is to say *(here state briefly the particulars of the charge)*, and we thereupon dismissed the said charge.

Given under my hand, this day of , in the year .

55-56 V., c. 29, sch. 1, form TT.

FORM 59.

(Section 814.)

Conviction.

Canada,
Province of ,
County of .

Be it remembered that on the day of , in the year , at , in the county of , A. B. is convicted before us (*or* me),

(or as the case may be) for that he, the said A. B., did *(specify the offence and the time and place when and where the same was committed, as the case may be, but without setting forth the evidence)*, and we *(or* I*)*, adjudge the said A. B., for his said offence, to be imprisoned in the with *(or* without*)* hard labour *(in the discretion of the justice)* for the space of , *(or* we*) (or I)* adjudge the said A. B., for his said offence, to forfeit and pay *(here state the penalty actually imposed)*, and in default of immediate payment of the said sum, to be imprisoned in the with *(or* without*)* hard labour *(in the*

discretion of the justice) for the term of , unless the said sum is sooner paid.

Given under our hands the day and year first above mentioned.

55-56 V., c. 29, sch. 1, form UU.

FORM 60.

(Section 827.)

Form of Record when the Prisoner Pleads Guilty.

Canada,
Province of ,
County of .

Be it remembered that A. B., being a prisoner in the gaol of the said county, on a charge of having on the day of , in the year , stolen, etc. *(one cow the property of* C. D., *or as the case may be, stating briefly the offence),* and being brought before me *(describe the judge)* on the day of , in the year , and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried; and that the said A. B. being then arraigned upon the said charge, he pleaded guilty thereof, whereupon I sentenced the said A. B. to *(here insert such sentence as the law allows and the judge thinks right).*

Witness my hand this day of , in the year .

Judge.

55-56 V., c. 29, sch. 1, form NN.

FORM 61.

(Section 833.)

Form of Record when the Prisoner Pleads Not Guilty.

Canada,
Province of ,
County of .

Be it remembered that A. B. being a prisoner in the gaol of the said county, committed for trial on a charge of having on day of , in the year

stolen, etc. *(one cow, the property of* C. D., *or as the case may be, stating briefly the offence)* and having been brought before me *(describe the judge)* on the day of , in the year , and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried; and that upon the day of , in the year , the said A. B., being again brought before me for trial, and declaring himself ready, was arraigned upon the said charge and pleaded not guilty; and after hearing the evidence adduced, as well in support of the said charge as for the prisoner's defence *(or as the case may be)*, I find him to be guilty of the offence with which he is charged as aforesaid, and I accordingly sentence him to *(here insert such sentence as the law allows and the judge thinks right)*, (*or* I find him not guilty of the offence with which he is charged, and discharge him accordingly).

Witness my hand at , this day of , in the year .

Judge.

55-56 V., c. 29, sch. 1, form MM.

FORM 62.

(Section 842.)

Warrant to apprehend Witness.

Canada,
Province of ,
County of .

To the peace officers in the said county.

Whereas it having been made to appear to me, that E. F., of , in the county aforesaid, is likely to give material evidence on behalf of the prosecution *(or* defence, *as the case may be)* on the trial of a certain charge of *(as theft, or as the case may be)*, against A. B., and that the said E. F. was duly subpœnaed *(or* bound under recognizance) to appear on the day of , in the year , at , in the said county at o'clock (forenoon *or* afternoon, *as the case may be)*, before me, to testify what he knows concerning the said charge.

And whereas proof has this day been made before me, upon oath of such subpœna having been duly served upon the said E. F., *(or* of the said E. F. having been duly bound under recognizance to appear before me, *as the case may be)*;

and whereas the said E. F. has neglected to appear at the trial and place appointed, and no just excuse has been offered for such neglect: These are, therefore, to command you to take the said E. F., and to bring him forthwith before me, to testify what he knows concerning the said charge, and also to answer his contempt for such neglect.

Given under my hand this day of , in the year .

Judge.

55-56 V., c. 29, sch. 1, form OO.

FORM 63.

(Sections 845 and 856.)

Headings of Indictment.

In the *(name of the court in which the indictment is found).*
The jurors for our Lord the King present that
(Where there are more counts than one, add at the beginning of each count):
'The said jurors further present that .'

55-56 V., c. 29, sch. 1, form EE.

FORM 64.

(Section 852.)

Examples of the manner of stating offences.

(a) A. murdered B. at , on ,
(b) A. stole a sack of flour from a ship called the , at , on .
(c) A. obtained by false pretences from B., a horse, a cart and the harness of a horse at , on .
(d) A. committed perjury with intent to procure the conviction of B. for an offence punishable with penal servitude, namely robbery, by swearing on the trial of B. for the robbery of C. at the Court of Quarter Sessions for the county of Carleton, held at Ottawa, on the day of , 19 ; first, that he, A., saw B. at Ottawa, on the day of ; secondly, that B. asked A. to lend B. money on a watch belonging to C.; thirdly, etc.

or

(e) The said A. committed perjury on the trial of B. at a Court of Quarter Sessions held at Ottawa ,on for an assault alleged to have been committed by the said B. on C. at Ottawa, on the day of by swearing to the effect that the said B. could not have been at Ottawa, at the time of the alleged assault, inasmuch as the said A. had seem him at that time in Kingston.

(f) A., with intent to maim, disfigure, disable or do grievous bodily harm to B. or with intent to resist the lawful apprehension or detainer of A. *(or* C.), did actual bodily harm to B. *(*or D.).

(g) A., with intent to injure or endanger the safety of persons on the Canadian Pacific Railway, did an act calculated to interfere with an engine, a tender, and certain carriages on the said railway on at : by *(describe with so much detail as is sufficient to give the accused reasonable information as to the acts or omissions relied on against him, and to identify the transaction).*

(h) A. published a defamatory libel on B. in a certain newspaper, called the , on the day of 19 , which libel was contained in an article headed or commencing *(describe with so much detail as is sufficient to give the accused reasonable information as to the part of the publication to be relied on against him),* and which libel was written in the sense of imputing that the said B. was *(as the case may be).*

55-56 V., c. 29, sch. 1, form FF.

FORM 65.

(Section 879.)

Certificate of Indictment being Found.

Canada,
Province of ,
County of, .

I hereby certify that at a Court of (Oyer and Terminer, *or* General Gaol Delivery, *or* Geperal Sessions of the Peace) holden in and for the county of , at , in the said (county), on , a bill of indictment was found by the grand jury against A. B., therein described as A. B., late of , *(labourer),* for tha the *(etc., stating shortly the offence),* and that the said A. B. has not appeared or pleaded to the said indictment.

Dated this day of , in the year

(Title of officer.)

55-56 V., c. 29, sch. 1, form GG.

22013—8

FORM 66.

Warrant to Apprehend a Person Indicted.

(Section 880.)

Canada,
Province of ,
County of .
To the peace officers in the said county.

Whereas it has been duly certified by J. D., clerk of the *(name of court)* *(or* E. G., deputy clerk of the Crown *or* clerk of the peace, *or as the case may be)*, in and for the county of , that *(etc., stating the certificate)*: These are, therefore, to command you in His Majesty's name forthwith to apprehend the said A. B., and to bring him before *(me)* or some other justice in and for the said county, to be dealt with according to law.

Given under my hand this day of , in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form HH.

FORM 67.

(Section 881.)

Warrant of Commitment of a Person Indicted.

Canada,
Province of ,
County of .
To the peace officers in the said county, and the keeper of the common gaol, at , in the said county of .

Whereas by a warrant under the hand of , *(a)* justice in and for the said county, dated , after reciting that it had been certified by J. D. *(etc., as in the certificate)*, the said justice commanded all or any of the constables or peace officers of the said county, in His Majesty's name, forthwith to apprehend the said A. B., and to bring him before *(him)* the said justice or before some other justice in and for the said county, to be dealt with according to law; and whereas the said A. B. has been apprehended under and by virtue of the

said warrant, and being now brought before *(me)* it is hereupon duly proved to *(me)* upon oath that the said A. B. is the same person who is named and charged as aforesaid in the said indictment: These are therefore to command you, in His Majesty's name, forthwith to take and convey the said A. B. to the said common gaol at , and there to deliver him to the keeper thereof, together with this precept: And *(I)* hereby command you the said keeper to receive the said A. B. into your custody in the said gaol, and him there safely to keep until he shall thence be delivered by due course of law.

Given under *(my)* hand this day of in the year .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, form II.

FORM 68.

(Section 882.)

Warrant to detain a Person indicted who is already in Custody for another Offence.

Canada,
Province of ,
County of .

To the keeper of the common gaol at , in the said county.

Whereas it has been duly certified by J. D., clerk of the *(name the court)* *(or* deputy clerk of the Crown *or* clerk of the peace of and for the county of , *(or as the case may be)*, that *(etc., stating the certificate)*; And whereas *(I am)* informed that the said A. B. is in your custody in the said common gaol charged with some offence, or other matter; and it being now duly proved upon oath before *(me)* that the said A. B., indicted as aforesaid, and the said A. B., in your custody, are one and the same person: These are therefore to command you, in His Majesty's name, to detain the said A. B. in your custody in the common gaol aforesaid, until by a writ of *habeas corpus* he shall be removed therefrom, for the purpose of being tried upon the said indictment, or until he shall otherwise be removed or discharged out of your custody by due course of law.

Given under *(my)* hand this day of in the year .

J. P., (name of County).

55-56 V., c. 29, sch. 1, form JJ.

FORM 69.

(Section 925.)

Challenge to Array.

Canada,
Province of ,
County of .

The King
v.
C. D.

A. B., who prosecutes for our Lord the King *(or* C. D., who represents the accused) challenges the array of the panel on the ground that it was returned by X. Y., sheriff *(or* E. F., deputy sheriff) of the county of and that the said X. Y. *(or* E. F., *as the case may be)* was guilty of partiality *(or* fraud, *or* wilful misconduct) on returning said panel.

55-56 V., c. 29, sch. 1, form KK.

FORM 70.

(Section 936.)

Challenge to Poll.

Canada,
Province of ,
County of .

The King
v.
C. D.

A. B., who prosecutes, *etc. (or* C. D., who represents the accused) challenges G. H., on the ground that his name does not appear in the panel, [*or* that he is not indifferent between the King and the said C. D., *or* that he was convicted and sentenced to (death, *or* penal servitude, *or* imprisonment with hard labour, *or* exceeding twelve months, *or* that he is an alien.]

55-56 V., c. 29, sch. 1, form LL.

FORM 71.

(Section 1068.)

Certificate of Execution of Judgment of Death.

I, A. B., surgeon *(or as the case may be)* of the *(describe the prison)*, hereby certify that I, this day, examined the body of C. D. on whom judgment of death was this day

executed in the said prison; and that on such examination I found that the said C. D. was dead.

(Signed), A. B.

Dated this day of , in the year .

55-56 V., c. 29, sch. 1, form UUU.

FORM 72.

(Section 1068.)

Declaration of Sheriff and Others.

We, the undersigned, hereby declare that judgment by death was this day executed on C. D., in the *(describe the prison)* in our presence.

Dated this day of , in the year

Sheriff of——
Justice of the Peace for——
Gaoler of——
etc., etc.

55-56 V., c. 29, sch. 1, form VVV.

FORM 73.

(Section 1097.)

Certificate of Non-appearance to be endorsed on the Defendant's Recognizance.

I hereby certify that the within A. B. has not appeared at the time and place in the within recognizance mentioned, but therein has made default, by reason whereof the within written recognizance is forfeited.

Dated at .

J. P., (name of County.)

55-56 V., c. 29, sch. 1, forms R and MMM.

FORM 74.

(Section 1105.)

Writ of Fieri Facias and Capias.

Edward VII., by the Grace of God, etc.

To the sheriff of , greeting:

You are hereby commanded to levy of the goods and chattels, lands and tenements, of each of the persons mentioned in the roll or extract to this writ annexed, all and singular the debts and sums of money upon them severally imposed and charged, as therein is specified; and if any of the said several debts cannot be levied, by reason that no goods or chattels, lands or tenements can be found belonging to the said persons, respectively, then, and in all such cases, that you take the bodies of such persons, and keep them safely in the gaol of your county, there to abide the judgment of our court *(as the case may be)* upon any matter to be shown by them, respectively, or otherwise to remain in your custody as aforesaid, until such debt is satisfied unless any of such persons respectively gives sufficient security for his appearance at the said court, on the return day hereof, for which you will be held answerable; and what you do in the premises make appear before us in our court *(as the case may be,)* on the day of term next, and have then and there this writ. Witness, etc., G. H., clerk *(as the case may be).*

55-56 V., c. 29, sch. 1, form TTT.

FORM 75.

(Section 1133.)

Justices' Return.

RETURN of convictions made by me *(or* us, *as the case may be)*, during the quarter ending , 19 .

Name of the Prosecutor.	Name of the Defendant.	Nature of the Charge.	Date of Conviction.	Name of Convicting Justice.	Amount of Penalty. Fine or Damage.	Time when paid or to be paid to the said Justice.	To whom paid over by the said Justice.	If not paid, why not, and general observations if any.

Convicting Justice(s).

55-56 V., c. 29, sch. 1, form SSS.

FORM 76.

Weapon Permit.

(Insert name and place of issue and date.)

Permission is hereby given to *(insert name of holder of permit)* of , to carry *(insert character of weapon)* for *(insert duration of permit.)*

Reason for Granting Permit.

(Here are to be inserted the reasons for issuing permit.)
(Name and office of person issuing permit.)

(1913, c. 13, and 1919, c. 46).

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 139.

An Act to amend The Immigration Act.

First reading, May 6, 1921.

The MINISTER OF IMMIGRATION AND COLONIZATION

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22435

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 139.

An Act to amend The Immigration Act.

1910, c. 27; 1911, c. 12; 1914, (2 sess.) c. 2; 1918, c. 3; 1919, cc. 25, 26; 1919 (2 sess.) c. 19.

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

Non-immigrant classes.

1. Subparagraph (vi) of paragraph *(g)* of section two of *The Immigration Act*, chapter twenty-seven of the statutes of 1910, as amended by chapter twenty-five of the statutes of 1919, is amended by inserting the words "accredited representatives of international trade unions" between the word "colleges" and the word "and" in the seventh line thereof.

Port of entry.

(2) Paragraph *(o)* of section two of the said Act is amended by striking out the words, "at which there is an officer and where inspection of immigrants may be carried on" and substituting therefor the words "designated by the Minister for the inspection of immigrants, passengers or other persons".

"Rejected" defined.

(3) Paragraph *(q)* of section two of the said Act is amended by the insertion of the words "or land in" between the words "enter" and "Canada" in the second line thereof.

(4) Paragraph *(s)* of section two of the said Act is hereby repealed and the following is substituted therefor:—

"Immigration station".

"immigrant station" means any place designated by the Minister for the examination, inspection, treatment or detention of immigrants, passengers, or other persons for any purpose under this Act."

2. Section thirteen of the said Act, as amended by chapter twenty-five of the statutes of 1919, is repealed and the following is substituted therefor:—

Board of Inquiry.

"**13.** The Minister may nominate at any port of entry any number of officers to act as Boards of Inquiry and any three officers so nominated shall constitute a Board of Inquiry."

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

Authority of Boards.

"**14.** A Board of Inquiry shall have authority to determine whether an immigrant, passenger or other person seeking to enter or land in Canada or detained for any cause under this Act, shall be allowed to enter, land, or remain in Canada or shall be rejected and deported."

Hearing of cases.

4. Section fifteen of the said Act is amended by striking out the word "such" in the first line thereof and substituting therefor the word "a".

Evidence.

5. Section sixteen of the said Act is amended by striking out the word "such" before the word "Board" in the first line thereof and substituting therefor the word "a", and also by the addition of the words "or land in" between the words "enter" and "Canada" in the fifth line thereof.

Costs of appeal to be paid by unsuccessful appellant.

6. Section nineteen of the said Act is amended by inserting after the words "such appeal" in the fourteenth line thereof the words "and the cost of such appeal"; by inserting after the word "board" in the nineteenth line thereof the words "and the cost of such appeal"; and by adding the following words at the end thereof: "The cost of appeal means the cost of such appeal to His Majesty and in case of dispute the decision of the Minister fixing the amount thereof shall be final and conclusive."

Powers of Board exercised by officer in charge.

7. Subsection one of section twenty-two of the said Act is amended by striking out the words "or at a neighbouring port to which a person detained under this Act could conveniently be conveyed, or to which a case for decision could conveniently be referred" in the second, third and fourth lines thereof.

Bill of health.

8. Section twenty-six of the said Act is amended by inserting the words "approved by the Minister" between the words "form" and" and" in the fourth line thereof.

Medical examination.

9. Section twenty-eight of the said Act, as amended by chapter twenty-five of the statutes of 1919, is amended by striking out the words "appointed under this Act" in the first line thereof.

10. (1) Subsection one of section thirty-three of the said Act, as amended by said chapter twenty-five, is repealed and the following is substituted therefor:—

Landing of passengers.

"(1) Every passenger or other person seeking to enter or land in Canada shall first appear before and make application to an immigration officer at a port of entry for permission to enter or land in Canada and shall be detained for

examination, which shall be conducted forthwith on ship board, or on train, or at some other place designated for that purpose."

Penalty for not truly answering questions.

(2) Subsection two of section thirty-three of the said Act, as amended by said chapter twenty-five is further amended by adding thereto the words "and any person not truly answering such questions shall be guilty of an offence and liable on conviction to a fine of not more than one hundred dollars or to a term of imprisonment not exceeding two months or to both fine and imprisonment, and if found not to be a Canadian citizen or not to have Canadian domicile, such offence shall in itself be sufficient cause for deportation whenever so ordered by a Board of Inquiry or officer in charge, subject however to such right of appeal as he may have to the Minister."

(3) Subsection four of the said section thirty-three is repealed and the following is substituted therefor:—

Examination in doubtful cases.

"(4) Every passenger or other person as to whose right to enter or land the examining officer has any doubt shall be detained for further examination by an officer in charge, or by a Board of Inquiry and such examination shall forthwith be conducted separate and apart from the public, and upon the conclusion thereof such passenger or other person shall be immediately allowed to enter, landed, or shall be rejected and kept in custody pending his deportation."

(4) Subsection six of the said section thirty-three is repealed and the following is substituted therefor:—

Entry at port of entry only.

"(6) It shall be a violation of this Act for any person to enter Canada except at a port of entry."

(5) Subsection nine of the said section thirty-three as amended by chapter twenty-five of the statutes of 1919, is repealed and the following is substituted therefor:—

Interference with officer in performance of duty.

"(9) Any transportation company, director, official or employee thereof, or any person interfering with or resisting an immigration officer in the performance of his duty under this Act, or knowingly and wilfully assisting in the escape of any person detained in the custody of an officer or at an immigrant station for any purpose under this Act or giving false information to an officer for the purpose of inducing such officer to permit the entry or landing in Canada of any person who otherwise would be refused entry or landing for any cause under this Act or would be detained for examination, shall be guilty of an offence, and shall be liable to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence, or to a term of imprisonment not exceeding six months or to both fine and imprisonment."

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

Immigrants may be required to possess prescribed amount of money.

"**37.** Regulations made by the Governor in Council under this Act may provide as a condition to permission to enter or land in Canada, that immigrants and any of the non-immigrant classes, except classes (i) to (iii) inclusive, of paragraph *(g)* of section two of this Act, shall possess in their own right, money to a prescribed minimum amount which amount may vary according to the nationality, race, occupation or destination of such persons and otherwise according to the circumstances; and may also provide that all persons coming to Canada directly or indirectly from countries which issue passports shall produce such passports on demand of the immigration officer in charge before being allowed to enter or land in Canada, and may provide also that passports shall not be recognized unless issued within a time limited by regulations or unless vised in the manner required."

Certain persons deemed to belong to prohibited or undesirable classes.

12. (1) Subsection one of section forty-one of the said Act, as enacted by chapter twenty-six of the statutes of 1919, is amended by striking out the following words at the end of said subsection:—

"that this section shall not apply to any person who is a British subject either by reason of birth in Canada or by reason of naturalization in Canada;" and by inserting in lieu thereof the words "that this section shall not apply to any Canadian citizen".

Presumption against accused.

(2) Subsection two of the said section forty-one, as enacted by the said chapter twenty-six, is hereby repealed.

13. (1) Subsection one of section forty-two of the said Act is amended by striking out all the words after the word "examined" in the eleventh and twelfth lines thereof and substituting therefor the following:

Investigation of complaints.

"upon application to enter or land in Canada and such person shall have the same rights and privileges as he would have if seeking to enter or land in Canada."

Deportation.

(2) Subsection two of the said section forty-two is amended by striking out the words "as provided for in Section 33 of this Act" in the fifth line thereof.

Cost of deportation.

(3) Subsection five of section forty-two is amended by striking out all the words after the word "time" in the ninth line thereof.

Return of rejected immigrants.

14. Subsection one of section forty-four of the said Act is amended by striking out the words "after having been rejected" in the seventh line thereof, and by adding at the end of said section the words "except as provided in section nineteen of this Act."

Cost of deportation after five years.

15. Subsection two of section forty-five of the said Act, as enacted by chapter twenty-five of the statutes of

1919, is amended by striking out the words, "the immigrant and" between the word "of" in the second line and the word "if" in the third line thereof and substituting therefor the words, "any person or".

Form E amended.

16. Form E as provided for in section forty-three of the said Act is hereby amended by striking out the words "within three years of landing in Canada" in the eighth line thereof.

Form EE amended.

17. Form EE as provided for in section forty-three of the said Act is amended by striking out the words "within three years of his landing in Canada" in the seventh line thereof, and by striking out the words "the Minister of Immigration and Colonization has ordered the deportation of the said.....and has applied" in the eleventh and twelfth lines thereof and substituting therefor the words, "an order has been issued for the deportation of the said.....and application has been made".

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 140.

An Act to amend the Patent Act.

First reading, May 6, 1921.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22348

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 140.

An Act to amend the Patent Act.

R.S. c. 69; 1913, c. 17; 1919, c. 64; 1919 (2 sess.), c. 26.

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

1. Sections twenty-three and forty-seven of the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada, 1906, are repealed

Tariff of fees.

2. (1) The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

On filing an application for patent	$ 15 00
On grant of patent	20 00
(Payable on pain of forfeiture within six months from the date of notice of the allowance of patent).	
On lodging a *caveat*	5 00
On asking to register a judgment *pro tanto*	4 00
On asking to register an assignment, or any other document affecting or relating to a patent	2 00
On asking to attach a disclaimer to a patent	2 00
On asking for a copy of patent with specification	4 00
On petition to re-issue a patent after surrender	30 00
On office copies of documents, not above-mentioned, the following charges shall be made:—	
For every single or first folio of one hundred words certified copy	$ 0 25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio	0 10

Fees paid prior to this Act.

(2) In the case of patents on which fees to the extent of thirty-five dollars or more were paid prior to the passing of this Act, no further fee shall be required, but no refund of any amount in excess of thirty-five dollars shall be made. In the case of a patent on which a fee of twenty dollars was

paid prior to the coming into force of this Act, a further fee of fifteen dollars on pain of nullity of the patent shall be payable at or before the expiration of six years from the date of its issue.

Unprovided cases.

(3) The fees on any proceedings not herein provided for shall be such as may be fixed by the Commissioner with the approval of the Governor in Council.

Return of fees.

3. Paragraphs *(a)* and *(b)* and subsection two of section fifty-one of the *Patent Act* shall apply only to applications for patents filed before the coming into force of this Act.

No patent void by failure to make or by import between 1st Aug., 1914, and 10th Jan., 1922.

4. No patent in force on the first day of August, 1914, or subsequently granted shall be void through failure to construct or manufacture, or by the importation of, the invention covered by the patent between the said date and the tenth day of January, 1922.

Time extended for paying fees.

5. Fees which have become payable under the *Patent Act* since the first day of August, 1914, may, at any time until the expiration of a period of one year from the coming into force of this Act, be paid with the same effect as if paid within the times prescribed by the *Patent Act.*

Time extended for exercise of rights for filing applications.

6. The rights provided by section eight of the *Patent Act* for the filing of applications for patents for invention which rights had not expired on the first day of August, 1914, or which rights have arisen since that date shall be, and the same are hereby extended, until the expiration of a period of six months from the coming into force of this Act, and such extension shall apply to applications upon which patents have been granted as well as to applications now pending or filed within said period.

Patent not to be refused on application filed between 1st Aug., 1914, and six months after this Act.

Other rights preserved unless issued or made prior to 1st Aug., 1913.

7. (1) A patent shall not be refused on an application filed between the first day of August, 1914, and the expiration of a period of six months from the coming into force of this Act, nor shall a patent granted on such application be held invalid by reason of the invention having been patented in any other country or in any other of His Majesty's Dominions or Possessions or described in any printed publication or because it was in public use or on sale prior ot the filing of the application, unless such patent or publication or such public use or sale was issued or made prior to the first day of August, 1913.

No patent under these provisions to abridge rights acquired prior to this Act.

(2) No patent granted or validated under the provisions of the next preceding section or of this section shall abridge or otherwise affect the right of any person, or his agent or agents, or his successor in business, to continue any manufacture, use, or sale commenced before the coming into force of this Act by such person nor shall the con-

tinued manufacture, use, or sale by such person, or the use or sale of the devices resulting from such manufacture or use constitute an infringement.

Saving rights of persons who have commenced lawfully to make, use or sell invention while patent was void.

8. (1) In any case where an order has been made by the Commissioner under the authority of sections one or two of chapter twenty-six of the statutes of 1919, second session, or where a patent which has become void under the terms of the *Patent Act* in consequence of the non-payment of fees or failure to manufacture, or because of the importation of the patented invention has been subsequently restored and made valid by the operation of any order made under the authority of sections one or two of chapter twenty-six of the statutes of 1919, second session, or under any order in council or regulation heretofore lawfully passed, or by the operation of this Act, and during the period when such patent was void any person has commenced lawfully to manufacture, use or sell the invention covered by such patent, the patentee or proprietor of the patent shall not be entitled to any claim, action or demand in respect of such manufacture or sale, or the use of the article so manufactured or sold; and moreover the Commissioner, upon hearing the parties after such notice as he may deem requisite and sufficient and considering all the facts and circumstances of the case, may impose such terms and conditions (including if he so deems advisable, permission to continue such manufacture, use or sale), to which any such order by him heretofore made shall be subject, as the Commissioner may deem reasonably necessary for the protection of persons who have commenced lawfully to manufacture, use or sell the invention covered by the patent.

Notice and hearing by Commissioner.

Proviso respecting rights under Treaty of Peace.

(2) Nothing in the provisions of this section shall be deemed in any way to affect or to operate in derogation of any rights as to the revival or restoration of any lapsed rights to or in respect of any patent of invention applied for or acquired under the provisions of this Act which may be asserted or claimed by any person under and in virtue of the stipulations of the Treaty of Peace between the Allied and Associated Powers, on the one part, and Germany on the other, or under or in virtue of any treaty entered into and ratified, or that may be duly entered into and ratified by His Majesty, acting on behalf of Canada, with any other power with which the said Allied and Associated Powers are or have been at war, with regard to industrial property, or otherwise affecting patent rights. 1919, (2 Sess.) c. 26.

Validity of patents protected, under orders or regulations during war.

9. (1) All orders which have been made under and in conformity with the orders and regulations respecting patents of invention made by the Governor in Council

under the provisions of *The War Measures Act, 1914*, on the second day of October, 1914 (P.C. 2436), and on the fourteenth day of February, 1916 (P.C. 293), and also all orders made under chapter twenty-six of the statutes of 1919, second session, are hereby ratified and confirmed; provided, however, that nothing contained in this section shall affect the validity of any patent which is now the subject of litigation before any court of record.

Date of end of war.

(2) For the purpose of the orders referred to in this section the war shall be deemed to end on the date of the coming into force of this Act.

Act to be construed with Patent Act.

10. This Act shall be construed as one with the *Patent Act*, chapter sixty-nine of the Revised Statutes of Canada, 1906, and the Acts in amendment thereof.

Repeal.

11. Chapter twenty-six of the statutes of 1919, second session, is hereby repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 141.

An Act to amend The Statistics Act.

First reading, May 6, 1921.

THE MINISTER OF TRADE AND COMMERCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22275

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 141.

An Act to amend The Statistics Act.

1918, c. 43.

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

Schedules that may be sent post free.

1. Section nine of *The Statistics Act*, chapter forty-three of the statutes of 1918, is amended by adding thereto the following subsection:

"(3) All schedules or forms returned to a provincial department in pursuance of any arrangement entered into under this section shall be free of Canada postage, under such regulations as are from time to time made in that respect by the Governor in Council, and any person violating any such regulation shall be guilty of an offence and liable upon summary conviction to the penalties mentioned in section thirty-six of this Act."

Regulations.

Penalty.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 146.

An Act to amend the Chinese Immigration Act.

First reading, May 11, 1921.

The MINISTER OF IMMIGRATION AND COLONIZATION.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22517 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 146.

An Act to amend the Chinese Immigration Act.

R.S., c. 95; 1908, c. 14; 1917, c. 7.

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

All immigrants must establish identity to satisfaction of Controller, subject to approval of Minister.

1. (1) Paragraph *(c)* of subsection one of section seven of the *Chinese Immigration Act*, Revised Statutes of Canada, 1906, chapter ninety-five, as enacted by chapter fourteen of the statutes of 1908, and as amended by chapter seven of the statutes of 1917, is amended by striking out the following words at the end of the said subsection: "or who are bearers of certificates of identity, or other similar documents issued by the government or by a recognized official or representative of the government whose subjects they are, specifying their occupation and their object in coming into Canada," and by substituting in lieu thereof the following words: "whose decision shall be final and conclusive."

Provision respecting certificate repealed.

(2) Subsection two of section seven of the said chapter ninety-five is repealed.

Board of Inquiry given power to order deportation.

2. Section seven B of the said chapter ninety-five, as enacted by chapter seven of the statutes of 1917, is amended by inserting after the word "magistrate" in the eighth line the words "or a Board of Inquiry appointed under the authority of section thirteen of *The Immigration Act*, chapter twenty-seven of the statutes of 1910," and by inserting in each case after the word "magistrate" in the tenth and twelfth lines thereof the words "or a Board of Inquiry."

3. Section eighteen of the said chapter ninety-five is repealed, and the following is substituted therefor:—

Definition of prohibited persons in Immigration Act made applicable to Chinese.

"**18.** The provisions of section three of *The Immigration Act*, and any amendments that have been or which may be made thereto shall apply to persons of Chinese origin."

Refund of tax on return within two years.

4. (1) Section twenty-one of the said chapter ninety-five is amended by striking out the words "twelve months" where they occur in the second and the seventh lines thereof, and substituting therefor in each case the words "two years."

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

Unregistered persons liable to tax on return to Canada.

"(2) Every person of Chinese origin who leaves Canada and does not register shall be subject on his return to the tax of five hundred dollars imposed by this Act as in the case of a first arrival."

5. Section twenty-five of the said chapter ninety-five is repealed, and the following is substituted therefor:—

Power to arrest prohibited persons.

"**25.** Any person of Chinese origin belonging to the prohibited classes who enters or remains in Canada contrary to any of the provisions of this Act or of *The Immigration Act* may be arrested without a warrant by any immigration officer, whether appointed under the authority of this Act or of *The Immigration Act* or of any Act relating to the Civil Service, and brought before the Controller for examination, and the examination shall be conducted as if such person were being examined before being admitted to Canada, and if such person belongs to the prohibited classes he shall be forthwith deported and in all such cases the onus of proof shall rest upon the person being examined, and the master, conductor or other person who lands or brings or assists or permits to land in Canada any such person of Chinese origin shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months."

Indictable offences made summary.

6. The said chapter ninety-five is amended by striking out the word "indictable" in subsections one and two of section twenty-seven as enacted by chapter fourteen of the statutes of 1908, in section twenty-eight, in section twenty-nine, and in section thirty.

Summary provision of Criminal Code made applicable.

7. (1) Section thirty-one of the said chapter ninety-five is amended by adding the following words at the end thereof: "and the provisions of Part XV of the *Criminal Code* shall apply to all such suits and actions."

Imprisonment may be added if fine not paid.

(2) In any case where a fine, or imprisonment and a fine, is imposed under the provisions of this Act, the sentence may adjudge a term of imprisonment or a further term of imprisonment not exceeding in any case two months, to be served by the offender if such fine is not paid."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 156.

An Act to amend the Canada Evidence Act.

First reading, May 13, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22649

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 156.

An Act to amend the Canada Evidence Act.

R.S. c. 145; 1917, c. 14; 1919, c. 12.

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

Notice of intention to produce copies of books, etc., reduced from 10 to 7 days.

1. Subsection two of section twenty-eight of the *Canada Evidence Act*, Revised Statutes of Canada, 1906, chapter one hundred and forty-five, is amended by substituting the word "seven" for the word "ten" in the last line thereof.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 157.

An Act to amend The Juvenile Delinquents Act.

First reading May 13, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22650

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 157.

An Act to amend The Juvenile Delinquents Act.

1908, c. 40; 1912, c. 30; 1914, c. 39.

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

1. (1) Paragraph *(a)* of section two of *The Juvenile Delinquents Act, 1908*, chapter forty of the statutes of 1908, is repealed, and the following is substituted therefor:—

Age of child increased from 16 to 18 years.

"*(a)* "child" means a boy or girl apparently or actually under the age of eighteen years;"

Section only in operation where proclaimed.

(2) This section shall only come into operation in such province or provinces as the Governor in Council may from time to time by proclamation prescribe.

2. The following section is inserted immediately after section thirteen of *The Juvenile Delinquents Act, 1908*, chapter forty of the statutes of 1908:—

Court may adjourn or postpone hearing.

"**13**A. The court may postpone or adjourn the hearing of a charge of delinquency for such period or periods as the court may deem advisable, or may postpone or adjourn the hearing *sine die*."

Imprisonment for adults who contribute to delinquency of child increased from one year to two years and making conduct likely to make a child a delinquent an offence.

3. Subsection one of section twenty-nine of the said Act is amended by substituting the word "two" for the word "one" in the last line thereof and by inserting the words "or likely to make any child a juvenile delinquent" after the words "juvenile delinquent" in the fifth line thereof.

Penalty for inducing, etc., child to leave home etc., where he was placed under provisions of this Act.

4. The said Act is amended by inserting the following section immediately after section twenty-nine thereof:—

"**29**A. Any person who induces or attempts to induce any child to leave any detention home, industrial school, foster home or any other institution or place where such child has been placed under the provisions of this Act or who removes or attempts to remove such child therefrom, without the authority of the Court, shall be guilty

of an offence and shall be liable upon summary conviction before a Juvenile Court or before two justices of the peace to a penalty not exceeding one hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 158.

An Act respecting a Supplementary Extradition Convention with the United States of America.

First reading, May 13, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22648 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 158.

An Act respecting a Supplementary Extradition Convention with the United States of America.

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 Extradition Convention Act, 1921.*

Power to ratify Convention.

2. The Governor in Council is authorized to advise that His Majesty be humbly moved to ratify on behalf of Canada the Supplementary Extradition Convention between His Majesty and the President of the United States of America signed at London on the fifteenth day of January, one thousand nine hundred and seventeen, a copy of which is set forth in the Schedule to this Act.

SCHEDULE.

SUPPLEMENTARY EXTRADITION CONVENTION WITH THE UNITED STATES SIGNED AT LONDON ON THE 15TH JANUARY, 1917.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit:

His Britannic Majesty: the Right Honourable Arthur James Balfour, Member of the Order of Merit, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs; and

The President of the United States: the Honourable Walter Hines Page, Ambassador Extraordinary and Plenipotentiary of the United States at the Court of His Britannic Majesty;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:—

ARTICLE 1.

The following crimes are, subject to the provision contained in Article 2 hereof, added to the list of crimes numbered 1 to 10 in the 1st Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article 1 of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, and to the list of crimes numbered 14 to 15 in Article 1 of the Supplementary Convention concluded between the United States and Great Britain on the 12th April, 1905, that is to say:—

16. Wilful desertion or wilful non-support of wife or children.

ARTICLE 2.

The operation of the present Convention is confined to cases in which the offences mentioned in the preceding Article having been committed in the United States or in the Dominion of Canada, the person charged with the offence is found in the Dominion of Canada or in the United States respectively.

ARTICLE 3.

The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 1st Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 16 in the 1st Article of the present Convention, subject to the provision contained in Article 2.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or London as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at London, this 15th day of January, 1917.

(L.S.) ARTHUR JAMES BALFOUR.
(L.S.) WALTER HINES PAGE.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 159.

An Act to amend the Inspection and Sale Act (Hay and Straw Inspection).

First reading, May 13, 1921.

The MINISTER OF TRADE AND COMMERCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22782 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 159.

An Act to amend the Inspection and Sale Act (Hay and Straw Inspection).

R. S. c. 85; 1907, c. 21; 1908, c. 35; 1913, c. 25; 1918, c. 29; 1920, c. 53.

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

Presser of baled hay or straw instead of seller to tag same with his name and address and weight of bale.

1. Sections three hundred and forty F and three hundred and forty G of the *Inspection and Sale Act*, Revised Statutes of Canada, 1906, chapter eighty-five, as enacted by chapter thirty of the statutes of 1918, are amended by substituting the word "presser" for the word "seller" in the first line of each of the said sections.

Tariff Items.	—	British Preferential Tariff.	Intermediate Tariff.	General Tariff.
20	Cocoa paste or "liquor" and chocolate paste or "liquor," not sweetened, in blocks or cakes, per pound	4 cents.	5 cents.	5 cents.
21	Cocoa paste or "liquor" and chocolate paste or "liquor," sweetened, in blocks or cakes, not less than two pounds in weight, per pound	4½ cents.	5½ cents.	5½ cents.
22	Preparations of cocoa or chocolate in powder form	27½ p.c.	35 p.c.	35 p.c.
23	Preparations of cocoa or chocolate, n.o.p., and confectionery, coated with or containing chocolate, the weight of the wrappings and cartons to be included in the weight for duty, per pound	1½ cents.	1½ cents.	1½ cents.
	and	22½ p.c.	35 p.c.	35 p.c.
39b	Arrowroot, per pound	½ cent.	1½ cents.	1½ cents.
77a	Cocoa beans, not roasted, crushed or ground, per one hundred pounds	Free.	$1.50	$1.50
87a	Onions in their natural state	Free.	30 p.c.	30 p.c.
101	Oranges and lemons	Free.	Free.	Free.
101a	Shaddocks or grape fruit, per one hundred pounds	50 cents.	$1.00	$1.00
101b	Limes	Free.	15 p.c.	15 p.c.
103	Fruits preserved in brandy, or preserved in other spirits, and containing not more than forty per cent of proof spirit in the liquid contents thereof, per gallon	$2.50	$2.50	$2.50
	and	60 p.c.	60 p.c.	60 p.c.
104	Fruits preserved in brandy, or preserved in other spirits, and containing more than forty per cent of proof spirit in the liquid contents thereof, per gallon	$10.00	$10.00	$10.00
	and	30 p.c.	30 p.c.	30 p.c.
110	Cocoanuts, n.o.p., per one hundred	50 cents.	$1.00	$1.00
111	Cocoanuts, when imported from the place of growth, by ship, direct to a Canadian port, per one hundred	Free.	75 cents.	75 cents.
113	Cocoanut, desiccated, sweetened or not, per pound	5 cents.	6 cents.	6 cents.
134	All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, not covered by tariff item No. 135, when not exceeding eighty-eight degrees of polarization, per one hundred pounds	$1.50	$2.00	$2.00
	when exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds	$1.52	$2.03	$2.03
	when exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds	$1.54	$2.06	$2.06
	when exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds	$1.56	$2.08	$2.08
	when exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds	$1.59	$2.12	$2.12
	when exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds	$1.61	$2.15	$2.15
	when exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds	$1.63	$2.18	$2.18
	when exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds	$1.65	$2.20	$2.20
	when exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds	$1.68	$2.24	$2.24
	when exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds	$1.70	$2.27	$2.27
	when exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds	$1.72	$2.30	$2.30
	when exceeding ninety-eight degrees but not exceeding ninety-nine degrees, per one hundred pounds	$1.79	$2.39	$2.39
	when exceeding ninety-nine degrees, per one hundred pounds	$1.79	$2.39	$2.39
	Provided that refined sugar shall be entitled to entry under the British Preferential tariff upon evidence satisfactory to the Minister of Customs and Inland Revenue, that such refined sugar has been manufactured wholly from raw sugar produced in the British colonies and possessions, and not otherwise.			
135	Sugar above number sixteen Dutch standard in colour when imported by a recognized sugar refiner, for refining purposes only, under regulations by the Minister of Customs and Inland Revenue, and			

Tariff Items	——	British Preferential Tariff	Intermediate Tariff	General Tariff
	sugar, n.o.p., not above number sixteen Dutch standard in colour, sugar drainings or pumpings drained in transit, melado or concentrated melado, tank bottoms, sugar concrete, and molasses testing over fifty-six degrees and not exceeding seventy-six degrees, when not exceeding seventy-six degrees of polarization, per one hundred pounds	70 cents	$1·16080	$1·16080
	when exceeding seventy-six degrees but not exceeding seventy-seven degrees, per one hundred pounds	70·75 cents	$1·18366	$1·18366
	when exceeding seventy-seven degrees but not exceeding seventy-eight degrees, per one hundred pounds	71·5 cents	$1·20652	$1·20652
	when exceeding seventy-eight degrees but not exceeding seventy-nine degrees, per one hundred pounds	72·25 cents	$1·22938	$1·22938
	when exceeding seventy-nine degrees but not exceeding eighty degrees, per one hundred pounds	73 cents	$1·25224	$1·25224
	when exceeding eighty degrees but not exceeding eighty-one degrees, per one hundred pounds	73·75 cents	$1·27510	$1·27510
	when exceeding eighty-one degrees but not exceeding eighty-two degrees, per one hundred pounds	74·5 cents	$1·29796	$1·29796
	when exceeding eighty-two degrees but not exceeding eighty-three degrees, per one hundred pounds	75·25 cents	$1·32082	$1·32082
	when exceeding eighty-three degrees but not exceeding eighty-four degrees, per one hundred pounds	76 cents	$1·34560	$1·34560
	when exceeding eighty-four degrees but not exceeding eighty-five degrees, per one hundred pounds	76·75 cents	$1·37038	$1·37038
	when exceeding eighty-five degrees, but not exceeding eighty-six degrees, per one hundred pounds	77·5 cents	$1·39516	$1·39516
	when exceeding eighty-six degrees but not exceeding eighty-seven degrees, per one hundred pounds	78·25 cents	$1·41994	$1·41994
	when exceeding eighty-seven degrees but not exceeding eighty-eight degrees, per one hundred pounds	79 cents	$1·44664	$1·44664
	when exceeding eighty-eight degrees but not exceeding eighty-nine degrees, per one hundred pounds	79·75 cents	$1·47334	$1·47334
	when exceeding eighty-nine degrees but not exceeding ninety degrees, per one hundred pounds	80·5 cents	$1·50388	$1·50388
	when exceeding ninety degrees but not exceeding ninety-one degrees, per one hundred pounds	81·25 cents	$1·53442	$1·53442
	when exceeding ninety-one degrees but not exceeding ninety-two degrees, per one hundred pounds	82 cents	$1·56496	$1·56496
	when exceeding ninety-two degrees but not exceeding ninety-three degrees, per one hundred pounds	82·75 cents	$1·59550	$1·59550
	when exceeding ninety-three degrees but not exceeding ninety-four degrees, per one hundred pounds	83·5 cents	$1·62604	$1·62604
	when exceeding ninety-four degrees but not exceeding ninety-five degrees, per one hundred pounds	84·25 cents	$1·65658	$1·65658
	when exceeding ninety-five degrees but not exceeding ninety-six degrees, per one hundred pounds	85 cents	$1·68712	$1·68712
	when exceeding ninety-six degrees but not exceeding ninety-seven degrees, per one hundred pounds	85·75 cents	$1·71766	$1·71766
	when exceeding ninety-seven degrees but not exceeding ninety-eight degrees, per one hundred pounds	86·50 cents	$1·74820	$1·74820
	over ninety-eight degrees, per one hundred pounds	87·25 cents	$1·83250	$1·83250
	Provided that all raw sugar, including sugar specified in this item, the produce of any British Colony or possession, shall be entitled to entry under the British Preferential tariff, when imported direct into Canada from any British country.			
	Provided that sugar imported under this item shall not be subject to special duty.			
150	Lime juice and fruit juices, fortified with or containing not more than twenty-five per cent of proof spirits, per gallon	$2.50	$2.50	$2.50
151	Lime juice and fruit juices, fortified with or containing more than twenty-five per cent of proof spirits, per gallon	$10.00 and 30 p.c.	$10.00 30 p.c.	$10.00 30 p.c.

Tariff Items	—	British Preferential Tariff.	Intermediate Tariff.	General Tariff.
153	Lime juice, raw and concentrated, not refined, per gallon	Free	15 cents	15 cents
156	Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; gin of all kinds, n.o.p.; whisky and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel-oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyroxylic spirit or any substance known as wood spirit or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy, n.o.p.; cordials and liqueurs of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages; and wines, n.o.p., containing more than forty per cent of proof spirit, per gallon of the strength of proof	$10.00	$10.00	$10.00
156a	Rum, per gallon of the strength of proof	$8.00	$10.00	$10.00
	Provided, as to all goods specified in items No. 156 and No. 156a when of less strength than the strength of proof, that no reduction or allowance shall be made in the measurement thereof for duty purposes, below the strength of fifteen per cent under proof.			
	Provided also, that when the goods specified in these two items are of greater strength than the strength of proof, the measurement thereof and the amount of duty payable thereon shall be increased in proportion for any greater strength than the strength of proof.			
	Provided further, that bottles and flasks and packages of gin, rum, whisky and brandy of all kinds, and imitations thereof, shall be held to contain the following quantities (subject to the provisions for addition or deduction in respect of the degree of strength), viz.:—			
	Bottles, flasks and packages, containing not more than three-fourths of a gallon per dozen, as three-fourths of a gallon per dozen;			
	Bottles, flasks and packages, containing more than three-fourths of a gallon but not more than one gallon per dozen, as one gallon per dozen;			
	Bottles, flasks and packages, containing more than one gallon but not more than one and one-half gallon per dozen, as one and one-half gallon per dozen;			
	Bottles, flasks and packages, containing more than one and one-half gallon but not more than two gallons per dozen, as two gallons per dozen;			
	Bottles, flasks and packages, containing more than two gallons but not more than two and four-fifths gallons per dozen, as two and four-fifths gallons per dozen;			
	Bottles, flasks and packages, containing more than two and four-fifths gallons but not more than three gallons per dozen, as three gallons per dozen;			
	Bottles, flasks and packages, containing more than three gallons but not more than three and one-fifth gallons per dozen, as three and one-fifth gallons per dozen;			
	Provided further, that bottles or phials of liquors for special purposes, such as samples not for sale to the trade, may be entered for duty according to actual measurement, under regulations prescribed by the Minister of Customs and Inland Revenue.			
159	Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being or known or designated as essences, extracts, or ethereal and spirituous fruit essences, n.o.p., per gallon	$10.00 and 30 p.c.	$10.00 and 30 p.c.	$10.00 and 30 p.c.
159a	Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being or known or designated as anodynes, elixirs, tinctures or medicines, n.o.p., per gallon	$3.00 and 30 p.c.	$3.00 and 30 p.c.	$3.00 and 30 p.c.

Tariff Items.	——	British Preferential Tariff.	Inter-mediate Tariff.	General Tariff.
160	Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, lotions, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind:—			
	(*a*) when in bottles or flasks containing not more than four ounces each	90 p.c.	90 p.c.	90 p.c.
	(*b*) when in bottles, flasks or other packages, containing more than four ounces each, per gallon..	$ 5.00	$ 5.00	$ 5.00
	and	40 p.c.	40 p.c.	40 p.c.
162	Medicinal or medicated wines, including vermouth and ginger wine, containing not more than forty per cent of proof spirit	80 p.c.	80 p.c.	80 p.c.
163	Wines of all kinds, n.o.p., including orange, lemon, strawberry, raspberry, elder and currant wines, containing twenty-six per cent or less of proof spirit, whether imported in wood or in bottles, per gallon.	55 cents	55 cents	55 cents
	and	.....	.....	30 p.c.
	And in addition thereto, for each degree of strength in excess of twenty-six per cent of proof spirit until the strength reaches forty per cent of proof spirit..	3 cents	3 cents	3 cents
	Provided that six quart bottles, or twelve pint bottles shall be held to contain a gallon for duty purposes under this item.			
164	Wines of all kinds, except sparkling wines, containing not more than forty per cent of proof spirit, whether imported in wood or in bottles (six quart bottles or twelve pint bottles to be held to contain a gallon), when the produce or manufacture of any British Colony or territory in the South African Customs Union Convention, per gallon	55 cents.		
165	Champagne and all other sparkling wines:—			
	(*a*) in bottles containing each not more than a quart but more than a pint (old wine measure), per dozen bottles	$9.30	$9.30	$9.30
	and	.....	.....	30 p.c.
	(*b*) in bottles containing not more than a pint each, but more than one-half pint (old wine measure), per dozen bottles	$4.65	$4.65	$4.65
	and	.....	.....	30 p.c.
	(*c*) in bottles containing one-half pint each or less, per dozen bottles	$2.32	$2.32	$2.32
	and	.....	.....	30 p.c.
	(*d*) in bottles containing over one quart each (old wine measure), per gallon	$4.50	$4.50	$4.50
	and	.....	.....	30 p.c.

Date when previous sections come into force.

4. Sections two and three of this Act shall be deemed to have come into force on the tenth day of May, 1921, and to have applied to all goods mentioned in the said sections imported or taken out of warehouse for consumption on and after that day, and to have also applied to goods previously imported for which no entry for consumption was made before that day.

5. (1) *The Customs Tariff, 1907*, is amended by inserting the following section immediately after section twelve thereof:—

Imported goods to be marked, stamped, branded or labelled.

"**12A.** That all goods imported into Canada which are capable of being marked, stamped, branded or labelled, without injury, shall be marked, stamped, branded, or labelled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any

subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labelling shall be as nearly indelible and permanent as the nature of the goods will permit.

Provided that all goods imported into Canada after the date of the coming into force of this section which do not comply with the foregoing requirements shall be subject to an additional duty of ten per centum ad valorem to be levied on the value for duty purposes and in addition such goods shall not be released from Customs possession until they have been so marked, stamped, branded or labelled under Customs supervision at the expense of the importer.

Provided further that if any person shall violate any of the provisions relating to the marking, stamping, branding, or labelling of any imported goods, or shall deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels, with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall be liable on summary conviction to a penalty not exceeding one thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment. The Minister of Customs and Inland Revenue may make such regulations as are deemed necessary for carrying out the provisions of this section and for the enforcement thereof.

Date of coming into force.

(2) This section shall come into force on the first day of October, nineteen hundred and twenty-one."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 199.

An Act to amend The Customs Tariff, 1907.

First reading, May 20, 1921.

The MINISTER OF FINANCE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22823 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 199.

1907, c. 11; 1909, c. 10; 1910, c. 16; 1911, c. 7; 1913, c. 15; 1914, c. 26; 1914 (2) c. 5; 1915, c. 3; 1916, c. 7; 1918, c. 17; 1919, c. 47; 1920, c. 44.

An Act to amend The Customs Tariff, 1907.

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 Customs Tariff Amendment Act, 1921.*

Amendments effected by West Indies Trade Agreement.

2. *The Customs Tariff, 1907*, is amended by inserting the following section immediately after section eight thereof:

"8*a*. Notwithstanding anything in this Act, goods, other than tobacco, cigars, cigarettes, spirituous or alcoholic liquors and articles specified in Schedule A of *The West Indies Trade Agreement Act*, the produce or manufacture of British Honduras; Bermuda; the Bahamas; Jamaica; Turks and Caicos Islands; the Leeward Islands (Antigua, St. Christopher-Nevis, Dominica, Montserrat, and the Virgin Islands); the Windward Islands (Grenada, St. Vincent and St. Lucia); Barbados; Trinidad and Tobago; and British Guiana; when imported direct therefrom shall not be subject at any time to more than fifty per centum of the duties imposed on similar goods as set forth in the General Tariff under regulations by the Minister of Customs and Inland Revenue."

Schedule A amended.

3. Schedule A of *The Customs Tariff, 1907*, as amended by chapter fifteen of the statutes of 1913, by chapter twenty-six of the statutes of 1914, and by chapter five of the statutes of 1914 (second session) is further amended by striking thereout tariff items 20, 21, 22, 23, 39*b*, 77*a*, 101, 101*a*, 103, 104, 110, 111, 113, 134, 135, 150, 151, 153, 156, 159, 160, 162, 163, 164 and 165, the several enumerations of goods respectively, and the several rates of duties of Customs, if any, set opposite each of said items, and to provide that the following items, enumerations and rates of duties be inserted in said Schedule A:

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 200.

An Act to amend the Inland Revenue Act.

First reading, May 20, 1921.

The MINISTER OF FINANCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22825 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 200.

An Act to amend the Inland Revenue Act.

R.S., c. 51; 1908, c. 34; 1910, c. 30; 1911, c. 13; 1914, (2 Sess) c. 6; 1915, c. 17; 1918, c. 28; 1920, c. 52.

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

1. Section one hundred and fifty-four of the *Inland Revenue Act*, chapter fifty-one of the Revised Statutes, 1906, as enacted by chapter six of the statutes of 1914, Second Session, is repealed and the following section is substituted therefor:—

Excise duties on spirits increased.

"**154.** There shall be imposed, levied and collected on all spirits distilled, the following duties of excise, which shall be paid to the collector, as herein provided, that is to say:—

Made from 90 per cent of unmalted grain or sugar.

(a) when the material used in the manufacture thereof consists of not less than ninety per centum, by weight, of raw or unmalted grain, or when manufactured from sugar, syrup, molasses or other saccharine matter not otherwise provided for, on every gallon of the strength of proof by Sykes' hydrometer, nine dollars, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon;

Made from malted barley.

(b) when manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid, or when manufactured from raw or unmalted grain, used in combination, in such proportions as the department prescribes, with malted barley taken to the distillery in bond and on which no duty of customs or of excise has been paid, on every gallon of the strength of proof by Sykes' hydrometer, nine dollars and two cents, and so in proportion for any greater or less strength, and for any less quantity than a gallon;

Made from molasses, syrup, sugar, etc.

(c) when manufactured exclusively from molasses, syrup, sugar or other saccharine matter, taken to the distillery

in bond and on which no duty of customs has been paid, on every gallon of the strength of proof by Sykes' hydrometer, nine dollars and three cents, and so in proportion for any greater or less strength, and for any less quantity than a gallon.

Excise duties on spirits in bond, used for patent or proprietary medicines and pharmaceutical preparations.

Provided, however, that when any person is licensed by the Minister of Customs and Inland Revenue to manufacture patent and proprietary medicines, extracts, essences, and pharmaceutical preparations by the use of spirits in bond subject to the *Inland Revenue Act* and regulations thereunder, the following duties of excise shall be imposed, levied and collected, that is to say:—

(a) when the material used in the manufacture thereof consists of not less than ninety per centum, by weight, of raw or unmalted grain, or when manufactured from sugar, syrup, molasses or other saccharine matter not otherwise provided for, on every gallon of the strength of proof by Sykes' hydrometer, two dollars and forty cents, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon;

(b) when manufactured exclusively from malted barley, taken to the distillery in bond and on which no duty of customs or excise has been paid, or when manufactured from raw or unmalted grain, used in combination, in such proportions as the department prescribes, with malted barley taken to the distillery in bond and on which no duty of customs or of excise has been paid, on every gallon of the strength of proof by Sykes' hydrometer, two dollars and forty-two cents, and so in proportion for any greater or less strength, and for any less quantity than a gallon;

(c) when manufactured exclusively from molasses, syrup, sugar or other saccharine matter, taken to the distillery in bond and on which no duty of customs has been paid, on every gallon of the strength of proof by Sykes' hydrometer, two dollars and forty-three cents, and so in proportion for any greater or less strength, and for any less quantity than a gallon.

Excise duties on spirits for university, scientific or research purposes.

Provided further that when such spirits testing not less than fifty per centum over proof are sold and delivered in such limited quantities as may be prescribed by the Minister of Customs and Inland Revenue to any university or scientific and research laboratory for scientific purposes only, or to any bona fide hospital, certified to be such by the Department of Public Health, for medicinal purposes only, a drawback of ninety-nine per centum of the duty paid may be granted, under regulations to be made by the Minister of Customs and Inland Revenue."

Commencement of Act.

2. This Act shall be deemed to have come into force on the tenth day of May, nineteen hundred and twenty-one.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 201.

An Act to amend the Penitentiary Act.

First reading, May 21, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
23289 1921

5th Session, 13th Parliament, 11-12 George V, 1921

THE HOUSE OF COMMONS OF CANADA.

BILL 201.

An Act to amend the Penitentiary Act.

R.S. c. 147; 1913, c. 36; 1918, c. 36; 1920, c. 61.

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

1. Section ten of the *Penitentiary Act*, chapter one hundred and forty-seven of the Revised Statutes, 1906, is amended by adding the following paragraph at the end thereof:—

Hospital to be penitentiary.

"*(c)* every hospital to which any convict may be sent as a patient."

2. Sections fourteen to twenty-two, both inclusive, of the said Act, as enacted by chapter thirty-six of the statutes of 1918; section twenty-four of the said Act; subsection one of section twenty-five of the said Act as enacted by chapter sixty-one of the statutes of 1920, and subsection two of the said section twenty-five; and section twenty-six of the said Act as amended by chapter thirty-six of the statutes of 1918, are repealed, and the following sections are substituted therefor:—

Penitentiary Board.

"**14.** (1) The Minister may, for the purpose of advising and assisting him in the administration of the penitentiaries, constitute a Penitentiary Board, of which the Minister, or alternatively the Deputy Minister, shall be Chairman, and of which the members shall be such officers of the Department of Justice as the Minister from time to time appoints, such officers of other departments as may be agreed upon by the Minister and the Minister of the other department concerned, and such other persons as may, at the request of the Minister, act thereon without remuneration other than their necessary and reasonable travelling expenses.

(2) The duties of the Board and the special duties, if any, of the individual members thereof may be defined by regulations under this Act."

Powers to be conferred on officers and members.

"**15.** The Minister may, by writing under his hand, confer upon any officer of the penitentiaries or upon any member of the Penitentiary Board:—

(a) all the powers of a justice of the peace for any or every place in Canada;

(b) the right of access to any or every penitentiary and to any or all books or records therein;

(c) power to assume control of any penitentiary and to exercise all the powers of a warden in relation thereto, and may in the same manner confer upon any person the power of a commissioner under Part II of the Inquiries Act in relation to any matter touching the management or administration of a penitentiary."

Mode of appointment of officers.

"**16.** In making an appointment to any of the following positions in the Penitentiary Branch of the Department of Justice or at any penitentiary, namely, superintendent or inspector of penitentiaries, industrial director, medical director, warden, medical officer or chaplain, the Civil Service Commission shall act in the same manner in all respects as the head of a large business; it shall, apart from every party political consideration, select for appointment the person whom the Commission considers to have the highest qualifications in character, temperament, capacity and experience, and for the purpose of such selection shall make such enquiry and give such public notice as would ordinarily be made or given by a private employer, and offer the position to the person whom the Commission selects."

3. Section twenty-seven of the said Act as amended by chapter thirty-six of the statutes of 1918, is repealed, and the following section is substituted therefor:—

Duties of warden.

"**27.** The warden of a penitentiary shall be the chief executive officer of the same and as such shall, subject to the instructions of the Minister by regulation under this Act or otherwise, have the entire executive control and management of all its concerns: he shall be responsible for the faithful and efficient administration of the affairs of every department of the penitentiary and shall reside thereat."

4. Section thirty-two of the said Act as amended by chapter thirty-six of the statutes of 1918, is repealed, and the following section is substituted therefor:—

Fines and expenses by warden.

"**32.** (1) The warden of any penitentiary may, if any officer or other person employed at the penitentiary is guilty of misconduct or of any breach of the regulations under this Act, suspend the offender from his employment, or, if the officer or other person is of or below the grade

of senior prison guard or trade instructor, impose a fine upon him of any amount not exceeding one month's pay.

(2) The evidence on the hearing of any complaint against any officer or other person employed at a penitentiary for any act for which he might be suspended or fined as aforesaid shall be fully taken down in writing, and, if the person complained against is found guilty and suspended or fined, shall be transmitted forthwith by the warden to the Penitentiary Board, who shall, as soon as possible, consider the case and, subject to the approval of the Minister, either affirm or refuse to affirm the decision of the warden.

(3) If the decision of the warden was that the person complained against should be suspended from his employment and such decision is affirmed, such person shall stand dismissed from the service of the penitentiary as from the date of his suspension, unless the Penitentiary Board, subject to approval as aforesaid, otherwise directs.

(4) Any officer or servant of the penitentiary who is fined fifty dollars or more under this section may elect to leave the service of the penitentiary in lieu of the payment of such fine, and shall, if he so elects, be deemed to have resigned as of the date of the imposition of the fine or, if he has remained on duty pending the action of the Penitentiary Board, then as of the date of notice to him of the affirmance by the Penitentiary Board of the decision of the warden."

5. Paragraph *(d)* of section thirty-five of the said Act is repealed, and the following paragraphs are substituted therefor:——

Uniform.

"*(d)* Any officer who is required to wear uniform may be supplied therewith under such conditions as are laid down by the regulations made under this Act.

"*(e)* Any officer shall be entitled to purchase from the penitentiary for his personal use or the personal use of any member of his family wholly dependent upon him and resident with him, any article manufactured in the penitentiary at which he is employed, at a price to be fixed by the warden as being equal to the cost of the material consumed in the manufacture of the said article, the value of the convict labour required for its manufacture at the rate of two dollars a day, and in addition an amount equal to ten per cent of the cost of both material and labour, and such right shall further extend to the repair of any article which, if it was manufactured in the penitentiary, might have been bought under this clause and of which the repair can be conveniently and economically undertaken in the penitentiary."

Repeal.

6. Sections thirty-six, thirty-seven and thirty-eight of the said Act, and sections thirty-nine and forty of the said Act as amended by chapter thirty-six of the statutes of 1918, are repealed.

7. Section forty-one of the said Act as amended by chapter thirty-six of the statutes of 1918, is repealed, and the following section is substituted therefor:—

Visitors.

"**41.** The Governor General of Canada, the Lieutenant Governor of any province of Canada, any member of the King's Privy Council for Canada, any member of the executive council of any of the provinces, any member of the Parliament of Canada, any judge of any court of record in Canada or in any of the provinces, and any other person having the written authority of the Minister in that behalf, shall have the right to visit any penitentiary at any time during which the pentientiary is open under the regulations made pursuant to this Act."

8. Section forty-two of the said Act is repealed, and the following section is substituted therefor:—

Sentence to penitentiary.

"**42.** Every one who is sentenced to imprisonment for life, or for a term of years not less than two, shall be sentenced to imprisonment in such penitentiary as the Minister may from time to time direct with respect to convicts sentenced in any province or any part of a province, or, in default of such direction, to imprisonment in the penitentiary nearest to the place of sentence."

9. The following section is inserted in the said Act immediately after section forty-two thereof:—

Report by judge.

"**42**(A).—Every judge or judicial officer who sentences any person to imprisonment in a penitentiary shall forthwith after passing sentence and in the presence of the convict complete a report in Form One in the Schedule to this Act, or in such amended form as may be authorized by the Minister, and shall transmit such report forthwith to the Minister or such officer as he may direct."

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

Transfer of convicts.

"(6). The powers by this section conferred upon the Minister may, by writing under his hand or by regulation under this Act, be delegated to such other member of the Penitentiary Board or to such warden, described by name or by reference to his office, as to him seems meet. Such delegation may be made to one or several persons, and may be subject to such conditions as the Minister may in any such delegation impose."

11. Sections fifty-three, fifty-six and fifty-eight of the said Act, as amended by chapter thirty-six of the statutes of 1918, and sections fifty-hour, fifty-five, fifty-seven, fifty-nine and sixty of the said Act are repealed, and the three following sections are substituted therefor:—

Mode of dealing with mentally defective and mentally disturbed convicts.

"**53.** A convict who is certified by the medical officer of any penitentiary as mentally defective or mentally disturbed to a degree rendering it unreasonable to compel such convict to conform to the penitentiary discipline, or likely, that his condition will be aggravated by his being so compelled, may be dealt with as follows:—

(a) If such convict is so certified within three months from his arrival at the penitentiary, and it is further certified that the condition existed at the time the convict was so received, he may, on due notice to the attorney general of the province concerned, be removed to any gaol or other place of confinement in which he was confined while awaiting, or after, trial for the offence for which he was sentenced, or to any other place to which he may be directed to be removed by the Lieutenant Governor of such province.

(b) If no such certificate as is described in the last preceding clause is given within three months from the arrival of the convict at a penitentiary, proper provision shall be made for his proper care and treatment either by his removal to a provincial institution pursuant to any arrangement in force with the Lieutenant Governor of the province concerned, or to a hospital for mentally defective, or mentally disturbed convicts administered as a penitentiary or part of a penitentiary.

(c) If any convict removed as described in the last preceding clause, is, before the expiration of the term of his sentence, certified to have so far recovered as to be fit to complete the same in a penitentiary, he may, unless his condition be found by the competent authority such as to justify mitigation or remission of his sentence, and with the approval of the Minister, be returned to the penitentiary and required to complete his sentence accordingly.

(d) If at the termination of the sentence of any convict, he is under treatment at a mental hospital administered as a penitentiary or part of a penitentiary and is certified by the medical officer in charge thereof as unfit for release, the lieutenant governor of the province concerned shall be notified and the convict delivered into such custody as the said lieutenant governor may direct, there to remain subject to the same conditions in all respects as if he had been committed to such custody under the laws of the province."

Infectious or contagious disease.

"**54.** Any convict found on his arrival at a penitentiary to be suffering from any notifiable infectious or contagious disease may be refused admission pending his recovery, and any convict so suffering at the end of the term of his imprisonment in a penitentiary may be detained in hospital therein until he can be released without danger to the public."

Consultations and medical supervision.

"**55.** The regulations made under this Act may authorize the employment, for the examination, treatment or care of any convict who is seriously ill, either mentally or physically, of such specialists and nurses as are necessary in the circumstances, and the medical supervision of any penitentiary may be entrusted to the faculty of medicine of any recognized university."

12. Section sixty-three of the said Act is repealed, and the following section is substituted therefor:—

Custody of female convicts.

"**63.** Female convicts shall be secluded from male convicts, either in a separate ward in a penitentiary in which both male and female convicts are confined, or in a separate institution; any separate ward shall be under the charge of a matron and any separate institution under the charge of a female warden with, in either case, such number of female officers as may be required."

13. Section sixty-four of the said Act as amended by chapter thirty-six of the statutues of 1918 is repealed, and the following section is substituted therefor:

Routine remission of sentences.

"**64.** Provision may be made by regulations under this Act for the partial remission of the sentence of any convict whose conduct and industry justify the shortening of his sentence, but no such remission shall exceed six days for each elapsed month of his term of imprisonment until after the convict has seventy-two days remission to his credit, or ten days for each elapsed month of his term thereafter."

14. Section sixty-five of the said Act as amended by chapter thirty-six of the statutes of 1918, is repealed, and the following section is substituted therefor:

Convicts to receive regulations.

"**65.** A copy of this Act and of any regulations made thereunder, so far as they affect his rights, treatment or conduct, shall be supplied to every convict on his arrival at a penitentiary."

15. The following sections are inserted in the said Act immediately after section sixty-five:—

Purchases to be made at penitentiaries.

"**65A.** (1) The public money of Canada shall not be expended in the purchase of any goods which can conveniently be manufactured or produced at a penitentiary and delivered where they are required for the public

service with economy to Canada, having regard to the provisions of subsection two of this section and to the provisions of this Act on the subject of the remuneration of convicts for their labour.

(2) No charge shall be made by the Department of Justice (Penitentiary Branch) against any department of the Government of Canada for the labour of any convicts or penitentiary officers entering into the manufacture or production of any goods in the penitentiaries."

Allotment to convicts of one-third labour value.

"**65B.** There shall be allotted quarterly in the manner hereinafter provided to or for the benefit of the convicts in each penitentiary, or their dependents, an amount at least equal to one-third of the labour value of the work done by the inmates thereof during the next preceding quarter and, when the remaining two-thirds amounts to more than the whole cost of maintaining the pententiary, then the excess of the labour value beyond such cost."

Ascertainment of labour value.

"**65C.** (1) The labour value for the purpose of the last preceding section shall be the sum of the following:—

(i) The fair market value at each penitentiary of all goods manufactured thereat for any department of Government, including goods manufactured for the Penitentiary Branch of the Department of Justice, ascertained quarterly or oftener by a valuer or valuers appointed by the Governor in Council:

(ii) The fair value of all work done by the inmates of any penitentiary on any public work, including the construction of buildings or improvements in or about the penitentiary and for its benefit, ascertained by or under the direction of the Department of Public Works quarterly or oftener as may be directed by the Governor in Council:

(iii) The fair value at each penitentiary of any farm products produced thereat and used elsewhere ascertained quarterly or oftener by or under the direction of the Minister.

(iv) The price obtained for any goods or products sold to the public, but no goods or products except hay, grains, roots, or large fruits, shall be sold without the express approval of the Minister, which may be given only when such goods or products have accidentally become surplus to requirements, and

(v) The price charged to any officer or servant employed at the penitentiary for goods made or repaired thereat for such officer or servant under the authority of this Act: less the sum of the following:—

(a) The cost of materials used in the construction or improvement of any public work or the manufacture or production of the goods or produce of which the value is directed to be ascertained as aforesaid:

(b) The payments actually paid for the services of those members of the staff of the penitentiary employed to direct the manufacture or production:

(c) An amount equal to eight per cent per annum on capital cost of the penitentiary buildings, grounds, machinery and plant insofar as such cost was incurred for the equipment of the penitentiary to manufacture or produce goods, but excluding the expense incurred for other purposes including lodging, security and health, and

(d) The share of the penitentiary in proportion to its average daily working population during the preceding financial year, of the whole amount payable during the quarter by way of compensation for injuries sustained by convicts in any of the penitentiaries, the amount of such compensation and the character of the injuries for which it is payable being determined by reference to the Workman's Compensation Act of the Province of Ontario.

(2) No allowance shall be made for farm produce grown or raised at any penitentiary and used thereat, and no allowance or deduction shall be made for food purchased, produced, raised or prepared at any penitentiary or for work done in the course of the routine repair and upkeep of buildings, grounds, machinery or plant."

"**65**D. The distribution among the convicts at each penitentiary, or their dependents, of the allotted share of the labour value of the work done thereat as ascertained under this section shall be made as directed by regulations under this Act."

16. Section sixty-seven of the said Act is amended by striking out the last three lines thereof and substituting the following:—

Punishment for trafficking.

"shall, if an officer or servant of a penitentiary, be guilty of an indictable offence and liable to imprisonment for five years, and if not an officer or servant of a penitentiary be liable, on summary conviction, to a penalty not exceeding one hundred dollars or imprisonment with hard labour for a term not exceeding three months".

17. Section sixty-seven of the said Act is further amended by adding thereto the following subsection:—

Onus on defendent.

"(2) In any proceeding under this section the onus shall be upon the defendant to prove that any article or thing given, conveyed, left, taken, received, carried, or bought, was allowed to be so by the rules of the penitentiary or gaol,or that any convict employed on work for the personal benefit of the defendant or any other person, was so employed with proper authority."

Allowances on release.

18. Subsections six and seven, of section seventy-two of the said Act are repealed, and the following are substituted therefor:—

"(6) Every convict shall, upon his release from a penitentiary, be entitled to be issued with transportation by public carriage to the place at which he was sentenced, if he intends to go so far, or, if not, to the place to which he intends to go."

"(7) No convict shall, unless he so desires, be released from a penitentiary without proper personal equipment, including a suit of clothes, boots, hat, adqeuate underclothing, handerchief, nightshirt, tooth-brush, hair-brush, comb, and, if the season so requires, an overcoat and gloves, or without, in addition, at least the sum of five dollars in money: the clothing shall not be recognizably of prison origin, and the prison marks, if any, on the other articles shall be removed."

"(7*a*) Insofar as, at the time of his release, the convict's clothing which he brought with him to the penitentiary and the articles in use by him immediately before his discharge are insufficient properly to equip him with the clothing and articles aforesaid, and he has not command of sufficient money, earned in the penitentiary, to buy such additional clothing and articles as he considers necessary at their cost of manufacture plus ten per cent, and to leave him at least the sum of five dollars remaining, he shall be supplied at the public expense with such additional clothing, articles and money as may be necessary to supply the deficiency, and the warden may, if, having regard to the season of the year and the probability of the convict not being able readily to secure employment or support, he considers it necessary, increase the sum which the convict receives in money to an amount not exceeding twenty-five dollars."

SCHEDULE.

FORM 1 (S. 42A.)

REPORT.

UNDER SECTION 42A OF THE PENITENTIARIES ACT, 1921,

BY.....

ON

.....

SENTENCED TO IMPRISONMENT FOR A TERM OF.....

YEARS ON THE.....DAY OF.....19

(To be filled in by the judge or magistrate by whom any prisoner is sentenced to a term of imprisonment in a peni-

tentiary. Where circumstances compel it a note will be made that no information is obtainable, the symbol "N.I.O." being used for this purpose.)

To the.....

Ottawa.

SIR,—I have the honour to make the following report on the above named:—

1. PARTICULARS OF PRISONER.

(a) Age stated.....*(b)* Apparent age.....
(c) Place of birth.....

2. CONDITIONS IN INFANCY.

(a) Brought up by parents?.....
(b) If not by whom?.....
(c) Character of home (*good, bad* or *indifferent*).....
(d) Town or country?.....

3. CONDITIONS DURING ADOLESCENCE.

(a) Attended school till what age?.....
(b) City or country?.....
(c) At or away from home?.....
(d) Character during adolescence?.....
(e) Previous criminal record, if any?.....

4. CONDITION AT PRESENT TIME.

(a) Apparent percentage of intelligence (maximum 100%)?.....
(b) Apparent percentage of strength of character (maximum 100%)?.....
(c) Married or single?.....
(d) Number of children, if any?.....
(e) Age and status of children?.....
(f) Domestic conditions of prisoner (*good, bad* or *indifferent*?.....
(g) City or country?.....

5. PARTICULARS OF CRIME.

I have marked below what was in my opinion the principal cause of the present crime with the number "1" and the subsidiary causes, so far as they had any application, in the order of their relative importance with the succeeding numbers.

(a) Accidental combination of circumstances.....
(b) Bad influence of associates of prisoner.....

(c) Undisciplined emotions of prisoner .....
(d) Abnormality of prisoner .....
(e) Deliberate and malicious criminality of prisoner .....

6. RECOMMENDATION.

(a) I,* .....recommend that the question of releasing the prisoner on parole should be immediately considered.

(Signature) .....
(Office) .....

Date .....
Place .....

*Insert "do not" if necessary.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 204.

An Act to amend The Special War Revenue Act, 1915.

First reading, May 21, 1921.

The MINISTER OF FINANCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22824

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 204.

An Act to amend The Special War Revenue Act, 1915.

1915, c. 8; 1918, c. 46; 1920, c. 71.

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

1. Sections 19BB and 19BBB of *The Special War Revenue Act, 1915*, as enacted by chapter seventy-one of the statutes of 1920, are repealed, and the following sections are substituted therefor:—

Excise taxes.

"**19**BB. (1) The following excise taxes shall be imposed, levied and collected on the articles hereinafter specified, namely:—

Playing cards.

(a) A tax on playing cards for every fifty-four cards or fraction of fifty-four in each package,—when selling at twenty-four dollars or less per gross packages, eight cents per pack; when selling in excess of twenty-four dollars per gross packages, fifteen cents per pack.

When tax payable.

(b) The excise taxes as imposed by the preceding paragraph *(a)* shall be payable at the time of importation or when taken out of warehouse for consumption in addition to the present duties of customs or at the time of sale by the Canadian manufacturer, but shall not apply on playing cards when exported, and shall be accounted for to His Majesty in accordance with such regulations as may be prescribed by the Minister of Customs and Inland Revenue.

Wines.

(c) A tax of thirty cents per gallon on wines of all kinds, except sparkling wines, containing not more than forty per cent of proof spirits.

Sparkling wines.

(d) A tax of three dollars per gallon on champagne and all other sparkling wines.

When tax payable.

(e) The excise taxes as imposed by the preceding paragraphs *(c)* and *(d)* shall be payable at the time of sale by the Canadian manufacturer, but shall not apply to such wines when exported, and shall be accounted for to His Majesty in accordance with such regulations as shall be

prescribed by the Minister of Customs and Inland Revenue.

Annual license required.

(2) Every person selling or dealing in the articles upon which taxes are imposed as prescribed by this section may be required by the Minister of Customs and Inland Revenue to take out an annual license therefor, for which license a fee not exceeding two dollars shall be paid and the penalty for neglect or refusal to obtain a license shall be a sum not exceeding one thousand dollars.

Recovery of tax, costs or penalties.

(3) Any such tax, costs or penalties may, at the option of the Minister, be recovered and imposed in the Exchequer Court of Canada or in any other Court of competent jurisdiction, in the name of His Majesty.

Dete of coming into force.

(4) This section shall be deemed to have come into force on the tenth day of May, nineteen hundred and twenty-one.

Tax on sales.

"**19**BBB (1) In addition to the present duties of customs and excise there shall be imposed, levied and collected an excise tax of one and one-half per cent on sales and deliveries by Canadian manufacturers or producers, and wholesalers or jobbers, and a tax of two and one-half per cent on the duty paid value of goods imported, but in respect of sales by manufacturers to retailers or consumers, including sales to His Majesty, whether in the right of His Majesty's Government of Canada or His Majesty's Government of any province of Canada for the purpose of re-sale, the excise tax payable shall be three per cent and on goods imported by retailers or consumers, including importations by His Majesty, whether in the right of His Majesty's Government of Canada or His Majesty's Government of any province of Canada for the purpose of re-sale, the excise tax payable on the duty paid value shall be four per cent; the purchaser shall be furnished with a written invoice of any sale, which invoice shall state separately the amount of such tax to at least the extent of one and one-half per cent but such tax must not be included in the manufacturer's, producer's or wholesaler's costs on which profit is calculated; and the tax shall be payable by the purchaser to the wholesaler, producer or manufacturer at the time of such sale, and by the wholesaler, producer or manufacturer to His Majesty in accordance with such regulations as may be prescribed, and such wholesaler, producer or manufacturer shall be liable to a penalty not exceeding five hundred dollars, if such payments are not made, and in addition shall be liable to a penalty equal to double the amount of the excise duties unpaid; the term "duty paid value" means the value of the article as it would be determined for the purpose of calculating an *ad valorem* duty upon the importation of same into Canada under the laws relating to the Customs and the Customs Tariff whether such article be in fact subject to *ad valorem*

or other duty or not, and in addition the amount of the Customs duties, if any, payable thereon.

Tax on lumber.

Provided that in respect of lumber an excise tax of two per cent shall be imposed, levied and collected on sales and deliveries by the Canadian manufacturer and of three per cent on importations, and that no further excise tax shall be payable on re-sale.

Excepted articles not liable to tax.

Provided also that the taxes specified in this section shall not apply to sales or importations of:—

Bread; flour, oatmeal, rolled oats and cornmeal; animals living; live poultry; meats and poultry, fresh; milk including butter-milk; cream; butter; cheese; oleomargarine, margarine, butterine or other substitutes for butter; lard, lard compound and similar substances, made from animal or vegetable stearine or oils; eggs; vegetables, fruits, grains and seeds in their natural state; bran, shorts, middlings, oil cake, oil cake meal; grains mixed or crushed for cattle or poultry feed; hay; straw; hops; nursery stock; chicory, raw or green; bees; honey; sugar; molasses; other farm produce sold by the individual farmer of his own production; ice; fish and products thereof not canned or medicated; ores of metals of all kinds; fuel of all kinds; gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured; British and Canadian coin and foreign gold coin; logs and round unmanufactured timber; fence posts, railroad ties, pulpwood, tan bark, and other articles the product of the forest when produced and sold by the individual settler or farmer; newspapers and quarterly, monthly and semi-monthly magazines and weekly literary papers unbound; materials for use only in the construction, equipment and repair of ships; ships licensed to engage in the Canadian coasting trade; calcium carbide; electricity; gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes; materials for use solely in the manufacture of oleomargarine or any substitute for butter or lard or for the production of cottolene; artificial limbs and parts thereof; artificial eyes; donations of clothing and books for charitable purposes; settlers' effects; War Veterans' badges; memorials or monuments erected in memory of soldiers who fell in the Great War; articles imported for the use of the Governor General; articles imported for the personal or official use of Consuls General who are natives or citizens of the country they represent and who are not engaged in any other business or profession; Bibles, missals, prayer-books, psalm and hymn-books, religious tracts, and Sunday school lesson pictures, and the Governor in Council shall have power to add to the foregoing list of articles exempted from the excise taxes on sales, as he may deem it expedient or necessary to exempt from the said excise taxes.

Provided further that the excise taxes specified in this section shall not be payable on goods exported, or on sales of goods made to the order of each individual customer by a business which sells exclusively by retail, under regulations by the Minister of Customs and Inland Revenue who shall be sole judge as to the classification of a business; and a drawback may be granted of ninety-nine per cent of the said taxes paid on materials used, wrought into or attached to articles exported.

Annual license required.

(2) The Minister may require every manufacturer, producer, wholesaler or jobber to take out an annual license for the purposes aforesaid, and may prescribe a fee therefor, not exceeding two dollars, and the penalty for neglect or refusal shall be a sum not exceeding one thousand dollars.

Recovery of tax, costs or penalties.

(3) Any such tax, costs or penalties may, at the option of the Minister, be recovered and imposed in the Exchequer Court of Canada or in any other Court of competent jurisdiction, in the name of His Majesty.

Date of coming into force.

(4) The provisions of this section respecting a tax on sales shall be deemed to have come into force on the tenth day of May, nineteen hundred and twenty-one, and to have applied to all goods imported or taken out of warehouse for consumption on and after that day, and to have also applied to goods previously imported for which no entry for consumption was made before that day."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 205.

An Act to amend The Oleomargarine Act, 1919.

First reading, May 21, 1921.

The MINISTER OF AGRICULTURE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 205.

An Act to amend The Oleomargarine Act, 1919.

1919 (2) c. 24; 1920, c. 30.

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

1. Section three of *The Oleomargarine Act, 1919*, chapter twenty-four of the statutes of 1919 (second session), as amended by section one of chapter thirty of the statutes of 1920, is repealed, and the following is substituted therefor:—

Manufacture, importation and sale permitted.

"**3.** Notwithstanding anything contained in *The Dairy Industry Act, 1914*, chapter seven of the statutes of 1914, or in any other statute or law, the manufacture in and importation of oleomargarine into Canada, and the offering for sale, the sale, and the having in possession for sale of oleomargarine, shall be permitted."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 206.

An Act to regulate the Grading of Dairy Produce.

First reading, May 21, 1921.

The MINISTER OF AGRICULTURE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
21452 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 206.

An Act to regulate the Grading of Dairy Produce.

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

Short title.

1. This Act may be cited as *The Dairy Produce Act.*

Definitions.

2. In this Act and in any regulation made thereunder, unless the context otherwise requires,—

"Dairy produce."

(a) "dairy produce" means butter, cheese and other food products manufactured from milk;

"Grader."

(b) "grader" means any person duly appointed as a dairy produce grader;

"Grader's certificates."

(c) "grader's certificate" means the written report of the judgment of a dairy produce grader as to the quality and proper classification of any particular lot of dairy produce which he has examined for that purpose;

"Grading store."

(d) "grading store" means any warehouse designated by the Governor in Council as a place in which the grading of dairy produce may be carried on, and

"Minister."

(e) "Minister" means the Minister of Agriculture.

Regulations.

3. (1) The Governor in Council may make regulations,—

(a) for the grading of dairy produce intended for export;

(b) for the establishment or designation of grading stores;

(c) for the issuing of grader's certificates;

(d) for the special marking by manufacturers of packages of dairy produce intended to be graded;

(e) for the establishment of standards, definitions and grades for dairy produce, and

(f) for the imposition of fees for the grading of dairy produce.

When to come into force and where.

(2) The Governor in Council may by regulation prescribe the time when any regulation made under the provisions

of this Act shall come into operation, the particular kind or kinds of dairy produce to which it shall apply, and the part or parts of Canada within which it shall be in force.

Appointment of dairy produce graders and others officers.

4. There may be appointed such dairy produce graders and other officers as may be deemed necessary for the carrying out of the provisions of this Act and of the regulations made thereunder.

Appeals from decisions of dairy produce grader.

5. The Governor in Council may, by regulation, provide for an appeal to the Dominion Dairy and Cold Storage Commissioner, or his representative, from a decision of a dairy produce grader as to the classification or grading of any particular lot of dairy produce.

Penalties.

6. Any person who—

(a) violates any provision of this Act or of any regulation made thereunder; or

(b) alters, effaces or obliterates wholly or partially, or causes to be altered, effaced, or obliterated, any dairy produce grader's brands or marks on any article which has undergone grading, or on any package containing such article; or

(c) counterfeits any such brand or mark, or brands, impresses, or otherwise marks on any such article or package any mark purporting to be the mark of any dairy produce grader or of the manufacturer of such article, either with the proper marking instrument of such dairy produce grader or manufacturer, or with counterfeit imitations thereof; or

(d) empties or partially empties any such package marked, after grading, in order to put into the same any other article (of the same or any other kind) not contained therein at the time of such grading; or

(e) uses for the purpose of packing any dairy produce for sale, any old package bearing grading marks; or

(f) not being a dairy produce grader, brands or marks any package containing such article with a dairy produce grader's marks, or issues any dairy produce grader's certificate,

shall be liable, upon summary conviction, to a fine not exceeding two hundred dollars and not less than fifty dollars, or to imprisonment for any term not exceeding three months.

Commencement of Act.

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

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 211.

An Act respecting the Department of Customs and Excise.

First reading, May 23, 1921.

MINISTER OF CUSTOMS AND INLAND REVENUE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20194

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 211.

An Act respecting the Department of Customs and Excise.

R.S. c. 48. R.S. c. 51.

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 Customs and Excise Act.*

Department constituted.

2. (1) There shall be a Department of the Government of Canada which shall be called the Department of Customs and Excise, over which the Minister of Customs and Excise for the time being appointed by Commission under the Great Seal of Canada shall preside.

Minister of Customs and Excise substituted for Minister of Customs, Inland Revenue or Customs and Inland Revenue.

(2) The Minister of Customs and Excise shall be substituted for the Minister of Customs and for the Minister of Inland Revenue and for the Minister of Customs and Inland Revenue wherever they or any of them are or is mentioned or referred to in any statute or in any regulation or order made under or in pursuance of any statute.

Minister head of department. Tenure of office.

(3) The Minister shall have the management and direction of the Department, and shall hold office during pleasure.

Commissioner.

(4) The Governor in Council may appoint an officer who shall be the chief officer of the Department, and who shall be called the Commissioner of Customs and Excise.

Assistant. Powers and duties as assigned by Gov. in Council or Minister.

An Assistant Commissioner of Customs and Excise may also be appointed. Such officers shall have such powers and perform such duties as may, respectively, be assigned to them by the Governor in Council or the Minister.

Officers and staff. Appointment under Civil Service Act.

(5) The Minister may, subject to the provisions of *The Civil Service Act, 1918*, and any amendments thereto, from time to time authorize the employment of such temporary or acting officers of Customs and Excise as are required to carry on the work of the Department.

R.S. c. 48.

(6) Wherever in the *Customs Act*, or in any Act relating to the Customs or heretofore administered by the Minister

of Customs, the Minister of Customs or the Commissioner of Customs is mentioned or referred to, and wherever in the *Inland Revenue Act*, or in any Act heretofore administered by the Minister of Inland Revenue, the Minister of Inland Revenue or the Deputy Minister of Inland Revenue is mentioned or referred to, in each and every such case the Minister of Customs and Excise shall be substituted for Minister of Customs or Minister of Inland Revenue; the Commissioner of Customs and Excise shall be substituted for such Commissioner or Deputy Minister, and wherever the Assistant Commissioner of Customs is mentioned or referred to, the Assistant Commissioner of Customs and Excise shall be substituted for such Assistant Commissioner; and wherever in the *Inland Revenue Act*, or in any Act heretofore administered by the Minister of Inland Revenue, including the titles thereof, the words 'Inland Revenue' occur, there shall in each and every case, where the context allows, be substituted the word 'Excise.'

R.S. c. 51.

Minister substituted for Minister of Customs or of Inland Revenue; Commissioner for Commissioner of Customs or Deputy Minister; Assistant Commissioner for Assistant Commissioner of Customs.

"Excise" substituted for "Inland Revenue" where context allows.

Minister's duties, powers and functions.

3. (1) The duties, powers and functions of the Minister shall extend and apply to the subjects and services enumerated in the schedule to this Act, over which the Minister shall have the control, regulation, management and supervision, subject always to the provisions of the Acts relating to the said subjects and matters connected therewith.

Vesting powers of Minister in head of other department.

(2) The Governor in Council may at any time assign any of the duties and powers hereby vested in the Minister to the head of any other Department, and from the time appointed for that purpose by Order in Council such duties and powers shall be vested in the head of such other Department.

Annual report.

4. The Minister shall each year make a report to the Governor General of the transactions and affairs of the Department during the year then next preceding, which shall be laid before Parliament within fifteen days after the next meeting thereof.

Provisions constituting departments of Customs and Inland Revenue and annual reports thereof repealed.

5. Sections three, four, five, six, seven and three hundred and five of the *Customs Act*, chapter forty-eight of the Revised Statutes of Canada, 1906, and sections ten, eleven, twelve, thirteen and fourteen of the *Inland Revenue Act*, chapter fifty-one of the said Revised Statutes, are repealed.

Entry not perfect unless invoice produced, and on foreign shipments of $100 or more bears a

6. Section thirty-one of the said Customs Act is amended by adding at the end thereof the following words, "and unless in all cases of shipments from any country other than the United Kingdom, British Colonies and British Possessions, where the value for duty of the invoiced goods in terms of the standard dollar of Canada is one hundred dollars or over, such invoice bear thereon a certificate of a

certificate of trade or consular officer.

Canadian Trade Commissioner, British Consul or other duly accredited officer, in the form or to the effect prescribed in that behalf by the Governor in Council, who may also prescribe the fee to be charged therefor, and whether the whole or what portion, if any, of such fees shall be retained by such officers or any of them.

Valuation for duty at not less than wholesale price.

Cost plus reasonable profit.

7. Section forty of the said Customs Act is amended by adding thereto the following clause, "such value in no case to be lower than the wholesale price thereof at such time and place", and by adding thereto the following subsection:

"(2) Provided that the value for duty of new or unused goods shall in no case be less than the actual cost of production of similar goods at date of shipment direct to Canada, plus a reasonable profit thereon, and the Minister of Customs and Excise shall be the sole judge of what shall constitute a reasonable profit in the circumstances."

Valuation of currency.

No reduction over 50% of standard irrespective of rate of exchange.

Valuation where rate of exchange is adverse.

8. Section fifty-nine of the said Customs Act is amended by adding thereto the following subsection:

"(6) Notwithstanding any of the provisions of this section, in computing the value for duty of the currency of an invoice, no reduction shall be allowed in excess of fifty per cent of the value of the standard or proclaimed currency of the country from whence the goods are invoiced to Canada, irrespective of the rate of exchange existing between such country and Canada on date of the shipment of the goods; and in respect of goods shipped to Canada from a country where the rate of exchange is adverse to Canada, the value for duty of the currency of the invoice shall be computed at the rate of exchange existing between such country and Canada at the date of the shipment of the goods."

Entry of goods outward by land conveyance.

9. Section one hundred and four of the said Customs Act is amended by striking out the words "nearest to the place of landing" in the fourth line thereof, and substituting therefor the words "of the Port of exit from Canada".

Customs house brokers may be licensed at any port by Collector, subject to approval by Minister.

10. The said Customs Act is amended by inserting the following section immediately after section one hundred and thirty-three thereof:—

"**133A.** (1) The Collector of Customs and Excise at any port may upon application, subject to the approval of the Minister, issue to any person, being a British subject residing in Canada and being of lawful age and good character, a license to transact business as a customs house broker at the port where such license is issued, and after the expiration of three months from the sanction of this amendment no person shall transact business as a customs

house broker without a license granted in accordance with this provision; but nothing herein shall be so construed as to prohibit any person from transacting business pertaining to his own importations, or to prohibit duly authorized agents of importers from transacting business as provided for in sections one hundred and thirty-two and one hundred and thirty-three of this Act.

Rights preserved.

Revocation of license and notice.

"(2) The Minister may at any time for reasons which seem to him good and sufficient revoke the license of any customs house broker, in which case formal notice thereof shall be given to such customs house broker within ten days.

Application to co-partners, associations and joint stock companies.

"(3) The word 'person' in paragraph one hereof shall include persons, co-partnerships, associations and joint stock companies. In cases of co-partnerships or unincorporated associations the requirement as to nationality, residence, age and character shall apply to each of the persons composing such partnership or association; and in cases of incorporated bodies, it is required that such bodies be incorporated in Canada and that the corporation be of good reputation.

Regulations, forms and fees.

"(4) The Minister shall prescribe regulations and forms necessary or convenient for carrying the provisions of this section into effect, and may prescribe the fee to be charged for such license."

"Departmental analyst."

11. Section two of the said *Inland Revenue Act* is amended by adding thereto the following paragraphs:—

(i) 'departmental analyst' means an analyst in the employment of the Department of Customs and Excise or any Department of the Government of Canada.

"Provincial analyst."

(j) 'provincial analyst' means an analyst in the employment of the Government of any of the Provinces of Canada.

Jurisdiction in proceedings for summary convictions extended.

12. Section one hundred and thirty-two of the said *Inland Revenue Act* is amended by striking out the words 'five hundred' in the second line of paragraph *(b)* thereof and inserting in place thereof the words 'two thousand' and by adding thereto the following paragraph:—

Priority to be given court proceedings under this Act.

"*(c)* Every action, suit or prosecution taken under the provisions of this Act, whether under Part XV of the *Criminal Code* or before any court of competent jurisdiction, shall be inscribed on a privileged docket or roll and heard by privilege and preference."

Certificate of provincial analyst made evidence in prosecutions.

13. Subsection three of section one hundred and eighty of the *Inland Revenue Act* as enacted by chapter fifty-two of the statutes of 1920, is amended by inserting the words 'or provincial' after the word 'departmental' in the second line thereof.

14. Section one hundred and eighty-one of the said *Inland Revenue Act* is repealed and the following is substituted therefor:—

Additional penalty in double the amount of duties which should have been paid.

"**181.** Every person who has been convicted of an offence under the last preceding section or adjudged liable to the penalty therein provided for, shall in addition to any such penalty forfeit and pay for the use of His Majesty double the amount of excise duty and license duty which should have been paid by him under this Act."

15. The *Inland Revenue Act* is amended by inserting the following section immediately after section two hundred thereof:—

Beer casks, barrels and bottles to be stamped with name and address of brewer or bottler, also per cent of proof spirits in bottled beer.

"**200A.** On every cask or barrel used in a brewery or for keeping or delivering out any beer, there shall at all times be legibly cut, branded or painted in oil colours on one head, the name and address of the brewer; and on every bottle containing beer, there shall at all times be securely fixed by the brewer or bottler of the said beer, a label showing in conspicuous type the name and address of the brewer or bottler of the said beer and showing also the percentage of proof spirits contained in the said beer."

16. Section three hundred and fifty-six of the *Inland Revenue Act* is amended by adding the following subsection thereto:—

Offence of sale of tobacco or cigars except in original stamped package.

"(3) Every person who sells or offers for sale any manufactured tobacco or cigars otherwise than in or from the original package bearing thereon the proper revenue stamps, whether or not the proper duty has been paid on such tobacco or cigars, shall be guilty of an offence and be liable to a penalty of not less than ten dollars and not exceeding fifty dollars and for a second offence to a penalty of fifty dollars."

SCHEDULE (Sec. 3 (1).)

(a) The control and management of the collection of the duties of Customs and of matters incident thereto.
(b) The collection of all duties of excise.
(c) The collection of stamp duties and the preparation and issue of stamps and stamped paper, except postage stamps.
(d) Internal taxes, but not including income taxes.
(e) Such other duties as may be assigned to the Minister by the Governor in Council.

Fifth Session, Thirteenth Parliament, 11-12 George V, 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 219.

An Act with regard to certain Proceedings under Part IV of the Canada Temperance Act.

First reading, May 28, 1921.

The MINISTER OF JUSTICE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

23466

24

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 219.

An Act with regard to certain Proceedings under Part IV of the Canada Temperance Act.

R.S., c. 152; 1908, c. 71; 1910, c. 58; 1914, c. 53; 1916, c. 14; 1917, c. 30; 1919, (2 Sess.) c. 8.

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

Proclamation valid if it states prohibition shall go into force on day and date declared by Order in Council.

1. No proclamation heretofore or hereafter issued under Part IV of the *Canada Temperance Act*, as enacted by chapter eight of the statutes of 1919, second session, shall be deemed to be void, irregular, defective or insufficient for the purposes intended merely because it does not set forth the day on which, in the event of the vote being in favour of the prohibition, such prohibition will go into force, provided it does state that such prohibition shall go into force on such day and date as shall by Order in Council under section one hundred and nine of the *Canada Temperance Act* be declared.

Order in Council not invalid by reason of errors in proclamation or other proceedings unless court holds result materially affected.

2. No Order of the Governor in Council declaring prohibition in force in any province, whether heretofore passed or hereafter to be passed, shall be or be deemed to have been ineffective, inoperative or insufficient to bring prohibition into force at the time thereby declared by reason of any error, defect or omission in the proclamation or other proceedings preliminary to the vote of the electors, or in the taking, polling, counting or return of the vote or in any step or proceeding precedent to the said Order, unless it appear to the court or judge before whom the prohibition is in question that the result of the vote was thereby materially affected.

Court may make order as to costs.

3. Any court in which proceedings are pending at the time of the coming into force of this Act in which the validity of any proclamation referred to in section one hereof is questioned shall have discretion to make such order as it may see fit with regard to the costs of the proceedings having in view the provisions of this Act.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 221.

An Act to amend The Income War Tax Act, 1917.

First reading, June 1, 1921.

The MINISTER OF FINANCE.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

23777

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 221.

An Act to amend The Income War Tax Act, 1917.

1917, c. 28; 1918, c. 25; 1919, c. 55; 1920, c. 49.

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

1. Subsection six of section seven of *The Income War Tax Act, 1917*, as enacted by subsection four of section five of chapter fifty-five of the statutes of 1919, is hereby repealed and the following is substituted therefor:—

Penalty for failure to file returns.

"(6). Every person failing to deliver a return pursuant to the provisions of subsection one hereof within the time limited therefor shall be liable to a penalty of five per centum of the tax payable by such person; provided, however, that such penalty shall not in any case exceed five hundred dollars: and every person failing to deliver a return pursuant to any other provision of this section within the time limited therefor, shall be liable to a penalty of ten dollars for each day of default; provided, however, that such penalty shall not in any case exceed fifty dollars."

2. Subsection seven of section seven of the said Act, as enacted by section ten of chapter forty-nine of the statutes of 1920, is hereby amended by adding thereto the following paragraph:—

Penalty for short payment.

"If any person liable to pay any tax under this Act pays as any instalment less than one-quarter of the tax as estimated by him, or should he fail to make any payment at the time of filing his return or at the time when any instalment should be paid, he shall pay, in addition to the interest at the rate of six per centum per annum provided for by this subsection, additional interest at the rate of four per centum per annum upon the deficiency from the date of default to the date of payment."

Understating true amount of income.

3. Subsection eight of section seven of the said Act, as enacted by section ten of chapter forty-nine of the statutes of 1920, is hereby repealed.

Not giving information or making false statements, penalty decreased.

4. Subsection one of section nine of the said Act, as amended by section seven of chapter fifty-five of the statutes of 1919 and section thirteen of chapter forty-nine of the statutes of 1920, is amended by striking out the words "one hundred" and substituting therefor the words "twenty-five".

5. Subsection one of section ten of the said Act, as enacted by section fourteen of chapter forty-nine of the statutes of 1920, is hereby repealed and the following is substituted therefor:—

Notice of Assessment.

"(1) 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. Any additional tax found due over the estimated amount shall be paid within one month from the date of the mailing of the notice of assessment. If the taxpayer fails to pay such additional tax within one month from the date of the mailing of the notice of assessment aforesaid, he shall pay, in addition to the interest provided for by subsection seven of section seven of this Act, as enacted by section ten of chapter forty-nine of the statutes of 1920, interest at the rate of four per centum per annum, upon the said additional tax, from the expiry of the period of one month from the date of the mailing of the said notice to the date of payment."

Date of coming into force.

6. The provisions of this Act shall be deemed to have come into effect on the first day of July, 1920.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 222.

An Act to amend The Returned Soldiers' Insurance Act.

First reading, June 1, 1921.

The PRIME MINISTER.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

23568

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 222.

An Act to amend The Returned Soldiers' Insurance Act.

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

Provision respecting insurance and limits thereof amended.

1. Subsection one of section three of *The Returned Soldiers' Insurance Act*, chapter fifty-four of the statutes of 1920, is amended by striking out the words "domiciled and resident in Canada" in the second line and the words "so domiciled and resident" in the third line thereof.

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

Provision respecting payment amended.

"(2) The said payment shall, as to an amount not exceeding $1,000 be made on the death of the insured and the remainder, if any, or the portion thereof to which any beneficiary is entitled, shall at the option of the insured be payable as a life annuity, or as an annuity certain for five, ten, fifteen or twenty years, or as an annuity guaranteed for five, ten, fifteen or twenty years, and payable thereafter as long as the beneficiary may live."

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

Provision respecting beneficiaries when insured is unmarried amended.

"**6.** If the insured is an unmarried man, or a widower without children, the insurance contract shall be for the benefit of his future wife or of his future wife and children and the insured may apportion the insurance money among them as he deems fit; but, subject to section four of this Act, the insured may designate an alternative beneficiary, or beneficiaries, to whom the insurance money shall be paid in the event of his death unmarried, or a widower without children. If the insured at his death is still unmarried or a widower without children, and has not designated an alternative beneficiary or beneficiaries, the money shall, subject to sections four and eleven of this

Act, fall into and become part of the estate of the insured."

Provisions respecting death of a beneficiary during lifetime of insured amended.

4. Section nine of the said Act is amended as follows:—

(a) Subsection one is amended by the additon of the following:—

"Provided, however, that the insured may designate in such declaration a person or persons subject to section four of this Act, to whom such shares will be paid if at the time of his death he is unmarried, or a widower without children."

(b) Subsection three is amended by inserting the following words after the word "children" in the sixth line thereof:

"or if he is unmarried or a widower without children at the time of his death such other person or persons subject to section four of this Act, as he may designate."

(c) Subsection four is repealed and the following is substituted therefor:—

"(4) If the insured survives his wife and all his children, the insurance money shall, subject to section four of this Act, be payable to such other beneficiary or beneficiaries as he may designate. If he does not designate some other beneficiary the insurance money shall, subject to sections four and eleven of this Act, fall into and become part of the estate of the insured."

Provision respecting limit of benefits when death of insured due to war amended.

5. Section ten of the said Act is amended by inserting after the word "Act" in the second line thereof, the words "or the Pension Law of the United Kingdom, or of any of His Majesty's Dominions or of His Majesty's Government, or of any of His Majesty's Allies or Associated Powers in the Great War" and by the addition at the end thereof of the following proviso:

"Provided, however, that this section shall not operate when the beneficiary of the insurance is the wife of the the insured and a pension is awarded under *The Pension Act* to some other person or persons named in section four of this Act."

Commencement of Act.

6. This Act shall become effective on the first day of July, nineteen hundred and twenty-one and shall be retroactive to September first, nineteen hundred and twenty.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA

BILL 223.

An Act to amend The Pension Act.

First reading, June 1, 1921.

The PRIME MINISTER.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

23569

5th Session, 13th Parliament, 11-12 George V., 1921.

THE HOUSE OF COMMONS OF CANADA.

BILL 223.

An Act to amend The Pension Act.

1919, c. 43; 1920, c. 62.

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

Provision respecting rates of pension amended.

1. Section eleven of *The Pension Act*, chapter forty-three of the statutes of 1919, as enacted by chapter sixty-two of the statutes of 1920, is amended by adding at the end thereof the following words "as such".

Provision respecting support of parents amended.

2. Section twelve of the said Act as amended by said chapter sixty-two is amended by adding thereto the following words "prior to the coming into force of *The Pension Act.*"

3. Subsection six of section thirty-four of the said Act, as enacted by said chapter sixty-two, is amended by striking out the words "sons" and "son" in the second and fifth lines thereof and substituting therefor the words "children" and "child" respectively.

Provision respecting pension to widowed mother amended.

4. Subsection seven of section thirty-four of the said Act, as enacted by said chapter sixty-two, is amended by adding thereto the following words: "such income being considered to include the contributions from children residing with or away from her whether such contributions have actually been made or are deemed by the Commissioners to have been made."

Section giving additional allowance to widow and children repealed.

5. Section thirty-nine of the said Act is repealed.

6. The said Act is amended by adding thereto the following section immediately after section forty-seven B as enacted by said chapter sixty-two.

Pensions of or in respect of persons wounded or

"**47**c. The pensions which are now being paid to or in respect of members of Canadian Naval or Military Forces who were killed, had died or were disabled on active

killed while in training etc., increased while recipients reside in Canada.

service, during drill or training or on other military duty previous to the outbreak of the Great War, shall, during the continuance of the residence in Canada of the recipients of such pensions, hereafter be increased to the rates set forth in schedules A and B of this Act."

New schedules enacted.

7. Schedules A and B of the said Act are repealed and the schedules A and B to this Act are substituted therefor.

All cases affected by this Act to be reviewed.

8. All cases affected by this Act shall be reviewed and future payments shall be made at the rates and in accordance with the provisions set forth herein: Provided that when death or disability has occurred previous to the coming into force of this Act, the provisions of this Act shall not operate to remove from any applicant for pension any rights which he had in virtue of *The Pension Act.*

Commencement of Act.

9. This Act shall come into force on the first day of September, 1921.

SCHEDULE

SCALE OF PENSIONS

PERCENTAGE OF DISABILITY—CLASS

Rank or Rating of Member of Forces.	Rate per Annum.	Class 1 Total 100%	Class 2 — 99%-95%	Class 3 — 94%-90%	Class 4 — 89%-85%	Class 5 — 84%-80%	Class 6 — 79%-75%	Class 7 — 74%-70%	Class 8 — 69%-65%
		$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
All Ratings below Petty Officer (Naval); Rank and File (Military)....	Pension....	600 00	570 00	540 00	510 00	480 00	450 00	420 00	390 00
	Bonus.....	300 00	285 00	270 00	255 00	240 00	225 00	210 00	195 00
Chief Petty Officer and Petty Officer (Naval); Squad. Battery or Company Sergt.-Major and Q.M. Sergeant (Military); Sergeant, including Staff Sergt. and Colour-Sergt. (Military).....	Pension....	637 50	605 63	573 75	541 88	510 00	478 13	446 25	414 38
	Bonus.....	262 50	249 37	236 25	223 12	210 00	196 87	183 75	170 62
Naval Cadet and Midshipman (Naval); Master Gunner not W.O. (Military); Regimental Sergt. Major not W.O. (Military); Regimental Q.M. Sergt (Military).	Pension....	775 00	736 25	697 50	658 75	620 00	581 25	542 50	503 75
	Bonus	125 00	118 75	112 50	106 25	100 00	92 75	87 50	81 25
Warrant Officer and Chief Warrant Officer (Naval); Warrant Officer (Military).....	Pension....	850 00	807 50	765 00	722 50	680 00	637 50	595 00	552 50
	Bonus.....	50 00	47 50	45 00	42 50	40 00	37 50	35 00	32 50
Sub-Lieutenant (Naval); Lieutenant (Military).	Pension....	900 00	855 00	810 00	765 00	720 00	675 00	630 00	585 00
Lieutenant (Naval); Captain (Military).....	"	1,000 00	950 00	900 00	850 00	800 00	750 00	700 00	650 00
Lieutenant Commander (Naval); Major (Military).....	"	1,260 00	1,197 00	1,134 00	1,071 00	1,008 00	945 00	882 00	819 00
Commander and Captain under three years' seniority (Naval); Lieutenant-Colonel (Military).....	"	1,560 00	1,482 00	1,404 00	1,326 00	1,248 00	1,170 00	1,092 00	1,014 00
Captain (Naval); Colonel (Military).....	"	1,890 00	1,795 50	1,701 00	1,606 50	1,512 00	1,417 50	1,323 00	1,228 50
Commodore and higher ranks (Naval); Brigadier-General and higher ranks (Military)....	"	2,700 00	2,565 00	2,430 00	2,295 00	2,160 00	2,025 00	1,890 00	1,755 00
Above Ranks.....	Additional pension for Married members of the Forces.....	300 00	285 00	270 00	255 00	240 00	225 00	210 00	195 00
Additional pension for children for above ranks.....	First child.	180 00	171 00	162 00	153 00	144 00	135 00	126 00	117 00
	Second child.....	144 00	138 00	132 00	126 00	120 00	114 00	108 00	102 00
	Subsequent children..	120 00	114 00	108 00	102 00	96 00	90 00	84 00	78 00

The bonus payments set forth in this Schedule shall be paid during the year commencing the first day of September, 1921.

Members of the forces who are, at the time of retirement or discharge, or who later become disabled to an extent Schedule. The amount of such final payment in cases of disability between five and nine per cent shall not exceed and shall be determined in accordance with the extent of the disability and its probable duration. Members of the forces permanently disabled between five and nine per cent shall receive three hundred dollars. If an election has becomes greater in extent, in which case the pension shall be adjusted for the past period in accordance with the extent to accept a final payment the consent of his wife must be secured. All payments of pension made subsequent to the ment.

A

FOR DISABILITIES.

AND ANNUAL AMOUNT OF PENSIONS.

Class 9	Class 10	Class 11	Class 12	Class 13	Class 14	Class 15	Class 16	Class 17	Class 18	Class 19	Class 20
64%–60%	59%–55%	54%–50%	49%–45%	44%–40%	39%–35%	34%–30%	29%–25%	24%–20%	19%–15%	14%–10%	9%–5%
$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
360 00	330 00	300 00	270 00	240 00	210 00	180 00	150 00	120 00	90 00	60 00	30 00
180 00	165 00	150 00	135 00	120 00	105 00	90 00	75 00	60 00	45 00	30 00	15 00
382 50	350 63	318 75	286 88	255 00	223 13	191 25	159 38	127 50	95 63	63 75	31 88
157 50	144 37	131 25	118 12	105 00	91 87	78 75	65 62	52 50	39 37	26 25	13 12
465 00	426 25	387 50	348 75	310 00	271 25	232 50	193 75	155 00	116 25	77 50	38 75
75 00	68 75	62 50	56 25	50 00	43 75	37 50	31 25	25 00	18 75	12 50	6 25
510 00	467 50	425 00	382 50	340 00	297 50	255 00	212 50	170 00	127 50	85 00	42 50
30 00	27 50	25 00	22 50	20 00	17 50	15 00	12 50	10 00	7 50	5 00	2 50
540 00	495 00	450 00	405 00	360 00	315 00	270 00	225 00	180 00	135 00	90 00	45 00
600 00	550 00	500 00	450 00	400 00	350 00	300 00	250 00	200 00	150 00	100 00	50 00
756 00	693 00	630 00	567 00	504 00	441 00	378 00	315 00	252 00	189 00	126 00	63 00
936 00	858 00	780 00	702 00	624 00	546 00	468 00	390 00	312 00	234 00	156 00	78 00
1,184 00	1,039 50	945 00	850 50	756 00	661 50	567 00	472 50	378 00	283 50	189 00	94 50
1,620 00	1,485,00	1,350 00	1,215 00	1,080 00	945 00	810 00	675 00	540 00	405 00	270 00	135 00
180 00	165 00	150 00	135 00	120 00	105 00	90 00	75 00	60 00	45 00	30 00	15 00
108 00	99 00	90 00	81 00	72 00	63 00	54 00	45 00	36 00	27 00	18 00	9 00
96 00	90 00	84 00	78 00	72 00	63 00	54 00	45 00	36 00	27 00	18 00	9 00
72 00	66 00	60 00	54 00	48 00	42 00	36 00	30 00	24 00	18 00	12 00	6 00

Members of the forces permanently disabled to a less extent than five per cent shall be entitled to a final payment not exceeding $100.

of between five and fourteen per cent may elect to accept a final payment in lieu of the pensions set forth in this three hundred dollars and in cases of disability between ten and fourteen per cent shall not exceed six hundred dollars forces permanently disabled between ten and fourteen per cent shall receive six hundred dollars. Members of the been made to accept a final payment such election is final unless the disability of the member of the forces concerned of the disability and the amount paid as a final payment shall be deducted. If a married pensioner desires to elect time at which an award of fourteen per cent or under is made shall be deducted from the amount of the final pay-

SCHEDULE B.

SCALE OF PENSIONS FOR DEATHS.

Rank or Rating of Member of Forces.	Rate per Annum.		
	Widow or Dependent Parents.	Child or Dependent Brother or Sister.	Orphan Child or Orphan Brother or Sister.
	$ cts.	$ cts.	$ cts.
All ratings below Petty Officer (Naval); Rank and file (Military)	* 480 00	.....	.....
Bonus.	* 240 00		
Chief Petty Officer and Petty Officer (Naval); Squad., Battery or Company Sergt.-Major and Q.M. Sergeant (Military); Sergt., including Staff-Sergt. and Colour-Sergt. (Military)	* 510 00	.....	.....
Bonus.	* 210 00	.....	.....
Naval Cadet and Midshipman (Naval); Master Gunner not W.O. (Military); Regimental Sergt.-Major not W. O. (Military); Regimental Q.M. Sergeant (Military);	* 620 00	.....	.....
Bonus.	100 00	.....	.....
Warrant Officer and Chief Warrant Officer (Naval); Warrant Officer (Military)	* 680 00	.....	.....
Bonus.	40 00	.....	.....
Sub-Lieutenant (Naval); Lieutenant (Military)	* 720 00	.....	.....
Lieutenant (Naval); Captain (Military)	* 800 00	.....	.....
Lieutenant Commander (Naval); Major (Military)	* 1,008 00	.....	.....
Commander and Captain under three years' seniority (Naval); Lieutenant-Colonel (Military)	* 1,248 00	.....	.....
Captain (Naval) Colonel (Military)	* 1,512 00	.....	.....
Commodore and higher ranks (Naval) Brigadier-General and higher ranks (Military)	* 2,160 00	.....	.....
Additional pension for children or dependent brothers or sisters for above ranks	First.....	* 180 00	* 360 00
	Second.....	* 144 00	* 288 00
	Subsequent	* 120 00	* 240 00

*Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act.

The bonus payments set forth in this Schedule shall be paid during the year commencing the first day of September, 1921.

Fifth Session, Thirteenth Parliament, 11-12 George V, 1921.

THE SENATE OF CANADA.

BILL A.

An Act to amend The Dominion Elections Act.

Read a first time, Monday, 14th February, 1921.

The Honourable Sir JAMES LOUGHEED, K.C.M.G.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

16735

5th Session, 13th Parliament, 11-12 George V, 1921.

THE SENATE OF CANADA.

BILL A.

An Act to amend The Dominion Elections Act.

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

1920, c. 46.

1. The *Dominion Elections Act* is amended by adding to section 101 thereof the following subsection:—

Ontario: Canada Temperance Act Vote. R.S., c. 152.

"(4) For the purpose of the vote on a question submitted under the *Canada Temperance Act* directed by His Majesty's Proclamation dated the fourth day of June, 1920, to be taken in the province of Ontario on the eighteenth day of April, 1921, the following provisions shall have effect:—

Lists of voters.

"*(a)* Subject as hereinafter provided, the voters lists shall be the lists of voters as finally revised and completed for the last election of a member to serve in the Legislative Assembly of the Province of Ontario, either at the general election held in the month of October, 1919, or, if a by-election has been held since the said general election and before this section comes into force, then at such by-election.

Revision.

"*(b)* The said lists shall, subject to section 63 of this Act, be used in rural polling divisions without revision, but in urban polling divisions shall be revised as directed by Rules 11 to 20 inclusive of Schedule A to section 32 as if they were lists prepared by registrars, subject as follows:

"(i) The returning officer shall obtain from the legal custodian of the provincial lists for urban polling divisions two copies thereof, and if such legal custodian cannot supply to others on their demand at least two additional copies of any portion or portions of such lists, the returning officer shall cause two additional copies of such portion or portions to be prepared, and shall at all reasonable times permit the same to be inspected at his office and extracts to be taken therefrom.

"(ii) The revising officer shall not be required to prepare copies of the lists as revised by him, but shall, not later than the twelfth day before polling day, deliver or mail to the returning officer two copies of a statement of the additions to and changes in the provincial lists made by him, and shall deliver or send to each deputy returning officer as required by Rule 20 of Schedule A to section 32, one duly certified complete list for his polling division, such list being the provincial list corrected and initialled as required by Rule 15 of the said Schedule, and an additional list of the names added thereto upon the revision.

Transfer certificates and certificates to vote at advance polls.

"*(c)* Certificates to deputy returning officers, poll clerks and agents in Form 28 in Schedule 1 to this Act and certificates to electors entitled to vote at advance polls in Form 53 in the said Schedule, the said forms being varied as the case requires, shall be issuable by the returning officer.

Residence qualification.

"*(d)* Notwithstanding the provisions of paragraph *(c)* of subsection 1 of section 29, every person otherwise qualified to vote and not disqualified from voting shall be entitled to vote if he has ordinarily resided in Canada for twelve months and in the province of Ontario for two months before the first day of February, 1921.

Opening and closing of polls.

"*(e)* Polls in urban polling divisions shall be opened at eight o'clock in the forenoon and shall remain open until six o'clock in the afternoon."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL A6. 216

An Act respecting the Lake of the Woods and other Waters.

Read a first time, Monday, 23rd May, 1921.

The Honourable Sir James Lougheed, K.C.M.G.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

23291

5th Session, 13th Parliament, 11-12 George V, 1921

THE SENATE OF CANADA.

BILL A6.

An Act respecting the Lake of the Woods and other Waters.

NOTE : *Clause 8, in italics, does not form part of the Bill. It has been printed for information only and will be struck out at the Third Reading of the Bill, the intention being that it shall originate in the House of Commons.*

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 Lake of the Woods Regulation Act, 1921.*

Declaration that certain works are for the general advantage of Canada.

2. All dams, structures and other works of whatsoever description which have heretofore been or may hereafter be constructed in, upon, over, about or across—

(*a*) any outlet of the Lake of the Woods,

(*b*) the Winnipeg River at or above its junction with English River, or

(*c*) English River at the outlet of and below Lac Seul,

which do or may or can in anywise control, regulate or affect the outflow of water from the said lakes, or either of them, or the natural levels of the water in the said lakes, or either of them, at any time, or the natural flow of the water in the Winnipeg River or in English River, at any time, are and each of them is declared to be for the general advantage of Canada.

Regulations.

3. (1) The Governor in Council shall have power to made and enforce such regulations as he may from time to time consider necessary, advisable or expedient to require, prescribe and ensure that the aforesaid works and each of them shall at all times be constructed, maintained, improved, repaired and operated in such manner as—

Winnipeg River and English River, flow and use.

(*a*) to secure at all times the most dependable flow and the most advantageous and beneficial use of the waters of the Winnipeg River and of the English River severally;

Lake of the Woods, outflow and level.

Elevations.

Treaty obligations.

(*b*) to regulate and control the outflow of the waters of the Lake of the Woods so as to maintain the level of the said lake between the elevations recommended by the report of the International Joint Commission of 12th June, 1917, or between such elevations as may be agreed upon by the United States and Canada, and so that the obligations, relating to the level of the Lake of the Woods, of Canada, or of any of the Provinces of Canada, as part of the British Empire, towards the United States, arising out of treaty made or to be made between the Empire and the United States, may be duly performed;

Lac Seul, outflow and level.

(*c*) to regulate and control the outflow of the waters of Lac Seul so as to maintain the level of the lake between such elevations as the Governor in Council may from time to time by regulation require;

Penalties, by regulations.

(2) The Governor in Council may by the aforesaid regulations prescribe penalties of fine or imprisonment, or both, for any contravention thereof or for any failure, neglect or refusal to obey or comply with any of the requirements thereof, for which penalties are not provided by either of the two next following sections: Provided that any penalties to be so prescribed shall not exceed five hundred dollars and two months' imprisonment for any one offence.

Limitation.

Publication.

(3) Any regulations made by the Governor in Council under authority of this Act shall be published in *The Canada Gazette*, and shall from the date of such publication have the force and effect of law as if herein enacted.

Penalties for contravention of regulations or disobedience of orders.

4. Any person who owns, controls, or has in possession any of the dams, structures or works aforesaid, or who directs the construction, operation, repair, alteration or management thereof, shall if he contravene or fail, neglect or refuse to obey or comply with any of the regulations aforesaid, or any order, direction or requirement competently made or issued and communicated to him thereunder,

For individual.

be guilty of an offence and liable therefor, upon summary conviction, to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment: Provided that if

For corporation.

the offender be a body corporate the fine may be for a sum not exceeding five thousand dollars; and moreover, in either case, the offender shall be liable to a further penalty, not exceeding in the case of an individual five hundred

Continuing offence.

dollars, and in the case of a body corporate two thousand dollars, for each day upon or during which any such offence shall continue or be repeated.

Penalties for wilful resistance, etc., of regulations.

5. Any person who wilfully resists, obstructs, hinders, or prevents, or attempts wilfully to resist, obstruct, hinder or prevent the carrying out or enforcement of any such regulation, shall be liable, upon summary conviction, to a

fine not exceeding one thousand dollars, and to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and shall also be liable to a further penalty not exceeding five hundred dollars for each day upon or during which any such offence shall continue or be repeated.

Continuing offence.

Enforcement by Exchequer Court of Canada.

6. Moreover the Exchequer Court of Canada shall have jurisdiction to enforce compliance with this Act, or with any regulation made thereunder, by appropriate judgment or order in any action brought upon information of the Attorney General of Canada against any person or body corporate from whom compliance is due, or who is charged with the obligation to comply, or who is by this Act or any such regulation made subject to a penalty for non-compliance.

Appointment of officers, etc.

7. The Governor in Council shall have power to appoint a Board consisting of four members, of whom three shall form a quorum, and such inspectors and other officers and employees as he may deem necessary or advisable to aid in the administration and for the purpose of enforcing the provisions of this Act and any regulations made thereunder.

Right of entry for inspection of works.

(2) Any such inspector or other officer when thereunto authorized by the regulations aforesaid, or by order of the Governor in Council, may enter upon any of the dams, structures or other works aforesaid, or upon any land, works or plant used, constructed, installed or operated in connection therewith, and make such observations and measurements, and do all such acts and things as may be necessary or advisable for the purpose of ascertaining whether the requirements of the aforesaid regulations have been or are being duly complied with and observed.

Penalties for resistance.

(3) Every person who resists, obstructs, hinders or prevents any such Board or any member thereof or inspector or officer in the execution of his powers or in the performance of his duties, whether under the last preceding subsection or otherwise, shall incur the penalties prescribed in section five of this Act, recoverable in the like manner.

Expense of administration.

8. *The expense of administering this Act and the regulations made thereunder may be paid out of any unappropriated moneys of Canada.*

Operation of this Act as respects existing works.

9. Nothing in this Act shall be deemed to legalize or to recognize any right to maintain or the legality of any dam, structure or other work heretofore constructed, or within the description of the works to which the regulating power of the Governor in Council by this Act extends; and, notwithstanding this Act or anything herein or in any regulation hereunder contained, any dam, work or other

R.S., 1906, c. 115.

Abatement, etc.

Proviso.

Approval of works on outlets of Lake of the Woods.

structure to which this Act applies and for which approval of the Governor in Council was requisite under the *Navigable Waters Protection Act*, and which has not been so approved, may under the authority of the latter Act, or otherwise as by law provided, be abated, removed or destroyed as if this Act had not been passed: Provided that notwithstanding anything contained in the *Navigable Waters Protection Act* any dam, work or other structure heretofore constructed in, upon, over, about or across any outlet of the Lake of the Woods and which has not been approved by the Governor in Council under the latter Act may be so approved within three years after the coming into force of this Act, if upon compliance with the conditions for approval prescribed by the *Navigable Waters Protection Act* the Governor in Council sees fit to approve the same; but no application for approval shall be entertained unless submitted by the proprietors in the manner provided by the last mentioned Act within twelve months after the coming into force of this Act.

Provision for repeal by Governor in Council if Ontario passes legislation referred to in the previous Act of this Session.

10. If the necessary legislation of Ontario referred to in the preamble of *The Lake of the Woods Control Board Act, 1921*, be enacted by the legislature, the Governor in Council may, by proclamation published in *The Canada Gazette*, repeal or suspend this Act and the regulations made thereunder at any time when or after *The Lake of the Woods Control Board Act, 1921* shall come into force: Provided that notwithstanding any repeal or suspension of this Act in the manner provided by this section the works and each of them hereby declared to be for the general advantage of Canada shall remain and continue to be works for the general advantage of Canada.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL B. 18

An Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate Punishments.

Read a first time, Wednesday, 16th February, 1921.

Honourable Mr. McMEANS.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
17883 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL B.

An Act to amend the Criminal Code so as to provide for the revision of excessive or inadequate Punishments.

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 one hundred and forty-six of the Revised Statutes, 1906, is hereby amended by inserting therein, immediately after section 1055, the following section:—

Revision of sentences for indictable offences.

1055A. (1) When an offender has been convicted of an indictable offence other than one punishable with death, a judge of the court of appeal for the province in which the conviction was had may direct that application may be made to that court for a revision of the sentence passed.

Powers of court of appeal.

(2) Upon any application so made the court of appeal shall consider the fitness of the sentence passed and may upon such evidence, if any, as it thinks fit to require or receive—

Refusal.

(a) refuse to alter that sentence; or

Diminution or increase of sentence.

(b) diminish or increase the punishment imposed thereby, but always so that the diminution or increase be within the limits of the punishment prescribed by law for the punishment of the offence of which the offender has been convicted; or

Modification.

(c) otherwise, but within such limits, modify the punishment imposed by the sentence.

Effect of judgment.

(3) A judgment whereby the court of appeal so diminishes, increases or modifies the punishment of an offender, shall have the same force and effect as if it were a sentence which might have been passed upon the offender by the court before which he was tried.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL C.

An Act to amend The Gold and Silver Marking Act.

Read a first time, Tuesday, 22nd February, 1921.

Honourable Mr. LYNCH-STAUNTON.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

5th Session, 13th Parliament, 11-12 George V, 1921

THE SENATE OF CANADA.

BILL C.

An Act to amend The Gold and Silver Marking Act.

1913, c. 19.
1915, c. 15.
1918, c. 23.

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

Addition to permissive marks on Gold Plated and Silver Plated articles.

1. Section ten of chapter nineteen of the statutes of 1913 is hereby amended by adding to subsection four thereof the following paragraph:—

"(*d*) a mark indicating truly and correctly the fineness of the gold and of the silver in the article and the proportion of each to the gross weight, at the time the article is sold or delivered by the maker."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL C3. 124

An Act respecting The Montreal Central Terminal Company.

Read a first time, Tuesday, 19th April, 1921.

Honourable Mr. CHAPAIS.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLEN
1921

20192

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL C3.

An Act respecting The Montreal Central Terminal Company.

1890, c. 93;
1891, c. 106;
1894, c. 63;
1897, c. 67;
1905, c. 127;
1909, c. 120;
1912, c. 121;
1917, c. 56.

WHEREAS The Montreal Central Terminal Company 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:—

Extension of time for construction.

1. The Montreal Central Terminal Company may, within five years after the passing of this Act, complete the works mentioned in chapter one hundred and nine of the statutes of 1909, and if, within the said period, the said works are not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said works as then remains uncompleted.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL D.

An Act respecting The Lake of the Woods Control Board

Read a first time, Tuesday, 1st March, 1921.

The Honourable Sir JAMES LOUGHEED, K.C.M.G.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

18874

5th Session, 13th Parliament, 11-12 George V, 1921

THE SENATE OF CANADA

BILL D.

An Act respecting The Lake of the Woods Control Board.

Preamble.

WHEREAS it has been agreed by and between the Government of the Dominion of Canada and the Government of the Province of Ontario that the powers hereinafter mentioned shall be vested in a Board consisting of four members, two to be appointed by the Governor General in Council and two by the Lieutenant Governor in Council and that the necessary legislation to authorize the same shall be enacted by the Parliament of Canada and the Legislature of Ontario respectively: 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 Lake of the Woods Control Board Act, 1921.*

Creation of Board.

2. There shall be a Board to be called "The Lake of the Woods Control Board", which shall consist of four members, who shall be duly qualified engineers, two of whom shall be appointed by the Governor General in Council and two of whom shall be appointed by the Lieutenant Governor of Ontario in Council, and each of the persons so appointed shall hold office during the pleasure of the Governor General in Council or of the Lieutenant Governor in Council, respectively, and any vacancy on the said Board shall be filled by the Governor General in Council or by the Lieutenant Governor in Council, according as the previous appointment to such position was made by the Governor General in Council or the Lieutenant Governor in Council.

Members, appointment and tenure of office.

Vacancies.

Purposes.

3. It shall be the duty of the Board to secure at all tines the most dependable flow and the most advantageous and beneficial use of,—

(a) the waters of the Winnipeg river; and

(b) the waters of the English river, and

Powers.

for these purposes the Board shall have power—

As to Lake of the Woods.

(a) to regulate and control the outflow of the waters of the Lake of the Woods so as to maintain the level of the Lake between the elevations that have been recommended by the International Joint Commission in their final report of the 12th June, 1917, or between such elevations as may be agreed upon by the United States and Canada;

As to Lac Seul.

(b) to regulate and control the outflow of the waters of Lac Seul so as to maintain the level of the Lake between such elevations as the Board may from time to time recommend and which shall be approved by the Governor General in Council and the Lieutenant Governor in Council;

As to Winnipeg River and English River.

(c) to regulate and control the flow of the waters of the Winnipeg river between its junction with the English river and the Lake of the Woods, and also the flow of the water in the English river between its junction with the Winnipeg river and Lac Seul;

As to other waters.

(d) to regulate and control the level and flow of such other waters of the watershed of the Winnipeg river as the Governor General in Council and the Lieutenant Governor in Council may both agree to place under the jurisdiction of the said Board.

Penalties for contravening Board's orders.

4. In addition to any other legal or other proceedings that may be taken to enforce any order of the said Board, every person violating or refusing to obey any order of the said Board, or obstructing or preventing the carrying out and enforcement of any order made by the said Board shall be liable, upon summary conviction, to a fine not exceeding one thousand dollars, or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment, and shall also be liable to a further penalty not exceeding five hundred dollars for each day on or during which any such offence continues or is repeated.

General powers.

5. The said Board shall have all the powers necessary for effectively carrying out the authority and control vested in it by this Act and by any Act passed by the Legislature of the Province of Ontario, and any order made by the said Board may be made a rule, order or decree of the Exchequer Court of Canada or of the Supreme Court of Ontario, and shall be enforced in the same manner as any rule, order or decree may be enforced in the Court in which such proceeding is taken.

Enforcement of orders by rules of court.

Enforcement of orders by taking possession of property.

6. (1) When any person or corporation neglects or refuses to obey or carry out any order of the Board, the Board in addition to any other remedy provided by this Act, may from time to time enter upon and take such com-

plete or partial possession of any mill, dam, plant, works, machinery, land, waters or premises, and may do all such acts and things, as the Board may deem necessary for the due enforcement and carrying out of such order, and may retain possession and control of any such mill, dam, plant, works, machinery, land, waters or premises for such period as the Board may deem necessary for that purpose.

Recovery of expenses.

(2) All expenses incurred by the Board under subsection (1) of this section shall constitute a debt due from such person or corporation to the Board and shall be recoverable by the Board with costs in any court of competent jurisdiction.

Appointment of officers.

7. (1) The Board shall have power to appoint such inspectors and other officers or employees as the Board may deem necessary for the purposes of this Act.

Entrance upon property for survey.

(2) Any inspector or other officer when so authorized by the Board, may enter upon any land, works or plant constructed or installed upon any of the waters mentioned in section three, or in or by which any such waters are used or diverted, and take all such measurements and do all such acts and things as may be necessary for the information of the Board as to the use or diversion of such waters by the person or corporation owning or controlling such land, works or plant.

Penalty for obstruction.

(3) Every person who hinders or obstructs any such inspector or officer in the performance of his duties under subsection (1) of this section shall incur the penalties mentioned in section four.

Immunity from actions.

8. The Board and the members thereof, and its officers and employees, shall not be liable to any action for acts done by them or any of them under the authority of this Act.

Mode of payment of Board's expenses and remuneration.

9. The expenses of the Board, including the remuneration of the members of the Board, shall be paid out of such funds as may be appropriated by the Parliament of Canada and the Legislature of Ontario respectively for paying expenses incurred for the purposes of this Act in such proportions as the Governor General in Council and the Lieutenant Governor in Council may agree.

Regulations.

10. (1) The Governor General in Council and the Lieutenant Governor in Council may make such regulations, including provisions as to what shall constitute a quorum of the Board and how orders of the Board shall be signed as they may agree to be necessary for carrying out the provisions of this Act.

Publication.

(2) All regulations made hereunder shall be published in *The Canada Gazette*.

Date of operation.

11. This Act shall come into force on a day to be named by the Governor General by his Proclamation.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL E[3].

An Act to amend The Criminal Code.

Read a first time, Tuesday, 19th April, 1921.

Honourable Mr. LYNCH-STAUNTON.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21459

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL E3.

An Act to amend The Criminal Code.

R.S., 1906, c. 146.

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

Substitution of new forms in certain cases.

New form inserted.

1. Part XXV of *The Criminal Code* is hereby amended by substituting for the forms therein numbered 17, 22, and 44, the shorter forms in the schedule hereto bearing the same numbers respectively, and by inserting in the said Part as Form 42A, the form also in said schedule hereto of a warrant of commitment to gaol when no money penalty is imposed.

2. *The Criminal Code* is further amended by adding thereto the following sections:—

Remand warrants.

"**1153.** When several persons are remanded on the same day to the same gaol the magistrate or justice so remanding them may include them all in one and the same warrant.

Seals.

"**1154.** After the passing of this Act it shall not be necessary to affix any seal to any summons, warrant or any other form used under *The Criminal Code*."

SCHEDULE.

(Section 679.)

FORM 17.

Remand for Prisoner.

Canada. Province of..... County of..... City of..... To Wit:	To all or any of the Constables or other Peace Officers in the said ..... or County and the Keeper of the Common Gaol of the..... of.....in the said County.

You are hereby commanded forthwith to convey to the said Common Gaol the person or persons this day charged before me and remanded as in the following schedule set forth.

Person charged.	Offence.	Remanded to
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

And you the said keeper are hereby commanded to receive the said person or persons into your custody in said gaol to be there safely kept until the day when his or her remand shall expire as aforesaid and then to have such person or persons at the Police Court in the said City at ..... o'clock in the forenoon of the said day, unless you shall be otherwise ordered in the meantime.

Given under my hand this.....day of..... A.D. 19... at the.....of.....aforesaid.

(.....) of the (.....) of.....

(Section 690.)

FORM 22.

Commitment for Trial.

Canada.
Province of.....
(.....) of ....
County of.....
To Wit:

To all or any of the Constables or other Peace Officers of the ..... of.....and to the Keeper of the Common Gaol of the ..... of.....

Whereas.....was this day charged before me with having on the.....day of .....19..., at....., in the County aforesaid, unlawfully.....
.....
.....
.....

And whereas on a preliminary examination on said charge the said accused was this day committed by me to be tried by a superior court.

These are therefore to command you the said Constables or Peace Officers to take the said accused and h.... safely convey to the Common Gaol of the City of..... aforesaid and there deliver h.... to the Keeper thereof, with this precept. And I do hereby command you the Keeper of the said Common Gaol to receive the said accused into your custody, in the said Common Gaol, and there safely keep h.... until he shall be thence delivered by due course of law.

Given under my hand this.....day of..... 19...

(.....) in and for the said (.....)

FORM 42A.

Warrant of Commitment to Gaol without Money Penalty.

Canada. Province of..... City of..... County of..... To Wit:	To the Chief Constable or other Police Officers of the said ..... of.....and to any Constable in and for the said County of ..... and to the Keeper of the Common Gaol of the..... of.....at.....aforesaid and to the Warden of the Central Prison at the City of Toronto; Superintendent of the Andrew Mercer Ontario Reformatory for Females and the Warden of the Provincial Penitentiary at the city of Kingston.

Whereas.....late of..... aforesaid was on this day of.....A.D. 19.., after consenting and electing to my deciding upon the said charge summarily convicted before me for having at..... in the County aforesaid on the.....day of..... 19....

.....

.....

.....

.....

And it was thereby further adjudged that the said convicted person for h.... said offence should be imprisoned in the....., and there kept at hard labour for the space of.....

These are therefore to command you the said Chief Constable or other Peace Officers or Constables, or any one

of you, to take the said convicted person and to safely convey h.... to the said....., there to deliver him to the.....thereof together with this precept. And I do hereby command you the said..... of the said.....to receive the said convicted person in your custody in the said.....there to imprison h.... and keep h.... at hard labour for the space of.....and for your so doing this shall be your sufficient warrant.
Given under my hand this.....day of.....
in the year of our Lord one thousand nine hundred and....

(.....) of the (.....) of (.....)

Section (741)

FORM 44.

Commitment Fine (Want of Distress.)

Canada. Province of..... County of..... City of..... To Wit:	To All or any of the Constables and other Peace Officers in the said City or County and to the Keeper of the Common Gaol of said City or County.

Whereas.....of.....was this day convicted before me for having on the.....day of.....at.....aforesaid unlawfully.....
.....
.....
.....

And it was adjudged that the said convicted person should for the said offence, forfeit and pay the sum of ..... dollars and the complainant's costs in that behalf; and further that in default of payment of the said sum and costs and of sufficient distress and sale of the goods and chattels of the said convicted person that he should be imprisoned in the said gaol for the term of.....

Now therefore you the said Constables are hereby commanded to take the said convicted person to the said Common Gaol and deliver h.... to the Keeper thereof. And you the said Keeper are hereby commanded to receive the said convicted person into your custody in the said gaol there to imprison him and keep him at hard labour for the term of.....unless in the meantime the amount of the said penalty and all costs, according to the memorandum endorsed hereon are fully paid.

Given under my hand at.....aforesaid, this .....day of.....A.D. 19.....

(.....) for the said (.....) of....

Endorsement.

Fine, ...$
Court fees.....
Constables' costs.....
Costs of distress.....
Conveying to gaol.....

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL F.

An Act to amend the Post Office Act.

Read a first time, Tuesday, 8th March, 1921.

Honourable Mr. BLONDIN.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

19279

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL F.

R.S., c. 66. 1907, c. 34; 1908, c. 53; 1909, cc. 29, 30; 1910, c. 47; 1911, cc. 19, 20; 1912, c. 41; 1913, cc. 35, 38; 1919, c. 65; 1920, c. 64.

An Act to amend the Post Office Act.

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

Insuring mail matter. (Limit of $25.00 omitted).

1. Paragraph *(v)* of subsection one of section nine of the Post Office Act, chapter sixty-six of *The Revised Statutes*, 1906, is repealed and the following is substituted therefor:—

"*(v)* establish a system providing for insurance against loss of mailable matter, and fix an insurance fee, or a scale of insurance fees, to be prepaid in respect of such mailable matter, and from time to time make such regulations as he deems necessary for the carrying out of such system."

Letters posted unpaid or underpaid to go forward charged with double postage. (Now letters unpaid are not forwarded).

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

"(2) Letters addressed to any place in Canada on which the postage has not been prepaid or not sufficiently prepaid by the sender shall be forwarded to their destination charged with double the amount of the postage thereon not so prepaid, which amount shall be collected on delivery."

Obligations of ferrymen. (Exchequer Court substituted for arbitrators).

3. Section eighty-eight of the said Act is repealed and the following is substituted therefor:—

"**88.** Every ferryman shall, upon request and without delay, convey over his ferry any courier or other person travelling with the mail, and the carriage and horse or horses or other vehicle employed in carrying the same; and the sum to be paid for such service may be fixed by contract; or if any ferryman demands more than the post office authorities or the contractor for carrying the mail are willing to pay, the amount to be paid shall be fixed by the Exchequer Court of Canada."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL F4.

An Act to repeal The Conservation Act and Amendments.

Read a first time, 4th day of May, 1921.

The Honourable Sir JAMES LOUGHEED, K.C.M.G.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22347

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL F4.

An Act to repeal The Conservation Act and Amendments.

1909, c. 27; 1910, c. 42; 1913, c. 12.

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

Repeal.

1. *The Conservation Act*, chapter twenty-seven of the statutes of 1909, and all amendments thereto, are hereby repealed.

Provision for carrying on Commission's work.

2. The Governor in Council may, notwithstanding anything in *The Civil Service Act, 1918*, or any other statute, make such orders and regulations as he may deem necessary or advisable for the carrying on and completion of the work of The Commission of Conservation by other departments of the Government and for the absorption by such other departments of such officers, clerks and employees of the Commission as they may respectively require.

Officers, clerks, etc.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL H.

An Act respecting The Quebec, Montreal and Southern Railway Company.

Read a first time, Wednesday, 9th March, 1921.

Honourable Mr. BÉIQUE.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

17884

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL H.

An Act respecting The Quebec, Montreal and Southern Railway Company.

1906, c. 150.
1911, c. 132.
1916, c. 49.

WHEREAS The Quebec, Montreal and Southern Railway Company 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:—

Extension of time for construction.

1. The Quebec, Montreal and Southern Railway Company may complete the construction of the railways authorized by sections eight and nine of chapter one hundred and fifty of the statutes of 1906, and put them in operation within five years after the passing of this Act; and if the said railways are not so completed and put in operation within the said period, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL I[4].

An Act respecting The Central Railway Company of Canada.

Read a first time, Wednesday, 4th May, 1921.

Honourable Mr. WHITE
(Inkerman).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21724

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL I4.

An Act respecting The Central Railway Company of Canada.

1903, c. 172; 1904, c. 112; 1905, c. 79; 1906, c. 79; 1909, c. 72; 1914, c. 83; 1919, c. 82.

WHEREAS The Central Railway Company of Canada 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:—

Extension of time for completion.

1. Subject to the provisions of section three of chapter eighty-three of the statutes of 1914, The Central Railway Company of Canada or the purchaser thereof in the proceedings now pending in the Exchequer Court of Canada, may complete within five years from the passing of this Act the uncompleted portions of the railway authorized by chapter one hundred and seventy-two of the statutes of 1903 and by the Acts amending the same, between South Indian and Hawkesbury, and between St. Andrews and Ste. Agathe; and if twenty miles of the uncompleted portions of the said railway are not completed and put in operation within two years after the passing of this Act, and if the Company fails to construct and complete to the satisfaction of the Minister of Railways and Canals not less than twenty miles of the said railway during each year thereafter until the whole of the said railway is completed and put in operation within the said period of five years, the powers granted to the said Company by Parliament shall cease and be null and void with respect to such portion of the said railway as then remains uncompleted.

Twenty miles to be completed within two years, and in each year thereafter.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL M[3].

An Act to amend certain provisions of the Criminal Code respecting the possession of Weapons.

Read a first time, Friday, 22nd April, 1921.

Honourable Mr. BELCOURT.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21539

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL M3.

An Act to amend certain provisions of the Criminal Code respecting the possession of Weapons.

R.S., c. 146. 1913, c. 13; 1919(1st Sess.) c. 46; 1919 (2nd Sess.) c. 12; 1920, c. 43.

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

New s. 118.

1. Section one hundred and eighteen of *The Criminal Code*, chapter one hundred and forty-six of The Revised Statutes, 1906, as the said section is enacted by chapter thirteen of the statutes of 1913 and amended by chapter forty-six of the statutes of 1919 (First Session), chapter twelve of the statutes of 1919 (Second Session) and chapter forty-three of the statutes of 1920, is hereby repealed and the following section is substituted therefor:—

Interpretation.

"**118.** (1). In this section, unless the context otherwise requires,—

(a) "permit" means a permit granted under the provisions of subsection (6) thereof;

(b) "weapon" includes any device or contrivance of the kinds mentioned in paragraph *(a)* of subsection (2) thereof.

Penalty.

"(2) Every one is guilty of an offence and liable on summary conviction thereof to a penalty of dollars and costs, or to imprisonment with or without hard labour, for years, or to both such penalty and imprisonment, who,—

Unlicensed importation, manufacture, or sale of certain weapons.

(a) not having a license therefor from the Minister of Justice or his authorized agent, after the thirty-first day of December, 1920, imports, brings or transports into Canada, or manufactures, makes, or deals in, or sells to, barters with, gives or lends to any person,

Description.

any weapon of the following kinds or of any like or similar kind:—

Firearms. Air-gun.

(i) any cannon, trench-mortar, machine-gun, rifle, gun, revolver, pistol, or other fire-arm, or any air-gun;

Sound-mufflers, etc.

(ii) any device or contrivance for muffling, stopping, concealing or disguising the sound or flash of the discharge of a firearm or air-gun;

Bombs.

(iii) any explosive, poisonous, stupefying or disabling bomb, or any similar device or contrivance;

Cutting and stabbing weapons.

(iv) any sword, sword-blade, bayonet, pike, pike-head, spear, spear-head, dirk, dagger, stiletto, bowie-knife or sheath-knife, or any similar device or contrivance;

Metal knuckles, etc.

(v) any metal knuckles, skull-cracker, slung-shot, sand-bag, or any similar device or contrivance;

Possession without a permit.

(b) not having a permit therefor, or not being otherwise excepted by this section, has upon his person or in his possession any weapon of the kinds mentioned in paragraph *(a)* or of any like or similar kind;

Sale, etc., to person without permit.

(c) whether he has or has not a license or a permit as required by this section, sells to, barters with, gives or lends to, a person who has not a permit therefor, any weapon of the kinds mentioned in paragraph *(a)* or of any like or similar kind;

Not recording sale.

(d) in the case of a sale, neglects to keep a record of such sale, the date thereof, the name of the purchaser, such sufficient description of the weapon, device or contrivance sold as may be necessary to identify it, the date and place of grant of the permit and the name and office of the person who granted the permit,

Not forwarding record.

or neglects to send a duplicate of such record by registered mail to the person who granted such permit, or neglects to endorse upon such permit, the date and place of sale, the said description of the weapon, device or contrivance and the name of the vendor;

Failure to keep duplicate of permit.

(e) being authorized to grant a permit, grants it without keeping a duplicate thereof as a record, or having granted a permit fails to keep any record received by him of sales of weapons, devices or contrivances to the holder thereof;

Unauthorized issue.

(f) issues a permit without lawful authority.

Exemptions not requiring permit.

(3) "It is not an offence under subsection (2) of this section and no permit is required—

H.M. forces, R.C.M.Police, peace officers, etc.

(a) for a person belonging to His Majesty's Naval, Military, Air, or Militia forces, or to the Royal Canadian Mounted Police, or any peace officer, public officer, or immigration officer, to have upon his person, or in his possession, any weapon which he is by law permitted or authorized so to have or possess;

Sailors' knife.

(b) for a sailor in the actual and lawful exercise of his calling to have upon his person, or in his possession, a sheath-knife or a clasp-knife;

Wholesale dealings between licensed persons.

(c) for a *bonâ fide* sale of any weapon by a manufacturer of weapons, or a wholesale dealer in weapons, if such manufacturer or dealer has a license from the Minister of Justice or his authorized agent, and such sale is made to a person who is a *bonâ fide* dealer in weapons and has such a license, and an established and fixed place of business for such dealing;

Rifles and shot guns.

(d) for any British subject to have a rifle or shot-gun which he owned on the first day of July, 1920, and has owned continuously since then;

Museums.

(e) to have in a museum or other public building, on or for exhibition as souvenirs, war-relics, specimens, or types of invention, any weapon of the kinds mentioned in paragraph *(a)* of subsection (2) of this section;

Private collections.

(f) for any person to have in his possession, on any premises occupied by him as his residence or as his office, any weapon of the kinds mentioned in the said paragraph *(a)*, except those mentioned in sub-paragraph (v) thereof, if such weapon is obsolete, not usable for its purposes, and is kept merely as a souvenir or war-relic.

Seizure and search without warrant.

"(4) A peace officer or a public officer may without warrant—

(a) seize any weapon which he has reason to believe and does believe is, contrary to the provisions of this section, upon the person or in the possession of any one who has not a permit therefor;

(b) search any one who he has reason to believe and does believe has, contrary to the provisions of this section, and without having a permit therefor, any weapon upon his person.

Forfeiture.

Disposal.

"(5) Any weapon with respect to which a conviction is had under this section shall be forfeited to the Crown to be disposed of as directed by the Attorney General of the province in which the forfeiture occurs.

Grant of permit.

"(6) Upon sufficient cause being shown, any officer of the Royal Canadian Mounted Police, or superintendent or other head officer of provincial police, or stipendiary or district magistrate, or sheriff, or chief constable of any city, incorporated town, district or municipality, or any person authorized under the laws of any province to grant licenses or permits to carry firearms, may grant any applicant therefor, as to whose discretion and good character he is satisfied, a permit in Form 76, to have for such lawful purposes and for such period not exceeding twelve months

Purposes. Period.

as the person granting the permit deems fit, any of the weapons, devices and contrivances to which this section applies; but a permit so granted shall not be good or have any force or effect beyond the limits within which the person granting it has jurisdiction or has power to exercise and perform the duties of his office.

Place.

"(7) A permit in Form 76 granted under subsection (6) of this section shall be *primâ facie* evidence of its contents and of the signature and official character of the person by whom it purports to be granted.

Evidence.

Power to suspend operation of section.

"(8) Whenever the Governor in Council deems it expedient in the public interest he may, by proclamation, suspend the operation of any or all of the provisions of this section in Canada or in any part thereof, and for such period as he deems fit."

Concealed weapons.

2. Section 123 of *The Criminal Code* is hereby repealed and the following is substituted therefor:—

"**123.** Every one is guilty of an offence and liable on summary conviction thereof to a penalty of

Disguised persons.

dollars, or to imprisonment, with or without hard labour, for years, or to both such penalty and imprisonment, who has upon his person or in his possession any weapon which is concealed or disguised, or who, being masked or disguised, has upon his person or in his possession any weapon."

Repeal.

3. Sections 119, 124, and 125 of *The Criminal Code* are hereby repealed.

s. 1152 amended.

4. Form 76 in *The Criminal Code* is hereby repealed and the following substituted therefor:—

FORM 76.

WEAPON PERMIT.

(Insert name of place of issue and date.)

Permission is hereby given to *(insert name of holder of permit)* of , to ("have upon his person or in his possession" *or* "to have in his possession" *or as the case may be*) *(insert character of weapon)* for *(insert duration of permit and county, city, town or other limits within which permit is to be in force).*

Reason for granting permit.

(Here are to be inserted the reasons for issuing permit.)

(Name and office of person issuing permit.)

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL M4.

An Act respecting The Great West Bank of Canada.

Read a first time, Wednesday, 11th May, 1921.

Honourable Mr. Ross
(Moosejaw).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22654

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL M4.

An Act respecting The Great West Bank of Canada.

1920, c. 102.

WHEREAS The Great West Bank of Canada 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:—

Extension of time for obtaining certificate.

1. Notwithstanding anything in *The Bank Act*, or in chapter one hundred and two of the statutes of 1920 incorporating The Great West Bank of Canada, the Treasury Board, may, within one year after the first day of July, 1921, give to the said Bank the certificate required by section sixteen of *The Bank Act*.

1913, c. 9.

Effect as to lapse or continuation of powers.

2. In the event of the said Bank not obtaining the said certificate from the Treasury Board within the time aforesaid, the rights, powers and privileges conferred on the said Bank by the said Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect notwithstanding section sixteen of *The Bank Act*.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL O^3.

An Act to incorporate the Commonwealth Bank of Canada.

Read a first time, Tuesday, 26th April, 1921.

Honourable Mr. BLAIN.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20843

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL O3.

An Act to incorporate the Commonwealth Bank of Canada.

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. Charles Grant Anderson, of the city of Toronto in the province of Ontario, lumber merchant, Joseph Cleophas Lamothe, of the city of Montreal in the province of Quebec, attorney-at-law, John Jacob Arnold, of the city of Boston in the State of Massachusetts, one of the United States of America, banker, William Long Baker, of the city of Toronto in the province of Ontario, banker, William Heslop Gibson, of the village of Newcastle in the province of Ontario, fruit grower, together with such persons as become shareholders in the corporation by this Act created, are hereby incorporated under the name "Commonwealth Bank of Canada", hereinafter called "the Bank".

Corporate name.

Provisional directors.

2. The persons named in section one of this Act shall be the provisional directors of the Bank.

Capital stock.

3. The capital stock of the Bank shall be ten million dollars.

Chief office.

4. The chief office of the Bank shall be at the city of Toronto in the province of Ontario.

Duration of charter.

1913, c. 9.

5. This Act shall, subject to the provisions of section sixteen of *The Bank Act*, remain in force until the first day of July, in the year one thousand nine hundred and twenty-three.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL O[4].

An Act to incorporate Edmonton and Mackenzie River Railway Company.

Read a first time, Wednesday, 11th May, 1921.

Honourable Mr. HARMER.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21822

5th Session, 13th Parliament, 11-12 George V., 1921

THE SENATE OF CANADA.

BILL O4.

An Act to incorporate Edmonton and Mackenzie River Railway Company.

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. Robert G. Brett, William T. Henry, James Ramsey, Charles E. Taylor, Harold G. Macdonald, Elisha N. Kennedy, Donald Carter, Herman L. McInnis, Joslin Pirie, Robert L. Shaw, Robert W. Jones and Harry H. Hyndman, together with such persons as become shareholders in the Company, are incorporated under the name of "Edmonton and Mackenzie River Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section one of this Act are constituted provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be ten million dollars.

Head office.

4. The head office of the Company shall be at the city of Edmonton, in the province of Alberta.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Monday in September.

Directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Railway authorized.

7. The Company may lay out, construct, equip and operate a railway of the gauge of four feet eight and one-half inches, commencing at a point on the Athabasca River

at the end of the railway of The Alberta and Great Waterways Railway Company in the province of Alberta, thence in a northerly direction by the most feasible route to a point at or near the junction of the Jack Fish River with the Peace River; thence in a north-westerly direction by the most feasible route to a point at or near where the Hay River empties into Great Slave Lake, in the North West Territories.

Telegraphs and telephones.

8. Subject to the provisions of section three hundred and sixty-nine of *The Railway Act, 1919*, the Company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor.

Vessels, wharves, docks, etc.

9. The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels and ferries, for the conveyance of passengers, goods and merchandise; and may construct, acquire, lease and dispose of terminal stations, wharfs, docks, elevators, warehouses, offices, and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business of warehousemen and wharfingers, and may charge wharfage and other dues for the use of any such property.

Bonds on railway.

10. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Borrowing.

11. In addition to the securities authorized by section ten of this Act, the directors, if previously authorized as prescribed by section one hundred and thirty-two of *The Railway Act, 1919*, may from time to time borrow moneys for the acquisition, construction, extension or development of any such properties, assets or works, other than the railway, as the Company is authorized to acquire, construct or operate; and to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works in respect whereof the issue is made.

Agreements for sale, lease or amalgamation of railway.

12. 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, 1919*, the Company may, for any of the purposes specified in the said section one hundred and fifty-one enter into agreements with any other Company.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL R[3].

An Act respecting certain Patents of Autographic Register Systems, Limited.

Read a first time, Wednesday, 27th April, 1921.

Honourable Mr. BOYER.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21108

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL R3.

An Act respecting certain Patents of Autographic Register Systems, Limited.

Letters Patent, 30 July, 1920. The Canada Gazette, 21 August, 1920.

WHEREAS Autographic Register Systems, Limited, a corporation duly constituted by letters patent issued under *The Companies Act*, and having its principal place of business at the city of Montreal, in the province of Quebec, Canada, has by its petition represented that it is the owner by assignment of certain new and useful improvements in paper-feeding devices for autographic registers, and of certain new and useful improvements in manifolding devices for typewriting machines, all of which improvements were the joint inventions of Walter C. Shoup, a resident of the township of Millburn, in the county of Essex, in the State of New Jersey, one of the United States of America, and of Walter E. Oliver, a resident of the town of Woodcliff, in the county of Hudson, in the said State, for which inventions applications for patents in the Dominion of Canada have been made to the Commissioner of Patents, the said applications bearing the serial numbers 251600 and 251601 respectively, which said applications were not made, as required by section seven of the *Patent Act*, within one year subsequent to the date when said improvements were first in public use or on sale with the consent or allowance of the said inventors; and whereas the said Autographic Register Systems, Limited, has 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:—

R.S., 1906, c. 69.

Authority to issue patents.

1. Notwithstanding anything contained in the *Patent Act*, the Commissioner of Patents may, in pursuance of the applications mentioned in the preamble, grant and issue in Canada patents for all or any of the said inventions,

Effect.

and any patent so issued shall be of as full force and effect as if it had been granted upon an application filed within

Duration.

one year from the date of first public use or sale of the inventions to which it relates: Provided that any patent so issued, notwithstanding anything therein, in this Act, or in the *Patent Act* contained, shall cease and determine on the first day of August, A.D. 1932.

Certain rights saved.

2. If any person has in Canada since the first day of August, 1914, and before the twenty-sixth day of February, 1921, commenced to construct or manufacture any of the said inventions, then such person may continue to construct or manufacture such invention in as full and ample a manner as if this Act had not been passed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL U².

An Act respecting the Maritime Coal, Railway and Power Company, Limited.

Read a first time, Friday, 15th April, 1921.

Honourable Mr. Ross
(Middleton).

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

20060

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL U2.

An Act respecting the Maritime Coal, Railway and Power Company, Limited.

Acts of Nova Scotia. 1903-4, c. 153; 1903-4, c. 154; 1906, c. 162; 1909, c. 160; 1910, c. 154; 1911, c. 138.

WHEREAS the Maritime Coal, Railway and Power Company, Limited, hereinafter called "the Company," has by its petition represented that it was incorporated by chapter one hundred and fifty-three of the statutes of Nova Scotia passed at the session of the legislature of that province held in the years 1903 and 1904, that by the said chapter, as amended by various statutes of that province, it is authorized to construct or acquire, and to operate, certain railways, and whereas it has by the said petition prayed that it may be enacted as hereinafter set forth: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Railways declared to be works for the general advantage of Canada.

1. The railways which, at the time of the passing of this Act, the Company has, under the powers conferred by the statutes of Nova Scotia mentioned in the preamble to this Act, constructed or acquired, are hereby declared to be works for the general advantage of Canada, namely, the following lines of railway in the county of Cumberland in the province of Nova Scotia—

(a) the line from Chignecto to a connection with the Canadian Government Railway at Maccan Junction; and

(b) the line from Maccan Junction to the Joggins Mines.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL W5.

An Act respecting The Calgary and Fernie Railway Company.

Read a first time, Friday, 20th May, 1921.

Honourable Mr. WATSON.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22981

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL W5.

An Act respecting The Calgary and Fernie Railway Company.

1906, c. 71; 1908, c. 89; 1910, c. 77; 1912, cc. 48, 72; 1913, c. 46; 1914, c. 75; 1915, c. 35; 1917, c. 47; 1919, c. 77.

WHEREAS The Calgary and Fernie Railway Company 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:—

Extension of time for construction.

1. The Calgary and Fernie Railway Company, hereinafter called "the Company", may, within two years after the passing of this Act, commence the construction of its railway from Calgary, in the province of Alberta, through the Kananaskis Pass to the head waters of the Elk River, in the province of British Columbia, thence following the valley of the Elk River to the city of Fernie, in the Province of British Columbia, as authorized by section seven of chapter seventy-one of the statutes of 1906, and expend, including expenditure heretofore made, fifteen per cent of the amount of its capital stock thereon in survey, purchase of right of way and actual construction work, and may complete the said railway and put it in operation within five years after the passing of this Act; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made or if the said railway is not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted: Provided, however, that the Company shall, within two years after the passing of this Act, proceed with the construction and complete and put in operation at least twenty-five miles of the said railway, and shall continue to construct and complete and put in operation, to the satisfaction of the Minister of Railways and Canals, not less than twenty-five miles of the

Twenty-five miles to be completed within two years, and in each year thereafter.

said railway, or the equivalent thereof, during each year thereafter until the whole of said railway is completed. If the Company fails to perform and carry out the requirements of this proviso, the powers of construction granted to it by this Act shall cease and be null and void.

Repeal.

2. Chapter seventy-seven of the statutes of 1919 is repealed.

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL X. 108

An Act respecting the Dominion Express Company.

Read a first time, Wednesday, 6th April, 1921.

Honourable Mr. BLAIN.

OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
19009 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL X.

An Act respecting the Dominion Express Company.

1873, c. 113.

WHEREAS the Dominion Express Company 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:—

Extension of authorization for conveyance of goods.

1. Paragraph (1) of section four of chapter one hundred and thirteen of the statutes of 1873 is hereby amended by striking out the words "within the Dominion of Canada" where they occur in the fifth line thereof, and substituting therefor the words "as well without as within the Dominion of Canada".

Extension of power to increase capital.

2. Section fourteen of the said Act is hereby amended by striking out the words "two millions" where they occur in the fifth line thereof, and substituting therefor the words "five millions".

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

J

BILL X[4]. 212

An Act to amend The Dominion Lands Act.

Read a first time, Friday, 13th May, 1921.

The Honourable SIR JAMES LOUGHEED, K.C.M.G.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
22784 1921

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL X4.

An Act to amend The Dominion Lands Act.

1908, c. 20.

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

1. Section seventy-nine of *The Dominion Lands Act*, chapter twenty of the statutes of 1908, is repealed, and the following is substituted therefor:—

Confirmation of appointments before 24th May, 1918, by the Minister of certain officers to administer the Dominion Lands Act.

"**79.** The Minister shall have the administration and management of all lands of the Dominion to which this Act applies, including school lands; and the appointments of officers made by the Minister before the twenty-fourth day of May, one thousand nine hundred and eighteen, for the purposes of such administration and management, are hereby confirmed, whether the duties of such officers were or were not to be performed wholly or in part at Ottawa."

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL Y. 84

An Act to amend The Migratory Birds Convention Act.

Read a first time, Tuesday, 12th April, 1921.

The Honourable Sir JAMES LOUGHEED, K.C.M.G.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

21025

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL Y.

An Act to amend The Migratory Birds Convention Act.

1917, c. 18; 1919, c. 29.

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

Penalty for violation of Act increased from $100 to $300.

1. Subsection one of section twelve of *The Migratory Birds Convention Act,* chapter eighteen of the statutes of 1917, is hereby amended by substituting for the word "one" in the third line thereof the word "three".

Fifth Session, Thirteenth Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA.

BILL Y⁴.

An Act to amend the Northwest Territories Act.

Read a first time, Friday, 13th May, 1921.

The Honourable Sir JAMES LOUGHEED, K.C.M.G.

OTTAWA
THOMAS MULVEY,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

22785

5th Session, 13th Parliament, 11-12 George V., 1921.

THE SENATE OF CANADA

BILL Y4.

An Act to amend the Northwest Territories Act.

R.S. c. 62; 1907, c. 32; 1908, c. 49; 1913, c. 13.

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

Council increased to six members.

1. Section six of the *Northwest Territories Act*, Revised Statutes of Canada, 1906, chapter sixty-two, is amended by substituting the word "six" for the word "four" in the second line thereof, and by adding thereto the following subsection:—

Deputy Commissioner may be appointed.

"(2) One of the members of the Council may be appointed Deputy Commissioner, and the Deputy Commissioner in the absence of the Commissioner, shall have, and may perform and exercise all the functions and powers conferred upon the Commissioner by this Act."